Consumer Product Safety Commission

Subpart C—Audit Requirements for Third Party Conformity Assessment Bodies

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SOURCE: 77 FR 31084, May 24, 2012, unless otherwise noted.

Subpart A—Purpose and Definitions

§ 1112.1 Purpose.
This part defines the term “third party conformity assessment body” and describes the types of third party conformity assessment bodies whose accreditations are accepted by the CPSC to test children’s products under section 14 of the CPSA. It describes the requirements and procedures for becoming a CPSC-accepted third party conformity assessment body; the audit requirement applicable to CPSC-accepted third party conformity assessment bodies; how a third party conformity assessment body may voluntarily discontinue participation as a CPSC-accepted third party conformity assessment body; the grounds and procedures for withdrawal or suspension of CPSC acceptance of the accreditation of a third party conformity assessment body; and how an individual may submit information alleging grounds for adverse action.

[78 FR 15858, Mar. 12, 2013]

§ 1112.3 Definitions.

Unless otherwise stated, the definitions of section 3 of the CPSA and additional definitions in the Consumer Product Safety Improvement Act of 2008, Public Law 110–314, apply for purposes of this part. The following definitions apply for purposes of this subpart:

**Accreditation** means a procedure by which an authoritative body gives formal recognition that a third party conformity assessment body meets competence requirements to perform specific tasks. Accreditation recognizes a third party conformity assessment body’s technical capability and is usually specific for tests of the systems, products, components, or materials for which the third party conformity assessment body claims proficiency.

**Accept accreditation** means that the CPSC has positively disposed of an application by a third party conformity assessment body to test children’s products pursuant to a particular children’s product safety rule, for purposes of the testing required in section 14 of the CPSA.

**Accreditation body** means an entity that:

1. Accredits or has accredited a third party conformity assessment body as meeting at a minimum, the International Organization for Standardization (ISO)/International Electrotechnical Commission (IEC) Standard ISO/IEC 17025:2005, “General Requirements for the Competence of Testing and Calibration Laboratories,” and any test methods or consumer product safety requirements specified in the relevant notice of requirements issued by the Commission; and

2. Is a signatory to the International Laboratory Accreditation Cooperation-Mutual Recognition Arrangement.
Audit means a systematic, independent, documented process for obtaining records, statements of fact, or other relevant information, and assessing them objectively to determine the extent to which specified requirements are fulfilled. An audit, for purposes of this part, consists of two parts:

(1) An examination by an accreditation body to determine whether the third party conformity assessment body meets or continues to meet the conditions for accreditation (a process known more commonly as a “reassessment”); and

(2) The resubmission of the “Consumer Product Conformity Assessment Body Acceptance Registration Form” (CPSC Form 223) and accompanying documentation by the third party conformity assessment body and the Consumer Product Safety Commission’s (CPSC’s) examination of the resubmitted CPSC Form 223 and accompanying documentation. Accompanying documentation includes the baseline documents required of all applicants in §1112.13(a), the documents required of firewalled applicants in §1112.13(b)(2), and/or the documents required of governmental applicants in §1112.13(c)(2).

Commission means the body of Commissioners appointed to the Consumer Product Safety Commission.


CPSC means the Consumer Product Safety Commission as an agency.

Notice of requirements means a publication that provides the minimum qualifications necessary for a third party conformity assessment body to have its accreditation accepted to test children’s products for conformity with a particular children’s product safety rule.

Quality manager means an individual (however named) who, irrespective of other duties and responsibilities, has defined responsibility and authority for ensuring that the management system related to quality is implemented and followed at all times and has direct access to the highest level of management at which decisions are made on the conformity assessment body’s policy or resources.

Scope means the range of particular CPSC safety rules and/or test methods to which a third party conformity assessment body has been accredited and for which it may apply for CPSC acceptance.

Suspend means the CPSC has removed its acceptance, for purposes of the testing of children’s products required in section 14 of the CPSA, of a third party conformity assessment body’s accreditation for failure to cooperate in an investigation under this part.

Third party conformity assessment body means a laboratory.

Undue influence means that a manufacturer, private labeler, governmental entity, or other interested party affects a third party conformity assessment body, such that commercial, financial, or other pressures compromise the integrity of its testing processes or results.

Withdraw means the CPSC removes its prior acceptance of a third party conformity assessment body’s accreditation pursuant to a particular children’s product safety rule for purposes of the testing of children’s products required in section 14 of the CPSA.

§1112.11 What are the types of third party conformity assessment bodies?

(a) Independent. Independent third party conformity assessment bodies are third party conformity assessment bodies that are neither owned, managed, or controlled by a manufacturer or private labeler of a children’s product to be tested by the third party conformity assessment body, nor owned or controlled, in whole or in part, by a government;

(b) Firewalled. A third party conformity assessment body must apply for firewalled status if:

Subpart B—General Requirements Pertaining to Third Party Conformity Assessment Bodies

SOURCE: 78 FR 15859, Mar. 12, 2013, unless otherwise noted.