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TO CLIENTS AND FRIENDS:

**RE: CPSC Staff Request for Comments on Section 102 of the CPSIA-
Requirements for Certificates for Conformity Testing and Third Party Testing**

The CPSC staff is inviting comments on the use of electronic certificates and the issue of multiple certifications for the same product in connection with the pending requirements that importers provide certificates for general conformity testing and third party testing required under Section 102 of the Consumer Product Safety Improvement Act.

Section 102(a)(1) requires each manufacturer (including importer) of any consumer product to issue a general conformity certificate that the product complies with requirements under any of the Acts administered by the CPSC. For children's products, additional third party testing requirements apply under Section 102(b), which 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".

In two public meetings, the public emphasized the difficulty of providing paper certificates to "accompany" shipping containers and products inside and "furnishing" paper to each distributor or retailer of the product, and raised concerns about multiple certifications being required for the same product. The CPSC staff requests comments and specific recommendations/comments regarding:

- How the certificates can be made available to the CPSC for inspection, electronically or otherwise, taking into account the timing and cost of any such proposal;
- 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;
- How the certificates for the products should be "furnished" to the distributors or retailer of the product, electronically or otherwise;
- Concerns regarding the provision of either a paper or electronic certificate accompanying products;
- Concerns regarding multiple certifications by a foreign manufacturer, importer and/or private labeler for the same product.

Comments on the above are requested by October 29, 2008, but the earlier they are filed the more influential they will be. If you have an interest in filing comments, please contact us.

Firm Contacts: Louis Shoichet (lshoichet@tdllp.com), Robert Stack (rstack@tdllp.com) or Barbara Wierbicki (bywierbicki@tdllp.com).

Note: The above comments are intended for general information only, and not as legal advice. Legal advice can only be offered after a review of a client's specific facts and circumstances, which may affect the applicability of any general comments contained herein.

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