



November 21, 2008

## Consumer Law/Trade Regulation Practice

### CPSC Issues Rule on Certificates of Conformity for Products Manufactured on or after November 12, 2008

Last week, the Consumer Products Safety Commission (the "CPSC") issued a new rule implementing and clarifying key provisions of the Consumer Product Safety Improvement Act of 2008 (the "CPSIA"). The rule addresses the general conformity certification requirement now in effect for consumer products subject to safety rules enforced by the CPSC and manufactured on or after November 12, 2008.

The CPSIA dramatically increases the number of products for which certification is required. Previously, certification was only required for products subject to certain safety "standards" promulgated under the Consumer Product Safety Act. The CPSIA extended the certification requirement to all products subject to any safety rule enforced by the CPSC.

The rule clarified who must supply the certificate. The CPSC determined that, for imported products, only the importer must issue the certificate. Foreign manufacturers and private labelers of imported products do not. For products manufactured in the United States, only the manufacturer must issue the certificate.

The rule also confirms that the requirement that the certificates "accompany" each product shipment and be "furnished" to each distributor and retailer can be satisfied by electronic means if certain conditions are met.

Next month, the CPSC will start implementing its requirements for third-party laboratory testing for certain children's products. In issuing the new rule, the CPSC stated that it is equally applicable to products subject to third-party testing.

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