Product Responsibility Best Practices

SUBJECT		LAST UPDATE
International Standards		July 2018

APPLIES TO	FOCUS ON
· Suppliers · Distributors	International regulations most significant to the promotional products industry

QUICK LINKS

· PPAI Corporate Responsibility: www.ppai.org/inside-ppai/corporate-responsibility/

· UL: industries.ul.com/premiums-promotional-and-licensed-goods

· Consumer Product Safety Commission: www.cpsc.gov

Intended for intermediate compliance programs

Italic grey text indicates a hyperlink listed in the Online Resources section of this document.

International Standards

In recent years, publicity surrounding product safety recalls have heightened public attention to the safety of consumer products. Manufacturers and importers of consumer products now face more stringent product safety standards. It's essential for manufacturers and importers of consumer products to design and implement reasonable testing programs and have traceability for the materials used in the manufacturing of their products.

In this global marketplace, manufacturers and importers of consumer products have many things to consider. Please note that this best practice is not all-inclusive and does not cover all international regulations. Rather, it is intended to focus on key international regulations that are most significant to the promotional products industry.

CPSC

In the United States, responsibility for the safety of most consumer products falls to the *Consumer Product Safety Commission (CPSC)*. The CPSC regulates the sale and manufacture of more than 15,000 different consumer products. Increased authority for the CPSC is provided in the 2008 Consumer Product Safety Improvement Act. All CPSC-regulated products require a certification of compliance to the applicable rules, standards, bans and regulations. For children's products, the certificates must be based on third party lab (not internal) testing. With the enhanced CPSC authority, the Commission can now assess much larger fines and even criminal penalties for companies that willfully and knowingly violate product safety laws. The Food and Drug Administration (FDA) regulates products such as food, pharmaceuticals, cosmetics, and medical devices, and compliance to applicable FDA regulations is also mandatory.

EU Standards

Authority for European consumer product safety is provided under the framework of the General Product Safety Directive.

A *Rapid alert system, RAPEX*, allows for rapid exchange of information on dangerous consumer products between the member countries and the European Commission, with the exception of food, pharmaceutical and medical devices which are covered under other mechanisms.

In June of 2009, the *EU's new Toy Safety Directive* was published. It substantially amends the old directive across virtually all safety aspects and applies to toys that are defined as products designed or intended, whether or not exclusively, for use in play by children younger than 14 years of age.

This is a perfect example of how standards in different countries may not be equivalent. The CPSIA defines a toy as a consumer product designed or intended by the manufacturer for a child 12 years of age or younger for use by the child when the child plays. Not only is the CPSIA age grade different, but the CPSIA focuses on items *primarily* intended for children younger than 12, while the European Toy Safety Directive does not concentrate on whether or not the product is exclusively designed for children younger than 14 years of age.

In addition to the Toy Safety Directive, *REACH* (which deals with chemical reporting), *RoHS and WEEE* (which focus on electrical items), *EN 71* (toys) and the *CE Marking* requirement all apply to consumer products being distributed in Europe.

Canadian Standards

While not as stringent as the European directives in many areas, *Health Canada* helps protect the Canadian public by researching, assessing and collaborating in the management of health risks and safety hazards associated with many consumer products. Health Canada is actively involved in injury prevention by supporting the development of safety standards and guidelines, enforcing legislation by conducting investigations, inspections,

seizures and prosecutions, testing and conducting research on consumer products and providing importers, manufacturers, and distributors with hazard and technical information. Notable Canadian regulations include but are not limited to: the *Canada Consumer Product Safety Act (CCPSA)*, the *Hazardous Products Act*, the *Consumer Packaging and Labeling Act* and the *Textile Labeling Act*. Additionally, there are requirements specific to the various Canadian provinces; for example, *products being distributed in Quebec must have bilingual labels—both English and French must be present.*

Distributors of consumer products for promotional purposes are considered to be sellers of consumer products under the CCPSA and, therefore, are subject to the requirements. While there are not specific certification requirements for laboratories to conduct tests on consumer products, there are some recommended best practices.

- Testing should be done to the Canadian requirements for consumer products as described in the regulations, policies and guidelines
- Testing should be conducted on a representative sample of the product available on the Canadian market
- Testing should be carried out at a laboratory that has demonstrated competency in testing of consumer products preferably through accreditation to ISO/IEC 17025

Similar to the U.S. CPSC requirements, mandatory record keeping is required for traceability of products throughout the supply chain.

Voluntary Standards

ISO (the International Organization for Standardization) is the world's largest developer of voluntary international standards providing specifications for products, services and good practices. ISO has published more than 19,000 international standards covering almost all aspects of technology and business.

In addition, *ASTM* is a globally recognized leader in the development and delivery of international voluntary standards. Today, more than 12,000 ASTM standards exist and are used around the world to improve product quality, enhance safety and build consumer confidence. Recent ASTM standards that may affect the promotional products industry include *ASTM F2923, the Standard Specification for Consumer Product Safety for Children's Jewelry.*

Responsibility and Accountability

Who is responsible for ensuring a product complies with appropriate regulations? Ultimately, the importer (for products manufactured overseas) or domestic manufacturer is responsible for product compliance. However, everyone in the supply chain is affected by a product recall or violation of a rule, standard or ban. All companies involved (raw material suppliers, manufacturers, importers, distributors etc.) must have documented policies and procedures that address a reasonable testing program and compliance policies, ensure traceability and strong vendor monitoring procedures.

Examine the entire product life cycle and identify those steps that may be taken at each phase to help manage the global supply chain. Remember that safety standards and regulations are minimum requirements, and there may be hazards not currently addressed by the standards.

For more information on international standards, review the Global Standards Information website of the United States, a gateway to standards and conformity assessment information to help you navigate regulations in a complex global market.

Online Resources:

REACH European Union Standards:
https://echa.europa.eu/regulations/reach/legislation

RoHS and WEEE Standards:
ec.europa.eu/environment/waste/rohs_eee/

PPAI Product Life Cycle Best Practice:
https://www.ppai.org/media/1813/pr-bp-product-life-cycle.pdf

Australia
    Regulator: Australia Competition and Consumer Commission
    Guide: Product Safety—A Guide for Business and Legal Practitioners
    Law: Australian Consumer Law (2011)

Canada
    Industry Guidance-"Danger to Human Health or Safety" Posed by Consumer Products
    Guide to Notices of Violation and Administrative Monetary Penalties under the Canada Consumer Product Safety Act
    English Guide: Guide to Notices of Violation & Admin. Monetary Penalties Under Canada Consumer Product Safety Act
    Consumer Product Safety in Canada: A guide to standards and conformity assessment options for manufacturers, importers and sellers
    Health Canada Publishes Guidance on Toy Product Safety
    Regulator: Health Canada, Minister of Health
    Guide: Canada Consumer Product Safety Act Quick Reference Guide
    Law: Canada Consumer Product Safety Act (2010)
    Resources: FAQs for the Canada Consumer Product Safety Act

Guide to Preparing and Maintaining Documents

Canada Consumer Product Safety Act Brochure

Information for Retailers

Incident Report Form For Industry

China

Regulator: Administration of Quality Supervision Inspection, and Quarantine (AQSIQ)

Law: Management Regulations on Recall of Children's Toys

European Union

Regulator: Directorate General for Health & Consumers

Guide: Product Safety in Europe: A Guide to Corrective Action Including Recalls Updated March 2012

Laws: The General Product Safety Directive (GPSD)

REACH: Registration, Evaluation, Authorisation and Restriction of Chemical Substances

India

Regulator: Ministry of Consumer Affairs

Laws: The Consumer Protection Act (1986), Consumer Protection Regulations (2005)

South Korea

Regulators: Ministry of Trade and Energy

Korean Agency for Technology and Standards

Guide: Enforcement Decree of the Act

Law: Framework Act on Product Safety

South Africa

Regulators: South African Bureau of Standards,

National Consumer Commission

Department of Trade and Industry

Law: Consumer Protection Act (2008), Standards Act (2008)

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