



United States

Consumer Product Safety Commission

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United States
Consumer Product Safety Commission



Product Safety and Compliance: Best Practices for Buyers Exporting Consumer Goods to the United States

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Buyers often say something along the lines of:

Introduction:
Buyers may not be aware of what they don't know

- “I want to purchase safe and compliant products. But, I am not sure what exactly to look for and require of my vendors. How do I find out what makes a safe and compliant product?”

Introduction:

Buyers sometimes don't know what they don't know



This presentation is going to map out the principal questions buyers need to ask when trying to understand how to purchase a safe, compliant consumer product for export to the United States. We will discuss how knowing what to ask and look for can put safety criteria front and center in the purchasing decisions.

Introduction:

What questions do buyers need to ask to import safe, compliant products?



1. What type of business am I buying products for?
2. What type of product am I purchasing for export to the USA?
3. How do I identify the labeling, testing, and certification requirements for the product?
4. Compliance vs. Proving Compliance vs. Safety: What's the difference between these concepts?
5. How do make sure the product is safe?

1. Business Type Identification: What type of business am I buying for?



- The Consumer Product Safety Act defines these terms:
 - “The term **‘manufacturer’** means any person who manufactures or imports a consumer product.
 - “The term **‘manufactured’** means to manufacture, produce, or assemble.”
 - “The term **‘private labeler’** means an owner of a brand or trademark on the label of a consumer product which bears a private label.”
 - “A consumer product bears a **‘private label’** if (i) the product (or its container) is labeled with the brand or trademark of a person other than a manufacturer of the product, (ii) the person with whose brand or trademark the product (or container) is labeled has authorized or caused the product to be so labeled, and (iii) the brand or trademark of a manufacturer of such product does not appear on such label.”

1. Business Type Identification: What type of business am I buying for?



- The Consumer Product Safety Act defines these terms:
 - “The term **‘distributor’** means a person to whom a consumer product is delivered or sold for purposes of distribution in commerce, except that such term does not include a manufacturer or retailer of such product.”
 - The term **‘retailer’** means a person to whom a consumer product is delivered or sold for purposes of sale or distribution by such person to a consumer.
 - “The term **‘third-party logistics provider’** means a person who solely receives, holds, or otherwise transports a consumer product in the ordinary course of business but who does not take title to the product.”

1. Business Type Identification: What type of business am I buying for?



- The Consumer Product Safety Act defines these terms:
- A **common carrier, contract carrier, third-party logistics provider, or freight forwarder** shall not, for purposes of this chapter, be deemed to be a manufacturer, distributor, or retailer of a consumer product solely by reason of receiving or transporting a consumer product in the ordinary course of its business as such a carrier or forwarder.
- All of these definitions can be found at **15 U.S. Code § 2052**

2. Product Categorization: What type of product am I purchasing for export to the USA?



- How do I start thinking about categorizing my product?
- **Define the scope:** You can't move forward with identifying the applicable safety requirements until you've defined the product's applicable category or categories.
 - Yes, one product can fit into multiple different defined product categories

2. Product Categorization: What type of product am I purchasing for export to the USA?



- Children's vs. General Use Products. Visit: [cpsc.gov/childrensproduct](https://www.cpsc.gov/childrensproduct)
- “The term **‘children's product’** means a consumer product designed or intended primarily for children 12 years of age or younger. In determining whether a consumer product is primarily intended for a child 12 years of age or younger, the following factors shall be considered:
 - (A) A statement by a manufacturer about the intended use of such product, including a label on such product if such statement is reasonable.
 - (B) Whether the product is represented in its packaging, display, promotion, or advertising as appropriate for use by children 12 years of age or younger.
 - (C) Whether the product is commonly recognized by consumers as being intended for use by a child 12 years of age or younger.
 - (D) The Age Determination Guidelines issued by the Commission staff in September 2002, and any successor to such guidelines.”

2. Product Categorization: What type of product am I purchasing for export to the USA?



- CPSC's Age Determination Guidelines ([2020 Version](#))



AGE DETERMINATION GUIDELINES:
Relating Consumer Product Characteristics to the
Skills, Play Behaviors, and Interests of Children

January 2020

2. Product Categorization: What type of product am I purchasing for export to the USA?

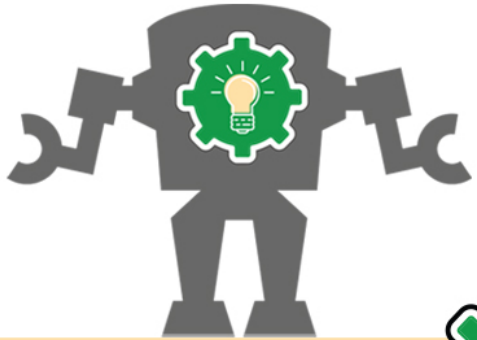


- Children's Product vs. Children's Toy
- Examples of other types of product categories regulated by CPSC:
 - Durable Infant or Toddler Product
 - Child Care Article
 - Art Material
 - Hazardous Substance

3. Requirement Identification: Labeling, Testing, Certification, or Something Else?



What requirements
apply to my product?



Find out here



• <https://business.cpsc.gov/robot>

Disclaimer: The Regulatory Robot is for general informational purposes only, and is not legal advice. The end report generated is based on information provided by the user.

3. Requirement Identification: Labeling, Testing, Certification, or Something Else?



Labeling: see [Business Education | CPSC.gov](#)

Summary of Most Common U.S. CPSC Labeling Requirements:

- **Tracking Labels.** All [children's products](#) must be labeled with [tracking information](#) on the product and its packaging, if practicable to do so.
- **Small Parts.** The specific small parts labeling requirements for products containing small parts and intended for children between the ages of 3 and 6 years of age can be found at: [16 CFR 1500.19](#), [16 CFR 1500.20](#), and [16 CFR 1500.121](#).
- **Federal Hazards Substances Act (FHSA).** The [FHSA](#) requires precautionary labeling on the immediate container of hazardous household substances to help consumers store and use those products safely and to inform them about immediate first-aid steps to take if an accident happens.

3. Requirement Identification: Labeling, Testing, Certification, or Something Else?



Summary of Most Common U.S. CPSC Labeling Requirements (continued):

- **Art Materials.** [Art Materials](#) must bear the statement: “Conforms to ASTM D-4236,” after they have been reviewed by a toxicologist.
- **Children’s Toys.** The [ASTM F963-17 Toy Standard](#) has certain labeling requirements for specific types of children’s toys. Each toy should also be labeled with an [age grading](#).
- **Durable Infant or Toddler Products.** In addition to tracking label requirements, [durable infant or toddler products](#) must meet other [product and outer-package labeling requirements](#).
- **Product-Specific Labeling Requirements.** Many other categories of products have their own labeling requirements visit [CPSC Labeling Requirements Overview | CPSC.gov](#) for more information.

3. Requirement Identification: Labeling, Testing, Certification, or Something Else?



- What's the difference between these types of requirements? How do I figure out which requirements apply to my product?
- **Testing: see [cpsc.gov/certify](https://www.cpsc.gov/certify)**
 - **Children's product testing requirements** – Must be conducted at CPSC-accepted laboratory in most situations. See [cpsc.gov/labsearch](https://www.cpsc.gov/labsearch).

CPSC's Lab Search Webpage: <https://www.cpsc.gov/labsearch>



[Home](#) / [Business & Manufacturing](#) / [Testing & Certification](#) / [List of CPSC-Accepted Testing Laboratories](#)

List of CPSC-Accepted Testing Laboratories

Section 14(a)(3)(E) of the Consumer Product Safety Act, as amended, requires the Commission to 'maintain on its Internet website an up-to-date list of entities that have been accredited to assess conformity with children's product safety rules.'

Third party testing is required to support a certification of compliance to the rules (shown at the bottom of the page) for children's products that are manufactured after the effective dates listed with each rule. The laboratories in this list have been accepted as accredited to test products to one or more of these children's product safety rules, as identified in the accreditation scope for each laboratory. A manufacturer of a children's product that must comply with one or more of these rules must support its certification of compliance with test results from one of these laboratories.

Here's a [video tutorial](#) on how to use this page to search for CPSC-accepted laboratories, and [helpful questions](#) to ask the laboratory. [View all laboratories](#).

Keyword Search

For example: Lead in Children Metal Jewelry Vietnam

Submit

Reset

Lab Name

Lab ID

For example: 1234

3. Requirement Identification: Labeling, Testing, Certification, or Something Else?



- **Testing: see [cpsc.gov/certify](https://www.cpsc.gov/certify)**
- **General-use product testing requirements** – This testing can be completed in many ways: in-house, external facility, or CPSC-accepted third-party laboratory
 - Please visit **[General Use Products: Certification and Testing | CPSC.gov](https://www.cpsc.gov/General-Use-Products-Certification-and-Testing)** for more information and guidance on best practices for a reasonable testing program

3. Requirement Identification: Labeling, Testing, Certification, or Something Else?



- **Certification:** Children's Product Certificate (CPC), General Certificate of Conformity (GCC), or neither?
- **Children's Product Certificate (CPC):** see [cpsc.gov/cpc](https://www.cpsc.gov/cpc)
- Please visit [Rules Requiring Third Party Testing and a Children's Product Certificate | CPSC.gov](https://www.cpsc.gov/rules/testing) for a list of rules that require third-party testing and certification in a Children's Product Certificate.

3. Requirement Identification: Labeling, Testing, Certification, or Something Else?



- Examples of products that require General Certificate of Conformity (GCC): see [cpsc.gov/gcc](https://www.cpsc.gov/gcc)

Product Category	Legal Citation	Requirement Description
Architectural Glazing Materials	1201	Safety Standard for Architectural Glazing Materials
Matchbooks	1202	Safety Standard for Matchbooks
Bicycle Helmets	1203	Safety Standard for Bicycle Helmets – General Use
CB Antennas	1204	Safety Standard for Omnidirectional Citizens Band Base Station Antennas
Power Mowers	1205	Safety Standard for Walk-Behind Power Lawn Mowers
Swimming Pool Slides	1207	Safety Standard for Swimming Pool Slides
Cellulose Insulation	1209	Interim Safety Standard for Cellulose Insulation
Cigarette Lighters	1210	Safety Standard for Cigarette Lighters
Garage Door Openers	1211	Safety Standard for Automatic Residential Garage Door Operators
Multipurpose Lighters	1212	Safety Standard for Multipurpose Lighters
Bunk Beds	1213	Safety Standard for Entrapment Hazards in Bunk Beds – General Use
Refuse Bins	1301	Ban of Unstable Refuse Bins*
Paints and Similar Surface Coatings	1303	Ban of Lead-Containing Paint and Certain Consumer Products Bearing Lead-Containing Paint - General Use. Applies to consumer paints and paint used on certain movable non-metal furniture* products
Consumer Patching Compounds	1304	Ban of Consumer Patching Compounds Containing Respirable Free-Form Asbestos*

4. Compliance vs. Proving Compliance vs. Safety: What's the difference between these concepts?



- What do these concepts mean and why should you care?
Understanding these terms can help you navigate the product safety landscape more nimbly and avoid costly, unnecessary testing, while still ensuring you're making or importing a safe and compliant product.
- Some requirements mandate third party testing to prove compliance, but not all. Sometimes a product only has to comply with the requirement, not prove compliance through third party testing.
- Something can be fully compliant with specified requirements, but still have safety defects. This is why it's important to think beyond just being compliant and to start thinking about how to make decisions about buying as safe a product as possible.

4. Compliance vs. Proving Compliance vs. Safety: What's the difference between these concepts?



- **Compliance** – Meeting an applicable requirement.
- **Proving Compliance** – Demonstrating, through testing or other means, that the product or component part meets the applicable requirement.
- **Safety** – thinking beyond just complying, or proving compliance, to further minimize the potential risk of harm to consumers from the product.

5. Best Practices for Safety: How do make sure the product I'm buying is safe?



Practice Safety by Design

- Assess whether manufacturer makes safety a priority at the design stage:
 - Identify potential hazards and assess the risks;
 - Consider foreseeable consumer use **(and misuse)** of the product; and
 - Eliminate, guard against, or warn users of identified risks.
- Inquire if manufacturer is aware of and consults the CPSC website for guidance and best practices.
- Ensure that the products ordered and delivered meet or exceed the requirements in all applicable voluntary industry consensus standards

5. Best Practices for Safety: How do I make sure the product I'm buying is safe?



Build Safety into the Supply Chain

- Provide product specifications which include detailed safety and compliance requirements.
- Use suppliers and vendors who have a comprehensive quality assurance program which includes the use of compliant materials and quality testing of finished goods.
- Exercise due care in relying on your supplier by taking affirmative steps, such as:
 - including contractual provisions requiring compliance with specifications and quality programs,
 - visiting manufacturing locations, and
 - spot-checking products for ongoing compliance with safety requirements.

5. Best Practices for Safety: How do I make sure the product I'm buying is safe?



Be Knowledgeable and Aware of the Regulatory Environment

- Review and monitor consumer feedback to assess the safety of products you intend to purchase.
- Monitor incident reports, complaints and recalls of similar products through e-mail notification, [SaferProducts.gov](https://www.saferproducts.gov), and [Recalls.gov](https://www.recalls.gov).
- Keep up with CPSC's new and updated regulations through e-mail notification (Business Updates): [cpsc.gov/email](https://www.cpsc.gov/email).

5. Best Practices for Safety: How do I make sure the product I'm buying is safe?



Be Prepared

- Ask if the vendor or supplier uses lot or batch controls or serial numbers to identify products. These can be used to identify specific units affected by the noncompliance and/or product safety issue which are subject to a recall.

5. Best Practices for Safety: How do I make sure the product I'm buying is safe?



- **Due Diligence and Documentation**
- Ask if the supplier or vendor complies with CPSC's requirements and industry standards and about their quality assurance program. Ask to see their documentation.
- In the event of a product recall, documentation helps CPSC understand the efforts you made to provide safe consumer goods, what went wrong and how it has been corrected.
- Documentation can also help identify actions to ensure future safety and compliance and to avoid additional recalls or other expensive remediation actions.

5. Best Practices for Safety: How do I make sure the product I'm buying is safe?



Challenge Yourself to Buy the Safest Possible Consumer Product

- Go above and beyond the mandatory and voluntary standards to make sure that the product is designed as safely as possible.
- Seek an outside perspective to assist you in appraising the safety and possible consumer uses (and misuses) of a product.
- Make sure prospective suppliers know that you are looking for companies that have a culture that emphasizes and values product safety, compliance with CPSC safety requirements and voluntary standards, and a comprehensive quality assurance program.

Conclusion: Undesirable Supply Chain Practices for Consumer Products Imported Into the United States



Buyer -

- Orders merchandise without direct contact with manufacturers.
- Often purchases small quantities of products from multiple sources as opposed to one manufacturer.
- **Does not control** materials, design, process, labeling or adherence to CPSC regulations.
- **Exercises minimal influence** by merely requesting that products have a passing test report.
- Accepts any test report provided **regardless of its relevancy** to the actual product or CPSC requirements.

Conclusion: Optimal Supply Chain Practices for Consumer Products Imported Into the United States



Buyer –

- Orders products **direct** from manufacturers; **specifies** materials, design, process, labeling and adherence to all CPSC regulations and other applicable standards.
- **Obtains and approves** passing third-party testing records, from a CPSC-accredited lab, prior to placing the purchase order.
- Ensures that the supplier completes order exactly **as requested**.





**Thank you for viewing
this presentation**

