



Consumer Product Safety Improvement Act

Section 102. Mandatory Third Party Testing for Certain Children’s Products

Basic Summary:

A. General Certification

The new legislation increases the range of products that require testing and certification. Under prior law, certification was generally required only for consumer products subject to standards promulgated by the Commission under the Consumer Product Safety Act. Now, this general certification requirement has been extended to all products subject to bans as well as standards under the CPSA and to products subject to any similar rule, standard, ban, or regulation under any other Act enforced by the Commission. This general certification requirement is sometimes called a “supplier’s declaration of conformity.” These general conformity certifications do not need to be based on testing done by a third-party laboratory. Certification must be based on a test of the product or a “reasonable testing program.” This new general certification requirement goes into effect on November 12, 2008 for products manufactured on or after that date.

B. Third-Party Testing of Children’s Products

The new legislation imposes an additional third-party testing requirement for all consumer products primarily intended for children twelve years of age or younger. Every manufacturer (including an importer) or private labeler of a children’s product must have its product tested by an accredited independent testing lab and, based on the testing, must issue a certificate that the product meets all applicable CPSC requirements.

CPSC is given authority either to accredit laboratories (“third party conformity assessment bodies”) for doing the required testing of children’s products or to designate independent accrediting organizations to accredit the testing laboratories, with one exception. The Commission itself must accredit laboratories that are controlled by the manufacturer of the children’s product in question. To assure their impartiality, government labs must also meet strict standards of independence. The CPSC must maintain an up-to-date list of accredited labs on its web site. CPSC has authority to suspend or terminate a laboratory’s accreditation in appropriate circumstances.

The third-party testing and certification requirements for children’s products are phased in on a rolling schedule. The statute requires the CPSC to issue laboratory accreditation regimes for different categories of children’s products. Once the CPSC issues the laboratory accreditation requirement for that category of children’s products, each children’s product in that category that is manufactured more than ninety days after that date must be tested and certified to the applicable requirements. The schedule for CPSC to issue the laboratory accreditation requirements and the certification schedule is set forth on the timeline shown in the chart below.

	CPSC Publishes Accreditation Procedure	Third-Party Testing Required
Lead Paint	September 22, 2008*	December 22, 2008
Cribs And Pacifiers	October 2008	January 2009
Small Parts	November 2008	February 2009
Metal Jewelry	December 2008	March 2009
Baby Bouncers, Walkers And Jumpers	March 2009	June 2009
300 ppm Lead Content	May 2009	August 2009
CPSC Children’s Product Safety Rules	June 2009	September 2009

C. Certificates

The required certificates, whether general conformity certificates or certificates for children’s products based on third-party testing, must be in English and also may be in another language. They must include information on the identity of the manufacturer or private labeler of the product, the testing laboratory, and the date and place of manufacturing and testing the product.

Products without the required certificate cannot be imported or distributed in commerce in the United States. The certificate must accompany the product or product shipment and must be available to CPSC and Customs and Border Protection upon request. Failure to furnish the certificate or furnishing a false certificate can subject the manufacturer or private labeler to civil and criminal penalties.

* Procedure published in the Federal Register on September 22, 2008. 73 Fed. Reg. 54,564-6

For more information on the CPSIA contact the Consumer Product Safety Commission at <http://www.cpsc.gov/cgibin/newleg.aspx>, and we will address the most frequently asked questions.

This document is an unofficial description of one of the sections of the CPSIA and does not replace or supersede the statutory requirements of the new legislation. The dates used follow the legislation. Some may be subject to change based on final Commission action. These summaries are those of the CPSC staff and have not been reviewed or approved by, and may not necessarily reflect the views of the Commission.

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