



U.S. CONSUMER PRODUCT SAFETY COMMISSION
4330 EAST WEST HIGHWAY
BETHESDA, MD 20814

July 7, 2010

**STATEMENT OF CHAIRMAN INEZ M. TENENBAUM ON THE COMMISSION
DECISION REGARDING THE ISSUANCE OF NOTICE OF ACCREDITATION
REQUIREMENTS FOR THIRD PARTY TESTING OF CHILDREN'S
CARPETS AND RUGS, AND CHILDREN'S PRODUCTS WITH VINYL PLASTIC FILM**

I am pleased to vote today to approve the notice of accreditation for third party flammability testing for children's carpets and rugs and children's products with vinyl plastic film. By approving these two notices, the Commission has started the process of accrediting laboratories to conduct testing and ensure that children's products subject to the underlying regulations comply with the applicable flammability requirements.

The Commission promulgated its regulations pertaining to the flammability of vinyl plastic film and carpet and rugs under the Flammable Fabrics Act (FFA). The FFA empowers the Commission to create flammability standards or other requirements where they "may be needed to protect the public against unreasonable risk of the occurrence of fire leading to death or personal injury." Today, the Commission is acting to further ensure the safety of children from such hazards, as was envisioned and required by Congress through the testing and certification requirements contained in the Consumer Product Safety Improvement Act (CPSIA).

Through passage of the CPSIA, Congress mandated third party testing for regulated children's products and directed the Commission to establish lab accreditation requirements to serve as the basis for a system of third party testing for children's products. Congress mandated third party testing of children's products to ensure compliance with the rules and regulations enforced by the Commission even where the rules and regulations have general applicability, and not solely for rules that only address specific harms or risks unique to children. In carrying out this congressional mandate, the Commission already has approved a number of accreditation requirements that are similar to the requirements approved by the Commission today. The Commission will continue to consider these requirements in order to fully establish the system of third party testing contemplated by the CPSIA for children's products.

There has been some debate on whether rules of general applicability, such as the flammability regulations applicable to carpets, rugs, and vinyl plastic film products, constitute "children's product safety rules." I do not view this as an open question. Section 14(f)(1) of the CPSA defines a "children's product safety rule" as "a consumer product safety rule under this Act 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." By providing this

explicit and expansive definition of “children’s product safety rule,” Congress spoke in plain and unambiguous language on this issue.

Congress created these mandates at a time when consumers had experienced a crisis in confidence of the safety of children’s products, and the need for further protections for our nation’s children was abundantly clear. Today’s vote provides the public with reassurance that a third party, other than the manufacturer, will test and verify that children’s carpets, rugs, and vinyl plastic film products comply with the flammability rules and regulations applicable to them. I believe that today’s vote brings us one step closer to fulfilling our congressional mandate under the CPSIA and will help to give consumers increased confidence in the safety of children’s products subject to these flammability requirements.