

## Consumer Product Safety Improvement Act (CPSIA)

### Standard Operating Procedures

There is a commitment to ensure all products made available to the consumer are safe for their intended use, and comply with all applicable standards, and regulation. This document is intended to provide guidance to procedures and rules regarding testing and certification of products under the Consumer Product Safety Improvement Act (CPSIA).

As the vendor, you are required to provide merchandise that is safe and fit for use, including omission of materials that may cause harm, and are manufactured, packaged and labeled in accordance to the regulations set forth by the CPSIA.

The Consumer Product Safety Improvement Act (CPSIA) of 2008 requires that nearly all children's products:

- a) Comply with all applicable children's product safety rules;
- b) Are tested for compliance by a CPSC-accepted laboratory;
- c) Have a written Children's Product Certificate (issued by the manufacturer or importer) that provides evidence of the product's compliance; and
- d) Have permanent tracking information affixed to the product and its packaging.

A Children's Product Certificate (CPC) must be based on third-party testing of the finished product performed by a CPSC accredited laboratory. The CPSIA defines a children's product as one that is "primarily designed or intended for children 12 years of age or younger". A listing of standards that require a CPC based on CPSC-accredited, third party laboratory testing is available at

<http://www.cpsc.gov/cgi-bin/labsearch/Default.aspx>

Children's products manufactured on or before February 8, 2013 must be based on finished product tests performed by CPSC-accredited, third party testing labs. You must provide the test report and the information required. Regarding children's products manufactured after February 8, 2013, all CPC's must be based on the CPSC Final Rule on testing and certification of children's products, including periodic testing (16 CFR 1107).

### **Final Rule on Testing and Certification of Children's Products, including periodic testing**

The CPSC Final Rule on testing and certification of children's products requires:

1. Representative samples required for CPSC-accredited third party testing
2. Corrective action for failed tests
3. Periodic retesting of children's products
4. Retesting due to material changes
5. Training to prevent undue influence on testing labs

## 6. Recordkeeping and documentation

The requirements apply to manufacturers and importers of record. The requirements apply to each facility manufacturing the product, if the same product is produced in multiple factories.

Additional information on these requirements:

<http://www.cpsc.gov/businfo/frnotices/fr10/testing.pdf>.

### A. Representative Samples

The Testing Rule requires testing on a sufficient number of samples of the product to achieve a high degree of assurance that the tests accurately show the children's product meets the applicable requirements. A "high degree of assurance" indicates an "evidence-based demonstration of consistent performance of a product regarding compliance based on knowledge of a product and its manufacture."

If a manufacture creates uniformed products, fewer samples are required. If the finished product has high variability, more samples are required. If any sample fails, you must investigate the reasons for the failure and correct them.

### B. Corrective Action

For all children's products, you must create and document a corrective action plan before manufacturing that identifies actions you will take to investigate any product that fails testing. At minimum it must include an investigation into reasons for the failure and corrective measures necessary to resolve, including retesting of the product.

### C. Periodic Testing of Children's Products

For children's products manufactured after February 8, 2013 that continue to be produced, the Testing Rule has established requirements for periodic testing. If the manufacturer meets the rule requirements, it will not need to have a CPSC-accredited, third party testing lab for each batch run of the same children's product.

After initial certification testing by a CPSC-accredited third part test lab, the Testing Rule requires periodic testing of children's products that are continually produced, within at least one year of initial certification. An accredited third party lab must perform periodic testing sufficient to provide a high degree of assurance that products comply with all regulation. Periodic testing must be documented in advance of actual testing in a written "Periodic Testing Plan."

Production Testing Plan must include the following:

- Identification of the test to be conducted/measurements to be taken;
- The intervals at which those tests or measurements will be taken;
- The number of samples that will be tested;
- An explanation describing how these techniques and tests provide a high degree of assurance of compliance with the applicable regulations

#### **D. Material Changes**

The Testing Rule also requires retesting and recertification by a CPSC-accredited third party testing lab if the product undergoes a “material change.” This includes changes in design, production method, or materials. All of which have the potential to affect the children’s product with a consumer product safety standard

#### **E. Undue Influence Policy in Training**

The Testing Rule also requires each manufacturer to implement procedures to protect against undue influence on a third-party accredited lab. At minimum, the procedures must include a written policy statement and staff training. Manufacturers must maintain records of training for five years.

#### **F. Record Keeping and Documentation**

The Testing Rule requires manufacturers and importers to obtain and maintain the following records for five years:

- Copies of CPC’s for each product (if the product is manufactured at more than one facility, you must have separate CPC’s for products manufactured at each facility);
- Test Reports for each CPSC-accredited, third party test for each product (if manufactured in more than one facility, you must have separate test reports for products manufactured at each facility);
- The Periodic Testing Plan, including records documenting evaluation and determination of appropriate testing intervals of sample sizes;
- Any Production Testing Plan used to extend the Periodic Testing Plan interval beyond one year, including production test results;
- Any test failures and corrective action taken;
- Documentation of material changes to the products;
- Undue Influence in policies and training.

#### **G. Labeling**

The testing rule states a certified compliant product may contain a label

- “Meets CPSC Safety Requirements”

### **Lead Content/Phalate Testing**

The following outlines the timeline and lead content limits for children’s products.

600 ppm-effective February 10, 2009

300 ppm-effective August 14, 2009

100 ppm-effective August 14, 2011

This applies to products intended for use by children 12 years or younger; excludes products intended for all ages and educational materials with a functional purpose.

Excludes component parts that are inaccessible to children; inaccessible means that it has a sealed covering or casing (paint, coating or electroplating are not sufficient)

Component must remain inaccessible to a child through "normal use and reasonably foreseeable abuse"; dismantling by an older child using tools is excluded

If 100 ppm is not technically feasible for a product/product category the CSPC will set an alternative limit

## **Phalates**

Phalates found in children's toys and child care articles

1,000 ppm (0.1%)-effective February 10, 2009

BBP - benzyl butyl phthalate  
DBP - dibutyl phthalate  
DEHP - di(2-ethylhexyl) phthalate  
DIDP - diisodecyl phthalate  
DINP - diisononyl phthalate  
DnOP - di-n-octyl phthalate

Child care article means a product for children 3 years or younger that facilitates sleep, feeding, sucking or teething

Toy means a product for children 12 years or younger to use in play

Limits for DIDP, DINP, & DnOP apply to child care articles and toys that can be placed in a child's mouth (excludes other toys).

## **Tracking Labels on children's products**

Effective August 14, 2009

Children's products (where practicable) and their packaging must have permanent labels with the manufacturer's, production date and location, and identifying cohort information such as batch or run number. Reference 15 USC 2063 in Chapter 47 (consumer product safety).

## **Certification of Non-Children's products**

A General Conformity Certificate (GCC) for non-children's products must be based on actual testing of the finished product or the use of a reasonable testing program. A listing of standards that require a GCC based on actual testing or a reasonable testing program is available at: <http://www.cpsc.gov/cgi-bin/labsearch/>.

The CPSC has not yet established formal testing requirements to certification of non-children's products. The CPSC has issued a proposed rule containing requirements that the CPSC may mandate in the future, and CPSC staff has issued guidance on its best practices for a reasonable testing program. The proposed rule is available at: <http://www.cpsc.gov/businfo/frnotices/fr10/testing.pdf>

#### NOTE

The above information provides a guide to the requirements of the CPSC rules, and regulations. This is not intended to be a complete listing of CPSIA and other consumer product safety compliance requirements that may apply to your product. It is required that you independently ensure that your products comply with all consumer product safety standards and requirements issued or administered by the CPSC, as well as the testing and certification requirements CPSC issues.