

**Request for Comments and Information\***  
**Section 102 of the Consumer Product Safety Improvement Act ("CPSIA")**  
**Requirements for certificates for conformity testing and third party testing**

The Commission staff invites comments on Section 102 of the CPSIA, regarding the requirements for certificates for general conformity testing and third party testing. In particular, the staff is requesting comments on the use of electronic certificates as well as the issue of multiple certifications for the same product.

Section 102(a)(1) amends section 14(a)(1) of the CPSA to require each manufacturer (including importer) of any consumer product to issue a certificate that the product complies with CPSC rules under the CPSA or similar requirements under any of the other Acts administered by the CPSC. The certificate must be based on a test of each product or on a reasonable testing program. This requirement is effective beginning on November 12, 2008. There are additional third party testing requirements for children's products.

In addition, Section 102(b) amends section 14 of the CPSA to add a section 14(g)(3) that requires that every certificate "shall accompany the applicable product or shipment of products covered by the same certificate and a copy of the certificate shall be furnished to each distributor or retailer of the product."

At the September 4, 2008 and October 2, 2008 CPSC public meetings on the CPSIA, participants raised issues concerning the difficulty of providing paper certificates to "accompany" shipping containers and products inside and "furnishing" paper to each distributor or retailer of the product. Concerns were also raised about multiple certifications for the same product. The Commission staff is interested in comments and information regarding:

- Specific recommendations for how the certificates for products distributed in commerce by domestic manufacturers or imported from foreign manufacturers can be made available to the CPSC for inspection, electronically or otherwise, taking into account the timing and cost of any such proposal;
- Specific recommendations for how the certificates, electronic or paper, can "accompany" the shipment of products such that they (i) can be available for immediate inspection for compliance and enforcement, and (ii) can be tied to specific shipments of products as required by the CPSIA;
- Specific recommendations for how the certificates for the products should be "furnished" to the distributors or retailer of the product, electronically or otherwise;
- Specific comments or concerns regarding the provision of either a paper or electronic certificate accompanying products;
- Specific comments or concerns regarding multiple certifications by a foreign manufacturer, importer and/or private labeler for the same product.

Comments to the Office of Secretary are requested by October 29, 2008. Comments may be filed by email to [cpsc-os@cpsc.gov](mailto:cpsc-os@cpsc.gov). Comments may also be filed by facsimile to (301) 504-0127 or by mail or delivery to the Office of the Secretary, Consumer Product Safety Commission, Room 502, 4330 East West Highway, Bethesda, Maryland, 20814. Comments should be captioned "Section 102 Certificate Requirements."

*\*This document was prepared by CPSC staff, has not been reviewed or approved by, and may not necessarily represent the views of, the Commission.*