
❖SPC&B Safety News❖

A Newsletter for Clients of Sharretts, Paley, Carter & Blauvelt, P.C.

December 6, 2012

Reminder — The Grace Period is Over — Children’s Product Testing Program Requirements Take Effect February 8, 2013



On December 05, 2012, the Consumer Product Safety Commission (CPSC) published its final rule for representative sampling for periodic testing of children’s products in accordance with the Consumer Product Safety Act (CPSIA.)

Under the final rule, “representative product samples” of children’s products subject to children’s product safety rules must be submitted to third-party testing bodies for periodic safety compliance testing. The samples must be selected using a process which provides “a basis for inferring compliance about the population of untested products produced during the applicable periodic testing interval.” The final rule also requires that manufacturers or importers of children’s products subject to children’s product safety rules maintain records regarding the selection process of the representative samples, the number of samples tested, and the basis for inferring compliance of the untested products to the relevant product safety rules from the results of the tested samples.

This rule will take effect on February 8, 2013, and apply to all products manufactured after that date. In conjunction with the representative sampling rule, the children’s product testing program requirements we informed you about in November 2011 also take effect on that date.

Starting on February 8, 2013, all manufacturers or importers of children’s products must have a documented children’s product testing program in place. Required elements of such a program include, but are not limited, to the following:

- Periodic testing procedures
- Procedures to safeguard against undue influence
- Establishment and maintenance of testing protocols, i.e., a list of tests that must be undertaken for each product
- Recordkeeping of specified documents

If you have not yet established a children’s product testing program or require assistance in bringing your plan into compliance with CPSC’s final rules, we stand ready to assist you and have programs in place that can be adapted to your company’s needs. Please contact Gail Cumins at gcumins@spcblaw.com, Donna Shira at dshira@spcblaw.com, or Alli Baron at abaron@spcblaw.com, or call us at 212-425-0055.

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