

SAFEGUARDS

SGS CONSUMER TESTING SERVICES

HARDLINES, SOFTLINES, ELECTRICAL & ELECTRONICS

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CPSIA UPDATE 33: NEW US RULES FOR TESTING AND LABELING OF CERTIFIED PRODUCTS

The Office of the General Counsel has recently forwarded to the Commission for consideration, a draft Federal Register notice to establish requirements for a reasonable testing program and for compliance and continuing testing for children's products. The final rule may become effective 180 days after publication in the Federal Register.

On April 1, 2010, the CPSC released a draft proposal to address the labeling of consumer products to indicate a product complies with certification requirements under a reasonable testing program for non-children's products, or under compliance and continuing testing for children's products¹. It also proposes to amend Title 16 of the Code of Federal by inserting a new Part 1107. The content of the proposed rule was discussed at an Open Commission Meeting on April 8 and a decision meeting is scheduled for April 21, 2010.

Highlights of the proposed new 16 CFR part 1107 are summarized below:

Subpart A. General provisions.

- Purpose and Definitions

This part establishes the requirements for: a reasonable testing program for non-children's products; third party conformity assessment body testing to support certification and continuing testing of children's products; and labeling of consumer products to indicate that the certification requirements have been met. It also includes definitions of terms used in the proposed rule.

Subpart B. Reasonable Testing Program for Non-Children's Products.

- A manufacturer certifying a product must ensure that the reasonable testing program ensures a high degree of assurance where all consumer products covered by the program will comply with all applicable rules, bans, standards, or regulations.



- As previously suggested by the CPSC, a 'reasonable testing program' must consist of the following five elements:
 - Product specification
 - Certification Tests
 - Production Testing Plan
 - Remedial Action Plan
 - Record Keeping

¹ **Proposed Rule:** Testing and Labeling Pertaining to Product Certification, Draft Federal Register Notice, April 1, 2010.



Subpart C. Certification of Children's Products.

- Certification of children's products will be based on manufacturers submitting a sufficient number of samples, or samples that are identical in all material respects to the production article, to a third party conformity assessment body for testing to support certification. The number of samples selected must provide a high degree of assurance that the tests conducted for certification purposes accurately demonstrate the ability of the children's product to meet all applicable children's product safety rules.

- Certification will also take the following factors into account:
 - General requirements
 - Periodic Testing
 - Random Samples
 - Material Changes
 - Verification
 - Undue Influence
 - Remedial Action
 - Record Keeping

Subpart D. Consumer Product Labeling Program.

- Part D addresses the labeling of consumer products to indicate that the certification requirements of section 14 of the CPSA have been met.
 - Manufacturers and private labelers of a consumer product may indicate, by a uniform label attached to, or provided with the product, that the product complies with any applicable consumer product safety rule under the CPSA or other similar rules,
 - The label must be printed in bold typeface, using an Arial font of not less than 12 points, be visible and legible and consist of the following statement:

Meets CPSC Safety Requirements

SGS will follow up and inform interested parties about developments on regulations or policies in consumer products as a complementary service.

Throughout our global network of laboratories, SGS is capable of offering a wide range of physical/ mechanical testing and consultation for restricted substances, as well as consultation on product design, risk assessment, certification and other mandated requirements. We are ready to provide you with the latest information on CPSIA updates. You can check our list of [CPSIA accredited laboratories](#) and visit our [CPSIA webpage](#). Please do not hesitate to contact us.

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