# **Transcript--Overview of CPSC’s Third Party Laboratory Program**

**for Children’s Products**

**Slide 1**

The slides used in this podcast are not a comprehensive statement of legal requirements or policy. Thus, you should not rely upon the information in the slides 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.

**Slide 2**

***(Video greeting)***

**Slide 3**

Designing safe products from the outset is critical. CPSC is the U.S. federal government agency charged with protecting the public from unreasonable risks of injuries associated with the use of consumer products under the agency’s jurisdiction. We have developed this presentation, not only to inform about safety requirements, but also to emphasize the importance of designing products with safety considerations in mind, and to offer best practices for enhancing the safety of a variety of common consumer products. The presentation is designed mainly for importers, manufacturers, and suppliers of components and finished products.

**Slides 4-5**

Hello everyone. My name is Sylvia Chen, and I am a Program Manager here at the U.S. Consumer Product Safety Commission (CPSC). Today, I am going to give you an overview of “CPSC’s Third Party Laboratory Program for Children’s Products.”

**Slide 6**

This presentation will focus on testing children’s products. Whether you are a foreign supplier, a buyer for a U.S. company, or the U.S. company’s person responsible for importing products, the information in this presentation will help you meet U.S. consumer product safety requirements.

And now, let’s get started.

**Slide 7**

In this podcast, I am going to provide an overview on CPSC’s Third Party Laboratory Program. First, I will discuss the program’s mandates. Next, I will discuss the baseline requirements for acceptance into the program. I will then provide a few details on why CPSC requires that laboratories have an International Laboratory Accreditation Cooperation (ILAC) Mutual Recognition Arrangement (MRA) to be accepted into the CPSC laboratory program. I will also discuss some simple tools to help identify CPSC-accepted labs. Finally, I will highlight some tips that might be useful when reviewing reports from laboratories testing your products and some resources for further information.

**Slide 8**

The Consumer Product Safety Act (CPSA) includes important provisions regarding product testing. In brief, all U.S. manufacturers and importers of children’s products must certify in a [Children’s Product Certificate](https://www.cpsc.gov/Business--Manufacturing/Testing-Certification/Childrens-Product-Certificate-CPC/) that their children’s products comply with all [applicable children’s product safety rules](https://www.cpsc.gov/Business--Manufacturing/Testing-Certification/Lab-Accreditation/Rules-Requiring-Third-Party-Testing/). In addition, there must be third party testing by a CPSC-accepted laboratory to support the Children’s Product Certificate. [Third party testing](https://www.cpsc.gov/Business--Manufacturing/Testing-Certification) means testing performed by a third party accredited laboratory that CPSC has accepted to perform the specific tests for each children’s product safety requirement enforced by CPSC.

As a buyer or manufacturer, you must be mindful that the children’s products you manufacture or import, are tested for compliance by a [CPSC-accepted third party laboratory](https://www.cpsc.gov/labsearch).  CPSC’s requirements will vary by product and by the materials you use to manufacture the product.

**Slide 9**

CPSC accepts the accreditation of third party laboratories on a *test-by-test* basis.  Therefore, if your product requires testing for lead in paint, lead content, small parts, phthalates, and the toy standard, as a buyer or importer, you must confirm that any laboratory that you use has been accepted by the CPSC **for *each one*** of those test methods.  On the CPSC’s website, each accepted laboratory is listed with the names of the tests/standards for which CPSC has accepted that laboratory’s accreditation.

Note that Initial certification of compliance with CPSC’s requirements is required before the product enters the stream of commerce and that there are certain requirements that must be met for continued testing and recertification of a children’s product.

For example, certain events may trigger testing, such as material change in:

* manufacturing process
* sourcing of materials
* product design

Also, there are requirements for periodic testing. As a supplier, buyer, or importer for the U.S. market, you should take care to look at the frequency of testing of the product, the sampling methods/plans, and that there have been representative samples and sample sizes. Source: 16 CFR Part 1107 and 16 C.F.R. Part 1110.

**Slide 10**

Now I want to talk about the baseline laboratory requirements to be accepted into the CPSC program. There are several requirements.

First, the laboratory must be accredited by an accreditation body that is a signatory to the International Laboratory Accreditation Cooperation (ILAC) Mutual Recognition Arrangement (MRA). Second, the laboratory must apply to the CPSC (online application process) for recognition and must agree to fulfill the requirements of the CPSC program. The scope of accreditation must include the testing methods/standards/regulations shown on the CPSC application. Source: 16 CFR Part 1112

**Slide 11**

Now I want to explain the reasons why CPSC relies on the ILAC-MRA. Accreditation bodies that are signatories to ILAC-MRA use clearly identified international standards, several of which are listed on this slide. The CPSC program includes specific CPSC regulations and standards.

Furthermore, the program has global recognition and is reviewed extensively by peers to ensure that accreditation bodies that assess the laboratories conform to international standards and ILAC rules. Therefore, program has a solid competence on which organizations like CPSC can rely.

**Slide 12**

CPSC has several rules for acceptance of laboratory accreditation and rules to maintain and renew CPSC acceptance. A full discussion of these technical rules is outside the time limitations of this presentation. Please refer to our website for detailed information.

I’ll mention, however, that the program has routine reviews to maintain and renew acceptance. Unsatisfactory completion of the requirements can result in adverse actions, such as withdrawal and suspension of acceptance of accreditation. There is an appeal process.

Please also note that governmental and firewalled laboratories must often submit additional information. The acceptance program has protections against undue influence, and the program needs assurances of no favorable treatment by government entities.

**Slides 13-14**

CPSC’s lab acceptance program is truly global. There are more than 600 accepted laboratories in more than 48 economies. These slides show the number of CPSC-accepted laboratories throughout the world *(flip through slides 13-14)*.

As with any major purchase, it is prudent for you to obtain two to three estimates for the required testing services.  Laboratories should provide you with an itemized list of the tests proposed for your product.  You, as the manufacturer or importer, are ultimately responsible for your product complying with federal safety standards and testing requirements.  Therefore, you should: (1) ask detailed questions of the laboratories, and (2) compare the various estimates you receive, questioning the laboratories about any differences in the itemized lists they have provided you.

**Slide 15**

When testing a children’s product, even with a CPSC-accepted laboratory, it is very important to identify laboratories that are accredited for the test/standards you need. This is often overlooked, or it can be a point of confusion. A laboratory might be accredited for heavy metals testing, for example, but not accredited for phthalates testing.

Finding a CPSC-accepted laboratory for your product is simple. Our website has an up-to-date list of entities that have been accredited to assess conformity with children's product safety rules.

Using the link displayed here, you can select your product, types of tests that could apply, and the area or region where you would like to test.

See the instructional video on the website where you obtained this slide deck for further explanation on how to find a CPSC-accepted laboratory. The instructional video is available in English and Chinese.

**Slide 16**

Now, I would like to offer several tips for working with a lab testing your product. Whether you are a foreign supplier, a buyer for a U.S. company, or a U.S. importer, work with the purchasing decision makers to determine which lab will test the product and use the tips below to evaluate their reports.

**Slide 17**

First, when you receive lab reports, as a buyer, for example, you will want to check and see that there is an encryption or security banner to the test report so that you can verify that the reports were not copied, edited, or changed in any manner.

You’ll also want to examine carefully any type of certification or watermark to ensure that it was not copied or altered.

**Slide 18**

A picture is worth so many words and is extremely useful to evaluate the product. Seeing the location of parts, their accessibility, colors, etc. can help to evaluate appropriate tests.

**Slide 19-20**

As an example, color photographs that show measurements and clearly display the product tested can be very useful in understanding the results. Ask your laboratory to confirm that they will include photos of the tested products.

**Slide 21**

When there is a photograph of the product, be sure to check whether all accessible components were tested (*e.g*., tested a toy airplane body for lead content or paint). As a buyer or U.S. importer, if you do not see test results for all accessible components, you should inquire about this to confirm whether recent test results are available.

**Slide 22**

In the test report, check to see how many units of the product were tested. Were only a few tested, or a more representative sample? This is a very important point. How were the samples obtained? DO you have confidence that the test item is not a “golden sample?” A “golden sample” means that a non-representative sample has been provided that confirms all requirements have been met.

**Slide 23-25**

As a supplier, buyer, or importer, it is useful to know when there is a problem, how much of a problem there may be. There is always a degree of measurement uncertainty at every scientific laboratory, and CPSC-accepted laboratories must estimate the uncertainty of their measurements.  You, as a customer of the testing laboratory, should understand the reliability of the results, as well as the extent to which the test results indicate that *untested* production products are compliant with the applicable federal safety regulations. To certify your children’s products as being compliant—with a Children’s Product Certificate—the results of your testing, and the other knowledge you have about the manufacturing of your product, must provide you with a high degree of assurance that *all* the products comply with applicable federal safety requirements. Laboratories should communicate these facts to their customers with every report.

Occasionally, testing variability may affect your ability to certify the compliance of your product, especially if the results of a chemical test are very close to the upper testing limit, such as 100 parts per million (ppm) with total lead content.  For example, if your product’s test results are 79 ppm of lead with +/- limit of 20 ppm due to a laboratory’s measurement uncertainty, you may need to test additional samples and/or you may not be able to certify that your product complies because 79 ppm + 20 ppm laboratory uncertainty = 99 ppm, which is under, but close to the federal requirements.

Please note that there are several types of sampling that were not discussed in this presentation, including composite testing, exclusions from testing, batch testing and small manufacturer testing. Although these special topics are beyond the time limitations of this presentation, we encourage you to check out the details of these sampling types to determine whether they apply to your situation.

Thank you for downloading this presentation.