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

BALLOT VOTE SHEET

DATE: July 28, 2010

TO: The Commission
Todd A. Stevenson, Secretary

THROUGH: Cheryl A. Falvey, General Counsel CAF
Kenneth Hinson, Executive Director KRH

FROM: Patricia M. Pollitzer, Acting Assistant General Counsel PMP
Jan S. Carlson, General Attorney JSC

SUBJECT: Third Party Testing for Certain Children's Products; Mattresses, Mattress Pads, and/or Mattress Sets: Requirements for Accreditation of Third Party Conformity Assessment Bodies

Ballot Vote Due: AUG - 4 2010

The Office of the General Counsel is providing a draft *Federal Register* document that would establish the accreditation requirements for third party conformity assessment bodies to test products designed or intended primarily for children 12 years of age or younger pursuant to 16 CFR parts 1632, *Standard for the Flammability of Mattresses and Mattress Pads (FF 4-72, amended)* and/or 1633, *Standard for the Flammability (Open Flame) of Mattress Sets.*

Please indicate your vote on the following options.

I. Approve the publication of the draft document in the *Federal Register*.

_____ _____
(Signature) (Date)

RA 7/28/2010
CLEARED FOR PUBLIC RELEASE
UNDER CPSA 6(b)(1)

THIS DOCUMENT HAS NOT BEEN REVIEWED OR ACCEPTED BY THE COMMISSION.

II. Approve the publication of the draft document in the *Federal Register* document with changes. (Please specify.)

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_____ _____

(Signature) (Date)

III. Do not approve the publication of the draft document in the *Federal Register.*

_____ _____

(Signature) (Date)

IV. Take other action. (Please specify.)

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_____

_____

_____ _____

(Signature) (Date)

Attachment: Draft *Federal Register* document titled, "Third Party Testing for Certain Children's Products; Mattresses, Mattress Pads, and/or Mattress Sets: Requirements for Accreditation of Third Party Conformity Assessment Bodies"

Billing Code CPSC-6355-01-P

CONSUMER PRODUCT SAFETY COMMISSION

CPSC Docket No. CPSC-2010-[INSERT]

16 CFR Parts 1632 and/or 1633

Third Party Testing for Certain Children's Products; Mattresses, Mattress Pads, and/or Mattress Sets: Requirements for Accreditation of Third Party Conformity Assessment Bodies

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of Requirements.

SUMMARY: The Consumer Product Safety Commission (CPSC or Commission) is issuing a notice of requirements that provides the criteria and process for Commission acceptance of accreditation of third party conformity assessment bodies for testing pursuant to 16 CFR parts 1632 and/or 1633, the CPSC regulations under the Flammable Fabrics Act relating to mattresses, mattress pads, and/or mattress sets. The Commission is issuing this notice of requirements pursuant to section 14(a)(3)(B)(vi) of the Consumer Product Safety Act (CPSA) (15 U.S.C. 2063(a)(3)(B)(vi)).

DATES: Effective Date: The requirements for accreditation of third party conformity assessment bodies to assess conformity with 16 CFR parts 1632 and/or 1633 are effective upon publication of this notice in the Federal Register.

Comments in response to this notice of requirements should be submitted by [INSERT DATE 30 DAYS AFTER PUBLICATION IN THE FEDERAL REGISTER]. Comments on this notice should be captioned "Third Party Testing for Certain Children's Products; Mattresses, Mattress Pads, and/or Mattress Sets: Requirements for Accreditation of Third Party Conformity Assessment Bodies."

ADDRESSES: You may submit comments, identified by Docket No. CPSC-2010-[INSERT] by any of the following methods:

Electronic Submissions: Submit electronic comments in the following way:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments. To ensure timely processing of comments, the Commission is no longer accepting comments submitted by electronic mail (e-mail) except through http://www.regulations.gov.

Written Submissions: Submit written submissions in the following way:

Mail/Hand delivery/Courier (for paper, disk, or CD-ROM submissions) preferably in five copies, to: Office of the Secretary, U.S. Consumer Product Safety Commission, Room 820, 4330 East West Highway, Bethesda, Maryland 20814; telephone (301) 504-7923.

Instructions: All submissions received must include the agency name and docket number for this notice. All comments received may be posted without change to http://www.regulations.gov, including any personal information provided. Do not submit

confidential business information, trade secret information, or other sensitive or protected information (such as a Social Security Number) electronically; if furnished at all, such information should be submitted in writing.

Docket: For access to the docket to read background documents or comments received, go to http://www.regulations.gov.

FOR FURTHER INFORMATION CONTACT: Robert "Jay" Howell, Assistant Executive Director for The Office of Hazard Identification and Reduction, U.S. Consumer Product Safety Commission, 4330 East West Highway, Bethesda, Maryland 20814; e-mail rhowell@cpsc.gov.

SUPPLEMENTARY INFORMATION:

I. Introduction

Section 14(a)(3)(B)(vi) of the CPSA, as added by section 102(a)(2) of the Consumer Product Safety Improvement Act of 2008 (CPSIA), Public Law 110-314, directs the CPSC to publish a notice of requirements for accreditation of third party conformity assessment bodies to assess children's products for conformity with "other children's product safety rules." Section 14(f)(1) of the CPSA defines "children's product safety rule" as "a consumer product safety rule under [the CPSA] or similar rule, regulation, standard, or ban under any other Act enforced by the Commission, including a rule declaring a consumer product to be a banned hazardous product or substance." Under section 14(a)(3)(A) of the CPSA, each manufacturer (including the importer) or private labeler of products subject to those regulations must have products that are manufactured more than 90 days after the Federal Register publication date

of a notice of the requirements for accreditation, tested by a third party conformity assessment body accredited to do so, and must issue a certificate of compliance with the applicable regulations based on that testing. Section 14(a)(2) of the CPSA, as added by section 102(a)(2) of the CPSIA, requires that certification be based on testing of sufficient samples of the product, or samples that are identical in all material respects to the product. The Commission also emphasizes that, irrespective of certification, the product in question must comply with applicable CPSC requirements (see, e.g., section 14(h) of the CPSA, as added by section 102(b) of the CPSIA).

The Commission also is recognizing limited circumstances in which it will accept certifications based on product testing conducted before the third party conformity assessment body is accepted as accredited by the CPSC. The details regarding those limited circumstances can be found in part IV of this document below.

This notice provides the criteria and process for Commission acceptance of accreditation of third party conformity assessment bodies for testing pursuant to 16 CFR parts 1632, Standard for the Flammability of Mattresses and Mattress Pads (FF 4-72, amended), and/or 1633, Standard for the Flammability (Open Flame) of Mattress Sets, which set minimum standards for flammability of mattresses, mattress pads, and/or mattress sets under the Flammable Fabrics Act (15 U.S.C. 1191 et seq.) (FFA).

Section 3(a)(2) of the CPSA defines a children's product as "a consumer product designed or intended primarily for children 12 years of age or younger." Although mattresses, mattress pads, and/or mattress sets are often for general use (that is, it is produced for general consumption rather than being produced specifically for use by children), some mattresses, mattress pads, and/or mattress sets are "designed or intended primarily for

children 12 years of age or younger." Examples of such products include youth and crib-size mattresses. Mattresses, mattress pads, and/or mattress sets designed or intended primarily for children 12 years of age or younger are subject to the third party testing and certification requirements in section 14(a)(2) of the CPSA. Accordingly, this notice of requirements addresses the accreditation of conformity assessment bodies to test mattresses, mattress pads, and/or mattress sets designed or intended primarily for children 12 years of age or younger for conformity with 16 CFR parts 1632 and/or 1633.

Although section 14(a)(3)(B)(vi) of the CPSA directs the CPSC to publish a notice of requirements for accreditation of third party conformity assessment bodies to assess conformity with "all other children's product safety rules," this notice of requirements is limited to the regulations identified immediately above.

The CPSC also recognizes that section 14(a)(3)(B)(vi) of the CPSA is captioned as "All Other Children's Product Safety Rules," but the body of the statutory requirement refers only to "other children's product safety rules." Nevertheless, section 14(a)(3)(B)(vi) of the CPSA could be construed as requiring a notice of requirements for "all" other children's product safety rules, rather than a notice of requirements for "some" or "certain" children's product safety rules. However, whether a particular rule represents a "children's product safety rule" may be subject to interpretation, and the Commission staff is continuing to evaluate which rules, regulations, standards, or bans are "children's product safety rules." The CPSC intends to issue additional notices of requirements for other rules which the Commission determines to be "children's product safety rules."

This notice of requirements applies to all third party conformity assessment bodies as described in section 14(f)(2) of the CPSA. Generally speaking, such third party conformity

assessment bodies are: (1) Third party conformity assessment bodies that are not owned, managed, or controlled by a manufacturer or private labeler of a children's product to be tested by the third party conformity assessment body for certification purposes; (2) "firewalled" conformity assessment bodies (those that are owned, managed, or controlled by a manufacturer or private labeler of a children's product to be tested by the third party conformity assessment body for certification purposes and that seek accreditation under the additional statutory criteria for "firewalled" conformity assessment bodies); and (3) third party conformity assessment bodies owned or controlled, in whole or in part, by a government.

The Commission requires baseline accreditation of each category of third party conformity assessment body to the International Organization for Standardization (ISO)/International Electrotechnical Commission (IEC) Standard 17025:2005, "General Requirements for the Competence of Testing and Calibration Laboratories." The accreditation must be by an accreditation body that is a signatory to the International Laboratory Accreditation Cooperation-Mutual Recognition Arrangement (ILAC-MRA), and the scope of the accreditation must include testing in accordance with the regulations identified earlier in part I of this document for which the third party conformity assessment body seeks to be accredited.

(A description of the history and content of the ILAC-MRA approach and of the requirements of the ISO/IEC 17025:2005 laboratory accreditation standard is provided in the CPSC staff briefing memorandum "Third Party Conformity Assessment Body Accreditation Requirements for Testing Compliance with 16 CFR Part 1501 (Small Parts Regulations),"

dated November 2008 and available on the CPSC's Web site at http://www.cpsc.gov/library/foia/foia09/brief/smallparts.pdf.)

The Commission has established an electronic accreditation registration and listing system that can be accessed via its Web site at http://www.cpsc.gov/ABOUT/Cpsia/labaccred.html.

The Commission stayed the enforcement of certain provisions of section 14(a) of the CPSA in a notice published in the Federal Register on February 9, 2009 (74 FR 6396); the stay applied to testing and certification of various products, including mattresses, mattress pads, and mattress sets. On December 28, 2009, the Commission published a notice in the Federal Register (74 FR 68588) revising the terms of the stay. One section of the December 28, 2009, notice addressed "Consumer Products Subject to Pre-Existing Requirements, but That May Be Subject to Additional Requirements for Children's Products When the Commission Issues a Notice of Requirements for the Children's Product or That May Be Subject to Additional Certification Requirements." The December 28, 2009, notice announced the lifting of the stay with regard to mattresses, mattress pads, and mattress sets that are not children's products. As the factor preventing the stay from being lifted in the December 28, 2009, notice with regard to the testing and certification of children's products subject to 16 CFR parts 1632 and/or 1633 was the absence of a notice of requirements, publication of this notice has the effect of lifting the stay with regard to those products.

The Commission noted in the December 28, 2009, notice that the stay of enforcement did not extend to guaranties under the FFA. The manufacturer or supplier of mattresses, mattress pads and/or mattress sets may issue a guaranty, based on reasonable and representative testing, that the product complies with FFA standards. The holder of a valid

guaranty is not subject to criminal prosecution under section 7 of the FFA (penalties) for a violation of section 3 of the FFA (prohibited transactions).

The reasonable and representative tests sufficient for the issuance of an FFA guaranty are generally performed by the manufacturer; those tests are sufficient for the issuance of a general conformity certification for nonchildren's products under section 14(a)(1) of the CPSA. However, because section 14(a)(2) of the CPSA requires children's products subject to a children's product safety rule to be tested by an accredited third party conformity assessment body, reasonable and representative tests performed by a manufacturer sufficient for the issuance of an FFA guaranty are not sufficient for the issuance of a certification of compliance with 16 CFR part 1632 and/or 1633 for mattresses, mattress pads, and/or mattress sets designed or intended primarily for children 12 years of age or younger (unless the manufacturer's facility is a CPSC-accepted firewalled conformity assessment body).

The smoldering ignition testing and the open flame testing required in 16 CFR parts 1632 and 1633 are based on prototype testing. To the extent that prototype testing is conducted by a CPSC-accepted third party conformity assessment body, such testing can form the basis for certification of final production mattress sets designed or intended primarily for children 12 years of age or younger, if the prototype is the same as the production unit with respect to materials, components, design, and method of assembly.

This notice of requirements is effective on [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER]. Further, as the publication of this notice of requirements effectively lifts the stay of enforcement with regard to testing and certifications of children's products subject to 16 CFR parts 1632 and/or 1633, each manufacturer of such a product must have any such product manufactured after [INSERT DATE 90 DAYS AFTER

PUBLICATION IN FEDERAL REGISTER] tested by a third party conformity assessment body accredited to do so and must issue a certificate of compliance with 16 CFR parts 1632 and/or 1633 based on that testing. (Under the CPSA, the term "manufacturer" includes anyone who manufactures or imports a product.)

This notice of requirements is exempt from the notice and comment rulemaking requirements of the Administrative Procedure Act, 5 U.S.C. 553 (see section 14(a)(3)(G) of the CPSA, as added by section 102(a)(2) of the CPSIA (15 U.S.C. 2063(a)(3)(G)).

II. Accreditation Requirements

A. Baseline Third Party Conformity Assessment Body Accreditation Requirements

For a third party conformity assessment body to be accredited to test children's products for conformity with the test methods in the regulations identified earlier in part I of this document, it must be accredited by an ILAC-MRA signatory accrediting body, and the accreditation must be registered with, and accepted by, the Commission. A listing of ILAC-MRA signatory accrediting bodies is available on the Internet at http://ilac.org/membersbycategory.html. The accreditation must be to ISO Standard ISO/IEC 17025:2005, "General Requirements for the Competence of Testing and Calibration Laboratories," and the scope of the accreditation must expressly include testing to the regulations in 16 CFR parts 1632, Standard for the Flammability of Mattresses and Mattress Sets (FF4-72, amended) and/or 1633, Standard for the Flammability (Open Flame) of Mattress Sets. A true copy, in English, of the accreditation and scope documents demonstrating compliance with the requirements of this notice must be registered with the Commission electronically. The additional requirements for accreditation of firewalled and

governmental conformity assessment bodies are described in parts II.B and II.C of this document below.

The Commission will maintain on its Web site an up-to-date listing of third party conformity assessment bodies whose accreditations it has accepted and the scope of each accreditation. Subject to the limited provisions for acceptance of "retrospective" testing noted in part IV below, once the Commission adds a third party conformity assessment body to that list, the third party conformity assessment body may commence testing of children's products to support the manufacturer's certification that the product complies with the regulations identified earlier in part I of this document.

B. Additional Accreditation Requirements for Firewalled Conformity Assessment Bodies

In addition to the baseline accreditation requirements in part II.A of this document above, firewalled conformity assessment bodies seeking accredited status must submit to the Commission copies, in English, of their training documents showing how employees are trained to notify the Commission immediately and confidentially 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. This additional requirement applies to any third party conformity assessment body in which a manufacturer or private labeler of a children's product to be tested by the third party conformity assessment body owns an interest of ten percent or more. While the Commission is not addressing common parentage of a third party conformity assessment body and a children's product manufacturer at this time, it will be vigilant to see if this issue needs to be addressed in the future.

As required by section 14(f)(2)(D) of the CPSA, the Commission must formally accept, by order, the accreditation application of a third party conformity assessment body before the third party conformity assessment body can become an accredited firewalled conformity assessment body.

C. Additional Accreditation Requirements for Governmental Conformity Assessment Bodies

In addition to the baseline accreditation requirements of part II.A of this document above, the CPSIA permits accreditation of a third party conformity assessment body owned or controlled, in whole or in part, by a government if:

- To the extent practicable, manufacturers or private labelers located in any nation are permitted to choose conformity assessment bodies that are not owned or controlled by the government of that nation;
- The third party conformity assessment body's testing results are not subject to undue influence by any other person, including another governmental entity;
- The third party conformity assessment body is not accorded more favorable treatment than other third party conformity assessment bodies that have been accredited in the same nation;
- The third party conformity assessment body's testing results are accorded no greater weight by other governmental authorities than those of other accredited third party conformity assessment bodies; and
- The third party conformity assessment body does not exercise undue influence over other governmental authorities on matters affecting its operations or on decisions by

other governmental authorities controlling distribution of products based on outcomes of the third party conformity assessment body's conformity assessments.

The Commission will accept the accreditation of a governmental third party conformity assessment body if it meets the baseline accreditation requirements of part II.A of this document above and meets the additional conditions stated here. To obtain this assurance, CPSC staff will engage the governmental entities relevant to the accreditation request.

III. How Does a Third Party Conformity Assessment Body Apply for Acceptance of Its Accreditation?

The Commission has established an electronic accreditation acceptance and registration system accessed via the Commission's Internet site at http://www.cpsc.gov/about/cpsia/labaccred.html. The applicant provides, in English, basic identifying information concerning its location, the type of accreditation it is seeking, and electronic copies of its ILAC-MRA accreditation certificate and scope statement, and firewalled third party conformity assessment body training document(s), if relevant.

Commission staff will review the submission for accuracy and completeness. In the case of baseline third party conformity assessment bodies and government-owned or government-operated conformity assessment bodies, when that review and any necessary discussions with the applicant are satisfactorily completed, the third party conformity assessment body in question is added to the CPSC's list of accredited third party conformity assessment bodies at http://www.cpsc.gov/about/cpsia/labaccred.html. In the case of a firewalled conformity assessment body seeking accredited status, when the staff's review is

complete, the staff transmits its recommendation on accreditation to the Commission for consideration. (A third party conformity assessment body that may ultimately seek acceptance as a firewalled third party conformity assessment body also can initially request acceptance as a third party conformity assessment body accredited for testing of children's products other than those of its owners.) If the Commission accepts a staff recommendation to accredit a firewalled conformity assessment body, the firewalled conformity assessment body will then be added to the CPSC's list of accredited third party conformity assessment bodies. In each case, the Commission will notify the third party conformity assessment body electronically of acceptance of its accreditation. All information to support an accreditation acceptance request must be provided in the English language.

Subject to the limited provisions for acceptance of "retrospective" testing noted in part IV of this document below, once the Commission adds a third party conformity assessment body to the list, the third party conformity assessment body may then begin testing of children's products to support certification of compliance with the regulations identified earlier in part I of this document for which it has been accredited.

IV. Limited Acceptance of Children's Product Certifications Based on Third Party Conformity Assessment Body Testing Prior to the Commission's Acceptance of Accreditation

The Commission will accept a certificate of compliance with the standard included in 16 CFR parts 1632, Standard for the Flammability of Mattresses and Mattress Sets (FF4-72, amended) and/or 1633, Standard for the Flammability (Open Flame) of Mattress Sets 1632, based on testing performed by an accredited third party conformity assessment body

(including a government-owned or -controlled conformity assessment body, and a firewalled conformity assessment body) prior to the Commission's acceptance of its accreditation if:

- At the time of product testing, the product was tested by a third party conformity assessment body that was ISO/IEC 17025 accredited by an ILAC-MRA member at the time of the test. For firewalled conformity assessment bodies, the firewalled conformity assessment body must be one that the Commission accredited by order at or before the time the product was tested, even though the order will not have included the test methods in the regulations specified in this notice. If the third party conformity assessment body has not been accredited by a Commission order as a firewalled conformity assessment body, the Commission will not accept a certificate of compliance based on testing performed by the third party conformity assessment body before it is accredited, by Commission order, as a firewalled conformity assessment body;
- The third party conformity assessment body's application for testing using the test methods in the regulations identified in this notice is accepted by the CPSC on or before [INSERT DATE 60 DAYS AFTER PUBLICATION IN THE FEDERAL REGISTER];
- The product was tested on or after [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER] with respect to the regulations identified in this notice;
- The accreditation scope in effect for the third party conformity assessment body at the time of testing expressly included testing to the regulations identified earlier in part I of this document;

- The test results show compliance with the applicable current standards and/or regulations; and
- The third party conformity assessment body's accreditation, including inclusion in its scope the standards described in part I of this notice, remains in effect through the effective date for mandatory third party testing and manufacturer certification for conformity with 16 CFR parts 1632 and/or 1633.

Dated: _____.

_____

Todd A. Stevenson,

Secretary, Consumer Product Safety Commission.

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

Memorandum

This Document has been electronically approved and signed

Date: July 28, 2010

TO : The Commission
Todd Stevenson, Secretary

THROUGH: Cheryl A. Falvey, General Counsel
Kenneth R. Hinson, Executive Director

FROM : Patricia K. Adair
Director, Division of Combustion and Fire Sciences
Directorate for Engineering Sciences

Jonathan D. Midgett, Ph.D.
Children's Hazards Program Area Team Coordinator
Office of Hazard Identification and Reduction

Robert J. Howell
Assistant Executive Director
Office of Hazard Identification and Reduction

SUBJECT : Accreditation Requirements for Third Party Conformity Assessment Bodies to Test the Flammability of Crib and Youth Mattress Sets, Mattresses, and Mattress Pads as Established by the Consumer Product Safety Improvement Act of 2008

I. Introduction

On August 14, 2008, the Consumer Product Safety Improvement Act (hereafter referred to as the "Act" or the "CPSIA") was signed into law [Public Law 110-314]. Section 102 of the Act mandates that third party testing be conducted for certain children's products. Before importing for consumption or warehousing or distributing in commerce any children's product that is subject to a children's product safety rule, every manufacturer of such children's product (and the private labeler of such children's product if such product bears a private label) shall: (A) submit sufficient samples of the children's product, or samples that are identical in all material respects, to a third party conformity assessment body (hereafter referred to as a third party testing laboratory) accredited under requirements to be established by the Commission to be tested for compliance with such children's product safety rule; and (B) based on the assessment by the

third party testing laboratory, issue a certificate that certifies that such children's product complies with the children's product safety rule.[1] Section 235 of the Act defines "children's product" to mean a consumer product designed or intended primarily for children 12 years of age or younger.

The CPSIA defines a third party testing laboratory as one that is not owned by the manufacturer or private labeler of a product assessed by such testing laboratory. A laboratory that is so owned may nevertheless, in certain specified circumstances, be accredited as a third party testing laboratory. The Act specifies that a third party testing laboratory may also include a government owned or controlled laboratory under certain conditions.

Special provisions are established in the Act for laboratories that are owned by a manufacturer or private labeler. Such laboratories are commonly referred to as proprietary laboratories or "first party" laboratories. The Act stipulates that the Commission may accredit a proprietary laboratory as a third party testing laboratory if the Commission by order makes certain findings that the laboratory is protected from undue influence by the manufacturer, private labeler, or other interested party and that procedures are in place for immediate and confidential reporting to the Commission of any attempts by the manufacturer, private labeler, or other interested party to hide or exert undue influence over test results. The Commission must also find that accrediting the proprietary laboratory would provide equal or greater consumer safety protection than the manufacturer's or private labeler's use of an independent third party conformity assessment body. A laboratory that satisfies these requirements is defined in the statute as a "firewalled" testing laboratory.

The Act provides that accreditation of third party testing laboratories may be conducted either by the Commission or by an independent accreditation organization designated by the Commission, and requires that the Commission maintain on its web site an up-to-date list of laboratories that have been accredited to assess conformity with children's product safety rules. Readers who may not be familiar with the Commission-approved process in previous phases of the agency's implementation of the CPSIA may refer to Appendix A for background information on independent accreditation organizations that have been previously designated by the Commission.

This memorandum presents the CPSC staff's recommendation for establishing accreditation requirements (using an approach that is similar to that approved by the Commission for laboratory accreditation requirements for the lead paint, crib, pacifier, and small parts regulations, children's metal jewelry, and other children's products) for laboratories wanting to test products for compliance to the regulations for the flammability of crib and youth mattress sets, mattresses, and mattress pads.

[1] On November 18, 2008, the Commission published a final rule in the *Federal Register* (FR) that limits the parties who must certify to the U.S. importer and, in the case of domestically produced products, the U.S. manufacturer. The rule also specifies the requirements that an electronic certificate must meet. The FR notice is available on the CPSC web site at http://www.cpsc.gov/businfo/frnotices/fr09/certification.pdf

There are two federal regulations addressing the flammability of mattresses and one addressing the flammability of mattress pads. The method for testing the smoldering (cigarette) ignition of mattresses and mattress pads is in 16 C.F.R. Part 1632, *Standard for the Flammability of Mattresses and Mattress Pads (FF 4-72, amended).* Part 1632 sets forth a test to determine the ignition resistance of a mattress or mattress pad when exposed to a smoldering cigarette. The *Standard for the Flammability (Open Flame) of Mattress Sets,* 16 C.F.R. Part 1633, establishes flammability requirements to address the risk of open flame ignition of a mattress set as that term is defined in the standard. Mattress sets, mattresses, and mattress pads subject to third party testing under the CPSIA are any mattress sets, mattresses, or mattress pads designed or intended primarily for children 12 years of age or younger.

II. Categories of Laboratories and Proposed Requirements

There are some accepted terms used to describe conformity assessment depending on who conducts the assessment. Third party conformity assessment testing is defined as testing that is conducted by a laboratory that is independent of the person or organization that manufactures or privately labels the product. Independent commercial laboratories and governmental laboratories are often considered to be third party laboratories. First party conformity assessment testing is defined as testing performed by the person or organization that provides the product (e.g., a manufacturer owned laboratory that conducts testing of its own product).

Under the system of accreditation by an International Laboratory Accreditation Cooperation (ILAC) member with a mutual recognition arrangement (MRA) (see Appendix A for more details), any of these types of laboratories can be accredited to ISO/IEC 17025, International Standard – General Requirements for the Competence of Testing and Calibration Laboratories. Under the ISO/IEC 17025 accreditation, conformity assessment testing laboratories (commercial, proprietary (first party), and governmental laboratories) must have arrangements to ensure that their management and personnel are free from any undue internal and external commercial, financial and other pressures and influences that may adversely affect the quality of their work.

The CPSC staff recommends that ISO/IEC 17025 accreditation (that includes the relevant children's product rule or requirement in the accreditation scope) by an ILAC-MRA accrediting body serve as the baseline criterion for CPSC acceptance of <u>any</u> laboratory (e.g., independent third party, governmental, or manufacturer owned). The staff also recommends certain additional criteria as directed by the CPSIA, depending on the type of laboratory.

<u>Laboratories Owned, Managed, or Controlled by a Manufacturer or Private Labeler</u>

The Act specifies that a laboratory owned, managed, or controlled by a manufacturer or private labeler may request Commission accreditation. The Commission may accredit such a laboratory under the 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's 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.

The Act specifies that in establishing standards for accreditation of a testing laboratory, the Commission may consider standards and protocols for accreditation of such laboratories by independent accreditation organizations that are already in effect.

ISO/IEC 17025 accreditation of a laboratory includes an assessment to confirm the technical competence of the laboratory for a given scope and also includes an assessment of a laboratory's management and organization to ensure safeguards against undue influence are in place. The staff recommends that the Commission consider ISO/IEC 17025 accreditation by an ILAC-MRA signatory as part of the criteria for firewalled laboratories to meet the CPSIA requirements for equal or greater consumer safety and those related to undue influence.

For a proprietary laboratory to be considered under the firewalled provision, the staff further recommends that the laboratory be required to submit additional documentation that is satisfactory to the Commission to demonstrate compliance with criteria on protections from undue influence. This is discussed further in Section III on laboratory registration with the Commission.

Government Owned Laboratories

Section 102(b) of the CPSIA provides that laboratories owned or controlled in whole or in part by a government may be considered third party laboratories if:

- To the extent practicable, manufacturers or private labelers located in any nation are permitted to choose testing laboratories that are not owned or controlled by the government of that nation;

- The entity's testing results are not subject to undue influence by any other person, including another governmental entity;

- The entity is not accorded more favorable treatment than other testing laboratories in the same nation who have been accredited;

- The entity's testing results are accorded no greater weight by other governmental authorities than those of other accredited laboratories; and

- The entity does not exercise undue influence over other governmental authorities on matters affecting its operations or on decisions by other governmental authorities controlling distribution of products based on outcomes of the entity's conformity assessments.

The staff recommends that governmental laboratories be accepted as third party testing laboratories if they are accredited in accordance with ISO/IEC 17025 by an ILAC-MRA signatory and they meet the conditions outlined above. CPSC staff will engage the governmental entities relevant to any accreditation requests to obtain the necessary assurances.

III. Laboratory Registration with the CPSC: Process and Required Documents

The staff recommends that the Commission implement a process by which a third party laboratory must submit documentation to the CPSC that demonstrates adherence to the proposed accreditation requirements. The process for independent third party laboratories requires five steps. Firewalled laboratories and laboratories owned or controlled in whole or in part by a government must provide additional information, and firewalled laboratories must go through the additional step of approval by Commission order. The five steps of the process are:

1. *All* types of laboratories (third party, firewalled, governmental, combinations) submit an application and supporting documents to CPSC staff.
2. Commission staff reviews the ISO/IEC 17025 accreditation certificate, the scope of the accreditation documentation, and the applicant laboratory's ownership.
    a. For governmental laboratories (with whole *or partial* ownership or control), staff will engage those governmental agencies to ensure that the laboratory meets the five conditions in Section 102(b) of the CPSIA (as defined in Section II above).
    b. Firewalled laboratory applicants must provide training materials that address undue influence: a copy of the firm's established materials used for training its employees on the process and means by which allegations of any attempt by the manufacturer, private labeler, or other interested party to hide or exert undue influence over test results can be immediately and confidentially reported to the Commission.
3. Staff makes a decision to approve or disapprove the application, or staff may request more information.
    a. For firewalled laboratories, staff makes a recommendation to the Commission to approve or disapprove the application.

4. Staff notifies the laboratory of the final decision and, if rejected, the reason(s) for rejecting the application. (Rejected applicants may reapply after remediating the deficiencies in their documentation or certifications.)
5. If approved, staff posts the laboratory's contact information and testing scope on the CPSC web site (see http://www.cpsc.gov/businfo/labaccred.html).

The baseline documentation (submitted in Step 1 above) for *all* applicants (third party, firewalled, and governmental laboratories) must include:

1. An ISO/IEC 17025 *accreditation certificate* issued by an ILAC-MRA signatory accrediting body.
2. An ILAC-MRA accrediting body *statement of scope* that clearly identifies the regulations, requirements, and/or test methods for which accreditation is sought:
    a. The test method for the smoldering ignition of mattresses and mattress pads is in 16 C.F.R. Part1632, *Standard for the Flammability of Mattresses and Mattress Pads*.
    b. The test method for the open flame ignition of mattress sets is in 16 C.F.R. Part 1633, *Standard for the Flammability (Open Flame) of Mattress Sets*.
3. A *disclosure* of ownership interests, including:
    a. 10% or more ownership[2] by manufacturers or private labelers of children's products subject to the safety requirements for which the laboratory is applying to test, and
    b. Whole or partial government interest, including indirect ownership or control through government ownership of interests in any partners of the laboratory.

The Commission staff recognizes that the open flame test for mattress sets in 16 C.F.R. Part 1633 is based on prototype testing for certification to the standard and does not require the final product testing for crib and youth mattress sets now required under the CPSIA for certification. To the extent, however, that prototype testing is conducted by a CPSC-accredited third party laboratory, it can be used for certification of final production mattresses if the prototype is the same as the production unit with respect to materials, components, design and method of assembly.

IV. Proposed Lifting of the Stay of Enforcement with Respect to the Testing and Certification of Mattress Sets, Mattresses and Mattress Pads Which are Children's Products

In the *Federal Register* (FR) of February 9, 2009 (74 FR 6396), the Commission announced that it would stay its enforcement with respect to certain testing and certification requirements in sections 14(a)(1), (a)(2), and (a)(3) of the Consumer Product Safety Act (CPSA), as amended by section 102 of the CPSIA.

[2] This ten percent or greater criterion is also used by the Federal Communications Commission [47 C.F.R. section 1.2112] as the criterion for potential control by an affiliated business entity.

In brief, sections 14(a)(1), (a)(2), and (a)(3) of the CPSA establish testing and certification requirements for most consumer products regulated by or under the statutes enforced by the Commission, including children's products.

Section 14(a)(1) of the CPSA requires every manufacturer of a product (and the private labeler of such product if such product bears a private label) that is subject to a consumer product safety rule under the CPSA or a similar rule, ban, standard, or regulation under any other law enforced by the Commission and which is imported for consumption or warehousing or distributed in commerce, to issue a certificate. The manufacturer must certify, based on a test of each product or upon a reasonable testing program, the product complies with all rules, bans, standards, or regulations applicable to the product under the CPSA or any other law enforced by the Commission. The certificate must specify each such rule, ban, standard, or regulation applicable to the product.

For children's products, section 14(a)(2) of the CPSA states that, before importing for consumption or warehousing or distributing in commerce any children's product that is subject to a children's product safety rule, the manufacturer (and the private labeler if the children's product bears a private label) must submit sufficient samples of the children's product, or samples that are identical in all material respects to the product, to a CPSC-recognized third party conformity assessment body accredited under section 14(a)(3) of the CPSA ("recognized third party test laboratory"). The recognized third party test laboratory must test the children's product for compliance with such children's product safety rule. Based on the testing, the manufacturer (or private labeler) must issue a certificate that certifies that the children's product complies with the children's product safety rule based on the assessment of a recognized third party laboratory accredited to conduct such tests.

Section 14(a)(3)(A) of the CPSA states that the third party testing requirement applies to any children's product manufactured more than 90 days after the Commission has established and published a "notice of requirements" for the accreditation of third party conformity assessment bodies to assess conformity with a children's product safety rule.

On December 28, 2009, the Consumer Product Safety Commission announced its decision to revise the terms of its stay of enforcement of certain testing and certification provisions of section 14 of the CPSA as amended by section 102(a) of the CPSIA[3].

In the decision, the Commission stated its intent to require testing and certification of certain children's products once it completes the rulemakings associated with the products, issues notices of requirements, or otherwise resolves the issues that have warranted a continuation of the stay of enforcement for the products.

Under Section 14(a)(3)(A) of the CPSA, Commission approval of these accreditation requirements for the testing of mattress sets, mattresses and mattress pads intended for use in children's products will make effective the third party testing and certification requirement for

[3] http://www.cpsc.gov/businfo/frnotices/fr10/stay html

crib and youth mattress sets, mattresses, and mattress pads manufactured more than 90 days (the 91st day becoming the effective date for third party testing and certification) after the Commission has established and published a "notice of requirements" for the accreditation of third party conformity assessment bodies to assess conformity with the children's product safety rules listed in part I of this document.

V. Proposed Limited Acceptance of Children's Product Certifications Based on Testing Prior to the Effective Date for Certification

The staff's recommended accreditation approach utilizes and builds upon existing systems of conformity assessment based on ISO/IEC standards and internationally recognized accrediting bodies. In the field of children's products, some manufacturers, importers, and/or retailers have put in place their own processes for third party testing to demonstrate conformity with certain mandatory and voluntary safety standards. Some of these systems may already dictate testing by third party laboratories that are accredited by an ILAC-MRA signatory in accordance with ISO/IEC 17025. It is possible that some products in the marketplace have already undergone testing earlier than the mandatory effective date (to be established by the Commission) in a way that would support certification with the subject products' respective safety standards or regulations.

For certifications of crib and youth mattress sets, mattresses, and mattress pads, the staff recommends that the Commission allow certifications to be based on prior testing under certain conditions. Specifically, the staff proposes that the Commission accept a certificate of compliance to the subject regulations based on testing performed by an accredited third party conformity assessment body (including a government-owned or -controlled conformity assessment body, and a firewalled conformity assessment body) if:

1. The product was tested by a third party conformity assessment body that was ISO/IEC 17025 accredited by an ILAC-MRA member at the time of the test. For firewalled conformity assessment bodies, the firewalled conformity assessment body must be one that the Commission accredited by order at or before the time the product was tested, even though the order will not have included the test methods specified in this notice. If the third party conformity assessment body has not been accredited by a Commission order as a firewalled conformity assessment body, the Commission will not accept a certificate of compliance based on testing performed by the third party conformity assessment body before it is accredited, by Commission order, as a firewalled conformity assessment body;
2. The laboratory's application is accepted by CPSC within 60 days of publication of these laboratory accreditation requirements in the *Federal Register*;
3. The accreditation scope in effect for the third party conformity assessment body at the time of testing expressly included testing to the test method(s) identified earlier in part I of this document;
4. The test results show compliance with the applicable current standards and regulations; and

5. The third party conformity assessment body's accreditation and inclusion of the test method(s) (identified earlier in part I of this document) in its scope remain in effect through the effective date for mandatory third party testing and manufacturer/private labeler certification for the subject products' respective regulations.

The staff proposes that the Commission accept crib and youth mattress set, mattress, and mattress pad certifications if the product[4] was tested on or after the date of publication of these laboratory accreditation requirements in the *Federal Register* by a laboratory whose application is accepted by CPSC within 60 days of such publication of laboratory accreditation requirements. This policy would allow for certification of products on the basis of testing performed relatively recently by an accredited third party laboratory, thereby providing a substantial degree of assurance of compliance with the standard. Under this approach, firms who were already voluntarily getting products tested by competent laboratories will not have to have those same products retested. This approach also may help prevent testing backlogs at accredited laboratories, making it less likely that the Commission will have to postpone the effective date for certification.[5] Manufacturers and private labelers that did not already utilize third party testing, or that based their certifications on test dates prior to the test issue dates listed above, would need to conduct third party testing by a CPSC-accepted laboratory to be able to certify products manufactured on or after the effective date.

The staff recommends that governmental laboratories be treated similarly to other third party laboratories with respect to certifications based on testing prior to the effective date. Nonetheless, manufacturers and private labelers will need to consider carefully the fact that governmental laboratories also will need to meet the conditions for governmental entities as required by the Act. If the CPSC accepts accreditation of a governmental laboratory within 60 days of publication of these laboratory accreditation requirements in the *Federal Register*, testing by that laboratory conducted on or after the dates listed above can be used to support third party certification to the requirements for the subject products' respective regulations.

The staff recommends that laboratories owned by a manufacturer or private labeler be treated similarly to other third party laboratories with respect to certifications based on testing prior to the effective date. Nonetheless, manufacturers and private labelers (or other parties who seek product certification) will need to consider carefully the fact that proprietary laboratories also will need to meet the conditions for firewalled conformity assessment bodies as required by the Act. If the CPSC accepts accreditation of a firewalled laboratory for testing to the standards described in part I of this document within 60 days of publication of these laboratory accreditation requirements in the *Federal Register*, testing by that laboratory conducted on or after the dates listed above, providing the firewalled conformity assessment body has been

[4] The CPSIA requires that certification be based on testing of sufficient samples of the product or samples that are identical in all material respects to the product.

[5] In accordance with the CPSIA, if the Commission determines that an insufficient number of third party laboratories have been accredited to permit certification for a children's product safety rule under the Act's accreditation schedule, the Commission may extend the deadline for certification to such rule by not more than 60 days.

accredited by order at or before the time the product was tested, can be used to support third party certification to the requirements for the subject products' respective regulations.

VI. Environmental Considerations

Generally, CPSC mandatory requirements are considered to "have little or no potential for affecting the human environment," and environmental assessments are not usually prepared for such actions (see 16 C.F.R. § 1021.5(c)(1)). Nothing in these recommended accreditation requirements alter that expectation. Therefore, the staff does not expect such requirements to have any negative environmental impact.

VII. Recommended Effective Date

The staff recommends that the requirements for accreditation for third party laboratories to test products for compliance with the regulations for the flammability of crib and youth mattress sets, mattresses, and mattress pads become effective upon publication of notice thereof in the *Federal Register*. Publication in the *Federal Register* is typically the means by which the public is formally advised of new mandatory requirements.

VIII. Staff Recommendation for Accreditation Requirements for Third Party Laboratories to Test the Flammability of Crib and Youth Mattress Sets, Mattresses, and Mattress Pads

The staff recommends that the Commission approve the staff's proposed approach for accepting accreditation of laboratories to test for compliance with the regulations for the flammability of crib and youth mattress sets, mattresses, and mattress pads. The staff recommends that the Commission approve publishing the accreditation acceptance requirements in a *Federal Register* (FR) notice as drafted by the Office of the General Counsel. The FR notice would establish the requirements for laboratories to become accredited to test for compliance with the regulations for the flammability of crib and youth mattress sets, mattresses, and mattress pads. In addition, the FR notice would solicit comments from interested parties on the established approach for laboratory accreditation associated with the subject products and on the overall approach for accreditation.

Appendix A

Background on International Accreditation of Conformity Assessment Bodies (Testing Laboratories)

The term "conformity assessment" describes a variety of activities that can be used to demonstrate that specified requirements relating to a product are fulfilled. This broad term is often used to describe distinct activities such as testing, inspection, certification, as well as the accreditation of conformity assessment bodies. [1] Conformity assessment can include one or more of these activities.

In the context of this memorandum to the Commission on accreditation, "third party conformity assessment body" is synonymous with "third party testing laboratory." For proposed CPSC requirements for accreditation of testing laboratories, the CPSC staff recommends allowing certain testing laboratories to test products for compliance with the requirements established by the Code of Federal Regulations if they are accredited by recognized accreditation organizations.

The rapidly growing global demand for conformity assessment entities that can facilitate the acceptance of products across nations' borders has resulted in the establishment of international organizations and the development of international standards related to all aspects of conformity assessment. The International Laboratory Accreditation Cooperation (ILAC) was formed in 1977 to promote international acceptance of test results performed by accredited laboratories. A series of standards developed by the International Organization for Standardization (ISO) and the International Electrotechnical Commission (IEC) provides specifications for organizations that conduct conformity assessment activities. The ISO/IEC is a specialized system for worldwide standardization. Technical committees comprised of members from across the globe (including the United States) collaborate to develop these conformity assessment standards to facilitate acceptance of testing results between countries. These standards were developed expressly to be used by accreditation bodies that have entered into mutual recognition arrangements (MRAs) with equivalent bodies in other countries. The most relevant ISO standards for testing laboratories and the accreditation of such laboratories are: (1) ISO/IEC 17025:2005 International Standard - General Requirements for the Competence of Testing and Calibration Laboratories, and (2) ISO/IEC 17011:2004 Conformity Assessment - General Requirements for Accreditation Bodies Accrediting Conformity Assessment Bodies.

<u>ISO/IEC 17025</u>

The ISO/IEC 17025 standard sets out requirements for testing laboratories to demonstrate that they operate a quality system, are technically competent, and are able to generate technically valid results.

Throughout the world, many rely on laboratory accreditation as a means to independently evaluate laboratory competence. Laboratory accreditation is based upon criteria and procedures from ISO/IEC 17025 to determine the technical competence of laboratories. Technical assessors conduct a thorough evaluation of all factors of facility operations that affect the production of

technical data. [2] ISO/IEC 17025 addresses factors relevant to a laboratory's ability to produce precise, accurate test and calibration data. Specifically, provisions in the standard include requirements and guidance for technical competency of staff; validity and appropriateness of the methods; traceability of measurements and calibrations to national standards; suitability, calibration, and maintenance of test equipment; and quality assurance of test, inspection, or calibration data. Laboratories are accredited to ISO 17025 for a specified technical scope. This statement of scope comprises part of the laboratory's accreditation, and can include such items as testing in accordance with mandatory standards, voluntary standards, or other types of testing regimes. A laboratory's certificate of accreditation includes the statement of scope for which it is accredited.

In addition to technical requirements, the ISO/IEC 17025 standard has 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 that have an involvement or influence on 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 and other pressures and influences that may adversely affect the quality of their work. Further, 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. [3]

To ensure continued compliance, accredited laboratories are regularly re-examined, at least every two years, with either an on-site surveillance or a full reassessment, to ensure that they maintain their standards of independence and technical expertise. [2, 4]

ISO/IEC 17011

The ISO/IEC 17011 standard establishes requirements for accrediting organizations that evaluate testing laboratories for conformance with ISO/IEC 17025.

ISO/IEC 17011 was created to be used within a framework of international MRAs that implement a peer evaluation mechanism among nations' accrediting bodies. The peer evaluation process provides assurance that accrediting bodies are operating in accordance with the 17011 standard. The standard provides specifications for accrediting body procedures for conducting laboratory assessments, and also provides the procedures for the peer evaluation of operations among accrediting bodies.

Major elements of the ISO/IEC 17011 standard include requirements for the structure, management, and supervision of the accreditation body organization, including documentation of responsibilities, and demonstration of expertise. A related section of requirements addresses impartiality of the accreditor's operations. For example, the standard requires that the accreditation body shall ensure a balanced representation of interested parties with no single

party dominating. All accreditation body personnel must act objectively and shall be free from any undue commercial, financial, and other pressures that could compromise impartiality.

The standard requires that an accreditation body be a registered legal entity. A governmental accreditation body is deemed to be a legal entity on the basis of its governmental status. A government is responsible for identifying the accreditation body in such a way that there is no conflict of interest with governmental conformity assessment bodies (such as governmental laboratories).

Other provisions in the standard include specifications for document control, internal audits and management reviews, preventative actions, analysis of findings and reports, and appeals processing. [4]

International Laboratory Accreditation Cooperation (ILAC)

ILAC officially established its charter in 1996 to create a network of MRAs among accreditation bodies to facilitate trade by promoting the acceptance of test and calibration results performed by accredited laboratories. The ILAC-MRA helped establish a global network of accredited testing and calibration laboratories that are assessed and determined to be competent by an ILAC arrangement signatory accreditation body.

There are over 60 ILAC-MRA signatory accrediting bodies located throughout the world. This includes MRA signatory organizations in Australia, Canada, China, many countries in the European Union, Japan, Mexico, the United States and several other countries. Many countries have one ILAC-MRA signatory accrediting body. Some countries have more than one accrediting organization. For example, Japan, Germany, and the United States have three or more MRA signatory accrediting bodies.[6]

The evaluation of an accreditation body to establish its qualifications to be a signatory involves a team of peers (generally senior staff of experienced accreditation bodies) who conduct evaluations in accordance with ISO/IEC 17011. The evaluations include audits at the headquarters office of the applicant body. Additionally, the evaluators witness the performance of the applicant's assessors during actual assessments/reassessments of laboratories to determine compliance with ISO/IEC 17025.

ILAC's uniform approach, based on ISO/IEC standards, allows countries to establish agreements based on mutual evaluation and acceptance of each other's laboratory accreditation systems. Each partner in such an arrangement recognizes the other partner's accredited laboratories as if they themselves had undertaken the accreditation of the other partner's laboratories. [5]

[6] The following link, http://ilac.org/membersbycategory html contains a complete list of ILAC-MRA accrediting bodies.

References

[1] ISO/IEC 17000:2004 Conformity Assessment – Vocabulary and General Principles.

[2] White paper: Should Laboratories be Accredited to ISO/IEC 17025 or Certified to ISO 9001? www.aclasscorp.com

[3] International Standard ISO/IEC 17025:2005 – General Requirements for the Competence of Testing and Calibration Laboratories

[4] ISO/IEC 17011:2004 Conformity Assessment – General Requirements for Accreditation Bodies Accrediting Conformity Assessment Bodies

[5] www.ilac.org

TAB A

DRAFT FORM FOR LABORATORY REGISTRATION WITH CPSC

US Consumer Product Safety Commission

Consumer Safety | About CPSC | Library - FOIA | Business

U.S. Consumer Product Safety Commission
4330 East West Highway, Bethesda, MD 20814

CPSC Form #223

Consumer Product Conformity Assessment Body (Testing Laboratory)

Registration Form

This registration form and all related materials (certificate, scope documents, and training materials, if required) must be submitted electronically and in the English language.

The information you provide is encrypted for privacy during transit. Clicking on the Verisign logo to the left displays CPSC's specific server ID information and verifies that this is a legitimate Verisign Secure Site.

Please capitalize only the first letter of words and names (except for abbreviations) when filling out this form. Thank you!

1. Legal name of the laboratory:

2. Full address of the laboratory:

Address (Line 1)

Address (Line 2)

City | State/Province:

Country or Administrative Area: Please Select | Postal Code:

3. Laboratory web site (optional):

4. Registration status (select one):

- O New Registration
- O Increase in scope from prior registration
- O Renewal
- O Reinstatement

5. Laboratory name as you wish it listed on the CPSC web site, if different than legal name (leave blank if same):

6. Laboratory's authorized representative (to be displayed on the CPSC web site):

Family name(s): First (Given) name:
Title: E-mail:
Telephone #: Fax #:

7. Applicant Information (Point of contact for registration questions. Not for CPSC web site display. Leave blank if same as above):

Family name(s): First (Given) name:
Title: E-mail:
Current Date: 04/01/2010 (mm/dd/yyyy)

8. Ownership / Type of Laboratory:

A. Definitions:

Third Party Laboratory: A testing laboratory that does not have a 10 percent or greater ownership interest by a manufacturer or private labeler of a product subject to the safety requirements for which you are applying and also is not owned or controlled, in whole or in part, by a governmental entity (as defined below for Governmental Laboratory).

Firewalled Laboratory: Ownership of the applicant laboratory of 10% or more by manufacturers or private labelers of children's products:

Registration as a firewalled conformity assessment body (firewalled laboratory) is required if there are ownership interests in this laboratory of 10% or more by manufacturers or private labelers of children's products subject to the safety requirements for which you are applying. These owners must be identified in the boxes below.

Governmental Laboratory: Ownership or control, in whole or in part, by a governmental entity:

Ownership or control, in whole or in part, of this conformity assessment body by a governmental entity requires registration as a governmental conformity assessment body. If this conformity assessment body is owned or controlled in part or in whole by a government, the governmental entity(s) must be named in the boxes below. This includes indirect ownership or control through governmental ownership of interests in any partners of this conformity assessment body.

The phrase "governmental entity" in this document refers to any governmental entity in your country or administrative area, whether

national, provincial, territorial, local, etc., and includes state-owned entities even if those entities do not carry out governmental functions.

B. Type of Laboratory (select one):

- ○ Third Party Laboratory (see attestation)
- ○ Firewalled Laboratory
- ○ Governmental Laboratory

C. Registration (select one):

Third Party Laboratory:

If Third Party Laboratory is selected, the laboratory representative attests that the laboratory does not have an ownership interest of 10 percent or more by a manufacturer or private labeler of a product subject to the safety requirements for which you are applying and the laboratory also is not owned or controlled, in whole or in part, by a governmental entity (as defined above for governmental laboratory).

☐ Check this box and submit your name below to confirm third party laboratory attestation.

Name of Lab Representative making attestation that applicant is a third party laboratory. **If attestation is completed, skip to Section 9.** ☐

Firewalled Laboratory:

Registration as a firewalled conformity assessment body (firewalled laboratory) is required if there are ownership interests in this laboratory of 10% or more by manufacturers or private labelers of children's products subject to the safety requirements for which you are applying. **These owners must be identified in the boxes below.**

	Name of Owner	Percent Owned (Do not use "%")
a.		
b.		
c.		
d.		
e.		
f.		
g.		
h.		
i.		

Consumer Product Conformity Assessment Body (Testing Laboratory)

j.

You may request by checking the box below that the CPSC consider manufacturer or private labeler ownership information as confidential and exempt from public disclosure. This request of confidentiality does not relieve the applicant from the obligation to provide CPSC with the required ownership information.

☐ Check this box if you claim that this information should be considered as confidential and exempt from public disclosure.

Ownership or control, in whole or in part, by a governmental entity:

Ownership or control, in whole or in part, of this conformity assessment body by a governmental entity requires registration as a governmental conformity assessment body. If this conformity assessment body is owned or controlled in part or in whole by a government, the governmental entity(s) must be named in the boxes below. This includes indirect ownership or control through governmental ownership of interests in any partners of this conformity assessment body.

Ownership or control by a governmental entity may not be considered as confidential and exempt from public disclosure.

	Name of Governmental Entity	Percent Owned or Controlled (Do not use "%")
a.		
b.		
c.		
d.		
e.		

9. Laboratory Accreditation Information and Scopes for which you are applying:

The laboratory must be accredited by an ILAC-MRA signatory accrediting body. The accreditation must be to ISO Standard ISO/IEC 17025:2005--General Requirements for the Competence of Testing and Calibration Laboratories and the scope of the accreditation must expressly include testing to the CPSC safety requirements for which you are applying.

PLEASE NOTE: If you have scopes that are covered under different or multiple certificate numbers (from the same or different ILAC-MRA member), please fill out the accreditation/certificate information for only those scopes covered under one ILAC-MRA member/certificate number. Follow the instructions in Section 10, and Click "Submit" at the bottom of the form. There will be an opportunity to fill in additional certificate information.

After submitting, you will receive an application summary page that provides an opportunity to verify the application information. Scroll down and put in the second certificate number (and different ILAC-MRA member, accreditation and expiration dates if appropriate), deselect the scopes from the first submission, select new scopes that are covered by the second certificate, and resubmit. You can repeat this process as needed for multiple accreditation certificates.

You must select an ILAC-MRA member from the drop-down list.

Name of ILAC-MRA member providing accreditation Please Select

Consumer Product Conformity Assessment Body (Testing Laboratory)

Date of accreditation to ISO/IEC 17025:2005 (mm/dd/yyyy)

Certificate number

Expiration date (mm/dd/yyyy)

The accreditation and certificate information above applies to the following scopes (check all that apply; if you have been accepted for one of them previously, please do not check it again):

The scope document for the laboratory seeking acceptance of its accreditation must include an explicit reference to each scope below for which it is applying.

- ☐ Bicycle Helmets, 16 CFR Part 1203
- ☐ Infant Bath Seats, 16 CFR Part 1215
- ☐ Infant Walkers, 16 CFR Part 1216
- ☐ Lead Paint, 16 CFR Part 1303
- ☐ Dive Sticks and other similar articles, 16 CFR Part 1500.18 with exemptions in 16 CFR 1500.86(a)(7) and (8)
- ☐ Clacker balls, 15 CFR Part 1500.86(a)(5)
- ☐ Small Parts Regulation, 16 CFR Part 1501
- ☐ Electrically operated toys/articles intended for use by children, 16 CFR Parts 1505 and 1500.18(6)
- ☐ Full-Size Cribs, 16 CFR Part 1508
- ☐ Non Full-Size Cribs, 16 CFR Part 1509
- ☐ Rattles, 16 CFR Part 1510
- ☐ Pacifiers, 16 CFR Part 1511
- ☐ Bicycles, 16 CFR Part 1512
- ☐ Children's Bunk Beds, 16 CFR Part 1513
- ☐ Vinyl plastic film, 16 CFR Part 1611
- ☐ Carpets and Rugs, 16 CFR Parts 1630 and 1631
- ☐ Children's Metal Jewelry, CPSC Test Method CPSC-CH-E1001-08 for Determining Total Lead in Children's Metal Products **and/or** the "Screening Test for Total PB Analysis" Section of the 2005 CPSC Laboratory SOP for Determining Lead in Children's Metal Jewelry
- ☐ Children's Metal Products, CPSC Test Method CPSC-CH-E1001-08 for Determining Total Lead in Children's Metal Products
- ☐ Non-Metal Children's Products, CPSC Test Method CPSC-CH-E1002-08 Standard Operating Procedure for Determining Total Lead (Pb) in Non-Metal Children's Products

10.

All registrants must provide an English language copy of the laboratory accreditation certificate and relevant scope documents.

Please email these materials separately to labaccred@cpsc.gov and be sure to include your Laboratory Name, Accreditation Certificate Number, and Scope (Regulation) in the subject line of your message and in the text of your email.

Please attach the full relevant scope document(s) to your application. Do not attach only sections of your scope document.

Your email should also include information on where to find the CPSC required scope references in your scope documents (e.g., page numbers).

Firewalled conformity assessment bodies must also submit copies of their training materials.

If any manufacturer or private labeler of children's products, subject to the safety requirements for which you are applying, holding ten percent or greater interest in this conformity assessment body is using this entity for the required testing of their products, the conformity assessment body must submit a copy of the firm's established materials used for training its employees on the process and means by which allegations of any attempt by the manufacturer, private labeler or other interested party to hide or exert undue influence over test results can be immediately and confidentially reported to the Commission.

Please email these materials with your certificate and scope documents to labaccred@cpsc.gov

KNOWING AND WILLFUL FALSE STATEMENTS MADE ON THIS FORM OR IN ANY OTHER SUBMITTED MATERIALS ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT FOR UP TO FIVE YEARS (U.S. Code, Title 18, Section 1001) AND/OR WITHDRAWAL OF CPSC ACCEPTANCE OF ACCREDITATION.

Submit Reset Form

If you submit and nothing happens, look for a red asterisk(s) (*) indicating a required entry; please complete the entry by the asterisk and re-submit. If submission is successful, you will get an immediate acknowledgment.

CPSC
Revision 4c

national, provincial, territorial, local, etc., and includes state-owned entities even if those entities do not carry out governmental functions.

B. Type of Laboratory (select one):

- ○ Third Party Laboratory (see attestation)
- ○ Firewalled Laboratory
- ○ Governmental Laboratory

C. Registration (select one):

Third Party Laboratory:

If Third Party Laboratory is selected, the laboratory representative attests that the laboratory does not have an ownership interest of 10 percent or more by a manufacturer or private labeler of a product subject to the safety requirements for which you are applying and the laboratory also is not owned or controlled, in whole or in part, by a governmental entity (as defined above for governmental laboratory).

☐ Check this box and submit your name below to confirm third party laboratory attestation.

Name of Lab Representative making attestation that applicant is a third party laboratory. **If attestation is completed, skip to Section 9.** [ ]

Firewalled Laboratory:

Registration as a firewalled conformity assessment body (firewalled laboratory) is required if there are ownership interests in this laboratory of 10% or more by manufacturers or private labelers of children's products subject to the safety requirements for which you are applying. **These owners must be identified in the boxes below.**

	Name of Owner	Percent Owned (Do not use "%")
a.		
b.		
c.		
d.		
e.		
f.		
g.		
h.		
i.		

j.

You may request by checking the box below that the CPSC consider manufacturer or private labeler ownership information as confidential and exempt from public disclosure. This request of confidentiality does not relieve the applicant from the obligation to provide CPSC with the required ownership information.

☐ Check this box if you claim that this information should be considered as confidential and exempt from public disclosure.

Ownership or control, in whole or in part, by a governmental entity:

Ownership or control, in whole or in part, of this conformity assessment body by a governmental entity requires registration as a governmental conformity assessment body. If this conformity assessment body is owned or controlled in part or in whole by a government, the governmental entity(s) must be named in the boxes below. This includes indirect ownership or control through governmental ownership of interests in any partners of this conformity assessment body.

Ownership or control by a governmental entity may not be considered as confidential and exempt from public disclosure.

	Name of Governmental Entity	Percent Owned or Controlled (Do not use "%")
a.		
b.		
c.		
d.		
e.		

9. Laboratory Accreditation Information and Scopes for which you are applying:

The laboratory must be accredited by an ILAC-MRA signatory accrediting body. The accreditation must be to ISO Standard ISO/IEC 17025:2005--General Requirements for the Competence of Testing and Calibration Laboratories and the scope of the accreditation must expressly include testing to the CPSC safety requirements for which you are applying.

PLEASE NOTE: If you have scopes that are covered under different or multiple certificate numbers (from the same or different ILAC-MRA member), please fill out the accreditation/certificate information for only those scopes covered under one ILAC-MRA member/certificate number. Follow the instructions in Section 10, and Click "Submit" at the bottom of the form. There will be an opportunity to fill in additional certificate information.

After submitting, you will receive an application summary page that provides an opportunity to verify the application information. Scroll down and put in the second certificate number (and different ILAC-MRA member, accreditation and expiration dates if appropriate), deselect the scopes from the first submission, select new scopes that are covered by the second certificate, and resubmit. You can repeat this process as needed for multiple accreditation certificates.

You must select an ILAC-MRA member from the drop-down list.

Name of ILAC-MRA member providing accreditation: Please Select

Consumer Product Conformity Assessment Body (Testing Laboratory)

Date of accreditation to ISO/IEC 17025:2005 (mm/dd/yyyy)

Certificate number

Expiration date (mm/dd/yyyy)

The accreditation and certificate information above applies to the following scopes (check all that apply; if you have been accepted for one of them previously, please do not check it again):

The scope document for the laboratory seeking acceptance of its accreditation must include an explicit reference to each scope below for which it is applying.

- ☐ Bicycle Helmets, 16 CFR Part 1203
- ☐ Infant Bath Seats, 16 CFR Part 1215
- ☐ Infant Walkers, 16 CFR Part 1216
- ☐ Lead Paint, 16 CFR Part 1303
- ☐ Dive Sticks and other similar articles, 16 CFR Part 1500.18 with exemptions in 16 CFR 1500.86(a)(7) and (8)
- ☐ Clacker balls, 15 CFR Part 1500.86(a)(5)
- ☐ Small Parts Regulation, 16 CFR Part 1501
- ☐ Electrically operated toys/articles intended for use by children, 16 CFR Parts 1505 and 1500.18(6)
- ☐ Full-Size Cribs, 16 CFR Part 1508
- ☐ Non Full-Size Cribs, 16 CFR Part 1509
- ☐ Rattles, 16 CFR Part 1510
- ☐ Pacifiers, 16 CFR Part 1511
- ☐ Bicycles, 16 CFR Part 1512
- ☐ Children's Bunk Beds, 16 CFR Part 1513
- ☐ Vinyl plastic film, 16 CFR Part 1611
- ☐ Carpets and Rugs, 16 CFR Parts 1630 and 1631
- ☐ Children's Metal Jewelry, CPSC Test Method CPSC-CH-E1001-08 for Determining Total Lead in Children's Metal Products **and/or** the "Screening Test for Total PB Analysis" Section of the 2005 CPSC Laboratory SOP for Determining Lead in Children's Metal Jewelry
- ☐ Children's Metal Products, CPSC Test Method CPSC-CH-E1001-08 for Determining Total Lead in Children's Metal Products
- ☐ Non-Metal Children's Products, CPSC Test Method CPSC-CH-E1002-08 Standard Operating Procedure for Determining Total Lead (Pb) in Non-Metal Children's Products

Consumer Product Conformity Assessment Body (Testing Laboratory)

10.

All registrants must provide an English language copy of the laboratory accreditation certificate and relevant scope documents.

Please email these materials separately to labaccred@cpsc.gov and be sure to include your Laboratory Name, Accreditation Certificate Number, and Scope (Regulation) in the subject line of your message and in the text of your email.

Please attach the full relevant scope document(s) to your application. Do not attach only sections of your scope document.

Your email should also include information on where to find the CPSC required scope references in your scope documents (e.g., page numbers).

Firewalled conformity assessment bodies must also submit copies of their training materials.

If any manufacturer or private labeler of children's products, subject to the safety requirements for which you are applying, holding ten percent or greater interest in this conformity assessment body is using this entity for the required testing of their products, the conformity assessment body must submit a copy of the firm's established materials used for training its employees on the process and means by which allegations of any attempt by the manufacturer, private labeler or other interested party to hide or exert undue influence over test results can be immediately and confidentially reported to the Commission.

Please email these materials with your certificate and scope documents to labaccred@cpsc.gov

KNOWING AND WILLFUL FALSE STATEMENTS MADE ON THIS FORM OR IN ANY OTHER SUBMITTED MATERIALS ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT FOR UP TO FIVE YEARS (U.S. Code, Title 18, Section 1001) AND/OR WITHDRAWAL OF CPSC ACCEPTANCE OF ACCREDITATION.

Submit Reset Form

If you submit and nothing happens, look for a red asterisk(s) (*) indicating a required entry; please complete the entry by the asterisk and re-submit. If submission is successful, you will get an immediate acknowledgment.

CPSC
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