



VIA ELECTRONIC MAIL

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October 29, 2008

The Honorable Nancy Nord
Acting Chair & Commissioner
U.S. Consumer Product Safety Commission
4330 East West Highway
Bethesda, MD 20814

RE: Section 102 Certificate Requirements of P.L. 110-314
Consumer Product Safety Improvement Act

Dear Commissioner Nord:

The following is in response to the CPSC staff request for comment on the above-mentioned section.

The Soap and Detergent Association (SDA) is a one-hundred plus member trade association. SDA members include the formulators of soaps, detergents and general cleaning products used in household, commercial, industrial and institutional settings; companies that supply ingredients and finished packaging for these products; and oleochemical producers. Throughout our 82 year history, sound technical, risk-based research by SDA and its members has demonstrated the benefits of cleaning products and their ingredients. SDA and its members are dedicated to improving health and the quality of life through sustainable cleaning products and practices. SDA's mission is to support the sustainability of the cleaning product and oleochemical industries through research, education, outreach and science-based advocacy.

As set forth in the posted CPSC comment request, Section 102(a)(1) amends section 14(a)(1) of the CPSA to require each manufacturer (including importer) of any consumer product to issue a certificate that the product complies with CPSC rules under the CPSA or similar requirements under any of the other Acts administered by the CPSC. The certificate must be based on a test of each product or on a reasonable testing program. This requirement is effective November 12, 2008. In addition, Section 102(b) adds section 14(g)(3) that 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."

Cleaning Products and P.L. 110-314 Section 102 Certification Requirements

As legislatively titled, this section addresses mandatory third party testing for certain children's products. SDA urges the Commission to view the section and policy goals in this context. Moreover, as the CPSC develops procedures and implementing regulations, it is important that existing statutory language and requirements be taken into consideration. In some cases, existing product safety requirements already mandate the information required to be available under longstanding provisions. Methods of identifying this information can appear on a product via a

label, certification mark or other marking or certification requirements. Cleaning products are subject to various federal requirements including labeling requirements under the Federal Hazardous Substances Act (FHSA). FHSA sets forth stringent requirements for consumer product labeling that serve as a statement of compliance by the manufacturer to the public and to the Commission. The label in and of itself is a method of product certification and any further certification requirement would be duplicitous and redundant without achieving any further consumer product safety goals.

Certification Requirement – Consideration & Content

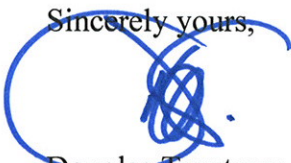
In the global economy, with its reliance on real-time communications and electronic information, failure to account for the realities of the marketplace will result in severe process and information bottlenecks. The marketplace requires and accepts a variety of means to accomplish certification requirements via marks, statements, or other devices (e.g. sophisticated electronic information systems). In general, SDA urges the CPSC to accept a flexible scheme that fully recognizes the complexity of logistics which vary among product categories and businesses. As identified above, existing marking or labeling requirements which indicate certification should also be deemed acceptable to meet requirements.

SDA urges the Commission to respect manufacturers' need to protect their confidential business information in this competitive global economy. The location of manufacturing facilities, product component origination or other carefully structured business details could be jeopardized. To that end, SDA urges the consideration and acceptance of, among other options, coded identifiers and other devices to protect confidential business information.

SDA strongly urges the consideration of these comments and requests the Commission exercise its full and complete authority to delay implementation of Section 102 until further guidance can be developed.

Thank you for the opportunity to provide comment on this matter. Should you or your staff require further assistance please contact me at dtroutman@sdahq.org or (202) 662-2508.

Sincerely yours,



Douglas Troutman
Director, Government Affairs

cc: Commissioner Thomas Moore