



Record of Commission Action  
Commissioners Voting by Ballot\*

Commissioners Voting:      Chair Alexander D. Hoehn-Saric  
   Commissioner Peter A. Feldman  
   Commissioner Richard Trumka Jr.  
   Commissioner Mary T. Boyle

ITEM:

Accreditation of Four Conformity Assessment Bodies as a “Firewalled” Third Party Laboratory  
(Briefing package dated July 19, 2023, OS No. 0233)

DECISION:

- I.      **A.** The Commission voted (3-1) to approve the accreditation and Commission order for **Laboratory of Firstunion Animation Technology Vietnam Co., Ltd.** to perform tests for:
- 16 CFR Part 1501, Small Parts Regulation;
  - Section 4.6, *Small Objects* (ASTM F963-17);
  - Section 4.7, *Accessible Edges* (ASTM F963-17);
  - Section 4.8, *Projections* (except bath toy projections) (ASTM F963-17);
  - Section 4.9, *Accessible Points* (ASTM F963-17);
  - Section 4.10, *Wires or Rods* (ASTM F963-17);
  - Section 4.11, *Nails and Fasteners* (ASTM F963-17);
  - Section 4.12, *Plastic Film* (ASTM F963-17);
  - Section 4.13, *Folding Mechanisms and Hinges* (exclude 4.13.1 Folding Mechanisms) (ASTM F963-17);
  - Section 4.14, *Cords, Straps, and Elastics* (exclude 4.14.4 Strings and Lines for Flying Devices and 4.14.5 Cords on Toy Bags Intended for Children Up to 18 Months) (ASTM F963-17);
  - Section 4.17, *Wheels, Tires, and Axles* (ASTM F963-17);
  - Section 4.18, *Holes, Clearances, and Accessibility of Mechanisms* (exclude 4.18.3 Chains and Belts and 4.18.6 Coil Springs) (ASTM F963-17);
  - Section 4.21, *Projectile Toys* (Exclude 4.21.4 Rotors) (ASTM F963-17);
  - Section 4.32, *Certain Toys with Nearly Spherical Ends* (ASTM F963-17); and
  - Section 4.36, *Hemispheric-Shaped Object* (ASTM F963-17);

Chair Hoehn-Saric, Commissioners Feldman and Boyle voted to approve the accreditation and Commission order for **Laboratory of Firstunion Animation Technology Vietnam Co., Ltd.**



Commissioner Trumka voted to take other action (see attachment for specified other action).

**B.** The Commission voted (2-1-1). A majority was not reached, and no action will be taken. Chair Hoehn-Saric and Commissioner Boyle voted to authorize the Deputy Executive Director for Safety Operations, Office of the Executive Director, to grant or deny subsequent accreditation applications by **Laboratory of Firstunion Animation Technology Vietnam Co., Ltd.**

Commissioner Feldman voted to not authorize the Deputy Executive Director for Safety Operations, Office of the Executive Director, to grant or deny subsequent accreditation applications by **Laboratory of Firstunion Animation Technology Vietnam Co., Ltd.** Commissioner Trumka voted to take other action (see attachment for specified other action).

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**II. A.** The Commission voted (3-1) to approve the accreditation and Commission order for **Laboratory of Billion Max Vietnam Manufacturing Company Limited** to perform tests for:

- 16 CFR Part 1501, Small Parts Regulation;
- 16 CFR Part 1510, Rattles;
- Section 4.5, *Sound Producing Toys* (ASTM F963-17);
- Section 4.6, *Small Objects* (except 4.6.2 mouth-actuated toys) (ASTM F963-17);
- Section 4.7, *Accessible Edges* (ASTM F963-17);
- Section 4.8, *Projections* (ASTM F963-17);
- Section 4.9, *Accessible Points* (ASTM F963-17);
- Section 4.10, *Wires or Rods* (ASTM F963-17);
- Section 4.11, *Nails and Fasteners* (ASTM F963-17);
- Section 4.12, *Plastic Film* (excluding a minimum of 1% of the vent area of plastic film) (ASTM F963-17);
- Section 4.13, *Folding Mechanisms and Hinges* (only 4.13.2 Hinge-Line Clearance) (ASTM F963-17);
- Section 4.14, *Cords, Straps, and Elastics* (except for 4.14.4 Strings and Lines for Flying Devices) (ASTM F963-17);
- Section 4.16, *Confined Spaces* (except for 4.16.2 Closures) (ASTM F963-17);
- Section 4.17, *Wheels, Tires, and Axles* (ASTM F963-17);
- Section 4.18, *Holes, Clearances, and Accessibility of Mechanisms* (except 4.18.3 Chains and Belts, 4.18.6 Coil Springs) (ASTM F963-17);
- Section 4.19, *Simulated Protective Devices* (ASTM F963-17);
- Section 4.21, *Projectile Toys* (ASTM F963-17);
- Section 4.22, *Teethers and Teething Toys* (ASTM F963-17);
- Section 4.23.1, *Rattles with nearly spherical, hemispherical, or circular flared ends* (ASTM F963-17);
- Section 4.24, *Squeeze Toys* (ASTM F963-17);
- Section 4.27, *Stuffed and Beanbag-Type Toys* (ASTM F963-17);
- Section 4.30, *Toy Gun Marking* (ASTM F963-17);
- Section 4.32, *Certain Toys with Nearly Spherical Ends* (ASTM F963-17);



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- Section 4.35, *Pompoms* (ASTM F963-17);
- Section 4.36, *Hemispheric-Shaped Object* (ASTM F963-17);
- Section 4.39, *Jaw Entrapment in Handles and Steering Wheels* (ASTM F963-17); and
- Section 4.41, *Toy Chests* (except 4.41.1 Lid Support) (ASTM F963-17);

Chair Hoehn-Saric, Commissioners Feldman and Boyle voted to approve the accreditation and Commission order for **Laboratory of Billion Max Vietnam Manufacturing Company Limited.**

Commissioner Trumka voted to take other action (see attachment for specified other action).

**B.** The Commission voted (2-1-1). A majority was not reached, and no action will be taken. Chair Hoehn-Saric and Commissioner Boyle voted to authorize the Deputy Executive Director for Safety Operations, Office of the Executive Director, to grant or deny subsequent accreditation applications by **Laboratory of Billion Max Vietnam Manufacturing Company Limited.**

Commissioner Feldman voted to not authorize the Deputy Executive Director for Safety Operations, Office of the Executive Director, to grant or deny subsequent accreditation applications by **Laboratory of Billion Max Vietnam Manufacturing Company Limited.** Commissioner Trumka voted to take other action (see attachment for specified other action).

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**III. A.** The Commission voted (3-1) to approve the accreditation and Commission order for **Test & Innovation Lab s.r.l.** to perform tests for:

- 16 CFR Part 1303 (CPSC-CH-E1003-09 or CPSC-CH-E1003-09.1), Lead Paint Regulation;
- 16 CFR Part 1610, Standard for the Flammability of Clothing Textiles;
- Section 4.3.5.1(2), *Surface Coating Materials - Soluble Test for Metals* (ASTM F963-17);
- Section 4.3.5.2, *Toy Substrate Materials* (ASTM F963-17);
- 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 Products (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); and
- 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); and
- Determination of Phthalates (Test Method CPSC-CH-C1001-09.4)

Chair Hoehn-Saric, Commissioners Feldman and Boyle voted to approve the accreditation and Commission order for **Test & Innovation Lab s.r.l.** Commissioner Trumka voted to take other action (see attachment for specified other action).

**B.** The Commission voted (2-1-1). A majority was not reached, and no action will be taken. Chair Hoehn-Saric and Commissioner Boyle voted to authorize the Deputy



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Executive Director for Safety Operations, Office of the Executive Director, to grant or deny subsequent accreditation applications by **Test & Innovation Lab s.r.l.**  
Commissioner Feldman voted to not authorize the Deputy Executive Director for Safety Operations, Office of the Executive Director, to grant or deny subsequent accreditation applications by **Test & Innovation Lab s.r.l.**  
Commissioner Trumka voted to take other action (see attachment for specified other action).

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**IV. A.** The Commission voted (3-1) to approve the accreditation and Commission order for **Laboratorio Analisi Chimico Tessili SRL (ELLE.A.CI.TI)** be accredited to perform tests for:

- 16 CFR Part 1610, Standard for the Flammability of Clothing Textiles

Chair Hoehn-Saric, Commissioners Feldman and Boyle voted to approve the accreditation and Commission order for **Laboratorio Analisi Chimico Tessili SRL (ELLE.A.CI.TI)**.  
Commissioner Trumka voted to take other action (see attachment for specified other action).

**B.** The Commission voted (2-1-1). A majority was not reached, and no action will be taken. Chair Hoehn-Saric and Commissioner Boyle voted to authorize the Deputy Executive Director for Safety Operations, Office of the Executive Director, to grant or deny subsequent accreditation applications by **Laboratorio Analisi Chimico Tessili SRL (ELLE.A.CI.TI)**.  
Commissioner Feldman voted to not authorize the Deputy Executive Director for Safety Operations, Office of the Executive Director, to grant or deny subsequent accreditation applications by **Laboratorio Analisi Chimico Tessili SRL (ELLE.A.CI.TI)**.  
Commissioner Trumka voted to take other action (see attachment for specified other action).

For the Commission:

Alberta E. Mills  
Secretary

\*Ballot vote due July 28, 2023  
(Commissioner Feldman extended the vote due date from July 25 to July 28, 2023)

Attachment: Take Other Action By Commissioner Trumka

## Commissioner Trumka TOA

### I. Laboratory of Firstunion Animation Technology Vietnam Co., Ltd.

#### **A.4: Take other action:**

*Defer action on the matter and direct staff to ask the applicant for the dates on which any of the listed employees within the firewalled lab previously worked for the non-firewalled portion of the applicant entity, and conversely, the dates on which any employees of the non-firewalled portion of the applicant entity worked within the firewalled lab. Staff shall present the applicant's response to the Commission for consideration.*

#### **B.3: Take other action:**

*Defer action on the matter and direct staff to ask the applicant for the dates on which any of the listed employees within the firewalled lab previously worked for the non-firewalled portion of the applicant entity, and conversely, the dates on which any employees of the non-firewalled portion of the applicant entity worked within the firewalled lab. Staff shall present the applicant's response to the Commission for consideration.*

### II. Laboratory of Billion Max Vietnam Manufacturing Company Limited

#### **A.4: Take other action:**

*Defer action on the matter and direct staff to ask the applicant for the dates on which any of the listed employees within the firewalled lab previously worked for the non-firewalled portion of the applicant entity, and conversely, the dates on which any employees of the non-firewalled portion of the applicant entity worked within the firewalled lab. Staff shall present the applicant's response to the Commission for consideration.*

#### **B.3: Take other action:**

*Defer action on the matter and direct staff to ask the applicant for the dates on which any of the listed employees within the firewalled lab previously worked for the non-firewalled portion of the applicant entity, and conversely, the dates on which any employees of the non-firewalled portion of the applicant entity worked within the firewalled lab. Staff shall present the applicant's response to the Commission for consideration.*

### III. Test & Innovation Lab s.r.l.

#### **A.4: Take other action:**

*Defer action on the matter and direct staff to ask the applicant for the dates on which any of the listed employees within the firewalled lab previously worked for the non-firewalled portion of the applicant entity, and conversely, the dates on which any employees of the non-firewalled portion of the applicant entity worked within the firewalled lab. Staff shall present the applicant's response to the Commission for consideration.*

#### **B.3: Take other action:**

*Defer action on the matter and direct staff to ask the applicant for the dates on which any of the listed employees within the firewalled lab previously worked for the non-firewalled portion of the applicant entity, and conversely, the dates on which any employees of the non-firewalled portion of the applicant entity worked within the firewalled lab. Staff shall present the applicant's response to the Commission for consideration.*

### IV. Laboratorio Analisi Chimico Tessili SRL (ELLE.A.CI.TI)

#### **A.4: Take other action:**

*Defer action on the matter and direct staff to ask the applicant for the dates on which any of the listed employees within the firewalled lab previously worked for the non-firewalled portion of the applicant entity, and conversely, the dates on which any employees of the*

## Commissioner Trumka TOA

*non-firewalled portion of the applicant entity worked within the firewalled lab. Staff shall present the applicant's response to the Commission for consideration.*

### **B.3: Take other action:**

*Defer action on the matter and direct staff to ask the applicant for the dates on which any of the listed employees within the firewalled lab previously worked for the non-firewalled portion of the applicant entity, and conversely, the dates on which any employees of the non-firewalled portion of the applicant entity worked within the firewalled lab. Staff shall present the applicant's response to the Commission for consideration.*