

SAFEGUARDS

SGS CONSUMER TESTING SERVICES

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TESTING AND CERTIFICATION REQUIREMENTS UNDER SECTION 102 OF CPSIA

The US Consumer Product Safety Commission (CPSC) issues interim guidance for manufacturers to meet testing and Certification requirements under Section 102 of CPSIA

CPSC has released a document entitled, "*Guidance Document: Testing and Certification Requirements under the Consumer Product Safety Improvement Act of 2008*". The guidance provides the Commission's interpretation of the CPSIA section 102 requirements. This interim guidance describes the position taken by the CPSC with regard to a "reasonable testing program" and the means of certifying products for compliance with all applicable rules, bans, standards, regulations and laws enforced by the Commission. CPSC also announced a public workshop on December 10-11, 2009 to hear feedback from various stakeholders and a deadline for submitting written comments by January 11, 2010, prior to the issuance of final regulations.

In addition to guidelines for a reasonable testing program, the CPSC document includes information on the testing of component parts, the frequency of product testing as well as a detailed list of bans, standards, and safety rules that must be supported by general conformity certificates (GCC), both for general consumer goods and children's products.

GUIDANCE DOCUMENT IMPORTANT POINTS:

A. "REASONABLE TESTING PROGRAM":
The CPSC indicated that a reasonable testing program at a minimum should contain the following elements:

"(I) Product specifications that describe the consumer product and list the safety rules, standards, etc., with which the product must comply;

(2) Certification tests, which are performed on samples of the manufacturer's consumer product to demonstrate that the product is capable of passing the tests prescribed by the standards;
(3) A production testing plan, which describes the tests that must be performed and at what intervals as long as the consumer product is being manufactured to provide reasonable assurance that the products as produced continue to meet all applicable safety rules;
(4) Remedial action plans, which must be employed whenever samples of the consumer product or results from any other tests used to assess compliance yield unacceptable or failing test results; and
(5) Documentation of the reasonable testing program and how it was implemented."

B. "PERIODIC TESTING":

The document outlines the following recommendations related to periodic testing.

- (1) For children's products, the CPSC "strongly encourages" third party testing be performed at least once a year, with an additional suggestion to manufacturers that more frequent testing be done when potential non-compliance may result in a substantial product hazard.
- (2) Whenever a change in material, design, manufacturing process or supplier occurs that could affect the ability of a product to comply with a safety rule, additional third party testing should be performed.
- (3) Consideration is offered for small businesses and manufacturers in the form of a suggestion that additional periodic testing would not be expected until at least 10,000 units have been produced, unless there has been a product change as noted in (2) above.
- (4) The Commission has not attempted to define the number of samples to be used for testing citing numerous factors including the variety of product types, production quantities, testing costs and other factors. The CPSC also suggests that manufacturers consult with CPSC-recognized third party labs for advice on suitable sample sizes.

C. COMPONENT PART TESTING AND SIZE DIFFERENTIALS:

The CPSC is currently considering a dedicated enforcement policy that will address the testing of product components for lead in paint and substrates as a means to demonstrate compliance, and anticipate addressing component testing related to phthalates and other possible items in the future.

- (1) The guidance document defines a component part as "a part of a product that may be tested separate from the product" to confirm compliance.
- (2) The Commission states that component testing will be accepted under certain conditions. For example, a small plastic part can be tested separately from the main product without having to test the rest of the product at the same time.
- (3) Certificates for raw materials such as wet paints, based on testing performed by a CPSC-recognized third party lab, will be allowed as long as the manufacturer has process controls in place to make sure that only certified paints are used throughout production without any adulteration from additives or handling conditions that may change the lead content of the paint.
- (4) Consideration is given to different sizes of a similar product and a garment is cited as an example; various sizes of the same style shirt would require only one testing to satisfy the requirements.

The Guidance also includes a current set of informative Q&As specific to product testing and certification requirements and easy-to-read tables describing the timelines for third party lab testing of various consumer and children's products.

The complete Text of the Guidance Document and Information on how to provide public comment can be found on the CPSC website at the following link:

<http://www.cpsc.gov/library/foia/foia10/brief/102testing.pdf>

Throughout our global network of laboratories, we are able to provide a range of services, including analytical testing and consultancy for lead, phthalates and other restricted substances in a comprehensive range of consumer products for the US and worldwide markets. Please do not hesitate to contact us for further information.

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