



**Consumer Product Safety  
Improvement Act  
Reasonable Testing Program Guidance  
and Requirements**

**2024**

## TABLE OF CONTENTS

I.	INTRODUCTION .....	1
II.	OVERVIEW OF THE CPSIA TESTING AND CERTIFICATION REQUIREMENTS.....	2
A.	Certification of Children’s Products .....	2
1.	CPSC Final Rule on Testing and Certification of Children’s Products, Including Periodic Testing .....	2
B.	Certification of Non-Children’s Products.....	5
C.	CPSC Rule on Product Certification Based on Testing Conducted by Another Party – Third Party Finished Product or Component Part Testing .....	5
1.	General Requirements – Reliance on Testing Done by Another Party.....	5
2.	General Requirements – Component Part Testing .....	6
3.	Due Care .....	7
III.	VENDOR RESPONSIBILITIES .....	8
A.	Vendor Requirements for Children’s Products .....	8
1.	Requirements for Each of Your Manufacturing Facilities – Ross Children’s Product CPSIA Compliance Questionnaire.....	8
2.	Requirements for Each Children’s Product You Supply to Ross.....	8
B.	Vendor Requirements for Non-Children’s Products .....	12
1.	Ross Non-Children’s Product CPSIA Compliance Questionnaire .....	12
2.	Requirements for Each Non-Children’s Product You Supply to Ross.....	13
C.	Requirements for Use of Component Part Testing for All Products .....	13
IV.	ROSS’S ROLE AS THE IMPORTER OF RECORD .....	15
A.	Ross’s Due Care Responsibility.....	15
1.	Vendor Evaluation .....	15
2.	Product Assessment .....	16
3.	Ross’s Determination.....	16
B.	Recordkeeping/Technical File.....	16

## I. INTRODUCTION

Ross Stores, Inc. is committed to ensuring that products sold at Ross Dress for Less and dd's DISCOUNTS stores (collectively "Ross") are safe for their intended use, and comply with all applicable standards, requirements, rules, and regulations. This Guidance Document is intended to provide you with procedures you must follow when providing products subject to the Consumer Product Safety Improvement Act ("CPSIA") rules regarding testing and certification of consumer products when Ross is the importer of record.

Section II contains a high-level summary of the CPSIA testing and certification process and links to compliance information from the Consumer Product Safety Commission ("CPSC")

Section III contains CPSIA compliance procedures Ross has developed for the products you supply to Ross for import, so that Ross can meet its CPSIA obligations.

Section IV discusses Ross's role in the testing and certification process, explaining how Ross will evaluate you and the products you supply.

**NOTE: This Guidance Document is not intended to be a complete listing of CPSIA and other consumer product safety compliance requirements that may apply to your products.**

You are required under the terms and conditions that apply to each purchase order issued by Ross to provide merchandise that is safe and fit for the use for which it was manufactured, free from materials which may be injurious to persons, and manufactured, packaged, labeled, and distributed in accordance with all federal, state, and local laws. You must independently ensure that your products comply with all consumer product safety standards and requirements issued or administered by the CPSC, as well as with the testing and certification requirements CPSC issues under the CPSIA. Standards and regulations regarding consumer products are continually changing, and Ross expects each vendor to remain current on requirements that apply to its products. Your failure to comply with the procedures set forth in this Guidance Document will result in Ross's rejection of your goods, as well as any other actions that Ross deems necessary or appropriate.

## **II. OVERVIEW OF CPSIA TESTING & CERTIFICATION REQUIREMENTS**

CPSIA creates a number of safety standards and requirements for consumer products. CPSIA amended the existing Consumer Product Safety Act and is implemented through regulations adopted by the CPSC. Section 102 of the CPSIA requires manufacturers and importers of record to certify that each of their products complies with each applicable consumer product safety rule, ban, standard, regulation, or law administered by the CPSC.

- CPSC guidance on CPSIA is available at [CPSC - Testing & Certification](#)

### **A. Certification of Children's Products**

A Children's Product Certificate ("CPC") must be based on third-party testing of the finished product performed by a CPSC-accredited laboratory. CPSIA defines a children's product as one that is "primarily designed or intended for children 12 years of age and younger.

- CPSC requirements regarding children's products are available at [CPSC - Children's Products](#).
- CPSC requirements regarding children's product certification are available at [CPSC - Third Party Testing Guidance](#).
- A listing of standards CPSC accepted third-party labs is available at: [CPSC - List of CPSC Accepted Testing Labs](#).

### **1. CPSC Final Rule on Testing and Certification of Children's Products, Including Periodic Testing**

The CPSC Final Rule on testing and certification of children's products (the "Testing Rule"), sets forth requirements regarding:

- (1) representative samples required for CPSC-accepted third-party testing;
- (2) corrective action for failed tests;
- (3) periodic retesting of children's products;
- (4) retesting due to material changes;
- (5) training to prevent undue influence on testing labs; and
- (6) recordkeeping and documentation.

These requirements apply to manufacturers and importers of record. The requirements apply to each facility manufacturing the product, if the same product is produced in multiple factories.

More information on these requirements is available at: [CPSC - Periodic Testing](#).

#### **a. Representative Samples**

The Testing Rule requires testing on a sufficient number of samples of the product to achieve a high degree of assurance that the tests accurately show that the children's product meets the applicable requirements. A "high degree of assurance" means an "evidence-based demonstration of consistent performance of a product regarding compliance based on knowledge of a product and its manufacture." You must base your determination of an appropriate sample size on the type of product and the production process.

If the manufacturing process creates uniform products, then fewer samples are required. If the finished products have a high degree of variability, more samples are required. If any sample fails, you must investigate the reasons for the failure and correct them. You must provide Ross with a description of how you determined your sample size for each children's product that you supply to Ross.

**b. Corrective Action**

For each children's product, you must create and document a corrective action plan before manufacturing that identifies actions you will take to investigate any product testing failures. This must include, at a minimum, an investigation into the reasons for the failure and corrective measures necessary to address the reasons for failure.

**c. Periodic Testing of Children's Products**

For children's products that are continually produced, the Testing Rule establishes requirements for periodic testing. If a manufacturer meets the requirements of this rule, it will not need to have a CPSC-accredited, third-party laboratory test for every batch/production run of the same children's product. CPSC requirements regarding Periodic Testing are available at: [CPSC - Periodic Testing](#).

**i. Production Testing Plans**

The one-year minimal interval for periodic testing may be extended to two years if the manufacturer employs a "Production Testing Plan," which consists of a written plan that establishes a schedule and requirements for in-house testing of production runs at each manufacturing site. This in-house testing does not need to be performed by a CPSC-accredited, third-party lab, and it does not need to comply with test methods required by CPSIA.

During any stage of the testing, if a product fails testing, the manufacturer must investigate and correct the failure – not just retest for a passing result.

A Production Testing Plan must include the following information:

- Identification of the tests to be conducted/measurements to be taken;
- The intervals at which those tests or measurements will be taken;
- The number of samples that will be tested; and
- An explanation describing how these techniques and tests provide a high degree of assurance of compliance with the applicable regulations.

**ii. Material Changes**

In connection with periodic testing, the Testing Rule also requires retesting and recertification by a CPSC-accredited, third-party testing lab if the product undergoes a "material change." A material change is any change that a "manufacturer exercising due care knows, or should know, could affect the product's ability to comply" with all applicable safety standards. This can include changes in design, production method, or materials. It may also include resumption of production without change in design, production method, or materials, if, for example, other products were manufactured with the same production equipment in the interim, and this interim

production has the potential to affect the children's product's compliance with a consumer product safety standard that requires third-party testing.

CPSC guidance on material change testing is available at: [CPSC - Material Change Testing](#)

**d. Undue Influence Policy and Training**

In addition to establishing testing and certification procedures, the Testing Rule requires each manufacturer to implement procedures to safeguard against undue influence on a third-party accredited lab. At a minimum, the procedures must include a written policy statement and staff training. Personnel interacting with testing labs must undergo this training. Each manufacturing site requires a policy and training. Manufacturers must maintain records of training for five years.

**e. Recordkeeping and Documentation**

The Testing Rule requires manufacturers and importers of record to obtain and maintain the following records for five years:

- Copies of CPCs for each product (if the product is manufactured at more than one facility, you must have separate CPCs for products manufactured at each facility);
- Test reports for each CPSC-accredited, third-party test for each product (if the product is manufactured at more than one facility, you must have separate test reports for products manufactured at each facility);
- The Periodic Testing Plan, including records documenting evaluation and determination of appropriate testing intervals and samples sizes;
- Any Production Testing Plan used to extend the Periodic Testing Plan interval beyond one year, including production test results;
- Any test failures and corrective action taken;
- Documentation of materials changes to the products; and
- Undue influence policies and training.

## **B. Certification of Non-Children's Products**

A General Conformity Certificate (“GCC”) for non-children’s products must be based on actual testing of the finished product or the use of a reasonable testing program. Failure to comply with this requirement can lead to rejection of product imports into the United States, product recalls, and civil and criminal penalties. Additional information on GCCs can be found at: [CPSC - General Certificates of Conformity](#). A listing of standards that require a GCC based on actual testing or a reasonable testing program is available at: [CPSC - Rules Requiring a General Certificate of Conformity](#)

- CPSC requirements for non-children’s products are available at: [CPSC - General Use Products Testing and Certification](#)

## **C. CPSC Rule on Product Certification Based on Testing Conducted by Another Party – Third Party Finished Product or Component Part Testing**

The CPSC has issued regulations that explain when and how Ross can use and/or rely on testing from its vendors and suppliers for CPSIA certification at Part 1109 of Title 16 of the Code of Federal Regulations. This includes finished product testing from another party and testing of component parts by a party further upstream. This rule sets forth requirements that all parties in the supply chain must follow to rely on testing performed by a party supplying finished products or component parts.

### **1. General Requirements – Reliance on Testing Done by Another Party**

Part 1109 of Title 16 of the Code of Federal Regulations establishes requirements that Ross, as the importer of record, must follow to rely on testing performed by manufacturers and/or component part suppliers for purposes of issuing a GCC or CPC. This applies to finished product testing performed by you, and component part testing performed by you or your suppliers, for all products that you supply to Ross that are subject to CPSC standards, when Ross is the importer of record – both children’s and non-children’s products.

You must provide the following information and documents for each product in order for Ross to issue a GCC/CPC. Most of this information should appear on your certification test reports.

- Identification of the finished product or component tested;
- Identification of the lot or batch number of the finished product or component to which the testing applies;

- Identification of the applicable CPSC rule(s) that apply to the finished product or component that was tested;
- Identification of the testing method and sampling protocol that the lab used;
- The date when the finished product or component was tested;
- The test result for each standard;
- Identification of the party that conducted each test, and a statement by that party that all testing was performed as required in CPSIA.
- Finished product certificates or component part certificates, if applicable;
- Records tracing component parts used to manufacture the product to the testing performed by the testing party; and
- A statement from each person that issued a certificate or testing party that while the finished product or component part was in its custody, it exercised due care to ensure compliance with the rule.

More information is available on these requirements at [CPSC - Testing and Certification](#)

## **2. General Requirements – Component Part Testing**

Unless the product is subject to a CPSC rule that requires testing the finished product, Part 1109 of Title 16 of the Code of Federal Regulations allows GCCs and CPCs to be based on testing of the component parts that make up the finished product, under the following conditions:

- Component part testing must be sufficient to ensure that the finished product complies with all applicable rules; and
- The component part tested must be identical to the component part used in the finished product, and the component part in the finished product must be traceable back to the component part test.

You must provide Ross with the following information and documentation. Without this information and documentation, Ross cannot issue GCCs/CPCs for your products based on component part testing:

- Identification of the component part tested;
- Identification of the lot or batch number of the component part to which the testing applies;
- Identification of the applicable CPSC rule(s) that apply to the component part that was tested;
- Identification of the testing method and sampling protocol that the lab used;
- The date when the component part was tested;
- The test result for each standard;
- Identification of the party that conducted each test, and a statement by that party that all testing was performed as required in the CPSIA;
- Component part certifications, if applicable;
- Records tracing component parts used to manufacture the product to the testing performed by the testing party; and



- A statement from each person that issued a certificate or testing party that while each component part was in its custody, it exercised due care to ensure compliance with the rule.

More information on these requirements is available at [FAQ Component Part Testing](#)

### **3. Due Care**

Any party relying on a supplier's testing of finished products or component parts must exercise "due care" in reviewing that testing. "Due care" is defined as the "degree of care that a prudent and competent person engaged in the same line of business or endeavor would exercise under similar circumstances. Due care does not permit willful ignorance."

Due care is a flexible standard that depends upon the circumstances. Ross expects vendors who are providing upstream testing to Ross for certification to engage in due care to review that testing, and Ross will undertake its own due care in analyzing the testing that vendors provide. At a minimum, Ross will take affirmative steps to ensure the validity of the test report or certification you provide. These steps may include requests for additional information, random sampling and testing of your products to confirm consistency with your test results, and/or factory audits.

### **III. VENDOR RESPONSIBILITIES**

Ross has developed procedures to ensure that you provide Ross with the information and documents necessary to evaluate and certify your products. Some of these information and document requirements apply to your manufacturing facilities; others relate to your products. You only need to provide the information and documents relating to your manufacturing facilities when you are onboarded as a Ross vendor, biennially after that, or when requested by Ross.

When Ross is the importer of record, you must submit all related test reports, certificates of compliance, and other Ross-specific forms prior to booking (“Technical File”). Only after Ross has reviewed and approved your Technical File will you be able to ship your product.

**For copies of Ross forms and Certificates of Compliance, and to ask any questions regarding Ross requirements, contact, [CPSIA.RTP@ros.com](mailto:CPSIA.RTP@ros.com)**

#### **A. Vendor Requirements for Children’s Products**

The following procedures apply to all children’s products you supply to Ross when Ross is the importer of record.

##### **1. Requirements for Each of Your Manufacturing Facilities – Ross Children’s Product CPSIA Compliance Questionnaire**

The Ross Children’s Product CPSIA Compliance Questionnaire is designed to provide Ross with information on your CPSIA compliance program, including your undue influence policy and training, and your corrective action plan. For each manufacturing facility you use to manufacture children’s products, you must complete the Questionnaire and provide it to Ross on a biennial basis, or when changes in your manufacturing facilities require an update. Ross will not approve any purchase orders for your children’s products without first receiving and reviewing your completed Questionnaire.

##### **2. Requirements for Each Children’s Product You Supply to Ross**

For each children’s product you supply to Ross for which Ross is the importer of record, you must create and provide to Ross a Technical File containing:

- Ross Product Cover Form
- Certification test reports, including corrective action plan documents and component part testing, if applicable, and documents required by the Part 1109 of Title 16 of the Code of Federal Regulations;
  - Please note that a majority of the Part 1109 information can be provided on your certification test reports – please consult with your testing lab;

- Ross Children’s Product Testing Sample Size Form, if applicable;
- Periodic Testing Plan and test reports, if applicable;
- Production Testing Plan and test reports, if applicable; and
- Material change tracking documents and test reports, if applicable.

Ross will not issue a CPC for the product or permit it to ship without receiving and approving the Technical File in advance. Ross may request additional information regarding any of the above requirements in conjunction with its review. Please be aware that it is your obligation to provide Ross with additional documentation for the Technical File as you obtain it. For example, if you make a material change to the product and perform new certification testing, you must notify Ross of this fact and provide the necessary documentation.

### **1. Ross Product Cover Form**

The first step in providing your Technical File to Ross is to fill out the Ross Product Cover Form (“Cover Form”). There is one form for Children’s Products, and one for Non-Children’s Products. You must select the form that applies to your product. On the Cover Form, you will provide Ross with the basic information it needs to review and assess your product’s Technical File, including whether you test a children’s product subject to a Periodic Testing Plan and the batch number(s) for the product.

### **2. Certification Test Reports**

You must provide test reports demonstrating compliance with all applicable CPSC-enforced rules, standards, ban, and regulations, performed by a CPSC-accredited, third party testing lab. This includes all finished product test reports and/or component part tests.

Test reports must contain all applicable information required by Part 1109 of Title 16 of the Code of Federal Regulations (see Section II.C), including:

- Identification of the finished product tested;
- Identification of the lot or batch number of the finished product to which the testing applies (note that you must also provide this information on the Ross Product Cover Form and the CPC);
- Identification of the applicable CPSC rules that apply to the finished product that was tested;
- Identification of the testing method and sampling protocol that the lab used;
- The date when the finished product was tested;
- Identification of the party that conducted each test, and a statement by that party that all testing was performed as required in the CPSIA; and
- Records tracing component parts used to manufacture the product to the component parts tested by the testing party.

Please consult with your testing lab to ensure that this information appears on your certification test reports.

Ross will review all test reports you provide to determine compliance with all applicable CPSC-enforced rules, standards, bans, and regulations. Ross has compiled testing specifications for a number of children's product categories, which you can obtain by contacting [CPSIA.RTP@ros.com](mailto:CPSIA.RTP@ros.com). Ross will compare your testing to these specifications. If you do not test to these specifications, Ross will reject your products until you have performed additional certification testing sufficient to show compliance.

Please note that all test reports must reflect testing of the actual children's product you are supplying to Ross (that is, tests of samples taken from the batch/lot/production run you are supplying), or testing performed subject to a Periodic Testing Plan. If the testing is of the actual children's product you are supplying to Ross, Ross must be able to determine this from reviewing the test report (for example, the test report must list the batch/lot/production run on it). If the testing is performed subject to a Periodic Testing Plan, you must provide records demonstrating this (for example, your Periodic Testing Plan and supporting documents).

**i. Corrective Action Plan Documents**

If the certification testing for products you supply to Ross resulted in failures, you must provide Ross with documents demonstrating implementation of your corrective action plan and correction of the failure. This includes records demonstrating that you investigated the failure, took corrective action, and obtained new certification testing.

**ii. Component Part Test Reports**

Ross must be able to trace the components in the products you supply to Ross back to the test report for the component. All component part test reports must identify the batch/lot of component tested, and you must include records showing that the components in that batch/lot are the components used in the products you supply to Ross. If you rely on component part tests and Ross cannot trace the components to the test reports you provide, Ross will reject your products until you perform additional finished product testing.

**3. Ross Children's Product Testing Sample Size Form – Only For Children's Products Not Tested Subject to a Periodic Testing Plan**

For children's products for which you test the actual finished product supplied to Ross, you must fill out the Ross Children's Product Testing Sample Size Form (if you test your children's products subject to a Periodic Testing Plan, your Periodic Testing Plan description must include your sample size determination, and this form is not necessary).

On the form, you will provide Ross with a description of your sample size determination, including how you determined the number of samples to test to obtain a high degree of assurance that all units of your product meet all applicable children's product safety rules, as required by the Testing Rule (see Section II.A.1.a: Representative Samples, above).

Please note that your sample size determination is not the same thing as the number of samples required by your CPSC-accredited, third party to obtain one test result. Sample size determination requires that the product manufacturer assess the children's product to determine

how many samples must be tested to obtain a high degree of assurance that all units comply with all applicable children's product safety rules. Please consult with your testing lab if you are unsure of how to make this determination. If you do not provide a valid description of your sample size determination, Ross will reject your products until you provide sufficient information.

#### **4. Periodic Testing Plan – Only For Children's Products You Continuously Produce**

For children's products you manufacture on a continuous basis and test subject to a Periodic Testing Plan (as discussed in Section II.A.1.c), you must provide:

- A written copy of your Periodic Testing Plan for each product; and
- All test reports associated with your Periodic Testing Plan for the product.

Your Periodic Testing Plan must include a description of how you determined the testing frequency and number of samples to test. Ross will review your Periodic Testing Plan to assess whether it is designed to ensure with a high degree of assurance that children's products manufactured after the initial CPSC-accredited, third-party testing comply with all applicable consumer product safety rules. If you do not provide a written copy of your Periodic Testing Plan and description of how you determined testing intervals and sample sizes, Ross will not accept your children's product.

##### **i. Production Testing Plan – Only If Applicable**

If you use production testing in connection with your Periodic Testing Plan, you must provide a written copy of your Production Testing Plan and the related test results to Ross for its review. Your Production Testing Plan must include a description of how you determined the testing frequency and number of samples to test. Ross will review your Production Testing Plan in conjunction with your Periodic Testing Plan to assess whether it is designed to ensure with a high degree of assurance that children's products manufactured after the initial CPSC-accredited, third-party testing comply with all applicable consumer product safety rules. If you do not provide a written copy of your Production Testing Plan and description of how you determined appropriate testing intervals and sample sizes, Ross will not accept your children's product.

#### **5. Material Change Log and Related Test Reports**

You must provide Ross with records of any material changes in the substances, components, processes, and/or design of your children's products, as well as reports of testing performed by a CPSC-accredited third-party testing lab after the change.

## **B. Vendor Requirements for Non-Children's Products**

The following procedures apply to products you supply to Ross that are not primarily designed or intended for children age 12 years and younger.

### **1. Ross Non-Children's Product CPSIA Compliance Questionnaire**

The Ross Non-Children's Product CPSIA Compliance Questionnaire is designed to provide Ross with information on your CPSIA compliance program for non- children's products, including whether you use a reasonable testing program. You must complete and provide to Ross the Questionnaire on a biennial basis, or when changes to manufacture or production require an update. Ross will not approve any purchase orders for your non-children's products without first receiving and reviewing your completed Questionnaire.

### **2. Requirements for Each Non-Children's Product You Supply to Ross**

For each non-children's product you supply to Ross for which Ross is the importer of record, you must create and provide to Ross a Technical File containing:

- Ross Product Cover Form;
- Certification test reports, including any component part testing; and
- Reasonable Testing Program description and supporting documents, if applicable.

Ross, as importer of record, must receive and review this Technical File prior to issuing a GCC for the product and permitting it to ship. Ross may request additional information regarding any of the above requirements in conjunction with its review.

#### **1. Ross Product Cover Form**

The first step in providing your Technical File to Ross is to fill out the Ross Product Cover Form ("Cover Form"). On the Cover Form, you will provide Ross with the basic information it needs to review and assess your product's Technical File, including whether you test your non-children's product subject to a Reasonable Testing Program and the batch number(s) for the product.

#### **2. Certification Test Reports**

You must provide Ross with all certification tests for your non-children's products. This includes all finished product test reports and/or component part tests performed on your non-children's product.

Test reports must contain all applicable information required by the Part 1109 of Title 16 of the Code of Federal Regulations (see Section II.C), including:

- Identification of the finished product or component tested;
- Identification of the lot or batch number of the finished product or component to which the testing applies (note that you must also provide this information on the Ross Product Cover Form and the GCC);
- Identification of the applicable CPSC rules that apply to the finished product or component that was tested;
- Identification of the testing method and sampling protocol used;
- The date when the product or component was tested;
- Identification of the party that conducted each test, and a statement by that party that all testing was performed as required in the CPSIA; and
- Records tracing component parts used to manufacture the product to the component part testing performed by the testing party.

Please consult with your testing lab to ensure that this information appears on your certification test reports.

Ross will review all test reports and other information you provide to determine compliance with all applicable CPSC-enforced rules, standards, bans, and regulations. Ross will compare your testing to these specifications. If you do not demonstrate compliance with these specifications, Ross will reject your products or require that you perform additional certification testing.

Please note that all test reports must reflect testing of the actual non-children's product you are supplying to Ross (that is, tests of samples taken from the batch/lot/production run you are supplying), or testing performed subject to a Reasonable Testing Program. If the testing is of the actual non-children's product you are supplying to Ross, Ross must be able to determine this from reviewing the test report (for example, the test report must list the batch/lot/production run on it). If the testing is performed subject to a Reasonable Testing Program, you must provide records demonstrating this.

### **3. Reasonable Testing Program Documents, If Applicable**

If you are using a Reasonable Testing Program, you must provide a description of the program and all related documents, including any test reports for testing performed on the product.

#### **C. Requirements for Use of Component Part Testing for All Products**

If you rely on testing of component parts, you must include the following information in your Technical File. Without this information, Ross will not issue a CPC or GCC for your product, which may result in shipping delays or cancellation of the order.

- Identification of the component part(s) tested;
- Identification of the lot or batch number of the component parts to which the testing applies (note that you must also provide this information on the Ross Product Cover Form and the GCC or CPC);

- Identification of the applicable CPSC rule(s) that apply to the component part;
- Identification of the testing method and sampling protocol that the lab used;
- The date when the component part or finished product was tested;
- The test result for each standard;
- Identification of the party that conducted each test and a statement by that party that all testing was performed as required in the CPSIA;
- Component part certificates;
- Records tracing the component parts used to manufacture the product to the testing performed by the testing party; and
- A statement that while the component part was in your custody, you exercised due care to ensure compliance with the rule.



- 

#### **IV. ROSS'S ROLE AS THE IMPORTER OF RECORD**

##### **A. Ross's Due Care Responsibility**

As the importer of record that will issue the CPC for your children's products, or the GCC for your non-children's products, Ross must exercise due care in evaluating the Technical Files and other documentation you provide. As a result, Ross's review of the Technical Files for your products will be qualitative and focused on determining whether your approach to testing, testing plan(s), and supporting documentation demonstrate and achieve a high degree of assurance that your products comply with all applicable standards.

To make these determinations, Ross will focus on two primary factors: (1) its evaluation of each vendor and (2) the general risks associated with the vendor's products.

##### **1. Vendor Evaluation**

Before accepting any purchase orders for products that Ross will import and that will require a GCC or CPC, Ross will evaluate each vendor to determine whether the vendor has created and implemented a sufficient production and quality control system. Ross will consider a number of factors, including but not limited to:

- Ross's relationship with the vendor, including the amount of time the vendor has been supplying the company with products;
- Ross's knowledge and understanding of the vendor's awareness of CPSIA requirements;
- Ross's knowledge of the vendor's production processes and approach to testing; and
- The vendor's compliance history, including past quality control issues and product failures.

Ross expects the vendor evaluation process to be a cooperative process. Vendors will have an opportunity to provide Ross with new or additional information as their approach to testing and certification develops and improves (if necessary) over time.

## **2. Product Assessment**

To evaluate the general risks associated with a vendor's products, Ross will consider a number of factors, including but not limited to:

- Common understandings of product risk within the industry;
- The standards, rules, regulations, and bans associated with the vendor's products; and
- The extent and severity of potential injuries that could result from a vendor's product if defective.

## **3. Ross's Determination**

Ross will initially collect information from the Ross Children's Product CPSIA Compliance Questionnaire and the Ross Non-Children's Product CPSIA Compliance Questionnaire. Using this information, Ross will make an initial qualification of the vendor to supply products that require a CPC or GCC. Ross may make that qualification contingent on providing additional information, independent factory audits, or take other measures it deems necessary to meet its obligations to assess you and your products.

If Ross determines that the information a vendor has provided is not sufficient to qualify the vendor to supply products requiring certification, Ross will not order any such products until the vendor demonstrates an appropriate compliance plan.

### **B. Recordkeeping/Technical File**

Each vendor has an obligation to create and maintain a Technical File for each of its products that contains records regarding testing and certification. The vendor must also maintain a Technical File for its children's product manufacturing facilities regarding its undue influence policy and training and its corrective action plan. A vendor must maintain this Technical File for five years from the last date of manufacture.

Each vendor is also required to provide this Technical File to Ross for its review and assessment, and Ross, as the importer of record, will maintain its own Technical File for the same five-year period.

For products manufactured on a continuous basis, a vendor's recordkeeping obligation includes providing necessary updates of the Technical File to Ross when it obtains additional information necessary to product certification. This includes, but is not limited to material changes, test failures, and corrective measures. When a vendor generates new testing and certification documents, it must notify Ross and provide those documents to Ross.