

CPSIA compliance is mandatory when importing and selling all toys and children's products in the United States. In this guide, you will learn what both US and foreign importers must know about ensuring CPSIA compliance when buying products from China and other countries in Asia.

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### **What is CPSIA?**

The CPSIA regulates various aspects of a product. However, all children's products are subject to the following:

1. All children's products (our vending Toys and Plush) must be compliant with all relevant safety regulations
2. All children's products must be tested by a CPSC approved laboratory (there are certain exceptions)
3. All children's products must have a tracking label attached to the product and/or the product packaging.

But that's not all. The importer shall also issue a Children's Product Certificate, which is a document stating that the imported product is compliant with the relevant regulations. Before you can issue a Children's Product Certificate, you need to have your product tested. The CPSIA regulates various aspects of children's products, including substances, labeling, flammability, durability, and physical proportions.

### **CPSIA Regulated Products**

While the term "children's product" might be rather vague, the CPSC determines any consumer product matching one or more of the following, to be classified as a "children's product":

1. If the product is marketed as appropriate for use by children of 12 years old or younger
2. If the product packaging presents the product as appropriate for use by children of 12 years old or younger
3. If the product display (e.g. sold in a toy store, Vending machine or online store selling children's products) presents the product as appropriate for use by children of 12 years old or younger
4. If the product is generally recognized as a product primarily intended for use by children of 12 years or younger

Therefore, the CPSIA is not only regulating toys but also children's furniture and baby products. Below follows a few examples of CPSIA regulated products:

- Plastic toys
- Plush toys
- Dolls
- Children's clothing

- Baby products
- Children's furniture
- Children's Accessories
- Children's Jewelry
- Toy vehicles
- Wooden toys
- ATVs

These products are very different in terms of design, materials, and functions. Therefore, CPSIA applies differently to the various products classified as children's products. Let's take a look into the scope of CPSIA regulations. Who is responsible to ensure CPSIA compliance? The Consumer Product Safety Commission (CPSC), which administers CPSIA, often refers to the "manufacturer" as the responsible party on their website. However, what the CPSC is really referring to is domestic manufacturers. The Importer is responsible if a product is manufactured by a foreign supplier, for example in China. What this means in practice is the following:

1. The importer must assess applicable ASTM standards and adjust the design of the product accordingly
2. The importer must create the CPSIA tracking label
3. The importer must issue a Children's Product Certificate
4. The importer must book ASTM lab testing and maintain a testing plan.

Notice that this process must be repeated for every individual SKU you intend to import and sell in the United States.

### **ASTM Standards**

CPSIA is not a safety standard in itself but requires the importer or manufacturer to ensure compliance with applicable ASTM standards. Here are a few examples:

- ASTM F963-17-Toys-Mechanical Hazards
- ASTM F963-17-Toys-Flammability of Solids
- ASTM F963-17-Toys-Soluble Heavy Metals Content Chemicals and Heavy Metals

CPSIA limits the usage of certain chemicals and heavy metals in children's products. Among them are Lead and Phthalates, the latter being a potentially cancerogenic plasticizer chemical. The following Phthalates are strictly limited for use in all children's products:

- DEHP (Limit: 0.1%)
- DBP (Limit: 0.1%)
- BBP (Limit: 0.1%)

The following Phthalates are limited for all imported, and domestically manufactured, toys that a child can place in its mouth:

- DINP (Limit: 0.1%)
- DIDP (Limit: 0.1%)
- DnOP (Limit: 0.1%)

We've received quite a lot of questions about how a product "that can be placed in a child's mouth" is defined. However, I wouldn't try to bend this, if I was importing toys from China to the United States. Besides, a Chinese manufacturer that is able to limit the first

category of Phthalates is likely also capable of limiting the second category. Lead, a toxic heavy metal, is also strictly limited. Colors and surface coating, the main sources of lead, may not contain more than 0.009% of lead. Anything else is a violation against the CPSIA.

**Mechanical and Physical Design Properties** Mechanical regulations refer to the physical aspects of a product, such as seams, edges, loose parts, and plastic parts. These regulations are not outlined in the CPSIA but refer to ASTM (American Society for Testing and Materials) standards, such as ASTM F963-17-Toys-Mechanical Hazards. However, the physical proportions of teddy bears and bunk beds are very different. Therefore, different ASTM standards apply depending on the product type.

### **CPSIA Tracking labels**

All children's products must have a permanently affixed tracking label. This label shall include the name of the importer, operational address, contact details, and material information. The states of Pennsylvania, Ohio, and Massachusetts also have their own labeling regulations. Why do I need a tracking label? The purpose of the tracking label is to ensure that unsafe products can be traced to a certain product type, batch, and production facility – and subsequently recalled. The alternative is to recall every single product you've sold of a particular SKU. How do I create a tracking label? You can create the tracking label using photoshop or any other graphics software. What matters is that you include all required information and submit the file to your manufacturer before production. In addition, you must also provide the following information:

- Dimensions
- Colors
- Print position Tracking Label Information
- Importer company name
- Production location
- Production date
- Batch number Example
- Company LLC
- Production Location: Guangzhou, China
- Production Date: June 2020
- Batch Number: ABC01-062020-GZ1-CN

**Batch ID** The batch ID is used to trace each individual product to a certain order lot and production lot. You decide on the format, which normally includes the following information:

- SKU
- Order date
- Production facility
- Country Assuming

I order product ABC01 in June 2020, from our supplier in Guangzhou, China, I could use this batch ID: ABC01-062020-GZ1-CN. Note: Additional warning labels may be required.

## CPSIA Lab Testing

Third-party lab testing is the only way to verify if your product is compliant with all mandatory ASTM standards and substance restrictions. Further, lab testing is also mandatory when importing and selling any product regulated by the CPSIA. Note:

Additional state regulations and substance restrictions may apply. Is lab testing mandatory? Yes, third party ASTM and substance lab testing is mandatory for all children's products imported and sold in the United States.

How do I know which lab tests I need? The testing company always provide a list of suggested ASTM tests and substances (e.g. lead and mercury) when you request a quotation.

*Example:*

- ASTM F963-17-Toys-Mechanical Hazards: \$45
- ASTM F963-17-Toys-Flammability of Solids: \$90
- ASTM F963-17-Toys-Soluble Heavy Metals Content: \$50
- CPSIA Section 101 Total Lead Content: \$250

Your testing company can also help you check the tracking label and CPC. How much does CPSIA lab testing cost? The testing cost depends on the following factors:

- Number of applicable ASTM standards
- Number of SKUs
- Number of materials and colors per SKU

As such, a product made of one single material and color costs less than a product made of multiple components and materials. That said, most of our customers pay somewhere between \$400 to \$800 in lab testing fees per product.

Do I need to get the product tested in the United States? The actual test doesn't have to take place in the United States. That said, the testing company performing the lab test must be accredited by the CPSC. As such, not any testing company will do.

How long does the lab test take? It normally takes somewhere between 1 to 2 weeks before you receive the lab test report. Keep in mind that either you or the manufacturer must submit batch samples to the testing company before they can start the process.

When should I get my products CPSIA lab tested? The test report must be valid for the actual production run you intend to import and sell in the United States. As such, you cannot use a test report valid for a pre-production sample, or a previous production lot. That said, pre-production sample testing is recommended to verify your product design and materials are CPSIA compliant before you start mass production. Otherwise, you may end up with a batch of non-compliant products which cannot be easily "fixed".

What happens if I make changes to the design or materials of the product? You must get your products re-tested in case you change the materials, colors, design or manufacturer.

Can I use my supplier's test report? No, you cannot use any existing test report even if the 'same product' is already being exported to the United States. You cannot 'see' with the naked eye if a product is made using compliant materials, which is why batch testing is

mandatory. That said, you can use a supplier test report to assess if a supplier has a track record of manufacturing CPSIA compliant products.

Do I need to test the product each time we re-order? Not necessarily, as long as you don't make any changes to the design, materials or colors of the product. That said, you need to create a written periodic testing plan that takes the following factors into consideration:

1. How often should you test your product?
2. How often should you test a product after a failed test result?
3. Should you re-test the product after seeing high variability in the test results?
4. Should you re-test the product if the factory makes changes to the production line? Can I do the lab test myself?

Only CPSC accepted testing companies can issue valid CPSIA lab test reports. However, even if that was not the case, lab testing requires expertise and costly equipment that goes way beyond what a small business can handle.

What if the product is already sold in the US? Even though a product may look identical as a product already being sold on Amazon, it's by definition not the "same product" unless it comes from the exact same batch and is imported by the same company. This is even the case if the same supplier is already selling the exact same product (in terms of materials and design) to other US importers. Lab testing is always mandatory and there's no way around it.

List of CPSIA accepted testing companies

- QIMA
- Bureau Veritas
- Intertek
- SGS
- TUV

### **Children's Product Certificate (CPC)**

When importing products regulated by the CPSIA, you must issue a document called a children's product certificate (CPC). The CPC must include certain information:

- Importer identity
- US phone number
- US address
- E-mail address
- Testing date
- Country of origin
- Testing company

List of applicable ASTM standards

- Product name
- Materials
- Colors
- SKU

This is the document that the CPSC, the US customs or even Amazon.com may ask you to provide. It's self-issued, so you don't need to get it approved or notarized. Yet, you must issue a CPC before you import children's products to the USA. The CPC must also fully match the ASTM standards and tests in your lab test report.

How do I get the CPC? You can download the CPC template on the CPSC website and edit it to include your own product and company information. As mentioned, the CPC is self-issued by the importer and not 'awarded' by a third party. Consumer Registration Cards The product registration card is mandatory for certain baby products, helping customers to quickly report safety issues and for you to manage recalls. Registration card requirements

- Postage-paid to a US address
- Model number
- Manufacture date
- Importer name
- Website
- US address
- US phone number (Toll-Free)

Most suppliers cannot manufacture CPSIA compliant products Far from all Chinese manufacturers of toys and other children's products are able to comply with US Toy safety regulations. Therefore, ensuring that a supplier can show previous compliance (i.e., ASTM test reports from previous orders) with relevant standards is the first thing importers must do before making a supplier selection. As I explained previously in this article, the CPSIA is not a uniform regulation that applies in the same way to all children's products. Instead, you need to determine which standards apply to your products, and which substances that are either entirely prohibited or limited. This must be done before you start contacting Chinese suppliers. Compliance Track Record The supplier selection shall be made entirely on a supplier's ability to demonstrate a compliance track record with the substance regulations and product safety standards, applicable to your product. For natural reasons you must also verify that the supplier's test reports are authentic and still valid. There are plenty of fake certificates and test reports out there. A Chinese supplier refusing to show such previous certificates or test reports, or for any other reason is unable to present them, is a major liability. In the end, you are held responsible for any noncompliance with CPSIA regulations. Further, CPSIA compliance requires must more than making a product according to a certain ASTM standard. You must issue a CPC, making tracking labels and have a written testing plan. All of these parts are managed by the Importer – no the supplier.

How to assess a supplier CPSIA compliance track record

1. Request ASTM test reports directly from your supplier
2. Review your suppliers Alibaba or Globalsources.com page

Provide clear instructions before ordering It's essential that you provide a list of ASTM standards and restricted substances to your supplier before ordering. Further, you should also make your own compliance assessment based on product samples and design drawings. Further, you must also inform your supplier of your lab testing plan and explain

that they can only expect to get paid in full if the products pass all mandatory CPSIA lab tests. Don't ask your supplier for guidance Chinese manufacturers are not CPSIA compliance experts. Their primary task is to manufacture products according to your product specifications. As such, you should not expect any guidance when it comes to assessing applicable ASTM standards, creating the CPC or tracking label. CPSIA compliance must be 'built-in' your product specification. Avoid importing toys and children's products made for the Chinese market Online platforms, such as Aliexpress, Dealextreme, and various dropshipping websites, are popular among small businesses importing from China. These websites offer products to be purchased in fairly small volumes, which allows small businesses to import a wider range of items, rather than focusing the entire investment on one or two products. However, these products are, with very few exceptions, manufactured exclusively for the domestic China market. Such products are not manufactured in compliance with US toy safety regulations, and therefore illegal to import, market and sell. Keep in mind that sellers on these websites are not legally required to sell CPSIA compliant items, as they are not located in the United States. Non-compliance penalties Ensuring CPSIA compliance when importing from China is serious business. Importing toys and children's products that are noncompliant with CPSIA regulations are subject to forced recalls. Failure to report a potential product hazard may also result in fines ranging from US\$5000 to US\$100,000 per violation.

Do Amazon.com require that children's products are CPSIA compliant? Yes, Amazon.com requires that all products sold on their platform are fully compliant with all applicable US product regulations. This also includes CPSIA. Amazon.com also requires sellers to submit CPSIA documentation, such as the CPC and lab test reports, before a product can even be listed. They have compliance experts on their team, and I know that they don't accept anything but test reports that are valid for the specific product. Hence, using old test reports, for other products, or material samples, does not go down well.

Can I sell CPSIA compliant products in Europe and other markets? No, CPSIA is only applicable in the United States. The European Union and other markets have their own toys and children's product safety regulations in place. For example, if you want to sell in the EU, you must comply with EN 71. There's overlap between CPSIA and EN 71, but the labels, standards, and documents are different. There is a lot to digest here but should you choose to manufacture yourself and use a supplier overseas make sure they have the above-mentioned documentation. And as for us suppliers please continue to use the displays in front of your machines showing the warning sign for choking hazard. Labels/Displays/Headers are always required in our industry to be clearly visible.

**Conclusion:**

Emphasis on the importance of understanding and adhering to CPSIA regulations.  
Reminder of importer responsibilities and potential consequences of non-compliance.

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For more information or assistance with CPSIA compliance and testing services, please contact Craig Goodman.