

Product Responsibility Best Practices	SUBJECT		LAST UPDATE
	Reasonable Testing Best Practices		July 2019
	APPLIES TO	FOCUS ON	
	<ul style="list-style-type: none"> Suppliers Distributors 	Components of a reasonable testing program that meets the requirements of the Consumer Product Safety Improvement Act of 2008.	
	QUICK LINKS		Intended for intermediate compliance programs
	<ul style="list-style-type: none"> PPAI Corporate Responsibility: http://ppai.org/corporate-responsibility UL: industries.ul.com/premiums-promotional-and-licensed-goods Consumer Product Safety Commission: www.cpsc.gov 		

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

CPSC's Reasonable Testing Program

In February 2013, the *Consumer Product Safety Commission* issued the *Reasonable Testing Program* requirement as part of the *Consumer Product Safety Improvement Act of 2008*. The primary purpose of this requirement is to establish:

- Protocols and standards for periodic testing
- Testing requirements when there has been a material change
- Safeguards against the exercise of undue influence on a third-party conformity assessment body
- Record keeping requirements
- A voluntary consumer product labeling program

Periodic Testing Plan

All manufacturers must develop and document a periodic testing plan to ensure a high degree of assurance that children's products manufactured after the issuance of the *Children's Product Certificate (CPC)*, or since the previous testing was performed, continue to comply with all applicable children's product safety rules. The periodic testing plan must include the tests to be conducted, the intervals at which the tests will be conducted and the number of samples tested.

At a minimum, periodic testing must be performed on an annual basis. If there is a material change, additional testing may be required sooner than the annual testing. The additional testing does not necessarily need to be full testing but should be reflective of the material change.

If a manufacturer implements a production testing plan that provides a high degree of assurance in continuing compliance (often incorporating process management techniques such as control charts, statistical process control programs, or failure modes and effects analyses and specific to each factory and product), periodic testing may be performed every two years.

And if the production testing plan includes product testing by an ISO 17025 accredited test lab, periodic testing may be extended to once every three years. In most cases, though, the minimum annual testing will be performed.

Sample Size For Certification Testing

In most cases, there is no specific rule that dictates the number of samples that must undergo third party testing. The regulation, **16 CFR 1107**, simply states that the number of samples must be sufficient to provide a high degree of assurance that the certification testing accurately demonstrates the ability of the product to meet all applicable children's product safety rules. There are industry standards that can help define appropriate sample size for that high degree of assurance but there is not a defined sample size for certification testing in 16 CFR 1107.

In some instances regarding toys, sample size for certification testing may refer to the sample size in *CPSC's Laboratory Test Manual for Toy Testing*, which states that a minimum of 12 samples be subjected to the mechanical use and abuse tests, with a minimum of two samples subjected to each applicable test.

Component Part Testing

Component part testing is an acceptable way to certify compliance of the finished product, within appropriate parameters. As part of a reasonable testing program, the finished product certifier does not necessarily have to do all of the testing themselves and can rely on other's test reports or certificates of compliance. However, the finished product certifier must take due care that the component testing documents are valid and appropriate.

Component testing typically applies to chemical tests for lead in paint, lead content and phthalates. The domestic manufacturer or

importer who is certifying product compliance by issuing the CPC can do so with one of two types of documents:

- Test reports from a CPSC-recognized third-party testing lab indicating compliance
- A certificate from the paint or component supplier declaring compliance with applicable chemical requirements (certificates must be based on testing by a *CPSC-recognized third party laboratory*)

Corrective Action Plan

If there is a testing failure, even if other samples have passed the same certification test, the manufacturer must investigate and take the necessary steps to address the reasons for failure. The CPSC's reasonable testing program does not require a formal remedial action plan but does require an investigation and documentation of that investigation. An effective corrective action plan should:

- Determine the root cause of the failure
- Identify and segregate the affected product
- Rework, sort and dispose of the affected product
- Implement interim corrective actions to address the non-conformance
- Prevent recurrence with permanent corrective actions

Simply retesting without an investigation into the cause of the failure is not acceptable and does not meet the requirements of a reasonable testing program.

Material Change

If a children's product undergoes a material change, additional testing may be required to confirm continued compliance. A material change may include a change in:

- Product design, including all component parts, their composition, and their interaction and functionality when assembled
- Manufacturing process
- Sourcing of component parts

If any of these material changes could affect a product's ability to comply with a children's product safety rule, additional testing based on the material change is required, and a new children's product certificate must be issued based on the new product. As stated earlier, the additional testing does not necessarily need to be full testing but rather reflective of the material change.

Safeguards Against Undue Influence

Each manufacturer must establish procedures to safeguard against the exercise of undue influence by a manufacturer on a third-party lab.

- The procedure must include a *written policy statement* from company officials that the exercise of undue influence is not acceptable.
- All appropriate staff members must receive training on avoiding undue influence and must sign a statement attesting to participation in such training.
- The undue influence policy must include a requirement for retraining if the policy is significantly changed.
- There must be a requirement to notify the CPSC immediately of any attempt by the manufacturer to hide or exert undue influence over test results, and a requirement to inform employees that allegations of undue influence may be reported confidentially to the CPSC, and how to do so.

Record Keeping Requirement

The record keeping requirement of the Testing and Labeling Pertaining to Product Certification rule mandates that the children's product manufacturer must maintain various records for each product, including:

- A *Children's Product Certificate (CPC)* for each product
- Associated third-party certification test reports
- A periodic test plan and periodic test results for each children's product
- Records of the production testing plan and production test results, if used
- Descriptions of all material changes and the certification tests related to those changes
- Records of the undue influence procedures, including training materials and records

The required documentation must be maintained for a period of **five years** and made available to the CPSC upon request, either in hard copy or electronically. The records may be maintained in languages other than English if they can be provided immediately to the CPSC upon request and can be translated accurately into English by the manufacturer within 48 hours of CPSC request.

Voluntary Consumer Product Labeling

The 16 CFR 1107 regulation includes a voluntary consumer product labeling program indicating that the certification requirements of the CPSIA have been met. The label must be visible and legible and consist of the statement “Meets CPSC Safety Requirements.” The statement may be on the product, its packaging or provided with the product. The label statement may be used only if the product meets all applicable rules,

bans, standards and regulations—not just some of them. The manufacturer may use a label in addition to the statement, as long as the additional wording does not alter or mislead consumers as to the meaning of the statement or imply that the CPSC has tested, approved or endorsed the product. This is a voluntary labeling program, and the manufacturer may determine size, placement, conspicuousness of the label, as long as the statement itself is appropriately used.

Online Resources:

PPAI Secondary Tracking Label For Third-Party Decoration Of Children's Apparel Best Practice:

<http://www.ppai.org/media/1818/pr-bp-secondary-tracking-label.pdf>

PPAI Component Parts Best Practice: <http://www.ppai.org/media/1798/pr-bp-component-part-testing.pdf>

PPAI Working With A Testing Lab Best Practice: <http://www.ppai.org/media/1821/pr-bp-working-with-a-test-lab.pdf>

PPAI Care Labeling For Apparel Best Practice: <http://www.ppai.org/media/1795/pr-bp-care-labeling-apparel.pdf>

PPAI Ink Testing Guidelines Best Practice: <http://www.ppai.org/media/1808/pr-bp-ink-testing.pdf>

CPSC Summary of Requirements for Clothing Textiles: <https://www.cpsc.gov/Business--Manufacturing/Business-Education/Business-Guidance/Clothing>

CPSC FAQs on Lead Limits and Textile Printing: www.cpsc.gov/en/Business--Manufacturing/Business-Education/Lead/Total-Lead-Content/

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