

CPSC Issues Long Awaited Rules on Testing

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The CPSC just issued the [final rule](#) on testing and certification for children's products. The final rule, effective February 8, 2013, requires manufacturers, importers, and private labelers to test representative samples of all children's products to ensure compliance with the applicable safety rule(s). The CPSC voted 2-1 to approve the proposed rule without changes. Commissioner Nord had proposed an amendment to the proposed rule to reduce the costs of recordkeeping, but Chairman Tenenbaum and Commissioner Adler voted against it. The rule lacks the detail that some commenters sought, covering briefly representative testing and recordkeeping.

Representative Testing: The testing must be conducted by a CPSC-accredited third party certifier, who must issue a certificate of compliance (either a separate certificate for each applicable rule or a combined certificate demonstrating compliance with all applicable rules). The representative sample of products must provide a basis for inferring the compliance of all products. The Commission noted that companies may draw such an inference from the testing of products or components manufactured using the same grade of material, provided that the production processes are controlled and the dimensions are the same, or from random or cluster sampling (*i.e.*, probability-based sampling methods).

Recordkeeping: Manufacturers, importers, and private labelers must maintain records of the representative testing, including the number of samples selected and the procedure used to select the samples. The Commission recognized the costs associated with developing testing procedures, selecting samples, and recordkeeping, but did not estimate those costs.