

Questions for the Record- Commissioner Mary T. Boyle
Consumer Product Safety Commission

The Honorable Gus Bilirakis

1. **What is CPSC currently doing to ensure the independence of third-party testing labs abroad, including countries like China that don't always respect the rule of law and whistleblower protections of foreign jurisdictions?**

- a. **Can CPSC guarantee the independence of these third-party labs?**

Section 14 of the CPSA requires the Commission to establish requirements for the accreditation of third-party testing laboratories. 15 U.S.C. § 2063(a)(3). The Commission has issued regulations implementing the statutory provisions concerning CPSC's accreditation of third-party conformity assessment bodies. The regulations are available at 16 CFR part 1112. These regulations include baseline requirements for independent laboratories and establish the process required for firewalled laboratory applications and acceptances. The application and acceptance procedures for independent and firewalled third-party testing laboratories are found at 16 CFR §§ 1112.13 and 1112.17. Pursuant to these regulations, CPSC relies on accreditation organizations and third-party assessment bodies to evaluate a lab's technical competence for certain testing methods. Although no process can provide absolute guarantees, I am committed to ensuring that the lab evaluation processes confirm independence to the maximum extent possible.

- b. **What type of due diligence is done when granting initial and renewal applications?**

See above.

- c. **Historically, application renewals were delegated to career staff, not requiring a Commission vote, and reviewed as a matter of course. Do you support automatic renewals by career staff?**

All testing labs—especially those that ensure children's products conform to CPSC safety rules—should adhere to the highest standards of competency and impartiality. I am committed to ensuring that the lab evaluation processes confirm independence to the maximum extent possible. In that vein, decisions on renewal applications should be considered on a case-by-case basis depending on the totality of the circumstances.

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Consumer Product Safety Commission

The Honorable Russ Fulcher

1. **Commissioner Boyle, regarding CPSC’s proposed mandatory rulemaking for ROV debris penetration, the Spring 2024 Unified Agenda of Regulatory and Deregulatory Actions states that “[s]taff is directed to prepare a final rule briefing package for submission to the Commission in fiscal year 2024,” which ends on September 30, 2024. However, the Agenda also states that staff will send the Commission a notice of availability of additional data for public comment in September 2024.**
 - a. **Does the Commission still intend to send the notice of availability of additional data – and provide a public comment period on that new data – before issuing a debris-penetration rule?**
 - b. **When does the Commission intend to send the notice of availability?**
 - c. **When, if at all, does the Commission intend to issue a final debris-penetration rule?**

a-c. My expectation is that as, directed by the Chair, staff will be submitting a notice of availability of additional data associated with the ROV debris penetration proposed rulemaking by the end of this fiscal year. Following publication of the data, the Commission will review all relevant comments associated with the data and the proposed rulemaking. Until those steps occur, it is premature to indicate when, or whether, the Commission will issue a final rule.