



UNITED STATES
CONSUMER PRODUCT SAFETY COMMISSION
4330 EAST WEST HIGHWAY
BETHESDA, MD 20814

This document has been electronically
approved and signed.

BALLOT VOTE SHEET

DATE: October 4, 2017

TO: The Commission
Alberta E. Mills, Acting Secretary

THROUGH: Patricia H. Adkins, Executive Director
Mary T. Boyle, General Counsel
Patricia M. Pollitzer, Assistant General Counsel

FROM: David M. DiMatteo, General Attorney

SUBJECT: Accreditation of Three Conformity Assessment Bodies as
“Firewalled” Third Party Laboratories and Related Delegation of
Authority

Ballot Vote Due: Wednesday, October 11, 2017

Staff is forwarding to the Commission a memorandum recommending that the Commission accredit three conformity assessment bodies as firewalled third party laboratories. The Office of General Counsel has prepared draft orders for each laboratory. Staff also recommends that the Commission delegate authority to the Deputy Executive Director for Safety Operations, Office of the Executive Director to grant or deny subsequent applications by these laboratories (*e.g.*, to be accredited for additional requirements or test methods or to renew their accreditation information and CPSC acceptance). If the Commission does not grant this authority to the Deputy Executive Director for Safety Operations, Office of the Executive Director, we will delete the paragraph in the draft order granting such authority.

Please indicate your vote on the following options for each laboratory:

- I. Jiangsu EQO Testing Services Co., Ltd. Staff recommends that Jiangsu EQO Testing Services Co., Ltd., be accredited to perform tests for:
- Section 4.3.5.1(2), *Surface Coating Materials - Soluble Test for Metals*, (ASTM F963-11);
 - Section 4.3.5.2, *Toy Substrate Materials*, (ASTM F963-11);
 - 16 C.F.R. Part 1303 (CPSC-CH-E1003-09 or CPSC-CH-E1003-09.1), Lead Paint Regulation;

- Lead in Non-Metal Children's Products (Test Method CPSC-CH-E1002-08 and/or CPSC-CH-E1002-08.1 and/or CPSC-CH-E1002-08.2 and/or CPSC-CH-E1002-08.3);
- Lead in Children's Metal Jewelry (Test Method CPSC-CH-E1001-08 and/or CPSC-CH-E1001-08.1 and/or CPSC-CH-E1001-08.2 and/or CPSC-CH-E1001-08.3);
- Determination of Phthalates (Test Method CPSC-CH-C1001-09.3 and/or GB/T 22048-2008);
- 16 C.F.R. Part 1216, Infant Walkers;
- 16 C.F.R. Part 1217, Safety Standard for Toddler Beds;
- 16 C.F.R. Part 1219, Safety Standard for Full-Size Cribs;
- 16 C.F.R. Part 1220, Safety Standard for Non-Full-Size Cribs;
- 16 C.F.R. Part 1221, Safety Standard for Play Yards;
- 16 C.F.R. Part 1223, Safety Standard for Infant Swings; and
- 16 C.F.R. Part 1227, Safety Standard for Carriages and Strollers.

A. Accreditation. Please indicate your vote below:

1. Approve accreditation and order, as recommended by staff.

(Signature)

(Date)

2. Approve accreditation and order, with changes, as set forth below:

(Signature)

(Date)

3. Do not approve accreditation and order.

(Signature)

(Date)

4. Take other action. (Please specify.)

(Signature)

(Date)

B. Delegation. Staff also requests that the Commission authorize the Deputy Executive Director for Safety Operations, Office of the Executive Director, to grant or deny subsequent applications by Jiangsu EQO Testing Services Co., Ltd.

Please indicate your vote below:

1. Authorize the Deputy Executive Director for Safety Operations, Office of the Executive Director, to grant or deny subsequent applications by Jiangsu EQO Testing Services Co., Ltd.

(Signature)

(Date)

2. Do not authorize the Deputy Executive Director for Safety Operations, Office of the Executive Director to grant or deny subsequent applications by Jiangsu EQO Testing Services Co., Ltd.

(Signature)

(Date)

3. Take other action. (Please specify.)

(Signature)

(Date)

II. Medline Laboratories. Staff recommends that Medline Laboratories, be accredited to perform tests for:

- 16 C.F.R. Part 1615, Standard for the Flammability of Children's Sleepwear: Sizes 0 through 6x (FF 3-71); and
- 16 C.F.R. Part 1616, Standard for the Flammability of Children's Sleepwear: Sizes 7 through 14 (FF 5-74).

A. Accreditation. Please indicate your vote below:

1. Approve accreditation and order, as recommended by staff.

(Signature)

(Date)

2. Approve accreditation and order, with changes, as set forth below:

(Signature)

(Date)

3. Do not approve accreditation and order.

(Signature)

(Date)

4. Take other action. (Please specify.)

(Signature)

(Date)

B. Delegation. Staff also requests that the Commission authorize the Deputy Executive Director for Safety Operations, Office of the Executive Director, to grant or deny subsequent applications by Medline Laboratories .

Please indicate your vote below.

1. Authorize the Deputy Executive Director for Safety Operations, Office of the Executive Director, to grant or deny subsequent applications by Medline Laboratories.

(Signature)

(Date)

2. Do not authorize the Deputy Executive Director for Safety Operations, Office of the Executive Director, to grant or deny subsequent applications by Medline Laboratories.

(Signature)

(Date)

3. Take other action. (Please specify.)

(Signature)

(Date)

III. Mattel-PT. Indonesia QA Laboratory (West Plant). Staff recommends that Mattel-PT. Indonesia QA Laboratory (West Plant), be accredited to perform tests for:

- Section 4.6, *Small Objects*, (ASTM F963-16);
- Section 4.7, *Accessible Edges*, (ASTM F963-16);
- Section 4.8, *Projections (except bath toy projections)*, (ASTM F963-16);
- Section 4.9, *Accessible Points*, (ASTM F963-16);
- Section 4.11, *Nails and Fasteners*, (ASTM F963-16);
- Section 4.12, *Plastic Film*, (ASTM F963-16);
- Section 4.17, *Wheels, Tires, and Axles*, (ASTM F963-16); and
- 16 C.F.R. Part 1501, Small Parts Regulation.

A. Accreditation. Please indicate your vote below:

1. Approve accreditation and order, as recommended by staff.

(Signature)

(Date)

2. Approve accreditation and order, with changes, as set forth below:

(Signature)

(Date)

3. Do not approve accreditation and order.

(Signature)

(Date)

4. Take other action. (Please specify.)

(Signature)

(Date)

B. Delegation. Staff also requests that the Commission authorize the Deputy Executive Director for Safety Operations, Office of the Executive Director, to grant or deny subsequent applications by Mattel-PT. Indonesia QA Laboratory (West Plant).

Please indicate your vote below.

1. Authorize the Deputy Executive Director for Safety Operations, Office of the Executive Director, to grant or deny subsequent applications by Mattel-PT. Indonesia QA Laboratory (West Plant).

(Signature)

(Date)

2. Do not authorize the Deputy Executive Director for Safety Operations, Office of the Executive Director, to grant or deny subsequent applications by Mattel-PT. Indonesia QA Laboratory (West Plant).

(Signature)

(Date)

3. Take other action. (Please specify.)

(Signature)

(Date)

UNITED STATES OF AMERICA
CONSUMER PRODUCT SAFETY COMMISSION

_____)	
In the Matter of the Application for)	
Accreditation as a Firewalled Third)	
Party Conformity Assessment Body)	
)	
of)	CPSC Docket No. _____
)	
Jiangsu EQO Testing Services Co., Ltd.)	
No. 23, Luxi Road,)	
Kunshan, Jiangsu)	
China)	
_____)	

ORDER

Having considered the application of Jiangsu EQO Testing Services Co., Ltd (the “applicant”) to be accredited by the U.S. Consumer Product Safety Commission (“Commission”) as a “third party conformity assessment body,” as that term is defined in 15 U.S.C. § 2063(f)(2)(D), and having considered the analysis and recommendation of Commission staff, the Commission, by order, finds that:

1. The applicant is owned, managed, or controlled by the manufacturer or private labeler of products that would be assessed by the applicant, if the applicant is accredited as a third party conformity assessment body.
2. The applicant is accredited by an accreditation body that is a signatory to the International Laboratory Accreditation Cooperation-Mutual Recognition Arrangement.
3. The applicant has established procedures to ensure that:
 - a. Its test results are protected from undue influence by the manufacturer, private labeler, or other interested party;
 - b. The Commission is notified immediately of any attempt by the manufacturer, private labeler, or other interested party to hide or exert undue influence over test results, and
 - c. Allegations of undue influence may be reported confidentially to the Commission;

and

4. In view of the findings numbered 2 and 3 above, the accreditation of the applicant will provide equal or greater consumer safety protection than the manufacturer's or private labeler's use of an independent third party conformity assessment body for the requirements and test method(s) for which accreditation is ordered.

Accordingly, it is

ORDERED that the applicant is accredited as a third party conformity assessment body for testing children's products for:

- Section 4.3.5.1(2), *Surface Coating Materials - Soluble Test for Metals*, (ASTM F963-11);
- Section 4.3.5.2, *Toy Substrate Materials*, (ASTM F963-11);
- 16 C.F.R. Part 1303 (CPSC-CH-E1003-09 or CPSC-CH-E1003-09.1), Lead Paint Regulation;
- Lead in Non-Metal Children's Products (Test Method CPSC-CH-E1002-08 and/or CPSC-CH-E1002-08.1 and/or CPSC-CH-E1002-08.2 and/or CPSC-CH-E1002-08.3);
- Lead in Children's Metal Jewelry (Test Method CPSC-CH-E1001-08 and/or CPSC-CH-E1001-08.1 and/or CPSC-CH-E1001-08.2 and/or CPSC-CH-E1001-08.3);
- Determination of Phthalates (Test Method CPSC-CH-C1001-09.3 and/or GB/T 22048-2008);
- 16 C.F.R. Part 1216, Infant Walkers;
- 16 C.F.R. Part 1217, Safety Standard for Toddler Beds;
- 16 C.F.R. Part 1219, Safety Standard for Full-Size Cribs;
- 16 C.F.R. Part 1220, Safety Standard for Non-Full-Size Cribs;
- 16 C.F.R. Part 1221, Safety Standard for Play Yards;
- 16 C.F.R. Part 1223, Safety Standard for Infant Swings; and
- 16 C.F.R. Part 1227, Safety Standard for Carriages and Strollers; and it is

FURTHER ORDERED that the applicant will be placed on the list of entities on the Commission's Internet website that have been accredited to assess conformity with children's product safety rules in accordance with the requirements in 16 C.F.R. part 1112; and it is

FURTHER ORDERED that if the applicant does not continue to meet the requirements of 16 C.F.R. part 1112, the applicant would be subject to suspension or withdrawal in accordance with the procedures provided in 16 C.F.R. part 1112; and it is

FURTHER ORDERED that the authority to grant or deny subsequent applications by this applicant (*e.g.*, to be accredited for additional requirements or test methods or to

renew their accreditation information and CPSC acceptance) is delegated to the Deputy Executive Director for Safety Operations, Office of the Executive Director.

Order issued on the ____ day of _____, 2017.

BY ORDER OF THE COMMISSION:

Alberta E. Mills, Acting Secretary
U.S. Consumer Product Safety Commission

c. Allegations of undue influence may be reported confidentially to the Commission;

and

4. In view of the findings numbered 2 and 3 above, the accreditation of the applicant will provide equal or greater consumer safety protection than the manufacturer's or private labeler's use of an independent third party conformity assessment body for the requirements and test method(s) for which accreditation is ordered.

Accordingly, it is

ORDERED that the applicant is accredited as a third party conformity assessment body for testing children's products for:

- 16 C.F.R. Part 1615, Standard for the Flammability of Children's Sleepwear: Sizes 0 through 6x (FF 3-71); and
- 16 C.F.R. Part 1616, Standard for the Flammability of Children's Sleepwear: Sizes 7 through 14 (FF 5-74); and it is

FURTHER ORDERED that the applicant will be placed on the list of entities on the Commission's Internet website that have been accredited to assess conformity with children's product safety rules in accordance with the requirements in 16 C.F.R. part 1112; and it is

FURTHER ORDERED that if the applicant does not continue to meet the requirements of 16 C.F.R. part 1112, the applicant would be subject to suspension or withdrawal in accordance with the procedures provided in 16 C.F.R. part 1112; and it is

FURTHER ORDERED that the authority to grant or deny subsequent applications by this applicant (*e.g.*, to be accredited for additional requirements or test methods or to renew their accreditation information and CPSC acceptance) is delegated to the Deputy Executive Director for Safety Operations, Office of the Executive Director.

Order issued on the ____ day of _____, 2017.

BY ORDER OF THE COMMISSION:

Alberta E. Mills, Acting Secretary
U.S. Consumer Product Safety Commission

UNITED STATES OF AMERICA
CONSUMER PRODUCT SAFETY COMMISSION

In the Matter of the Application for Accreditation as a Firewalled Third Party Conformity Assessment Body)	
)	
of)	CPSC Docket No. _____
)	
Mattel – PT. Mattel Indonesia)	
QA Laboratory (West Plant))	
Jl. Jababeka V Blok G 4-6)	
Kawasan Industri)	
Jababeka, Desa Harja Mekar)	
Cikarang Utara)	
Bekasi)	
Jawa Barat)	
Indonesia)	
17530)	

ORDER

Having considered the application of Mattel-PT. Indonesia QA Laboratory (West Plant) (the “applicant”) to be accredited by the U.S. Consumer Product Safety Commission (“Commission”) as a “third party conformity assessment body,” as that term is defined in 15 U.S.C. § 2063(f)(2)(D), and having considered the analysis and recommendation of Commission staff, the Commission, by order, finds that:

1. The applicant is owned, managed, or controlled by the manufacturer or private labeler of products that would be assessed by the applicant, if the applicant is accredited as a third party conformity assessment body.
2. The applicant is accredited by an accreditation body that is a signatory to the International Laboratory Accreditation Cooperation-Mutual Recognition Arrangement.
3. The applicant has established procedures to ensure that:
 - a. Its test results are protected from undue influence by the manufacturer, private labeler, or other interested party;

b. The Commission is notified immediately of any attempt by the manufacturer, private labeler, or other interested party to hide or exert undue influence over test results, and

c. Allegations of undue influence may be reported confidentially to the Commission;

and

4. In view of the findings numbered 2 and 3 above, the accreditation of the applicant will provide equal or greater consumer safety protection than the manufacturer's or private labeler's use of an independent third party conformity assessment body for the requirements and test method(s) for which accreditation is ordered.

Accordingly, it is

ORDERED that the applicant is accredited as a third party conformity assessment body for testing children's products for:

- Section 4.6, *Small Objects* (except labeling and/or instructional literature requirements) (ASTM F963-16);
- Section 4.7, *Accessible Edges* (except labeling and/or instructional literature requirements) (ASTM F963-16);
- Section 4.8, *Projections* (except bath toy projections) (ASTM F963-16);
- Section 4.9, *Accessible Points* (except labeling and/or instructional literature requirements) (ASTM F963-16);
- Section 4.11, *Nails and Fasteners*, (ASTM F963-16);
- Section 4.12, *Plastic Film* (ASTM F963-16);
- Section 4.17, *Wheels, Tires, and Axles* (ASTM F963-16); and
- 16 C.F.R. Part 1501, Small Parts Regulation; and it is

FURTHER ORDERED that the applicant will be placed on the list of entities on the Commission's Internet website that have been accredited to assess conformity with children's product safety rules in accordance with the requirements in 16 C.F.R. part 1112; and it is

FURTHER ORDERED that if the applicant does not continue to meet the requirements of 16 C.F.R. part 1112, the applicant would be subject to suspension or withdrawal in accordance with the procedures provided in 16 C.F.R. part 1112; and it is

FURTHER ORDERED that the authority to grant or deny subsequent applications by this applicant (*e.g.*, to be accredited for additional requirements or test methods or to renew their accreditation information and CPSC acceptance) is delegated to the Deputy Executive Director for Safety Operations, Office of the Executive Director.

Order issued on the ____ day of _____, 2017.

BY ORDER OF THE COMMISSION:

Alberta E. Mills, Acting Secretary
U.S. Consumer Product Safety Commission



UNITED STATES
CONSUMER PRODUCT SAFETY COMMISSION
4330 EAST WEST HIGHWAY
BETHESDA, MD 20814

This document has been electronically
approved and signed.

Date: October 4, 2017

TO: The Commission
Alberta E. Mills, Acting Secretary

THROUGH : Mary T. Boyle, General Counsel
Patricia H. Adkins, Executive Director
DeWane Ray, Deputy Executive Director for Safety Operations

FROM: George Borlase, Ph.D., P.E., Assistant Executive Director
Office of Hazard Identification and Reduction

Scott Heh
Program Manager, Third Party Laboratory Accreditation
Directorate for Laboratory Sciences

SUBJECT: Consideration of Three Applications for Commission Acceptance as
Accredited Firewalled Conformity Assessment Bodies:

1. Jiangsu EQO Testing Services Co., Ltd.
2. Medline Laboratories
3. PT. Mattel Indonesia QA Laboratory (West Plant)

I. Introduction

Through this memorandum, U.S. Consumer Product Safety Commission (CPSC, the Commission) staff recommends that the Commission accredit Jiangsu EQO Testing Services Co., Ltd., Medline Laboratories, and P.T. Mattel Indonesia QA Laboratory (West Plant) as firewalled conformity assessment bodies (firewalled testing laboratories) to perform specified product testing required by the Consumer Product Safety Act (CPSA). The Commission's firewalled laboratory application and acceptance procedures are found in 16 C.F.R. part 1112. This memorandum describes the process used by CPSC staff to evaluate the applications.¹

¹ The application and related supporting materials are not attached to this memorandum but are available for review by any Commissioner.

II. Background

CPSA: Third Party Laboratory Requirements and Conditions Applicable to Firewalled Laboratories

Section 14 of the CPSA, as amended by the Consumer Product Safety Improvement Act of 2008 (CPSIA), requires manufacturers and importers of children's products subject to applicable children's product safety rules, to use third party conformity assessment bodies (third party testing laboratories) that have been accredited under CPSC requirements to test children's products for compliance with those children's product safety rules. Such testing is to be used by the manufacturer or importer as the basis for a manufacturer's or importer's certification of compliance with a "children's product safety rule," which is defined as a "consumer product safety rule under the CPSA or similar rule, regulation, standard or ban under any other Act [than the CPSA] enforced by the Commission, including a rule declaring a consumer product to be a banned hazardous product or substance." *See* section 14(f)(1) of the CPSA. The CPSA also requires the Commission to establish requirements for accreditation of third party testing laboratories.

The CPSA defines a "third party conformity assessment body" as one that is not owned, managed, or controlled by the manufacturer or private labeler of a product assessed by such testing laboratory, except that a laboratory that is owned, managed, or controlled by the manufacturer or private labeler, under certain specified conditions, may be recognized as accredited by the Commission as a third party testing laboratory. Testing laboratories that comply with these specified conditions are said to be "firewalled" against the possibility of undue influence.

The Commission may accredit a laboratory under the CPSA's firewalled provision if the Commission finds, by order, that:

A) accreditation of the laboratory would provide equal or greater consumer safety protection than the manufacturer or private labeler's use of an independent third party conformity assessment body; and

B) the laboratory has established procedures to ensure that –

i) its test results are protected from undue influence by the manufacturer, private labeler, or other interested party;

ii) the Commission is notified immediately of any attempt by the manufacturer, private labeler, or other interested party to hide or exert undue influence over test results; and

iii) allegations of undue influence may be reported confidentially to the Commission.

15 U.S.C. § 2063(f)(2)(D). The Commission has issued regulations implementing the statutory provisions concerning CPSC's accreditation of third party conformity assessment bodies. 16

C.F.R. part 1112 (effective June 10, 2013). These regulations include baseline requirements for independent laboratories and the process for firewalled laboratory application and acceptance procedures. The application and acceptance procedures for independent and firewalled third party testing laboratories are found in §1112.13 and §1112.17 (Appendix A).

III. Discussion

Under CPSC's regulation, one of the required elements for CPSC acceptance of a testing laboratory is that the laboratory must be accredited to ISO/IEC Standard 17025:2005(E), "General requirements for the competence of testing and calibration laboratories." The ISO/IEC 17025: 2005 standard has technical requirements and management requirements on topics such as organization, management systems, document control, audits, and management reviews. Several of these management requirements address impartiality and safeguards against conflicts of interest. If the laboratory is part of an organization that performs activities other than testing, the responsibilities of key personnel in the organization who are involved with, or who influence the testing and/or calibration activities of the laboratory, shall be defined to identify potential conflicts of interest. The laboratory must have arrangements to ensure that its management and personnel are free from any undue internal and external commercial, financial, or other pressures and influences that may affect adversely the quality of their work. Furthermore, the laboratory must have policies and procedures to avoid involvement in any activities that would diminish confidence in its competence, impartiality, judgment, or operational integrity.

To ensure continued compliance, accredited laboratories are reexamined regularly by their accreditation bodies to make certain that they maintain their standards of independence and technical expertise.

Under ISO 17025: 2005 accreditation of not only commercial laboratories, but also manufacturers' laboratories and government laboratories must have arrangements to ensure that their management and personnel are free from any undue internal and external commercial, financial, or other pressures and influences that may affect adversely the quality of their work.

ISO 17025:2005 accreditation of a laboratory includes an assessment to confirm the technical competence of the laboratory for a given scope of test methods and standards, as well as an assessment of a laboratory's management and organization to ensure that there are safeguards against undue influence. Given these requirements, staff recommended that the Commission recognize ISO 17025: 2005 accreditation by an ILAC-MRA signatory accreditation body as a significant component that must be met for firewalled laboratories to be considered for approval under the CPSA firewalled provisions.

In addition, 16 C.F.R. part 1112 requires laboratory applicants for firewalled status to submit additional documentation that is satisfactory to the Commission to demonstrate compliance with criteria on protections from undue influence.

The preamble to the proposed rule for 16 C.F.R. part 1112 states: "If the Commission determines that the firewalled-specific documents indicate that the laboratory has sufficient safeguards against and procedures concerning undue influence in place, and the laboratory satisfies the baseline criteria, including ISO/IEC 17025:2005 accreditation by an ILAC-MRA signatory

body, then the Commission will consider that the applicant laboratory would provide equal consumer safety protection than the manufacturer's or private labeler's use of an independent laboratory."²

Staff Review of Firewalled Laboratory Applications

CPSC staff completed a review of the laboratory applications that seek Commission approval as CPSC-accepted firewalled laboratories. A summary of the applications and review process is below:

1. The laboratories applied for firewalled acceptance via the CPSC online registration form. The applicants submitted training materials and other information to show conformance with the criteria for acceptance for firewalled laboratories.
2. The Firewalled Laboratory Review Committee (Review Committee), comprised of three senior CPSC staff members, reviewed the applications. The Review Committee members individually examined the application materials according to the criteria for firewalled laboratories, as described in the CPSA and in 16 C.F.R. part 1112. After individual members conducted their assessments, the Review Committee met as a group to discuss each Review Committee member's assessment regarding whether the laboratories met the baseline requirements for CPSC acceptance and satisfied the additional firewalled laboratory criteria. The Review Committee examined documentation from the laboratories and concluded that the applicants satisfied the baseline requirements for CPSC acceptance and the criteria for firewalled laboratories set forth in the CPSA and accompanying regulations at 16 C.F. R. part 1112. Specifically, the Review Committee determined:
 - i) The applicants provided valid and current copies of ISO 17025 accreditation certificates and accreditation by an accreditation body that is a signatory to the International Laboratory Accreditation Cooperation-Mutual Recognition Arrangement (ILAC-MRA). The applicants also submitted a statement of scope that clearly identified each CPSC rule and/or test method for which CPSC acceptance was being sought. These documents satisfy the baseline criteria required for all CPSC-accepted laboratories.
 - ii) The applicants submitted documentation that explain how the laboratories will protect its test results from undue influence by the manufacturer, private labeler, or other interested party.
 - iii) The applicants provided documentation evidencing laboratory operating procedures or quality manuals with clear policies stating that attempts to exert undue influence must be immediately reported to the CPSC and that allegations of undue influence may be reported confidentially to the CPSC. CPSC contact information is included in each of these documents.
 - iv) The applicants provided training documents, including a description of the training program content, demonstrating how the applicant provided training, at least annually, for the laboratory staff on procedures for addressing undue influence and

² 77 Federal Register 31086 (May 24, 2012) - <http://www.gpo.gov/fdsys/pkg/FR-2012-05-24/pdf/2012-10923.pdf>.

CPSC reporting policies. The records included training dates and list of employees who received such training.

- v) The applicants submitted organizational charts for the laboratory and for the broader organization showing the reporting relationship of the laboratory within the broader organization.
3. Based on the information supplied by the applicants, the Review Committee agreed that the documentation demonstrated that the laboratories had established procedures that satisfy the statutory criteria for acceptance of a firewalled laboratory. The Review Committee concluded that the applicants would provide equal or greater consumer protection than the use of an independent third party assessment body and that the applicants had established procedures to ensure that its test results are protected from undue influence by the manufacturer, private labeler or other interested party; the Commission is notified immediately of any attempt to hide or exert undue influence over test results, and that allegations of undue influence may be reported confidentially to the Commission.

IV. Firewalled Laboratory Review Committee Conclusions

The Review Committee recommended that the Commission accredit the following laboratory applicants as firewalled laboratories:

1) Jiangsu EQO Testing Services Co., Ltd.
No.23, Luxi Road, Lujia
Kunshan, Jiangsu
China

The Review Committee recommended accreditation of the laboratory for the following scope:

- 4.3.5.1(2) (ASTM F963-11), Surface Coating Materials–Soluble Test for Metals
- 4.3.5.2 (ASTM F963-11), Toy Substrate Materials
- 16 CFR Part 1303 (CPSC-CH-E1003-09 or CPSC-CH-E1003-09.1), Lead Paint Regulation
- Lead in Non-Metal Children's Products (test method CPSC-CH-E1002-08 and/or CPSC-CH-E1002-08.1 and/or CPSC-CH-E1002-08.2 and/or CPSC-CH-E1002-08.3)
- Lead in Children's Metal Jewelry (test method CPSC-CH-E1001-08 and/or CPSC-CH-E1001-08.1 and/or CPSC-CH-E1001-08.2 and/or CPSC-CH-E1001-08.3)
- Determination of Phthalates (Test Method CPSC-CH-C1001-09.3 and/or GB/T 22048-2008)
- 16 CFR Part 1216, Infant Walkers
- 16 CFR Part 1217, Safety Standard for Toddler Beds
- 16 CFR Part 1219, Safety Standard for Full-Size Cribs
- 16 CFR Part 1220, Safety Standard for Non-Full-Size Cribs
- 16 CFR Part 1221, Safety Standard for Play Yards

- 16 CFR Part 1223, Safety Standard for Infant Swings
- 16 CFR Part 1227, Safety Standard for Carriages and Strollers

2) Medline Laboratories
 1200 Townline Rd.
 Mundelein, IL
 60060
 USA

The Review Committee recommended accreditation of the laboratory for the following scope:

- 16 CFR Part 1615, Standard for the Flammability of Children's Sleepwear: Sizes 0 through 6x (FF 3-71)
- 16 CFR Part 1616, Standard for the Flammability of Children's Sleepwear: Sizes 7 through 14 (FF 5-74)

3) Mattel - PT. Mattel Indonesia QA Laboratory (West Plant)
 Jl. Jababeka V Blok G 4-6, Kawasan Industri
 Jababeka, Desa Harja Mekar, Cikarang Utara
 Bekasi
 Jawa Barat
 Indonesia
 17530

The Review Committee recommended accreditation of the laboratory for the following scope:

- 4.6 (ASTM F963-16), Small Objects
- 4.7 (ASTM F963-16), Accessible Edges
- 4.8 (ASTM F963-16), Projections (except bath toy projections)
- 4.9 (ASTM F963-16), Accessible Points
- 4.11 (ASTM F963-16), Nails and Fasteners
- 4.12 (ASTM F963-16), Plastic Film
- 4.17 (ASTM F963-16), Wheels, Tires, and Axles
- 16 CFR Part 1501, Small Parts Regulation

V. Recommendation

Staff recommends that the Commission accredit: (1) Jiangsu EQO Testing Services Co., Ltd., (2) Medline Laboratories, and (3) PT. Mattel Indonesia QA Laboratory (West Plant) in accordance with the firewalled procedures described in 16 C.F.R. part 1112. This recommendation is based on the assessment of the CPSC Firewalled Laboratory Review Committee that examined the application materials and agreed that the documentation supplied by the applicants supported the conditions for accreditation as a firewalled laboratory.

Delegation Approval Requested

If the Commission accredits these firewalled laboratories by order, staff recommends that the Commission authorize the Deputy Executive Director for Safety Operations, Office of the Executive Director, to approve any future applications by these laboratories.

Such applications would include, for example, applications to conduct testing for additional CPSC children's product safety requirements, or applications to renew their accreditation information and CPSC acceptance as a firewalled laboratory. Future applications typically would involve CPSC staff review of technical scope competency and accreditation status by its ILAC-MRA accreditation body and would involve review of any changes in undue influence policies. (In the past, the Commission has granted the Deputy Executive Director for Safety Operations, Office of the Executive Director this authority for the laboratories that the Commission previously accredited as firewalled laboratories.)

VI. Commission Options

- (1) The Commission can vote to accredit the applicant laboratories for recognition as firewalled laboratories for the specified testing scope. In this event, the Commission is required to issue an order finding that the additional requirements for firewalled laboratories exist for the laboratories.
- (2) The Commission can vote not to accredit one or more of the applicant laboratories for recognition as firewalled laboratories for the specified testing scope, if the Commission decides that the documentation submitted by the applicant(s) is not sufficient to support a Commission finding to accredit the applicant laboratory under the firewalled provisions. Under this option, the Commission also could decide to direct staff to obtain additional information relevant to whether the Commission should accredit the applicant(s).
- (3) If the applicants are accredited as firewalled laboratories for the specified testing scope, the Commission could accept or reject the staff recommendation that the Commission delegate to the Deputy Executive Director for Safety Operations, Office of the Executive Director, the power to approve subsequent applications by the same firewalled laboratories.
- (4) Other options, as directed by the Commission.

The Office of the General Counsel has prepared ballot vote sheets presenting these options and has provided draft orders for the applicant laboratories for the Commission's consideration.

Appendix A

§1112.13³ How does a third party conformity assessment body apply for CPSC acceptance?

(a) Baseline Requirements. Each third party conformity assessment body seeking CPSC acceptance must:

(1) Submit a completed Consumer Product Conformity Assessment Body Registration Form (CPSC Form 223 or Application). In submitting a CPSC Form 223, the third party conformity assessment body must attest to facts and characteristics about its business that will determine whether the third party conformity assessment body is independent, firewalled, or governmental. The third party conformity assessment body also must attest that it has read, understood, and agrees to the regulations in this part. The third party conformity assessment body must update its CPSC Form 223 whenever any information previously supplied on the form changes.

(2) Submit the following documentation:

(i) Accreditation certificate.

(A) The third party conformity assessment body must be accredited to the ISO/IEC Standard 17025:2005(E), “General requirements for the competence of testing and calibration laboratories.”

(B) The accreditation must be by an accreditation body that is a signatory to the International Laboratory Accreditation Cooperation-Mutual Recognition Arrangement (ILAC-MRA).

(ii) Statement of scope. The third party conformity assessment body’s accreditation must include a statement of scope that clearly identifies each CPSC rule and/or test method for which CPSC acceptance is sought. Although a third party conformity assessment body may include more than one CPSC rule and/or test method in its scope in one application, it must submit a new application if the CPSC has already accepted the third party conformity assessment body for a particular scope, and the third party conformity assessment body wishes to expand its acceptance to include additional CPSC rules and/or test methods.

(b) Additional Requirements for Firewalled Third Party Conformity Assessment Bodies.

(1) A third party conformity assessment body may be accepted as a firewalled third party conformity assessment body if the Commission, by order, makes the findings described in §1112.17(b).

(2) For the Commission to evaluate whether an applicant firewalled third party conformity assessment body satisfies the criteria listed in §1112.17(b), and in addition to the baseline accreditation requirements in paragraph (a) of this section, a firewalled third party conformity assessment body applying for acceptance of its accreditation must submit copies of:

(i) The third party conformity assessment body’s established policies and procedures that explain:

³ The complete rule is linked at: www.ecfr.gov. Browse Title 16 - Commercial Practices. Go to part 1112, “REQUIREMENTS PERTAINING TO THIRD PARTY CONFORMITY ASSESSMENT BODIES.”

- (A) How the third party conformity assessment body will protect its test results from undue influence by the manufacturer, private labeler, or other interested party;
- (B) That the CPSC will be notified immediately of any attempt by the manufacturer, private labeler, or other interested party to hide or exert undue influence over the third party conformity assessment body's test results; and
- (C) That allegations of undue influence may be reported confidentially to the CPSC;

- (ii) Training documents, including a description of the training program content, showing how employees are trained annually on the policies and procedures described in paragraph (b)(2)(i) of this section;
- (iii) Training records, including a list and corresponding signatures, of the staff members who received the training identified in paragraph (b)(2)(ii) of this section. The records must include training dates, location, and the name and title of the individual providing the training;
- (iv) An organizational chart(s) of the third party conformity assessment body that includes the names of all third party conformity assessment body personnel, both temporary and permanent, and their reporting relationship within the third party conformity assessment body;
- (v) An organizational chart(s) of the broader organization that identifies the reporting relationships of the third party conformity assessment body within the broader organization (using both position titles and staff names); and
- (vi) A list of all third party conformity assessment body personnel with reporting relationships outside of the third party conformity assessment body. The list must identify the name and title of the relevant third party conformity assessment body employee(s) and the names, titles, and employer(s) of all individuals outside of the third party conformity assessment body to whom they report;

§1112.17 How will the CPSC respond to each application?

- (a) The CPSC staff will review each application and may contact the third party conformity assessment body with questions or to request submission of missing information.
- (b) The application of a firewalled third party conformity assessment body will be accepted by order of the Commission, if the Commission finds that:
 - (1) Acceptance of the accreditation of the third party conformity assessment body would provide equal or greater consumer safety protection than the manufacturer's or private labeler's use of an independent third party third party conformity assessment body; and
 - (2) The third party conformity assessment body has established procedures to ensure that:
 - (i) Its test results are protected from undue influence by the manufacturer, private labeler, or other interested party;
 - (ii) The CPSC is notified immediately of any attempt by the manufacturer, private labeler, or other interested party to hide or exert undue influence over test results; and
 - (iii) Allegations of undue influence may be reported confidentially to the CPSC.

(c) The CPSC will communicate its decision on each application in writing to the applicant, which may be by electronic mail.