

Overview- U.S. Consumer Product Safety Framework



Steve Williams
Program Manager, U.S. CPSC, Maryland

Lily Li
Regional Product Safety Specialist, U.S. CPSC, Beijing

Buyers Training
Shanghai and Guangzhou, China
March 13 and 15, 2018

This presentation was prepared by CPSC staff, has not been reviewed or approved by, and may not reflect the views of the Commission.

- The slides in this presentation are intended to be used in a training event with verbal elaboration by a knowledgeable presenter. The slides highlight key U.S. product safety requirements for this discussion. The text is not a comprehensive statement of legal requirements or policy and should not be relied upon for that purpose. You should consult official versions of U.S. statutes and regulations, as well as published CPSC guidance when making decisions that could affect the safety and compliance of products entering U.S. commerce. Note that references are provided at the end of the presentation and a handout on phthalates prohibitions in children's toys and child-care articles is also available.

Topics

- Jurisdictional Authority
- Key Requirements Under the CPSA
 - The Consumer Product Safety Improvement Act (CPSIA) of 2008
 - Mandatory Reporting (Section 15)
- Regulatory Process
- Industry Consensus Standards and Other U.S. Requirements
- Resources

Jurisdictional Authority...

...for products covered in this training:

- Consumer Product Safety Act (CPSA)
- Federal Hazardous Substances Act (FHSA)
- Flammable Fabrics Act (FFA)

- The Consumer Product Safety Improvement Act of 2008
 - Definition of a Children's Product
 - Certification
 - Testing
 - Tracking Labels
 - Durable Infant Products
- Mandatory Reporting (Section 15)

KEY REQUIREMENTS UNDER THE CPSIA

CPSIA

In 2008, Congress passed the Consumer Product Safety Improvement Act (CPSIA) to establish consumer product safety standards and other safety requirements for children's products and to reauthorize and modernize the CPSC.

Congressional response to many high-profile product recalls in 2007 and 2008, particularly those involving:

- Lead paint in children's toys
- Dangerous cribs



What Do You Think Of?



Testing children's products

Too many Requirements



Certifications

Logical

RANDOM

Unclear/vague Very detailed Paperwork

Not important

Very Important

*Lose **TIME** Saves TIME*



Affects



Costs *me money*

Saves *me money*

Responsibility

Liability

Background: Children's Products and the CPSIA



Definition of a Children's Product

- *Children's Products* are products designed and intended primarily for children 12 years or younger.
 - Many of the CPSIA requirements are specifically for children's products.
 - Some children's products have additional requirements (phthalates in toys and child care articles).
- Consumer products other than children's products are considered *General Use Products* and have different requirements.

Certification

Certificates of Conformity are required for:

Any product that is subject to a consumer product safety rule or similar rule, ban, or regulation ***and*** which is “***imported*** for consumption or warehousing” ***or*** “***distributed*** in commerce.”

Ask: Is this Product Subject to a GCC or CPC, Does It Have One?

Certification

- There are two types:
 - Children's Product Certificate (CPC)
 - Issued based on testing performed by a CPSC-accepted third party laboratory.
www.cpsc.gov/cpc
 - General Certificate of Conformity (GCC)
 - Issued based on a test of each product or a reasonable testing program.
www.cpsc.gov/gcc

Certification

- Issued by U.S. manufacturer or Importer
 - A certifier may rely on component part certificate(s) to issue a final product certificate if *due care* is exercised.
- U.S. manufacturers and Importers should understand which technical regulations need to be met.
 - Foreign manufacturers/suppliers should insist on a list of which technical regulations apply.
 - The certifier is responsible for ensuring that representative samples are tested.
- Testing must be completed before entry at the port or distribution in commerce.
 - Certificate must *accompany* the product.
 - Certificate can be electronic.

Certification

Elements of a Certificate:

- Identification of the product covered
- Citation to each regulation
- Identification of the U.S. importer or domestic manufacturer
- Contact information for the individual maintaining records
- Date and specific location where product was manufactured

Certification

Elements of a Certificate:

- Date(s) and place when the product was tested
- For CPC, identification of third party CPSC-accepted laboratory on whose testing the certificate depends
- For GCC, identification of the laboratory on whose testing the certificate depends.

Testing

Ask Supplier: When Was Product Tested and By Whom?

Ask Yourself: Should We Test Product?

- Children's products require testing by an accredited, CPSC-accepted third party laboratory.
 - Third party testing is intended to provide objective and unbiased testing of products.
 - Laboratories are accepted by the CPSC on a test-by-test basis. Finding a single laboratory that can address all of your testing needs may lower costs.
- www.cpsc.gov/labsearch
- General use products do not require third party testing. Any competent laboratory can perform the testing.

Testing

- Multiple stages of testing may be required to certify children's products. The type of testing depends on how the product is certified and manufactured.
 - Initial third party testing (certification testing)
 - Testing performed to issue a certificate
 - May be only testing required if batch manufacturing
 - Material change testing
 - Testing required to maintain certification if the product is changed in a way that may impact compliance
 - Component part testing may be used, if applicable

Testing

- Multiple stages of testing may be required to certify children's products. The type of testing depends on how the product is certified and manufactured.
- Children's products
 - Periodic testing
 - Testing required to show that the initial certification is still valid.
 - Timing depends on how long a product continues to be manufactured and how often and by whom testing is performed as part of the periodic testing plan.
 - Periodic Testing Requirements
 - At least once a year with a periodic test plan
 - At least every 2 years with a production testing plan
 - At least every 3 years with ongoing testing by an ISO/IEC 17025:2005(E) laboratory

Vast majority of U.S. manufacturers and importers must test children's products once per year.

Testing

- For more information on third party testing:
www.cpsc.gov/testing

The screenshot shows the CPSC website's "Third Party Testing" page. At the top, there is the CPSC logo and a search bar. Below the navigation bar, the page title "Third Party Testing" is displayed. A social media sharing bar is visible. The main content area contains a paragraph explaining that federal law requires every children's product to be tested by a third party, CPSC-accepted laboratory. Below this are four sections, each with a representative image and a link to a Product Action Document (PAD):

- Initial Certification Testing:** Image shows a person working in a laboratory. Link: [View the Initial Certification Testing PAD](#)
- Component Part Testing:** Image shows various gears and mechanical parts. Link: [View the Component Part Testing PAD](#)
- Material Change Testing:** Image shows three rubber ducks in different colors. Link: [View the Material Change Testing PAD](#)
- Periodic Testing:** Image shows a calendar. Link: [View the Periodic Testing PAD](#)

Finding an Accredited, CPSC-Accepted Laboratory in China

Do Your Research:

The screenshot shows the CPSC website's "Testing & Certification" page. At the top, there is a navigation bar with language options (En | Es | 汉字) and a "Testing & Certification" menu. Below the navigation bar, the breadcrumb "Home » Business & Manufacturing »" is visible. The main heading is "Testing & Certification". There are social media icons for Facebook, Twitter, Email, RSS, and a plus sign, along with a "1" in a box. The main text explains that federal law requires manufacturers and importers to test many consumer products for compliance with consumer product safety requirements. It states that based on passing test results, the manufacturer or importer must certify the consumer product as compliant with the applicable consumer product safety requirements in a written or electronic certificate. Certificates are required to accompany the applicable product or shipment of products covered by the certificate, and a copy must be provided to retailers, distributors and, upon request, to the government. Below this text, it says "Below are descriptions of types of testing and certificates. Note that requirements for [children's products](#) are different from those for non-children's products." There is a blue button on the right side that says "Report an Unsafe Product". At the bottom, there is a section titled "Third Party Testing for Children's Products" with a photo of a man in a lab coat working with a baby walker. To the right of the photo are four links: "Initial Certification Testing", "Material Change Testing", "Periodic Testing", and "Component Part Testing".

En | Es | 汉字

Testing & Certification

Home » Business & Manufacturing »

Testing & Certification

Tiếng Việt Español Bahasa Indonesia 한국어 简体中文

f t e r + 1

Federal law requires manufacturers and importers to test many consumer products for compliance with consumer product safety requirements. Based on passing test results, the manufacturer or importer must certify the consumer product as compliant with the applicable consumer product safety requirements in a written or electronic certificate. Certificates are required to accompany the applicable product or shipment of products covered by the certificate, and a copy must be provided to retailers, distributors and, upon request, to the government.

Below are descriptions of types of testing and certificates. Note that requirements for [children's products](#) are different from those for non-children's products.

Third Party Testing for Children's Products

Initial Certification Testing ▶

Material Change Testing ▶

Periodic Testing ▶

Component Part Testing ▶

Report an Unsafe Product

Testing

Regulations for certain general use products require a reasonable testing program.

Reasonable Testing Program (RTP)

- Some standards contain an RTP for their products.
- General RTP for all regulated general use products has not been defined by the Commission.

www.cpsc.gov/generaluse

Tracking Information

Ask: Are the Products you Review Fulfilling Requirements for Tracking Information?

Children's Products are required to have tracking information:

- A permanent mark must be affixed to the product and its packaging, if practicable.
- Requirements:
 - Name of the U.S. manufacturer or private labeler
 - Specific location and date of manufacture of the product
 - Detailed information on the manufacturing process, such as a batch or run number, or other identifying characteristics
 - Other information to facilitate identifying the source
- No mandated format

Staples Promotional Products Shanghai, China	PO # 123456	Nov 2011
MEETS CPSC SAFETY REQUIREMENTS		

www.cpsc.gov/trackinglabel

Durable Infant Products

- Third party testing and certification are required for durable infant or toddler products subject to mandatory safety rules
- Consumer registration requirement
www.cpsc.gov/durableinfanteproducts

Durable Infant Products

Current List of Durable Infant or Toddler Products:

A durable infant or toddler product is a durable product intended for use, or that may be reasonably expected to be used, by children under the age of 5 years and is one of the following:

- Bassinets and Cradles
- Bedside Sleepers
- Booster Seats
- Carriages and Strollers
- Changing Products
- Children's Chairs and Stools
- Cribs (Full-Size)
- Cribs (Non Full-Size)
- Expansion Gates and Expandable Enclosures
- Frame Child Carriers
- Hand-Held Infant Carriers
- High Chairs
- Infant Bath Seats
- Infant Bath Tubs
- Infant Bouncer Seats
- Infant Inclined Sleep Products
- Infant Swings
- Infant Walkers
- Play Yards
- Portable Bed Rails
- Portable Hook-On Chairs
- Sling Carriers
- Soft Infant and Toddler Carriers
- Stationary Activity Centers
- Toddler Beds

www.cpsc.gov/durableinfanteproducts

DURABLE INFANT PRODUCTS



Bassinet



Sling



Carrier



Infant carrier

DURABLE INFANT PRODUCTS



Stroller



Bedside sleeper



Bedside sleeper



Hook on chair

DURABLE INFANT PRODUCTS



Stationary activity centers



Play yard



Cradle



High Chairs

DURABLE INFANT PRODUCTS



Booster seat



Bouncer



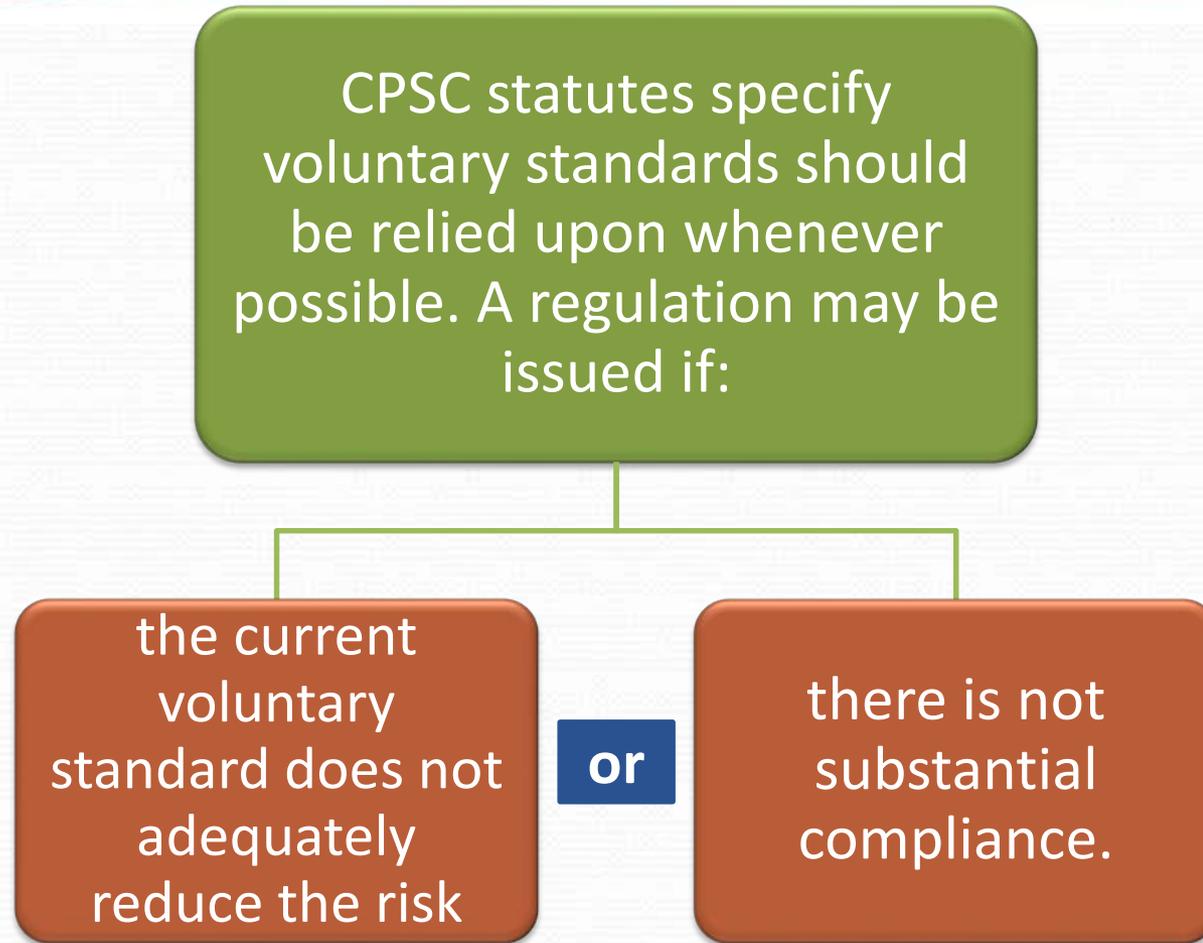
Swing

Mandatory Reporting (Section 15) Requirements

- U.S. manufacturers, importers, distributors, and/or retailers of consumer products have a legal obligation to immediately report certain types of information to the CPSC about potentially dangerous products.
- Even products that initially comply with rules or standards could be subject to reporting.
- Failure to report can result in civil or criminal penalties.
- For more information on Section 15 reporting, see: <https://www.cpsc.gov/reporting>

REGULATORY PROCESS

Initiating the Rulemaking Process



The regulatory process can be started by vote of the Commission or by a petition from an interested party.

Rulemaking Process

- Stages of Rulemaking
 - Advanced Notice of Rulemaking (ANPR) - optional
 - Notice of Proposed Rulemaking (NPR)
 - Final Rule (FR)
- Published for public notice and comment on www.regulations.gov
- For more information about CPSC's rulemaking process, see: <https://www.cpsc.gov/Regulations-Laws--Standards/Rulemaking>



INDUSTRY CONSENSUS STANDARDS AND OTHER U.S. REQUIREMENTS

Industry Consensus Standards

- In the U.S. the majority of consumer products are not covered by a technical regulation; rather most consumer products are covered by industry consensus standards.
- As part of market surveillance activities, the CPSC uses industry consensus standards as an indicator that a product is free of the hazards that the standard addresses.
- In this function, relevant industry consensus standards are useful tools, well-understood by both industry and the CPSC.
- U.S. Importers/Retailers can contractually require that suppliers meet a specified industry consensus standard.



Industry Consensus Standards

Some Consumer Products Covered by Voluntary Standards in the U.S. Market

- Smoke alarms
- Appliances and Powered Household Products
- Recreational Products
- Electrical Fixtures
- Furniture
- Liquid laundry packets

State Requirements

- In the U.S. some states may have laws and regulations in addition to federal requirements. These laws include regulations for products, labeling, packaging, and chemical restrictions (e.g., flame-retardant chemicals).
- Importers should be familiar with these requirements.

Importance of Using U.S. Technical Regulations and Industry Consensus Standards

- To avoid entry problems with the U.S. government (Customs and CPSC), foreign manufacturers **MUST** comply with:
 - Mandatory CPSC Regulations
 - 15(j) requirements must be met, but do not require certification
 - drawstrings on children's upper outerwear, hand-held hairdryers, extension cords, seasonal and decorative lighting
- Manufacturers **SHOULD** also comply with:
 - Private Sector Standards (industry consensus standards)

Both play essential safety roles.

Responsibility to Comply with Voluntary Standards and Technical Regulations



Importers, although reliant on foreign manufacturers, are directly responsible for the safety of products they bring into the United States.

RESOURCES

Resources

Safer Products Start Here!



Welcome to CPSC's Regulatory Robot!

<http://business.cpsc.gov>

- New online tool designed specifically to help businesses comply with federal consumer product safety requirements.
- Asks a series of guided questions, and based on the answers produces a downloadable (PDF) report.
- Provides customized guidance with links to product safety regulations that may apply to the product and important information on labeling, certification and testing requirements.

Use CPSC's Regulatory Robot to Help Identify the Requirements for Your Product!



The image is a screenshot of a web browser displaying the CPSC's Regulatory Robot website. The browser's address bar shows the URL: <https://www.cpsc.gov/business--manufacturing/regulatory-robot/safer-products-start-here/>. The browser's menu bar includes "File", "Edit", "View", "Favorites", "Tools", and "Help". The page content includes a breadcrumb trail: "Home » Business & Manufacturing » Safer Products Start Here". Below this is a large heading: "Safer Products Start Here!". The main visual is a cartoon robot with a green body and white head, standing next to a laptop. The robot is pointing at the laptop screen, which displays a target icon. To the right of the robot and laptop is a blue banner with the text "Regulatory ROBOT" in yellow and "Safer Products Start Here!" in white. Below this is a section titled "Welcome to CPSC's Regulatory Robot!". The text in this section reads: "Are you a small business starting out and manufacturing a product for children or other consumers? You may be wondering which federal product safety requirements, like CPSIA, apply to your product. We're here to help steer you in the right direction. We've designed our Regulatory Robot to guide you through our requirements to identify important product safety requirements that you should review before manufacturing or importing your consumer product. As most products are unique, each product may need to comply with different requirements so you'll need to run the Robot one time for each product. The Regulatory Robot asks you a series of simple questions to provide you with the basic guidance you need to move forward with your design and manufacturing process. Product safety and compliance are serious stuff, and we hope that the Regulatory Robot is the beginning of your journey to manufacture products that are safe and compliant for American consumers." At the bottom of the page is a button with the word "ENTER" in a blue box and a target icon to its right.

Home » Business & Manufacturing » Safer Products Start Here

Safer Products Start Here!



Welcome to CPSC's Regulatory Robot!

Are you a small business starting out and manufacturing a product for children or other consumers? You may be wondering which federal product safety requirements, like CPSIA, apply to your product. We're here to help steer you in the right direction.

We've designed our Regulatory Robot to guide you through our requirements to identify important product safety requirements that you should review before manufacturing or importing your consumer product. As most products are unique, each product may need to comply with different requirements so you'll need to run the Robot one time for each product. The Regulatory Robot asks you a series of simple questions to provide you with the basic guidance you need to move forward with your design and manufacturing process. Product safety and compliance are serious stuff, and we hope that the Regulatory Robot is the beginning of your journey to manufacture products that are safe and compliant for American consumers.

ENTER 

Website Resources in Chinese

<https://www.cpsc.gov/zh-CN/Business--Manufacturing/Business-Education>

企业教育

English Tiếng Việt Español

作为一个制造、进口和批发消费品的企业，您需要遵守一系列《消费品安全改进法》和消费品安全委员会的其它规定。以下这些步骤将协助引导您熟悉遵守联邦政府安全法规的程序。

第一 您制造儿童使用的产品吗？



该法律界定，“儿童产品”就是为12岁或者12岁以下儿童设计或者作为主要使用者的消费品。

第二 什么法规适用于我的产品？



要找到关于您的产品的信息，请查询下面的法规产品名单。如果您的产品没有出现在下面的名单中，它可能就是一种不受法规监管的产品。如果您还没有弄清楚，请确认您的产品属于消费品安全委员会管辖范围。

第三 我如何检测和认证我的产品？



儿童产品第三方检测
非儿童产品检测
消费品安全委员会认可的实验室



1

Envíe su Pregunta:

Email: [Formato de Contacto](#)

Contacto:

[Defensor de Las Pequeñas Empresas](#)

(Esta es la mejor forma de recibir una Respuesta rápida de la agencia.)

Reglamentos que Requieren un Certificado

[Reglamentos que Requieren Prueba de Terceros y Certificado para Productos para Niños](#)

[Reglamentos que Requieren un Certificado General De Conformidad](#)

企业产品指导

[美术材料](#)

[石棉](#)

[全地形车](#)

Contact Information

Steve Williams
Program Manager
Office of International Programs
E-mail: sawilliams@cpsc.gov

Lily Li
Regional Product Safety Specialist
Office of International Programs
E-mail: lilx@state.gov