

CONSUMER PRODUCT SAFETY COMMISSION (CPSC)

Statement of Regulatory Priorities

The U.S. Consumer Product Safety Commission is charged with protecting the public from unreasonable risks of death and injury associated with consumer products. To achieve this goal, the Commission:

- Develops mandatory product safety standards or banning rules when other, less restrictive, efforts are inadequate to address a safety hazard, or where required by statute;
- Obtains repair, replacement, or refund of the purchase price for defective products that present a substantial product hazard;
- Develops information and education campaigns about the safety of consumer products;
- Participates in the development or revision of voluntary product safety standards; and
- Follows congressional mandates to enact specific regulations.

When deciding which of these approaches to take in any specific case, the Commission gathers and analyzes the best available data about the nature and extent of the risk presented by the product. The Commission's rules require the Commission to consider, among other factors, the following criteria when deciding the level of priority for any particular project:

- Frequency and severity of injury;
- Causality of injury;
- Chronic illness and future injuries;
- Costs and benefits of Commission action;
- Unforeseen nature of the risk;
- Vulnerability of the population at risk; and
- Probability of exposure to the hazard.

If the Commission proposes a mandatory safety standard for a particular product, the Commission is generally required to make statutory cost/benefit findings and adopt the least burdensome requirements that adequately protect the public.

Additionally, the Consumer Product Safety Improvement Act of 2008 (CPSIA), Public Law 110-314 (Aug. 14, 2008), requires numerous rules and notices to be completed on a specific schedule. One such regulatory action pertains to the testing, certification, and labeling of certain consumer products. Section 102(d)(2) of the CPSIA requires

the Commission to initiate by regulation: (1) A program by which a manufacturer or private labeler may label a consumer product as complying with the certification requirements of section 102(a) of the CPSIA; (2) protocols and standards (i) for ensuring that a children's product tested for compliance with an applicable children's product safety rule is subject to testing periodically and when there has been a material change in the product's design or manufacturing process, including the sourcing of component parts; (ii) for the testing of random samples to ensure continued compliance; (iii) for verifying that a children's product tested by a conformity assessment body complies with applicable children's product safety rules; and (iv) for safeguarding against the exercise of undue influence on a third-party conformity assessment body by a manufacturer or private labeler. This regulatory action will constitute a "significant regulatory action" under the definition in Executive Order 12866 "Regulatory Planning and Review" (Oct. 4, 1993).

CPSC

FINAL RULE STAGE

171. TESTING, CERTIFICATION, AND LABELING OF CERTAIN CONSUMER PRODUCTS

Priority:

Economically Significant. Major under 5 USC 801.

Legal Authority:

PL 110-314, sec 102

CFR Citation:

Not Yet Determined

Legal Deadline:

NPRM, Statutory, November 14, 2009.

Abstract:

Section 102(b) of the Consumer Product Safety Improvement Act of 2008 (CPSIA), Public Law 110-314 (Aug. 14, 2008), requires the Commission to initiate by regulation, no later than 15 months after the date of enactment: (1) A program by which a manufacturer or private labeler may label a consumer product as complying with the certification requirements of section 102(a) of the CPSIA; (2) protocols and standards (i) for ensuring that a children's product tested for

compliance with an applicable children's product safety rule is subject to testing periodically and when there has been a material change in the product's design or manufacturing process, including the sourcing of component parts; (ii) for the testing of random samples to ensure continued compliance; (iii) for verifying that a children's product tested by a conformity assessment body complies with applicable children's product safety rules; and (iv) for safeguarding against the exercise of undue influence on a third-party conformity assessment body by a manufacturer or private labeler. In May 2010, the Commission published a Notice of Proposed Rulemaking (NPRM) in the Federal Register. The proposed rule defined a reasonable testing program for non-children's products subject to a rule, ban, standard, or regulation enforced by the Commission and additional third-party testing requirement for children's products.

Statement of Need:

Section 102(d) of the Consumer Product Safety Improvement Act of 2008 (CPSIA) requires the Consumer Product Safety Commission (CPSC) to engage in rulemaking to establish requirements pertaining to the testing, certification, and labeling of certain consumer products. CPSC also has elected to issue regulations regarding a "reasonable testing program" under section 102(a) of the CPSIA to establish the elements of such a program.

Summary of Legal Basis:

Section 102(b) of the CPSIA requires the Commission to initiate by regulation: (1) A program by which a manufacturer or private labeler may label a consumer product as complying with the certification requirements of section 102(a) of the CPSIA; (2) protocols and standards (i) for ensuring that a children's product tested for compliance with an applicable children's product safety rule is subject to testing periodically and when there has been a material change in the product's design or manufacturing process, including the sourcing of component parts; (ii) for the testing of random samples to ensure continued compliance; (iii) for verifying that a children's product tested by a conformity assessment body complies with applicable children's product safety rules; and (iv) for safeguarding against the exercise of undue influence on a third-party conformity assessment body by a manufacturer or private labeler.