

product liability claims are based on a defective product, and that could be a design defect or manufacturing defect or sometimes a marketing defect (improper instructions or failure to warn).

Will my foreign manufacturing partner share product responsibility burdens with me?

While agreements can be enforced against foreign manufacturers and foreign manufacturers can be sued for product liability, for all practical purposes, end buyers want the assurance that there is someone in the United States that accepts responsibility for a product.

Is this issue just for imported products?

The concerns are not limited to imported products. Given the significant percentage of imported promotional products, they are getting much of the attention. However, domestically made promotional products are subject to the same federal and state safety, environmental and social requirements. When an end buyer requests assurances that might not be required by law, the end buyer generally does not make the distinction between imported and domestically manufactured products.

If I need legal advice, where should I go? Finding a local counsel with knowledge of these topics is the first step. At this time, there is no national database of such lawyers.

Where can I go to get more information on this topic?

Please reference PPAI's Guide To Product Safety, Social and Environmental Standards, available online at www.ppai.org, or contact the PPAI bookstore at www.ppai.org/bookstore to order a printed copy of the guide.



For more information, go to:
PPAI PRODUCT SAFETY
<http://www.ppa.org/Member/productsafety.aspx>



PRODUCT SAFETY
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Key Questions For The Supply Chain

An Overview of Product Safety,
Social and Environmental Standards

Supplement to:



**Suppliers'
Forum**



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For more information,
contact: PPAI Professional Development
T: 888-492-6892 or F: 972-258-3096
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PPAI Product Safety
www.ppai.org

How am I at risk? Why should I be concerned? End buyers are becoming more proactive in responding to the general public's desire for safety, environmental and social issues and each day more requirements are being imposed on a broader range of products and risks.

What's the first question I should ask?

You need to know about product design, including how the product will be used; any possible unintended uses, risks or consequences; specific standards and tests the product must meet; and any specific labeling requirements.

Where do I go to find out what standards apply to promotional products?

There is rarely "the standard" for a particular promotional product. There may be multiple standards that apply, some for performance and some for design. For a listing of various standards, go to the Consumer Product Safety Commission (CPSC) webpage: www.cpsc.gov

Can I test my products myself?

In theory, you can because conformity with standards is not generally required as a matter of law. However, the end buyer may require third-party testing or certification. Accredited testing laboratories have the expertise to identify the appropriate standards and to identify the test methods appropriate to measure conformity with the standards.

If I want a third party to test my products, how can I find an accredited lab?

The American Council of Independent

Laboratories (ACIL) offers a List Serve that can assist you in identifying an appropriate laboratory. <http://www.acil.org>.

How much will I have to pay for product testing?

Most laboratory test pricing is subject to the volume to be tested, frequency of tests and is product specific. Often pricing is determined on a time and materials basis, although if some products have become commodities, you may find pricing sheets available from a testing laboratory for which this product testing is routine.

What does my customer mean when he or she refers to "social standards?"

Generally, the customer is referring to the labor standards or working conditions under which a product is produced. These often include no child labor, no forced labor, fair working hours and fair compensation, among others. The Social Accountability International has organized standards in a systematic way. Most major businesses have adopted them as part of their corporate values. For more on these recommendations, visit www.sa-intl.org.

What do my customers want when they ask for a "green product?"

Often, the end buyer is referring to a broad set of expectations that are environmentally-friendly or ecologically-friendly, such as recycled content, recyclability, energy efficiency and many other attributes with positive environmental effects.

The Federal Trade Commission (FTC) (www.ftc.gov) guidelines can be found at <http://www.ftc.gov/bcp/grnrule/guides980427.html>

While most promotional products are not intended for children, do you know the guidelines for age grading?

Age grading helps manufacturers, suppliers and

distributors determine the applicability of mandatory toy regulations to toys that are given as promotional products. The CPSC has published a document that can help firms in age grading. For more information, visit www.cpsc.gov

What is conformity assessment?

Conformity assessment consists of product testing and factory audits. It enables a company to know what policies and procedures need to be implemented to ensure the production process meets all applicable standards for quality, safety and societal concerns.

PPAI offers a number of checklists and resources that will guide you through the basics of factory and social standards audits. Both the Factory Audit Self Assessment Checklist and the Social Standards Factory Audit Checklist are included in PPAI's Guide To Product Safety, Social and Environmental Standards, available online at www.ppai.org or contact the PPAI bookstore at <http://www.ppa.org/bookstore>.

What are the most common triggers for product liability claims?

Generally, product liability claims are based on negligence, strict liability or a breach of warranty of fitness. Most often,

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