

# Overview- U.S. Consumer Product Safety Framework



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- The slides in this presentation are intended to be used in a training event with verbal elaboration by a knowledgeable presenter. The slides highlight key U.S. product safety requirements for this discussion. The text is not a comprehensive statement of legal requirements or policy and should not be relied upon for that purpose. You should consult official versions of U.S. statutes and regulations, as well as published CPSC guidance when making decisions that could affect the safety and compliance of products entering U.S. commerce. Note that references are provided at the end of the presentation and a handout on phthalates prohibitions in children's toys and child-care articles is also available.

# Topics

- Jurisdictional Authority
- Key Requirements Under the CPSA
  - The Consumer Product Safety Improvement Act (CPSIA) of 2008
  - Mandatory Reporting (Section 15)
- Regulatory Process
- Industry Consensus Standards and Other U.S. Requirements
- Resources

# Jurisdictional Authority...

...for products covered in this training:

- Consumer Product Safety Act (CPSA)
- Federal Hazardous Substances Act (FHSA)
- Flammable Fabrics Act (FFA)

- The Consumer Product Safety Improvement Act of 2008
  - Definition of a Children's Product
  - Certification
  - Testing
  - Tracking Labels
  - Durable Infant Products
- Mandatory Reporting (Section 15)

## **KEY REQUIREMENTS UNDER THE CPSIA**



# CPSIA

In 2008, Congress passed the Consumer Product Safety Improvement Act (CPSIA) to establish consumer product safety standards and other safety requirements for children's products and to reauthorize and modernize the CPSC.

Congressional response to many high-profile product recalls in 2007 and 2008, particularly those involving:

- Lead paint in children's toys
- Dangerous cribs



# What Do You Think Of?



*Testing children's products*

**Too many Requirements**



Certifications

Logical

RANDOM

*Unclear/vague    Very detailed Paperwork*

***Not important***

*Very Important*

*Lose **TIME**    Saves TIME*



Affects



**Costs** *me money*

**Saves** *me money*

Responsibility

**Liability**

# Background: Children's Products and the CPSIA





# Definition of a Children's Product

- *Children's Products* are products designed and intended primarily for children 12 years or younger.
  - Many of the CPSIA requirements are specifically for children's products.
  - Some children's products have additional requirements (phthalates in toys and child care articles).
- Consumer products other than children's products are considered *General Use Products* and have different requirements.

# Certification

Certificates of Conformity are required for:

Any product that is subject to a consumer product safety rule or similar rule, ban, or regulation ***and*** which is “***imported*** for consumption or warehousing” ***or*** “***distributed*** in commerce.”

***Ask: Is this Product Subject to a GCC or CPC, Does It Have One?***

# Certification

- There are two types:
  - Children's Product Certificate (CPC)
    - Issued based on testing performed by a CPSC-accepted third party laboratory.  
[www.cpsc.gov/cpc](http://www.cpsc.gov/cpc)
  - General Certificate of Conformity (GCC)
    - Issued based on a test of each product or a reasonable testing program.  
[www.cpsc.gov/gcc](http://www.cpsc.gov/gcc)

# Certification

- Issued by U.S. manufacturer or Importer
  - A certifier may rely on component part certificate(s) to issue a final product certificate if *due care* is exercised.
- U.S. manufacturers and Importers should understand which technical regulations need to be met.
  - Foreign manufacturers/suppliers should insist on a list of which technical regulations apply.
  - The certifier is responsible for ensuring that representative samples are tested.
- Testing must be completed before entry at the port or distribution in commerce.
  - Certificate must *accompany* the product.
  - Certificate can be electronic.

# Certification

## Elements of a Certificate:

- Identification of the product covered
- Citation to each regulation
- Identification of the U.S. importer or domestic manufacturer
- Contact information for the individual maintaining records
- Date and specific location where product was manufactured



# Certification

## Elements of a Certificate:

- Date(s) and place when the product was tested
- For CPC, identification of third party CPSC-accepted laboratory on whose testing the certificate depends
- For GCC, identification of the laboratory on whose testing the certificate depends.

# Testing

***Ask Supplier: When Was Product Tested and By Whom?***

***Ask Yourself: Should We Test Product?***

- Children's products require testing by an accredited, CPSC-accepted third party laboratory.
    - Third party testing is intended to provide objective and unbiased testing of products.
    - Laboratories are accepted by the CPSC on a test-by-test basis. Finding a single laboratory that can address all of your testing needs may lower costs.
- [www.cpsc.gov/labsearch](http://www.cpsc.gov/labsearch)
- General use products do not require third party testing. Any competent laboratory can perform the testing.

# Testing

- Multiple stages of testing may be required to certify children's products. The type of testing depends on how the product is certified and manufactured.
  - Initial third party testing (certification testing)
    - Testing performed to issue a certificate
    - May be only testing required if batch manufacturing
  - Material change testing
    - Testing required to maintain certification if the product is changed in a way that may impact compliance
    - Component part testing may be used, if applicable

# Testing

- Multiple stages of testing may be required to certify children's products. The type of testing depends on how the product is certified and manufactured.
- Children's products
  - Periodic testing
    - Testing required to show that the initial certification is still valid.
    - Timing depends on how long a product continues to be manufactured and how often and by whom testing is performed as part of the periodic testing plan.
  - Periodic Testing Requirements
    - At least once a year with a periodic test plan
    - At least every 2 years with a production testing plan
    - At least every 3 years with ongoing testing by an ISO/IEC 17025:2005(E) laboratory

**Vast majority of U.S. manufacturers and importers must test children's products once per year.**

# Testing

- For more information on third party testing:  
[www.cpsc.gov/testing](http://www.cpsc.gov/testing)

United States  
CONSUMER PRODUCT SAFETY COMMISSION

Search CPSC

En | Es | 中文

Menu


Home » Business & Manufacturing » Testing Certification »

## Third Party Testing

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Federal law requires that every children's product be tested by a third party, CPSC-accepted laboratory for compliance with the applicable federal children's product safety requirements. Begin by reviewing the Initial Certification Testing FAQ below for more information about third party testing generally. We've also provided FAQs about additional kinds of third party testing that may be required. The type of third party testing that may apply to an individual product may vary based on a variety of factors related to production choices. Companies should pay close attention to these mandatory testing requirements and maintain good records to document their compliance.


### Initial Certification Testing



[View the Initial Certification Testing FAQ »](#)

All children's products must be third party tested by a CPSC-accepted lab. Based on passing results of the third party testing, the manufacturer must then issue a Children's Product Certificate.


### Component Part Testing



[View the Component Part Testing FAQ »](#)

Third party tests can be conducted separately on component parts. Manufacturers and importers can either conduct the tests themselves or rely on test reports or component part certificates from another party, such as a supplier, if they use due care and follow all CPSC regulatory requirements.


### Material Change Testing



[View the Material Change Testing FAQ »](#)

If you have made a material change to your children's product, you are required to either retest the product or retest the component part that was changed for compliance with those rules affected by the material change. You must then issue a new Children's Product Certificate based on the new passing test results.

### Periodic Testing



[View the Periodic Testing FAQ »](#)

Periodic testing means third party testing that must be conducted on the continuing production of a children's product over specified time frames. This is in addition to initial certification and material change testing.



# Finding an Accredited, CPSC-Accepted Laboratory in China

## *Do Your Research:*

En | Es | 汉字 ▾

Testing & Certification

Home » Business & Manufacturing »

Testing & Certification

Tiếng Việt

Español

Bahasa Indonesia

한국어

簡體中文


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Federal law requires manufacturers and importers to test many consumer products for compliance with consumer product safety requirements. Based on passing test results, the manufacturer or importer must certify the consumer product as compliant with the applicable consumer product safety requirements in a written or electronic certificate. Certificates are required to accompany the applicable product or shipment of products covered by the certificate, and a copy must be provided to retailers, distributors and, upon request, to the government.

Below are descriptions of types of testing and certificates. Note that requirements for [children's products](#) are different from those for non-children's products.

Third Party Testing for Children's Products



Initial Certification Testing ▸

Material Change Testing ▸

Periodic Testing ▸

Component Part Testing ▸

Report an Unsafe Product

# Testing

Regulations for certain general use products require a reasonable testing program.

## Reasonable Testing Program (RTP)

- Some standards contain an RTP for their products.
- General RTP for all regulated general use products has not been defined by the Commission.

[www.cpsc.gov/generaluse](http://www.cpsc.gov/generaluse)

# Tracking Information

## *Ask: Are the Products you Review Fulfilling Requirements for Tracking Information?*

Children's Products are required to have tracking information:

- A permanent mark must be affixed to the product and its packaging, if practicable.
- Requirements:
  - Name of the U.S. manufacturer or private labeler
  - Specific location and date of manufacture of the product
  - Detailed information on the manufacturing process, such as a batch or run number, or other identifying characteristics
  - Other information to facilitate identifying the source
- No mandated format

[www.cpsc.gov/trackinglabel](http://www.cpsc.gov/trackinglabel)

Staples Promotional Products Shanghai, China	PO # 123456	Nov 2011
MEETS CPSC SAFETY REQUIREMENTS		

# Durable Infant Products

- Third party testing and certification are required for durable infant or toddler products subject to mandatory safety rules
- Consumer registration requirement  
[www.cpsc.gov/durableinfanteproducts](http://www.cpsc.gov/durableinfanteproducts)

# Durable Infant Products

## Current List of Durable Infant or Toddler Products:

A durable infant or toddler product is a durable product intended for use, or that may be reasonably expected to be used, by children under the age of 5 years and is one of the following:

- Bassinets and Cradles
- Bedside Sleepers
- Booster Seats
- Carriages and Strollers
- Changing Products
- Children's Chairs and Stools
- Cribs (Full-Size)
- Cribs (Non Full-Size)
- Expansion Gates and Expandable Enclosures
- Frame Child Carriers
- Hand-Held Infant Carriers
- High Chairs
- Infant Bath Seats
- Infant Bath Tubs
- Infant Bouncer Seats
- Infant Inclined Sleep Products
- Infant Swings
- Infant Walkers
- Play Yards
- Portable Bed Rails
- Portable Hook-On Chairs
- Sling Carriers
- Soft Infant and Toddler Carriers
- Stationary Activity Centers
- Toddler Beds

[www.cpsc.gov/durableinfanteproducts](http://www.cpsc.gov/durableinfanteproducts)



# DURABLE INFANT PRODUCTS



Bassinet



Sling



Carrier



Infant carrier

# DURABLE INFANT PRODUCTS



Stroller



Bedside sleeper



Bedside sleeper



Hook on chair

# DURABLE INFANT PRODUCTS



Stationary activity centers



Play yard



Cradle



High Chairs



# DURABLE INFANT PRODUCTS



Booster seat



Bouncer



Swing

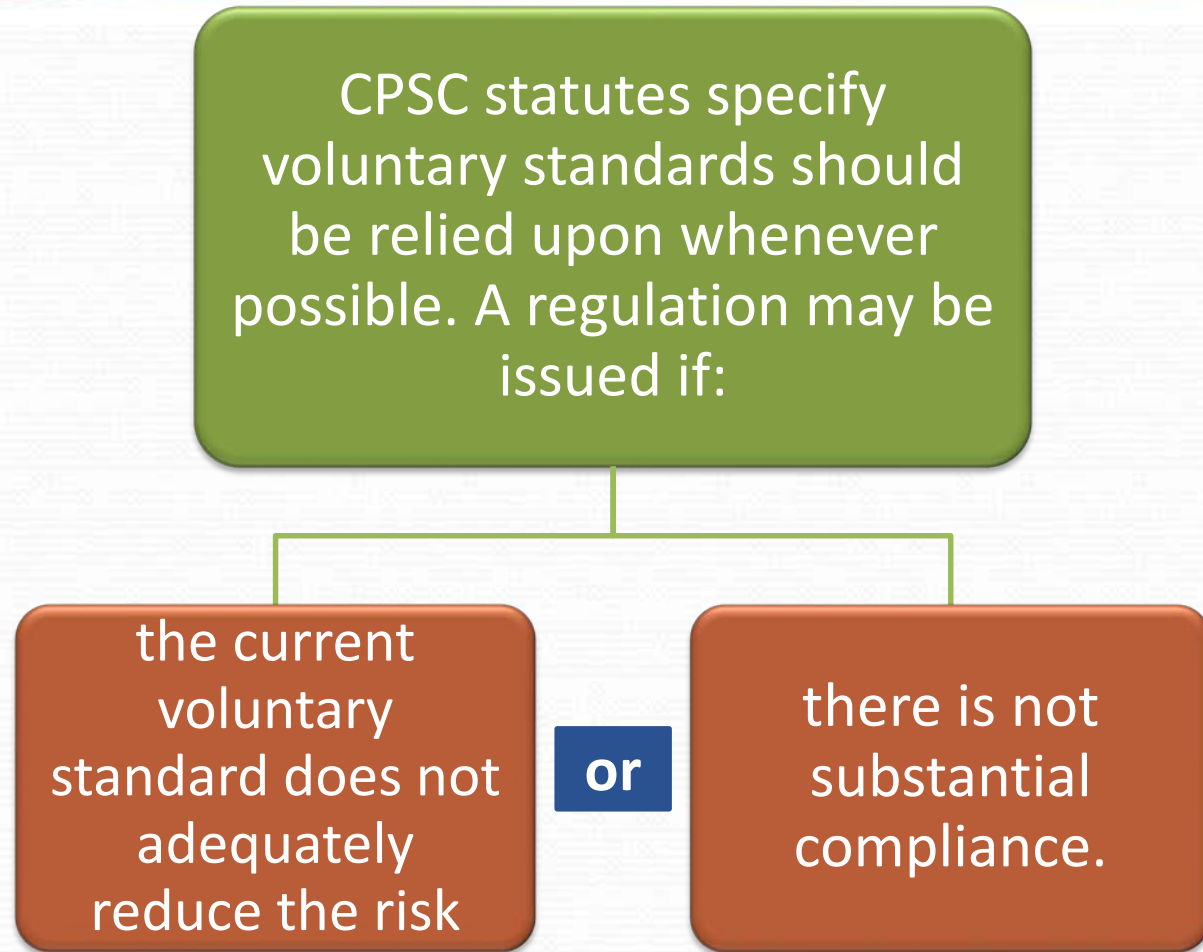
# Mandatory Reporting (Section 15) Requirements

- U.S. manufacturers, importers, distributors, and/or retailers of consumer products have a legal obligation to immediately report certain types of information to the CPSC about potentially dangerous products.
- Even products that initially comply with rules or standards could be subject to reporting.
- Failure to report can result in civil or criminal penalties.
- For more information on Section 15 reporting, see: <https://www.cpsc.gov/reporting>



# **REGULATORY PROCESS**

# Initiating the Rulemaking Process



The regulatory process can be started by vote of the Commission or by a petition from an interested party.

# Rulemaking Process

- Stages of Rulemaking
  - Advanced Notice of Rulemaking (ANPR) - optional
  - Notice of Proposed Rulemaking (NPR)
  - Final Rule (FR)
- Published for public notice and comment on [www.regulations.gov](http://www.regulations.gov)
- For more information about CPSC's rulemaking process, see: <https://www.cpsc.gov/Regulations-Laws--Standards/Rulemaking>



# **INDUSTRY CONSENSUS STANDARDS AND OTHER U.S. REQUIREMENTS**

# Industry Consensus Standards

- In the U.S. the majority of consumer products are not covered by a technical regulation; rather most consumer products are covered by industry consensus standards.
- As part of market surveillance activities, the CPSC uses industry consensus standards as an indicator that a product is free of the hazards that the standard addresses.
- In this function, relevant industry consensus standards are useful tools, well-understood by both industry and the CPSC.
- U.S. Importers/Retailers can contractually require that suppliers meet a specified industry consensus standard.



# Industry Consensus Standards

## **Some Consumer Products Covered by Voluntary Standards in the U.S. Market**

- Smoke alarms
- Appliances and Powered Household Products
- Recreational Products
- Electrical Fixtures
- Furniture
- Liquid laundry packets

# State Requirements

- In the U.S. some states may have laws and regulations in addition to federal requirements. These laws include regulations for products, labeling, packaging, and chemical restrictions (e.g., flame-retardant chemicals).
- Importers should be familiar with these requirements.

# Importance of Using U.S. Technical Regulations and Industry Consensus Standards

- To avoid entry problems with the U.S. government (Customs and CPSC), foreign manufacturers MUST comply with:
  - Mandatory CPSC Regulations
  - 15(j) requirements must be met, but do not require certification
    - drawstrings on children's upper outerwear, hand-held hairdryers, extension cords, seasonal and decorative lighting
- Manufacturers SHOULD also comply with:
  - Private Sector Standards (industry consensus standards)

*Both play essential safety roles.*

# Responsibility to Comply with Voluntary Standards and Technical Regulations



Importers, although reliant on foreign manufacturers, are directly responsible for the safety of products they bring into the United States.

# RESOURCES



# Resources

## Safer Products Start Here!

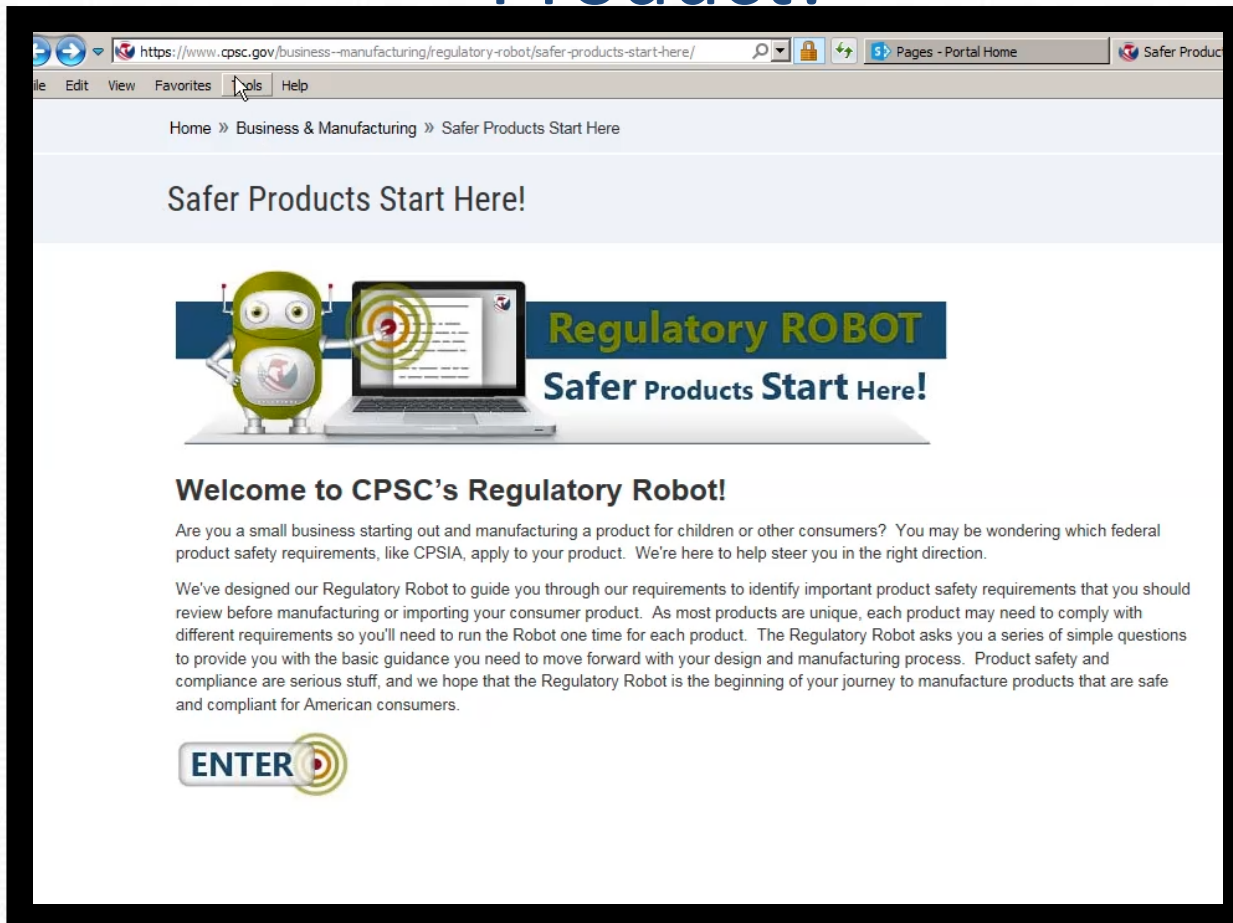


Welcome to CPSC's Regulatory Robot!

<http://business.cpsc.gov>

- New online tool designed specifically to help businesses comply with federal consumer product safety requirements.
- Asks a series of guided questions, and based on the answers produces a downloadable (PDF) report.
- Provides customized guidance with links to product safety regulations that may apply to the product and important information on labeling, certification and testing requirements.

# Use CPSC's Regulatory Robot to Help Identify the Requirements for Your Product!



# Website Resources in Chinese

<https://www.cpsc.gov/zh-CN/Business--Manufacturing/Business-Education>

## 企业教育

English Tiếng Việt Español

作为一个制造、进口和批发消费品的企业，您需要遵守一系列《消费品安全改进法》和消费品安全委员会的其它规定。以下这些步骤将协助引导您熟悉遵守联邦政府安全法规的程序。

### 第一 您制造儿童使用的产品吗？



该法律界定，“儿童产品”就是为12岁或者12岁以下儿童设计或者作为主要使用者的消费品。

### 第二 什么法规适用于我的产品？



要找到关于您的产品的信息，请查询下面的法规产品名单。如果您的产品没有出现在下面的名单中，它可能就是一种不受法规监管的产品。如果您还没有弄清楚，请确认您的产品属于消费品安全委员会管辖范围。

### 第三 我如何检测和认证我的产品？



儿童产品第三方检测  
非儿童产品检测  
消费品安全委员会认可的实验室



#### Envíe su Pregunta:

Email: [Formato de Contacto](#)

Contacte:

[Defensor de Las Pequeñas Empresas](#)

(Esta es la mejor forma de recibir una Respuesta rápida de la agencia.)

#### Reglamentos que Requieren un Certificado

[Reglamentos que Requieren Prueba de Terceros y Certificado para Productos para Niños](#)

[Reglamentos que Requieren un Certificado General De Conformidad](#)

#### 企业/产品指导

[美术材料](#)

[石棉](#)

[全地形车](#)

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