

**U.S. Consumer Product Safety Commission  
LOG OF MEETING**

**SUBJECT: Notice of Proposed Rulemaking on Testing and Labeling Pertaining to Product Certification and Notice of Proposed Rulemaking on Conditions and Requirements for Testing Component Parts of Consumer Products; informational meeting with the Association of Home Appliance Manufacturers**

**DATE OF MEETING: 15 July, 2010**

**LOG ENTRY SOURCE: Randy Butturini**

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**LOCATION: Room 715, CPSC Headquarters**

**CPSC ATTENDEE(S): Randy Butturini, David DiMatteo, Robert Franklin, Michael Greene, Philip Chao, John Boja**

**NON-CPSC ATTENDEE(S): Wayne Morris and Charles Samuels, both of the Association of Home Appliance Manufacturers, James Reed, of YKK Corporation of America, and Sean Oberle of Product Safety Letter**

**SUMMARY OF MEETING: The attendees discussed the sections of the proposed rules and how they might apply to the requirements for refrigerators. The Reasonable Testing Program components were discussed.**

~~CPSA 6(b)(1) CLEARED for PUBLIC~~  
NO MFRS/PRVTLBLRS OR PRODUCTS IDENTIFIED 8/2/10  
EXCEPTED BY: PETITION RULEMAKING ADMIN. PRCDG  
WITH PORTIONS REMOVED: \_\_\_\_\_

**Proposed Rule Regarding Testing and Labeling Pertaining to Product Certification**  
**Talking Points/Meeting Agenda**

**1. Product Specification Requirement**

- Companies are keeping the information that must be contained in a product specification, but they do not necessarily keep all the information in one central location or file. Instead, each company keeps its files to suit its business needs, which include ensuring that safety requirements are met.
- To centralize the information required for the product specification would require significant, unnecessary paperwork, expense, and effort.
- It should not be required that to constitute a “product specification” all of the information required by the proposed rule be kept on a single form or in a single file. It should be enough that the information is kept and is easily accessible upon request by the Commission, including electronic filing means.
- Another point, a separate product specification should not be required for each manufacturing site so long as the products and manufacturing processes are identical. Requiring separate product specifications for each site is based on old fashioned methods of manufacturing. Today, manufacturers can, and do, manufacture identical products in multiple locations. This same comment applies to the proposed rule’s requirement that there be separate product testing plans for each manufacturing site.

**2. Certification Tests**

a. Sample Testing

- The proposed rule seems to suggest that a “sample” must be a finished product or finished component part. This is not consistent with current industry practice. Manufacturers test samples that are identical in all material respects to the product that will be produced in large quantities and distributed in commerce. But it is not always necessary for the sample to actually be a finished product. For example, when testing for compliance with the Refrigerator Safety Act, what matters is that the components and construction of the door that need to be tested (e.g., hinges, door) are identical to the components and construction that will be used in the final product produced in large quantities.
- The Commission should not require finished product/component testing. It should allow samples that are identical in all material respects to the finished product to be tested. Industry has conducted safety tests this way since the 1950s and to date, to AHAM’s knowledge, there has not been a single recall for failure to comply with the door opening test. Thus, requiring finished product/component testing when it is unnecessary to give a manufacturer a high degree of assurance that the product complies with the applicable rule, standard, ban, or regulation would be extremely costly and burdensome and would not increase safety.

b. Models tested

- Under UL Standard 250, basic models are tested to ensure compliance with Section 8, the door opening requirement. The other models in a basic model family have the same characteristics as they relate to the applicable safety standard. And so, testing each model in the basic model family would not increase safety compliance.
- AHAM urges the Commission to clarify that basic model testing is sufficient to satisfy the requirements of the proposed rule so long as the differences among model family members do not alter the model's ability to comply with the applicable rule, standard, ban, or regulation.

**3. Production Testing Plan**

- AHAM understands the production testing plan requirements to allow manufacturers the flexibility to decide what method best gives a high degree of assurance that the product at issue complies with the applicable rule, standard, ban, or regulation. It is not limited to periodic testing or to the methods used as examples in the rule.
- For example, manufacturers who keep the same parts and design over a number of years have a high degree of assurance that their products will continue to meet the applicable safety standard, particularly if they pay close attention to variations in the manufacturing process, and more frequently test those elements that vary by process more often.

**4. Recordkeeping**

- Test reports from NRTLs and laboratories certified by NRTLs should be recognized as meeting the recordkeeping requirements regardless of whether they specifically outline the test results. Currently, NRTL reports state only if a Refrigerator passes or fails the door opening test. That is the only information necessary to give a high degree of assurance that the product meets the applicable standard. Thus, it does not increase safety to know how many pounds of force were required to open the door or the exact number of samples tested. It is enough to know that the product meets the standard, which is identical to the requirements in the Refrigerator Safety Act.
- The recordkeeping requirements should allow for private labelers to refer the Commission to the manufacturer of the product for certain records. For example, if a private labeler purchases a fully UL listed refrigerator from a manufacturer, that refrigerator has passed the door opening test and the manufacturer will have the supporting records. In that situation, the manufacturer will establish a multiple listing file with UL which allows the private labeler to use its name and brand on the product. But the manufacturer will retain the records, and should not be required to give them to the private labeler because the records may contain proprietary information. It should be enough that if asked, the private labeler can direct the Commission to the proper manufacturer for the records and that those records are easily accessible from that manufacturer.