



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

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BALLOT VOTE SHEET

DATE: January 14, 2015

TO: The Commission
Alberta E. Mills, Acting Secretary

THROUGH: Patricia H. Adkins, Executive Director
Stephanie Tsacoumis, General Counsel
Patricia M. Pollitzer, Assistant General Counsel

FROM: David M. DiMatteo, General Attorney

SUBJECT: Accreditation of Earlylight Laboratory of Shaoguan Earlylight International Co.,
Ltd as a "Firewalled" Third Party Conformity Assessment Body

Ballot Vote Due: January 21, 2015

This vote sheet pertains to staff's memorandum recommending that the Commission accredit the conformity assessment body Earlylight Laboratory of Shaoguan Earlylight International Co., Ltd (aka ShaoGuan Earlylight Laboratory), as a firewalled third party laboratory.

I. Staff recommends that Earlylight Laboratory of Shaoguan Earlylight International Co., Ltd, be accredited to perform tests for:

- *Surface Coating Materials - Soluble Test for Metals*, 4.3.5.1(2) (ASTM F963-11);
- *Toy Substrate Materials*, 4.3.5.2 (ASTM F963-11);
- *Small Objects*, 4.6 (ASTM F963-11);
- *Accessible Edges*, 4.7 (ASTM F963-11);
- *Accessible Points*, 4.9 (ASTM F963-11);
- *Plastic Film*, 4.12 (ASTM F963-11);
- *Folding Mechanisms and Hinges*, 4.13 (ASTM F963-11);
- *Holes, Clearances, and Accessibility of Mechanisms*, 4.18 (ASTM F963-11);
- 16 C.F.R. part 1501, Small Parts Regulation; 16 C.F.R. part 1303 (CPSC-CH-E1003-09 or CPSC-CH-E1003-09.1), Lead Paint Regulation;
- 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);
- 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);

- 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); and
- Determination of Phthalates (test method CPSC-CH-C1001-09.3 and/or GB/T 22048-2008).

Please indicate your vote below:

A. _____ Approve accreditation and order, as recommended by staff.

(Signature)

(Date)

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

(Signature)

(Date)

C. _____ Do not approve accreditation and order.

(Signature)

(Date)

D. Take other action. (Please specify.)

(Signature)

(Date)

- II. 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 Earlylight Laboratory of Shaoguan Earlylight International Co., Ltd (*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 below.

- A. _____ Authorize the Deputy Executive Director for Safety Operations, Office of the Executive Director to grant or deny subsequent applications by Earlylight Laboratory of Shaoguan Earlylight International Co., Ltd (*e.g.*, to be accredited for additional requirements or test methods or to renew their accreditation information and CPSC acceptance).

(Signature)

(Date)

B. _____ Do not authorize the Deputy Executive Director for Safety Operations, Office of the Executive Director to grant or deny subsequent applications by Earlylight Laboratory of Shaoguan Earlylight International Co., Ltd (*e.g.*, to be accredited for additional requirements or test methods or to renew their accreditation information and CPSC acceptance).

(Signature)

(Date)

C. Take other action. (Please specify.)

(Signature)

(Date)

	)	
In the Matter of the Application for	)	
Accreditation as a Firewalled Third	)	
Party Conformity Assessment Body	)	
	)	
of	)	CPSC Docket No. _____
	)	
Earlylight Laboratory of Shaoguan	)	
Earlylight International Co., Ltd	)	
(aka ShaoGuan Earlylight Laboratory)	)	
3/F., Building A13/A14,	)	
Xuri Toy Industrial Zone	)	
Six Kilometer of West Suburb	)	
Shaoguan,	)	
Guangdong	)	
China	)	
	)	

Having considered the application of Earlylight Laboratory of Shaoguan Earlylight International Co., Ltd (aka ShaoGuan Earlylight Laboratory (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), and having considered the analysis and recommendation of Commission staff, the Commission, by order, finds that:

- Page 1 of 3

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:

- *Surface Coating Materials - Soluble Test for Metals*, 4.3.5.1(2) (ASTM F963-11);
- *Toy Substrate Materials*, 4.3.5.2 (ASTM F963-11);
- *Small Objects*, 4.6 (ASTM F963-11);
- *Accessible Edges*, 4.7 (ASTM F963-11);
- *Accessible Points*, 4.9 (ASTM F963-11);
- *Plastic Film*, 4.12 (ASTM F963-11);
- *Folding Mechanisms and Hinges*, 4.13 (ASTM F963-11);
- *Holes, Clearances, and Accessibility of Mechanisms*, 4.18 (ASTM F963-11);
- 16 CFR part 1501, Small Parts Regulation;
- 16 C.F.R. part 1303 (CPSC-CH-E1003-09 or CPSC-CH-E1003-09.1), Lead Paint Regulation;
- 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);
- 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);
- 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); and
- Determination of Phthalates (test method CPSC-CH-C1001-09.3 and/or GB/T 22048-2008); 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 _____, 2015.

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: January 14, 2015

TO: The Commission
Todd A. Stevenson, Secretary

THROUGH : Stephanie Tsacoumis, General Counsel
Patricia H. Adkins, Executive Director

FROM: George Borlase
Assistant Executive Director
Office of Hazard Identification and Reduction

Scott Heh
Program Manager

SUBJECT: Consideration of Five Applications for Commission Acceptance
as Accredited Firewalled Conformity Assessment Bodies:
(1) Dongguan Dongyao Toys Co., Ltd. QA Laboratory
(2) Shenzhen Sturdy Testing Technical Services Co., Ltd.
(3) Laboratory of Jianhui Plastic & Electronic Industry
(Shenzhen) Co. Ltd.
(4) Earlylight Laboratory of Shaoguan Earlylight International
Co., Ltd
(5) Kidtoys (Shenzhen) Toy Co., Ltd Chemical Laboratory

I. Introduction

Through this memorandum, U.S. Consumer Product Safety Commission (CPSC, the Commission) staff recommends that the Commission accredit five conformity assessment bodies (also referred to as testing laboratories) that have applied for accreditation as “firewalled laboratories” to perform specified product testing required by the Consumer Product Safety Act (CPSA). The Commission’s firewalled laboratory application and acceptance procedures are in 16 C.F.R. part

1112. This memorandum describes the process used by CPSC staff to evaluate the applications.¹

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. Test 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

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

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.

The CPSC laboratory accreditation requirements, including baseline requirements for independent laboratories and the process for firewalled laboratory application and acceptance procedures, are contained in 16 C.F.R. part 1112 (effective June 10, 2013).² The application and acceptance procedures for independent and firewalled third party conformity assessment bodies (laboratories) are in §1112.13 and §1112.17 (Tab A).

III. Discussion

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 in order 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

² Prior to the issuance of 16 C.F.R. part 1112, the CPSC issued Notices of Requirements (NORs) that established Commission procedures for CPSC acceptance of third party laboratories (including firewalled laboratories) in connection with setting effective dates for mandatory third party testing for children’s products safety rules. The Commission’s laboratory acceptance procedures are now codified in 16 C.F.R. part 1112, and the previously issued individual NORs are listed within the regulation.

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, 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.

Staff Review of Firewalled Laboratory Applications

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

- a. 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.

- b. The Firewalled Laboratory Review Committee (Review Committee), comprised of four senior CPSC staff members³, 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 conformed with the firewalled laboratory criteria. As a group, the Review Committee members reviewed documentation that included: the elements of each applicant's training program and records of training attendance; the policies stated in each applicant's laboratory operating manual related to prohibition on acts of undue influence; applicant organizational charts; and the certification and scope documents associated with ISO 17025 accreditation for each applicant.
- c. The Review Committee agreed that the documentation supplied by the applicants supported the statutory requirements for acceptance as a firewalled laboratory for each of the five laboratory applications under consideration.

IV. Firewalled Laboratory Review Committee Conclusions

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

(1) DongGuan DongYao Toys Co., Ltd. QA LAB
Xin'An Road, Ludong District, Humen Town,
Dongguan
Guangdong Province
China
523935

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;

³ At least three of the four committee members must participate in the application reviews and provide an opinion on whether the application materials meet the criteria for firewalled approval.

- 4.3.5.2 (ASTM F963-11), Toy Substrate Materials
- 16 C.F.R. part 1303 (CPSC-CH-E1003-09 or CPSC-CH-E1003-09.1), Lead Paint Regulation;
- 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);
- 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);
- 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); and
- Determination of Phthalates (test method CPSC-CH-C1001-09.3 and/or GB/T 22048-2008).

(2) Shenzhen Sturdy Testing Technical Services Co., Ltd
 4/F.,No.22,The First Road,The 2nd Industrial Area,
 Caowei, Xixiang Street, Bao'an District
 Shenzhen
 Guangdong
 China
 518126

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;
- 4.5 (ASTM F963-11), Sound Producing Toys;
- 4.6 (ASTM F963-11), Small Objects;
- 4.7 (ASTM F963-11), Accessible Edges
- 4.9 (ASTM F963-11), Accessible Points;
- 4.12 (ASTM F963-11), Plastic Film;
- 16 CFR Part 1303 (CPSC-CH-E1003-09 or CPSC-CH-E1003-09.1), Lead Paint Regulation
- 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);

- 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);
- 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); and
- Determination of Phthalates (test method CPSC-CH-C1001-09.3 and/or GB/T 22048-2008)

(3) Laboratory of Jianhui Plastic & Electronic Industry (Shenzhen) Co. Ltd.
Sili Road, Guanlan, Baoan District No. 127
Shenzhen
Guandong
China
518110

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;
- 16 C.F.R. part 1303 (CPSC-CH-E1003-09 or CPSC-CH-E1003-09.1), Lead Paint Regulation;
- 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);
- 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
- Determination of Phthalates (test method CPSC-CH-C1001-09.3 and/or GB/T 22048-2008).

(4) Earlylight Laboratory of Shaoguan Earlylight International Co., Ltd (aka ShaoGuan Earlylight Laboratory)
3/F., Building A13/A14, Xuri Toy Industrial Zone
Six Kilometer of West Suburb
Shaoguan,
Guangdong

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;
- 4.6 (ASTM F963-11), Small Objects;
- 4.7 (ASTM F963-11), Accessible Edges;
- 4.9 (ASTM F963-11), Accessible Points;
- 4.12 (ASTM F963-11), Plastic Film;
- 4.13 (ASTM F963-11), Folding Mechanisms and Hinges;
- 4.18 (ASTM F963-11), Holes, Clearances, and Accessibility of Mechanisms;
- 16 C.F.R. part 1501, Small Parts Regulation;
- 16 C.F.R. part 1303 (CPSC-CH-E1003-09 or CPSC-CH-E1003-09.1), Lead Paint Regulation;
- 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);
- 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);
- 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); and
- Determination of Phthalates (test method CPSC-CH-C1001-09.3 and/or GB/T 22048-2008).

(5) Chemical Laboratory of Kidtoys (Shenzhen) Toy Co., Ltd (aka Kidtoys (Shenzhen) Toy Co., Ltd Chemical Laboratory)
3/F., Kidtoys Plant, Tongfuyu Industry Zone, Tianfu Road
Fuyong Town
Guangdong Province
China
518103

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 C.F.R. part 1303 (CPSC-CH-E1003-09 or CPSC-CH-E1003-09.1), Lead Paint Regulation;
- 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);
- 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);
- 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); and
- Determination of Phthalates (test method CPSC-CH-C1001-09.3 and/or GB/T 22048-2008).

V. Recommendations

Staff recommends that the Commission accredit the five laboratories listed in Section IV, in accordance with the firewalled procedures described in 16 C.F.R. part 1112. This recommendation is based on the assessments 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 firewalled laboratories.

If the Commission accredits these firewalled laboratories, 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 (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).

VI. Commission Options

- (1) The Commission can vote to accredit one or more of the applicant laboratories for recognition as a firewalled laboratory 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 laboratory.
- (2) The Commission can vote not to accredit one or more of the applicant laboratories for recognition as a firewalled laboratory for the specified testing scope, if the Commission decides that the documentation submitted by the applicant 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 laboratory.
- (3) If one or more of the applicants is accredited as a firewalled laboratory 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 laboratory.
- (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 five applicant laboratories for the Commission's consideration if one or more laboratories are accredited.

TAB A

§1112.13⁴ 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.

⁴ 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.”

(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:

(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.