

# Chapter 2: Tuesday Morning Requirements

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| CHAPTER OVERVIEW                           | 2  |
| CARE LABELING                              | 3  |
| TIPS FOR WORKING WITH TUESDAY MORNING TEAM | 5  |
| VENDOR CODE OF CONDUCT                     | 6  |
| MATERIAL SAFETY DATA SHEET REQUIREMENTS    | 14 |
| WEBSITE INFORMATION                        | 16 |
| CONSUMER PRODUCT SAFETY IMPROVEMENT        | 17 |

## CHAPTER OVERVIEW

The purpose of this chapter is to provide our new vendors with summarized principles that govern the ethics of our business relationship and vendor requirements for compliance with these ethics.

### **QUALITY AND SERVICE STANDARDS**

Each vendor must meet product quality, safety, and service standards acceptable to Tuesday Morning. All vendors must acknowledge that they can comply with Tuesday Mornings Vendor Requirements prior to the receipt of their first purchase order. The acknowledgement form is available online at **TuesdayMorningVendors.com**.

### **CODE OF CONDUCT**

The Vendor Code of Conduct applies to all vendors, suppliers, and factories that produce goods for Tuesday Morning. Tuesday Morning recognizes that its vendors operate in countries with different laws and cultures; however, Tuesday Morning intends to outline the minimum requirements that all vendors must meet in order to do business with Tuesday Morning.

### **SAMPLES**

Please be advised Tuesday Morning does not pay any costs related to vendor samples. This includes the samples and the cost associated with shipping. If you wish to have your samples returned, you must supply a valid Federal Express or UPS account number and current mailing address.

### **FINANCIAL STATEMENTS**

Financial statements may be required from new vendors when the vendor's financial status cannot be verified. If necessary, the Category Director/Manager will request this documentation.

### **SAFETY DATA SHEETS**

Tuesday Morning requires all vendors to comply with all U.S. Government packaging and labeling requirements. OSHA's modified Hazard Communication Standard adopting the Globally Harmonized System of Classification and Labeling of Chemicals requires Safety Data Sheets (SDS) be readily available for any hazardous chemical contained in any product sold to Tuesday Morning.

## **CARE LABELING**

The FTC Care Labeling Rule requires manufacturers and importers to attach care instructions to garments. The label must provide complete instructions about regular care for the garment or provide warnings. If the garment cannot be cleaned without harm, ensure that care labeling instructions, if followed, will cause no substantial harm to the product. It should warn consumers about certain procedures that they may assume to be consistent with the instructions on the label, but that would harm the product. Care labels must be permanent and must remain attached and legible throughout the useful life of the product. <http://www.ftc.gov/node/119456>

Labeling is not required for other products not specifically mentioned in the statute or rules, or for non-textile products or components, including:

### **NOT COVERED:**

- Auto seat cushions
- Awnings
- Baby requirement – seats, carriers, carriages, strollers, harnesses, etc.
- Bags – net bags, tote bags, bags for laundry, diapers, cosmetics, sports gear, Etc.
- Beach or patio umbrellas
- Beads, sequins, buttons
- Burial shrouds
- Chair seats for lawn chairs
- Coasters for glasses
- Cosmetic masks and travel kits
- Coverings used in churches
- Covers for household items, other than furniture and ironing boards: birdcages, irons, toasters, mixers, toilet tanks & lids, tissue boxes, etc.
- Covers for sports equipment; such as golf clubs, skis, etc.
- Cummerbunds
- Dog coats, other pet clothing, and pet furniture
- Drapery pleated tapes
- Dress shields
- Eyeglass cases
- Filters – all types
- Flowers made of fabric
- Gloves
- Hangers padded with fabric
- Hats
- Holiday decorations and ornaments
- Hosiery hampers

### **NOT COVERED CONTINUED:**

- Hot pads

Industrial wiping cloths  
Inked ribbons for typewriters, etc.  
Knapsacks and backpacks  
Leather goods and trim  
Life preservers and jackets  
Mops & mop covers  
Notebook covers  
Novelty items  
Oven mitts  
Pads for sports equipment, such as toboggans  
Poly- foam and foam rubber  
Powder puffs  
Rope  
Saddle blankets, camel saddles  
Shoes  
Sleeping masks  
Sports protectors (for elbow, knee, chest, etc.)  
Sweatbands  
Tea cozies  
Tents  
Twine  
Venetian blinds tapes  
Wall coverings  
Wall decorations  
Wigs  
Window shades and shade pulls

#### **PO TERMS AND CONDITIONS**

Tuesday Morning requires all vendors who wish to do business with Tuesday Morning to read and understand the terms and conditions of the PO contract and complete a vendor guideline acknowledgement form. If you have any questions about the PO Terms and conditions, please contact your buyer.

#### **LABEL, PACKAGING & SHIPPING**

Tuesday Morning requires vendors who wish to do business with Tuesday Morning to acknowledge that they have read the Packaging, Labeling, Shipping in **Chapter 5** of the vendor manual.

## **TIPS FOR WORKING WITH THE TUESDAY MORNING TEAM**

### **a. Use Email**

Email is the preferred method for most communication. Email should be used to deliver information or to document an information exchange regarding a Purchase Order, SKU, or shipment.

### **b. Use Voice Mail for Urgent Business Only**

Urgent messages may be left on voicemail, including notification of any urgent email. When leaving a voicemail, please leave a complete message with all necessary information, speak slowly, and repeat your name and phone number twice to ensure that the recipient receives the information. Please note: Voicemail is not a valid method for delivering a Purchase Order.

### **c. No Surprises**

Tuesday Morning is dedicated to creating collaborative relationships with its Vendors, and requests the following:

1. Complete disclosure of merchandise availability issues well in advance;
2. Complete and early information regarding shipping or packaging issues;
3. Complete disclosure of whom you are selling to and at what retail price;
4. Be proactive – anticipate and communicate with the buyers;
5. Be honest about shipping capabilities. Do not just accept an order. Be a world-class business partner to ensure that things move smoothly through the supply chain and enable products to get into Tuesday Morning stores as planned.

### **d. Keep Copies**

Keep copies of everything including all correspondence, meeting recaps, price changes, new item paperwork, and line review information.

### **e. Improve Supply Chain Processes**

Work with suppliers and internal personnel to reduce costs of producing and distributing product, so that savings can be passed down to Tuesday Morning customers. Establish quality assurance checks to prevent problems from reaching Tuesday Morning stores. Tuesday Morning is focused on preventing problems not resolving issues.

## **VENDOR & SUPPLIER CODE OF CONDUCT**

### **PREFACE**

This Vendor/Supplier Code of Conduct sets forth the commitment of Tuesday Morning to do business only with those manufacturers and suppliers that share its commitment to responsible and lawful corporate citizenship and compliance, including fair and safe labor practices and eradication of human trafficking and slavery. It applies to all suppliers and/or contractors providing merchandise to Tuesday Morning or any store subsidiaries.

This Code of Conduct is divided into two parts. Part I sets forth the general principles upon which the Vendor/Supplier Code of Conduct is based. Part II sets forth the standards that will be used in evaluating compliance.

The Vendor/Supplier Code of Conduct defines our minimum expectations. Since no Code can be all-inclusive, we expect our vendors and suppliers to ensure that they comply with all applicable laws, as well as eliminating all abusive or exploitative conditions and practices or unsafe working conditions at the facilities where our merchandise is manufactured. As set forth in Tuesday Morning's Statement of Corporate Policy, which has been distributed to all Tuesday Morning vendors, Tuesday Morning will not tolerate any vendor or supplier that directly or indirectly, through its subcontractors, violates the laws of the country where the merchandise is manufactured or knowingly violates the standards established by Tuesday Morning. Tuesday Morning will take appropriate action in accordance with its policy upon notification of such violation.

A copy of this Vendor/Supplier Code of Conduct, translated into the native languages of the workforce, should be prominently displayed within each facility where Tuesday Morning merchandise is being manufactured.

## **I. GENERAL PRINCIPLES**

### **A. EMPLOYMENT PRACTICES**

#### **1. Forced Labor**

There shall not be any use of forced labor, whether in the form of prison labor, indentured labor, bonded labor or otherwise.

Suppliers must certify that to the best of their knowledge they comply with laws prohibiting human trafficking and slavery including forced, bonded, indentured, involuntary convict or compulsory labor, by any of the following means: (i) by means of force, threats of force, physical restraint, or threats of physical restraint to that person or another person; (ii) by means of serious harm or threats of serious harm to that person or another person; (iii) by means of the abuse or threatened abuse of law or legal process; (iv) by means of any scheme, plan, or pattern intended to cause the person to believe that, if that person did not perform such labor or services, that person or another person would suffer serious harm or physical restraint or (v) by means of acts involved in the recruitment, abduction, transport, harboring, transfer, sale or receipt of persons within national or across international borders, through force, coercion, fraud or deception, to place persons in situations of slavery or slavery-like conditions, forced labor or services such as domestic servitude, bonded sweatshop labor or other debt bondage. All work must be voluntary and workers should be free to leave work or terminate their employment with reasonable notice. Workers must not be required to surrender any government-issued identification, passports, or work permits as a condition of employment.

In addition, Suppliers must certify that materials incorporated into the products they provide to Tuesday Morning comply with the laws regarding slavery and human trafficking of the country or countries in which they are doing business.

#### **2. Child Labor**

Suppliers must comply with all laws prohibiting illegal child labor, including compliance with all minimum age requirements as determined by applicable local laws and regulations and by not producing goods for Tuesday Morning with: (i) the sale and trafficking of children; (ii) debt bondage and serfdom; (iii) forced or compulsory labor; (iv) use, procuring, or offering of a child for illicit; or (v) work which is likely to harm the health or safety of children. No person shall be employed at an age younger than 15 (or 14 where the governing law allows such employment), or younger than the age for completing compulsory education if the age in the country of manufacture is greater than 15.

All facilities are required to maintain official documentation in order to verify each worker's date of birth, as well as appropriate records documenting that the employer adheres to all restrictions under local labor laws that apply to juvenile workers.

#### **3. Discrimination, Harassment or Abuse**

Suppliers should comply with all applicable discrimination, harassment and retaliation laws. Specifically, workers should be employed and compensated based upon their ability to perform

their job, rather than on the basis of any characteristics prohibited by applicable law. Workers shall also be treated with respect and dignity. Workers shall not be subject to any physical, verbal, sexual or psychological harassment or abuse in connection with their employment.

#### **4. Health and Safety**

Suppliers shall provide a safe and sanitary working environment in order to avoid preventable work-related accidents and injuries. To that end:

Factories should have adequate circulation and ventilation.

Free potable water should be reasonably accessible to all workers throughout the working day.

Workers should have access to reasonably clean and private toilet facilities in adequate numbers for each sex. We recommend that facilities maintain a toilet to worker ratio of 1 to 30.

There is to be no use of corporal punishment.

Work areas should be sufficiently lit so that manufacturing tasks may be safely performed. We recommend the following standards.

Cutting, Assembly and Finishing Operations: .....50-80 ft.  
Candles Inspection:.....80-100ft.  
Candles Storage:.....30-50 ft.  
candles.

All equipment should be tested regularly and properly maintained. Operational safety devices should be installed on equipment where appropriate.

Where appropriate, factories should make available personal protective equipment to workers performing hazardous tasks.

Hazardous and combustible materials should be stored in secure, well-ventilated areas and should be properly labeled and posted with safety and warning signage.

Each factory should maintain an adequate number of well-stocked, visible and easily accessible first aid kits.

We require that each enclosed manufacturing facility have an adequate number of clearly marked, unlocked exits in order to provide for an effective evacuation in case of emergency. By adequate, it is meant that each workstation should be within 200 feet of an exit. All exits should have battery operated emergency lights placed above them.

Aisles, exits and stairwells should be kept clear of any obstructions that could prevent the orderly evacuation of workers. Exit stairwells and corridors and aisles leading to them are required to be at least



22 inches wide. It is recommended that they be at least 44 inches wide. Exits should be at least 33 inches wide.

Each facility should have appropriate fire prevention capability based upon the size of the facility and number of workers normally occupying the premises. While we recommend that facilities install fire hoses, extinguishers, overhead sprinklers, alarms, photo luminescent exit routes marked on the floor and other warning and control devices, our minimum standard, where fire hoses or overhead sprinklers are not present, is one fully charged fire extinguisher within 75 feet of each work station.

Fire extinguishers should be properly maintained and inspected annually, tagged with the most recent inspection date, and properly deployed throughout the premises to be visible and accessible to workers in case of fire.

Factories should conduct a minimum of one emergency evacuation drill per year. Emergency evacuation diagrams should be posted and clearly visible to employees.

Workers should not be exposed for extended periods to noise levels above 80 decibels without being required to use factory provided safety equipment.

## **5. Dormitories/Living Facilities**

The following standards shall apply where workers are housed in facilities provided by the manufacturer. Facilities should have adequate ventilation and circulation.

Free potable water should be readily accessible

Clean and private toilet and bathing facilities should be reasonably accessible. Living spaces should be segregated by gender.

Each housing facility should have at least one well-stocked first aid kit.

Each housing facility should have an adequate number of unlocked and clearly marked exits for evacuation in case of emergency.

Aisles, exits, and stairwells should be kept clear from any obstructions that could prevent orderly evacuation. Exits should be at least 33 inches wide.

Each living facility should have appropriate fire prevention capability based upon the size of the facility and number of workers normally occupying the premises. The minimum standard, where fire hoses or overhead sprinklers are not present, is one fully charged fire extinguisher per 1000 sq. ft. of living space.

Fire extinguishers should be properly maintained and inspected annually, tagged with the most recent inspection date, and properly deployed throughout the premises to be visible and accessible to employees in case of fire.

## **6. Freedom of Association and Collective Bargaining**

Suppliers should respect the rights of employees to lawfully associate or not to associate with groups of their choosing, as long as such groups are legal in the country where the merchandise is manufactured. Suppliers should not interfere with, obstruct or prevent legitimate related activities.

#### **7. Wages and Benefits**

Suppliers should recognize that wages are essential to meeting their employee's basic needs. Suppliers shall pay their workers for all work completed and shall pay at least the minimum wage required by law or the prevailing industry wage, whichever is higher, and shall provide legally mandated benefits. Manual or electronic time cards should be used for hourly workers. For "piecework" workers, an industry recognized system, capable of audit verification, should be used. Suppliers must provide timely and complete wage statements to their employees as required by law.

#### **8. Work Hours**

Employers should comply with all work hour, days of service, rest periods, and overtime laws and regulations. As part of normal business hours, suppliers' factories should be working toward achieving a 60-hour work week on a regular basis. Employees shall not work more than 72 hours per 6 days or work more than a maximum total of 14 hours per a continuous 24 hour period and should limit this to peak periods. Workers shall not be asked or required to take work home or off premises and must be permitted one full day off per each seven day week.

It is understood that overtime is often required in the manufacturing process. In addition to compensation for regular hours of work, workers must be compensated for overtime hours at such a premium rate as legally required or, in countries where there is no legal standard, at industry standards. In no event shall this be at a rate less than the regular hourly rate. Factories shall carry out operations in ways that limit overtime to a level that ensures productive and humane working conditions.

#### **9. Overtime**

It is understood that, where permitted by law, overtime is often required in the manufacturing process. In addition to compensation for regular hours of work, the supplier must compensate their employees for overtime hours at such a premium rate as legally required or, in countries where there is no legal standard, at industry standards. In no event shall this be at a rate less than the regular hourly rate. Factories are encouraged to carry out operations in ways that limit overtime to a level that ensures productive and humane working conditions.

### **B. ENVIRONMENT**

Tuesday Morning will favor those suppliers that share its commitment to preserving our environment by reducing, re-using and recycling. Tuesday Morning encourages suppliers to reduce excess packaging and to use non-toxic, environmentally friendly materials whenever possible. Tuesday Morning policy specifically prohibits the use of ozone-depleting substances and requires compliance with the United States Endangered Species Act of 1973. Our vendors are responsible for continuing compliance with all environmental laws and regulations, including any modifications and amendments, without notice by Tuesday Morning of such amendment or modification.

### **C. ANTI-CORRUPTION AND CONFLICTS OF INTERESTS**

Tuesday Morning is committed to conducting business in an ethical, fair and honest manner. Any and all forms of illegal or inappropriate activity, including, but not limited to, corruption, misrepresentation, extortion, embezzlement or bribery, are strictly prohibited and may result in termination of any or all supplier agreements with Tuesday Morning and possible legal action. Supplier (including its officers, directors, employees, agents and any person under its control) shall comply with, and shall require its contractors, subcontractors and any contingent workers to comply with, any and all applicable anti-corruption laws and regulations, including but not limited to, the U.S. Foreign Corrupt Practices Act ("FCPA").

Supplier (including its officers, directors, employees, agents and any person under its control) shall not, directly or indirectly, make, promise to make, or accept any payment, offer or transfer of anything of value in connection with any business transaction relating to Tuesday Morning, to: (i) any foreign government official (which includes any officer, employee or consultant of a government, or government department or agency, officer or employee of a state-owned enterprise or corporation, political party or official, candidate for political office, officer or employee of a public international organization, such as the World Health Organization or World Bank, or the spouse or immediate family member of any of the persons mentioned above "government official"); (ii) an intermediary for payment to any government official; (iii) any officer, director, employee of any actual or potential customer of Tuesday Morning; (iv) any officer, director or employee of Tuesday Morning or any of its affiliates; or (v) any other person or entity if such payment, offer or transfer is made to induce the individual to misuse his or her official position in order to benefit the supplier or Tuesday Morning or would violate the laws of the country in which made or the laws of the United States. No payments, offers or transfers of value shall be made which have the purpose or effect of public or commercial bribery, acceptance or acquiescence in extortion, kickbacks or other unlawful or improper means of obtaining or retaining business or directing business to any person or entity.

Without limiting the above, suppliers shall not offer or promise any employee or agent of Tuesday Morning a gift or business courtesy that compromises, or appears to compromise, any such employee's or agent's ability to make objective and fair business decisions or which would create or give the appearance of creating a conflict of interest. Without limitation, Supplier is prohibited from offering or giving any of the following to any employee or agent: (i) gifts of cash or its equivalent (e.g. stock, bonds, or other negotiable instruments); or (ii) any other business courtesy given in an attempt to motivate a person to do anything that is prohibited by law, regulation or Tuesday Morning's policies. Supplier also shall not enter into a financial or any other relationship with a Tuesday Morning employee that creates or gives the appearance of a conflict of interest. Even the appearance of a conflict of interest can be damaging to Tuesday Morning and to the supplier and must be disclosed, when known, and approved by Tuesday Morning.

### **D. PROPER USE OF COMPANY ASSETS AND INFORMATION**

Suppliers shall protect and conserve any resources made available by Tuesday Morning and shall use them only for purposes authorized by Tuesday Morning. Any Tuesday Morning information, technology and access to Tuesday Morning systems granted to supplier by Tuesday Morning shall be used for Tuesday Morning business related purposes only and will be subject to the confidentiality, security and privacy obligations agreed to by the parties.

To protect Tuesday Morning or its customers' Confidential Information that may be disclosed to supplier, supplier agrees to the following: (i) supplier will hold the Confidential Information regarding customers, whether received from Tuesday Morning or its customers, in strict confidence and shall exercise due care to prevent disclosure to others; (ii) supplier will refrain from discussing any Confidential Information with anyone inside or outside of Tuesday Morning or its customers not having a need to know, unless expressly authorized to do so; (iii) supplier will not reproduce the Confidential Information, nor use such Confidential Information, for any purpose other than the performance of supplier's duties for Tuesday Morning or its customers; and, (iv) supplier acknowledges that the services supplier provides require that supplier govern their conduct with the highest ethical standards.

#### **E. FAIR COMPETITION**

Suppliers representing Tuesday Morning are expected to comply with all applicable laws and regulation regarding fair competition and antitrust (including price fixing, price discrimination, collusion bidding practices or any other unfair trade practices) and the laws and regulations governing intellectual property rights and import/export customs.

#### **F. SUBCONTRACTORS**

All subcontractors must be disclosed to Tuesday Morning prior to production, and all subcontractors and facilities must be pre-approved by Tuesday Morning. Any subcontractor retained by a Tuesday Morning supplier must be in compliance with this Code of Conduct and each of Tuesday Morning suppliers is responsible for ensuring its subcontractor's compliance.

#### **G. COMPLIANCE WITH LAWS**

All Standards set forth in this Code of Conduct are subject to compliance with applicable local law. All vendors shall operate in full compliance with the laws of their respective country of manufacture. If any standard set forth in this Code of Conduct is in supplier's judgment, deemed to violate an applicable local law it must advise Tuesday Morning promptly in writing.

If Vendor supplies a food product to a Tuesday Morning Company, Vendor guarantees that each food product, including its components, packaging, and labeling, is not adulterated or misbranded under the Federal Food Drug and Cosmetic Act, complies with FDA's Good Manufacturing Practice requirements, complies in all applicable respects with sections 301, 402, 403, 415, 416, and 418 of said Act, is not otherwise prohibited under Section 404 of said Act from introduction into interstate commerce, and complies in all applicable respects with state laws.

### **II. EVALUATING COMPLIANCE AND VERIFICATION STANDARDS**

#### **A. Accuracy of Business Records**

All financial books, records and accounts related to goods manufactured for or services rendered to Tuesday Morning must accurately reflect the underlying activity and conform both to generally accept accounting principles and a system of internal controls. Likewise, all operational records must be accurate, timely and conform to Tuesday Morning requirements. Suppliers must create, retain and dispose of business records in full accordance with applicable legal and contractual requirements.

**B. Audits and Inspections**

Verification of compliance by supplier are subject to audits by Tuesday Morning or a third party designated by or otherwise acceptable to Tuesday Morning. Tuesday Morning may visit (or have a third party designate or otherwise acceptable to Tuesday Morning visit) supplier's facilities, with or without notice, to assess compliance with this Supplier Code. Failure to comply, or failure to work with Tuesday Morning or a third party to correct non-complying situations, are grounds for cancellation of contracts, open orders or termination of our business relationship. Supplier shall also notify Tuesday Morning in writing if supplier discovers or has a reasonable basis to believe that it is not complying with any of the provisions of this Supplier Code.

**C. Reporting**

Supplier must create and maintain a system by which its employees may report violations of this Supplier Code and must prohibit and ensure that retaliatory behavior against any person who, in good faith reports such violation, is prohibited.

**D. No Employment Relationship**

This Supplier Code does not confer, nor shall it be deemed to confer, any rights on the part of third-parties, including any third-party beneficiary rights. For example, no employees of any vendor shall have any rights against Tuesday Morning by virtue of this Supplier Code, nor shall such employees have any rights to cause Tuesday Morning to enforce any provisions of this Supplier Code, the decision with respect to any such actions being reserved by Tuesday Morning in its sole discretion.

## **SAFETY DATA SHEETS REQUIREMENTS**

OSHA's modified Hazard Communication Standard adopting the Globally Harmonized System of Classification and Labeling of Chemicals requires Safety Data Sheets (SDS) be readily available for any hazardous chemical. The SDS is a detailed information bulletin prepared by the manufacture or importer of a chemical that describes the physical and chemical properties, physical and health hazards, routes of exposure, precautions for safe handling and use, emergency and first aid procedures, and control measures. General health hazards information and precautions for safe handling and use should be the focus of concern.

An SDS shall include the information specified under the section number and heading indicated for sections 1–11 and 16 below. If no relevant information is found for any given subheading within a section, the SDS shall clearly indicate that no applicable information is available. Sections 12–15 may be included in the SDS, but are not mandatory.

**Section 1, Identification** includes product identifier used on the label; other means of identification; manufacturer or distributor name, address, phone number, emergency phone number, recommended use and restrictions on use.

**Section 2, Hazard(s) identification** includes classification of the chemical, signal word, hazard statement(s), symbol(s) and precautionary statement(s), and any hazards not otherwise classified that have been identified during the classification process.

**Section 3, Composition/information on ingredients** includes information on chemical ingredients and trade secret claims.

**Section 4, First-aid measures** includes description of necessary measures, subdivided according to the different routes of exposure, i.e., inhalation, skin and eye contact and ingestion; most important symptoms/effects, acute, delayed, require treatment.

**Section 5, Fire-fighting measures** lists suitable (and unsuitable) extinguishing techniques, equipment; specific chemical hazards from fire; special protective equipment and precautions for fire-fighters.

**Section 6, Accidental release measures** lists emergency procedures; protective equipment; proper methods of containment and cleanup.

**Section 7, Handling and storage** lists precautions for safe handling and conditions for safe storage, including any incompatibilities.

**Section 8, Exposure controls/personal protection** lists OSHA's Permissible Exposure Limits (PELs); Threshold Limit Values (TLVs), and any other exposure limit used or recommended by the chemical manufacturer, importer or employers preparing the SDS, where available; appropriate engineering controls; personal protective equipment (PPE).

**Section 9, Physical and chemical properties** lists the chemical's characteristics.

**Section 10, Stability and reactivity** lists chemical reactivity and stability, possibility of hazardous reactions, conditions to avoid and incompatible materials.

**Section 11, Toxicological information** includes description of various toxicological (health) effects and the available data used to identify those effects, including routes of exposure; related symptoms, acute and chronic effects; numerical measures of toxicity, whether the hazardous chemical is listed in the NTP Report on Carcinogens or has been found to be a potential carcinogen by IARC or by OSHA.

**Section 12, Ecological information** (Non-mandatory) includes ecotoxicity, persistence and biodegradability, bioaccumulative potential, mobility in soil and other adverse effects.

**Section 13, Disposal considerations** (Non-mandatory) includes description of waste residues and information on their safe handling and methods of disposal, including the disposal of any contaminated packaging.

**Section 14, Transport information** (Non-mandatory) includes UN number, UN proper shipping name, transport hazard class(es), packing group, environmental hazards, transport in bulk, special precautions.

**Section 15, Regulatory information** (Non-mandatory) includes safety, health and environmental regulations specific for the product in question.

**Section 16, Other information** includes the date of preparation of the SDS or the last change to it.

**By accepting the Tuesday Morning Vendor Manual, you are certifying that you understand the SDS requirements and will provide any and all required information for your products prior to shipping.**

## **WEBSITE INFORMATION**

| Website  | Authority                                      | Type of information                             |
|--|--|---|
| <a href="http://www.ftc.gov/os/statutes/fplajump.html">http://www.ftc.gov/os/statutes/fplajump.html</a>  | Federal Trade Commission                       | Questions about fair packaging and labeling act |
| <a href="http://www.ftc.gov/os/statutes/textile/textlact.htm">http://www.ftc.gov/os/statutes/textile/textlact.htm</a>  | Federal Trade Commission                       | Questions about Textiles                        |
| <a href="http://ts.nist.gov/ts/htdocs/230/235/h130-01/packlab.pdf">http://ts.nist.gov/ts/htdocs/230/235/h130-01/packlab.pdf</a>                                      | National Institute of Standards and Technology | Questions about packaging laws                  |
| <a href="http://www.cpsc.gov/businfo/cpsa.pdf">http://www.cpsc.gov/businfo/cpsa.pdf</a>  | Consumer Product Safety Commission             | Questions about consumer product safety         |
| <a href="http://www.cpsc.gov/businfo/fhsa.pdf">http://www.cpsc.gov/businfo/fhsa.pdf</a>  | Consumer Product Safety Commission             | Questions about hazardous materials             |
| <a href="http://www.cpsc.gov/businfo/pppa.pdf">http://www.cpsc.gov/businfo/pppa.pdf</a>  | Consumer Product Safety Commission             | Questions about poisonous products              |
| <a href="http://www.oehha.ca.gov/prop65.html">http://www.oehha.ca.gov/prop65.html</a>  | State of California                            | Prop 65 questions                               |
| <a href="http://www.cbp.gov/linhandler/cgov/newsroom/publications/trade/iius.cttius.pdf">www.cbp.gov/linhandler/cgov/newsroom/publications/trade/iius.cttius.pdf</a> | US Customs                                     | Questions on Country of Origin                  |
| <a href="http://www.business.ftc.gov">www.business.ftc.gov</a>   | Federal Trade Commission                       |   |



# **CONSUMER PRODUCT SAFETY IMPROVEMENT ACT**

## **Reasonable Testing Program Guidance and Requirements**

### **I. INTRODUCTION**

Tuesday Morning is committed to ensuring that products sold at Tuesday Morning are safe for their intended use, and comply with all applicable federal and state standards, requirements, rules, and regulations. The Consumer Product Safety Improvement Act (“CPSIA”) is a federal law that sets forth certain testing and certification procedures you must follow in providing consumer products subject to its rules when Tuesday Morning is the importer of record.

Section II contains a summary explanation of the testing and certification process required by the CPSIA. This includes information on two important rules issued by the Consumer Product Safety Commission (“CPSC”) in conjunction with the CPSIA:

- (1) The Final Rule on testing and certification of children’s products, including periodic testing (16 CFR § 1107), for all products manufactured after February 8, 2013, and
- (2) the Final Rule on product certification based on testing conducted by another party, including component part testing (16 CFR § 1109).

Section III contains CPSIA compliance procedures Tuesday Morning has developed for you and the products you supply to Tuesday Morning.

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

The Guidance Document contains a number of appendices with helpful information for your review and consideration. Tuesday Morning also directs you to the CPSC website at [www.cpsc.gov](http://www.cpsc.gov) for more detailed information on these requirements.

### **Compliance with Federal, State and Local Laws on Product Safety and Labeling**

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 Tuesday Morning to provide merchandise that is safe and fit for the use for which it was manufactured, free from materials and product defects which may be injurious to persons or property, 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, in addition to the testing and certification requirements CPSC issues under the CPSIA, outlined herein. Standards and regulations regarding product safety and labeling of consumer products are continually changing at the federal, state and local level, and Tuesday Morning expects each vendor to remain current on requirements that apply to its products. Failure to comply with the procedures set forth in this document or with federal or state laws related to

product safety and/or labeling may result in Tuesday Morning's rejection of your goods, as well as any other actions that Tuesday Morning deems necessary or appropriate.

## **II. OVERVIEW OF THE CPSIA TESTING AND CERTIFICATION REQUIREMENTS**

The CPSIA creates a number of safety standards and requirements for consumer products. The CPSIA amended the Consumer Product Safety Act, and many of its requirements are 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 all applicable consumer product safety rules, bans, standards, regulations, or laws administered by the CPSC. Children's products are subject to specific certification obligations based on third-party testing that may not be applicable for general use products. Failure to properly certify products could result in rejection of product imports into the United States, product recalls, and civil and criminal penalties.

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

All children's products must have a Children's Product Certificate ("CPC") that confirms compliance with any applicable rules based on appropriate third-party testing of the finished product performed by a CPSC-accredited laboratory. The CPSIA defines a children's product as one that is "primarily designed or intended for children 12 years of age and younger." Guidance on what constitutes a children's product is available from the CPSC at <http://www.cpsc.gov/en/Business--Manufacturing/Business-Education/childrens-products/>. A listing of standards that require a CPC based on CPSC-accredited, third party laboratory testing is available at <http://www.cpsc.gov/en/Business--Manufacturing/Testing-Certification/Lab-Accreditation/Rules-Requiring-Third-Party-Testing/>. A listing of CPSC-accredited laboratories is available at <http://www.cpsc.gov/cgi-bin/labsearch/>.

For children's products manufactured after February 8, 2013, CPCs must be based on the CPSC Final Rule on testing and certification of children's products, including periodic testing (16 CFR § 1107) (the "Testing Rule").<sup>1</sup>

The "Testing Rule" sets forth requirements regarding (1) representative samples required for CPSC-accredited 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.

The Final Rule setting forth these requirements is available at.

<http://www.cpsc.gov/businfo/frnotices/fr12/certrepr.pdf>

#### **1. Representative Samples**

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<sup>1</sup> For children's products manufactured on or before February 8, 2013, CPCs must be based on finished product tests performed by CPSC-accredited, third party testing labs. You must provide the test report and the information required by the Reliance Rule (discussed more fully in Section C.1 below). A majority of the information required by the Reliance Rule should appear on your certification test reports.

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.

## **2. Corrective Action**

For each child'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. Tuesday Morning cannot issue a CPC for your product until you demonstrate the creation and execution of a corrective action plan for any test failures, including successful retests of the corrected product.

For example, if you supply Tuesday Morning with a child's dresser and receive a failing test result for lead in surface coatings, your corrective action plan would include, at a minimum, assessment of the cause of the failure, correction of the problem based on the results of the assessment, and retests after correcting the problem.

## **3. Periodic Testing of Children's Products**

For children's products manufactured 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.

After initial certification testing by a CPSC-accredited third party test lab, the Testing Rule requires periodic retesting of children's products that are continually produced, within at least one year of the initial certification test. An accredited third-party lab must perform the periodic testing at an interval sufficient to provide a high degree of assurance that products comply with all applicable bans, standards, regulations and rules based on the facts and circumstances of the production of each product. The Testing Rule requires that you document in advance your periodic testing in a written "Periodic Testing Plan."

### **a. High Degree of Assurance and Periodic Testing Intervals**

As noted above, 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 the appropriate periodic testing interval on the product and its production process.

### **b. 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.

For example, *production* testing for lead in substrates may employ XRF screening, while the *periodic* testing will require full digestion testing by the CPSC-accredited, third party lab. The one year minimal interval may be extended to three years if the manufacturer employs a Production Testing Plan and performs testing with an in-house ISO-certified lab.

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.

**4. 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.

**5. 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. We have attached a sample undue influence policy at Appendix E.

**6. 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; and
- Documentation of materials changes to the products; and due 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. As with CPC's, failure to comply with this requirement can lead to rejection of product imports into the United States, product recalls, and civil and criminal penalties. A listing of standards that require a GCC based on actual testing or a reasonable testing program is available at <http://www.cpsc.gov/Regulations-Laws--Standards/Regulations-Mandatory-Standards-Bans/>.

Additional information on certificates of conformity for non-children's products can be found at <http://www.cpsc.gov/en/Business--Manufacturing/Testing-Certification/General-Use-Products-Certification-and-Testing/>.

Unlike for children's products, the CPSC has not yet established formal testing requirements for certification of non-children's products. The CPSC has issued guidance on best practices for a reasonable testing program. This information from the CPSC may be helpful in developing your reasonable testing program, with includes practices similar to those required for children's products. This information from the CPSC may be helpful in developing your reasonable testing program,, but it is not mandatory at the current time. The staff guidance is available at <http://www.cpsc.gov/businfo/generalusefaq.html#q14>.

## **C. CPSC Rule on Product Certification Based on Testing Conducted by a Third Party**

The CPSC issued a rule explaining when and how Tuesday Morning can use and/or rely on testing from its vendors and suppliers for CPSIA certification (the "Reliance Rule"). 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 in order to rely on testing performed by a party supplying finished products or component parts. The rule became effective on December 8, 2011.

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

The Reliance Rule establishes requirements that Tuesday Morning, 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 Tuesday Morning that are subject to CPSC standards, when Tuesday Morning is the importer of record – both children's and non-children's products.

As set forth more fully in Section III, you must provide the following information and documents for each product in order for Tuesday Morning 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 the 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 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 on these requirements is available at:

<http://www.cpsc.gov/businfo/frnotices/fr12/testrelyfinal.pdf> and <http://www.cpsc.gov/info/toysafety/3ptfaq.html>.

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

Unless the product is subject to a CPSC rule that requires testing of the finished product, the Reliance Rule 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.

As with the Reliance Rule requirements, and as set forth more fully in Section III, you must provide Tuesday Morning with the following information and documentation. Without this information and documentation, Tuesday Morning 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:** <http://www.cpsc.gov/en/Business--Manufacturing/Testing-Certification/Third-Party-Testing/Component-Part-Testing/>, <http://www.cpsc.gov/businfo/frnotices/fr12/testrelyfinal.pdf> and <http://www.cpsc.gov/info/toysafety/3ptfaq.html>.

### **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. The Reliance Rule defines "due care" 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. Tuesday Morning expects vendors who are providing testing to Tuesday Morning to support certification to engage in due care in reviewing that testing. Tuesday Morning will use its own due care in analyzing the testing reports and information that vendors provide. Tuesday Morning will take steps to ensure the validity of the test report or certification you provide. These steps may include requests for additional information from you, random sampling and testing of your products to confirm consistency with your test results, and/or factory audits.

### **III. VENDOR/SUPPLIER RESPONSIBILITIES**

Tuesday Morning has developed a set of procedures to ensure that you provide Tuesday Morning with the information and documents necessary to evaluate and certify your products in accordance with the testing and certification requirements outlined in Section II, herein. Some of these procedures apply to your manufacturing facilities; others relate to your products. You only need to provide requested information and documents relating to your manufacturing facilities once per year, when the information is updated, or when specifically requested by Tuesday Morning. However, you need to provide any requested information and documents relating to your products manufactured on or after February 8, 2013 before Tuesday Morning can accept any orders for those products, and when information is updated. You must supply all requested information and documents to our Supply Chain Analyst at [vendorrelations@tuesdaymorning.com](mailto:vendorrelations@tuesdaymorning.com).

If you have any questions regarding the procedures that follow, please contact Tuesday Morning's team: [vendorrelations@tuesdaymorning.com](mailto:vendorrelations@tuesdaymorning.com).

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

The following procedures apply to all children's products you supply to Tuesday Morning. For products manufactured on or before February 8, 2013, you must provide Tuesday Morning with a test report on finished products performed by CPSC-accredited, third party testing labs and the information required by

the Reliance Rule. For children's products manufactured after February 8, 2013, you must comply with the following requirements.

**1. Requirements for Each of Your Manufacturing Facilities – Tuesday Morning Children's Product CPSIA Compliance Questionnaire**

The Tuesday Morning CPSIA Compliance Questionnaire, attached as Appendix A, is designed to provide Tuesday Morning 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 Tuesday Morning on an annual basis, or when changes in your manufacturing facilities require an update. Tuesday Morning 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 Tuesday Morning**

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

- Tuesday Morning Product Cover Form
- Certification test reports, including corrective action plan documents and component part testing, if applicable, and documents required by the Reliance Rule;
- Please note that a majority of the Reliance Rule information can be provided on your certification test reports – please consult with your testing lab;
- 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.

Tuesday Morning will not issue a CPC for the product (see example CPC at Appendix C) or permit it to ship without receiving and approving the Technical File in advance. Tuesday Morning 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 Tuesday Morning with additional documentation for the Technical File as you obtain it, particularly as it relates to any material changes. If you make a material change to the product and perform new certification testing, you must notify Tuesday Morning of this fact and provide the necessary documentation.

**a. Tuesday Morning Product Cover Form**

The first step in providing your Technical File to Tuesday Morning is to fill out the Tuesday Morning Product Cover Form ("Cover Form"). Please see Appendix B for a copy of the Cover Form. On the Cover Form, you will provide Tuesday Morning 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.

**b. 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 the Reliance Rule (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;
- 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.

Tuesday Morning will review all test reports you provide to determine compliance with all applicable CPSC- enforced rules, standards, bans, and regulations. Tuesday Morning has provided testing specifications for a number of children's product categories in Appendix G. Tuesday Morning will compare your testing to these specifications. If you do not test to these specifications, Tuesday Morning 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 Tuesday Morning (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 Tuesday Morning, Tuesday Morning 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 Tuesday Morning resulted in failures, you must provide Tuesday Morning 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**

Tuesday Morning must be able to trace the components in the products you supply to Tuesday Morning 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 Tuesday Morning. If you rely on component part tests and Tuesday Morning cannot trace the components to the test reports you provide, Tuesday Morning will reject your products until you perform additional finished product testing.

**c. 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. Tuesday Morning 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, Tuesday Morning will not accept your children's product.

**d. 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 Tuesday Morning for its review. Your Production Testing Plan must include a description of how you determined the testing frequency and number of samples to test. Tuesday Morning 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, Tuesday Morning will not accept your children's product.

**e. Material Change Log and Related Test Reports**

You must provide Tuesday Morning 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 material change. We have included a sample Material Change Log for tracking material changes and the associated test reports at Appendix F.

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

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

**1. Tuesday Morning Non-Children's Product CPSIA Compliance Questionnaire**

The Tuesday Morning CPSIA Compliance Questionnaire, attached as Appendix A, is designed to provide Tuesday Morning 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 Tuesday Morning the Questionnaire on an annual basis, or when changes to manufacture or production require an update. Tuesday Morning 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 Tuesday Morning**

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

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

Tuesday Morning, as importer of record, will review this Technical File prior to issuing a GCC for the product (see example GCC at Appendix D) and permitting it to ship. Tuesday Morning may request additional information regarding any of the above requirements in conjunction with its review.

**a. Tuesday Morning Product Cover Form**

The first step in providing your Technical File to Tuesday Morning is to fill out the Tuesday Morning Product Cover Form ("Cover Form"). Please see Appendix B for a copy of the Cover Form. On the Cover Form, you will provide Tuesday Morning 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.

**b. Certification Test Reports**

You must provide Tuesday Morning 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 Reliance Rule (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;
- 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.

Tuesday Morning will review all test reports and other information you provide to determine compliance with all applicable CPSC-enforced rules, standards, bans, and regulations. Tuesday Morning has provided testing specifications for a number of non-children's product categories in Appendix G. Tuesday Morning will compare your testing to these specifications. If you do not demonstrate compliance with these specifications, Tuesday Morning 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 Tuesday Morning (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 Tuesday Morning, Tuesday Morning 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.

**c. 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, Tuesday Morning 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;
- 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. TUESDAY MORNING'S ROLE AS THE IMPORTER OF RECORD**

**A. Tuesday Morning'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, Tuesday Morning will exercise due care in evaluating the Technical Files and other documentation you provide. Tuesday Morning'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, Tuesday Morning 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 Tuesday Morning will import and that will require a GCC or CPC, Tuesday Morning will evaluate each vendor to determine whether the vendor has created and implemented a sufficient production and quality control system. Tuesday Morning will consider a number of factors, including but not limited to:

- Tuesday Morning's relationship with the vendor, including the amount of time the vendor has been supplying the company with products;
- Tuesday Morning's knowledge and understanding of the vendor's awareness of CPSIA requirements;
- Tuesday Morning'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.

Tuesday Morning expects the vendor evaluation process to be a cooperative process. Vendors will have an opportunity to provide Tuesday Morning 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, Tuesday Morning 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. Tuesday Morning's Determination**

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

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

## **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 are required to provide this Technical File to Tuesday Morning for its review and assessment, and Tuesday Morning, 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 Tuesday Morning 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 Tuesday Morning and provide those documents to Tuesday Morning.

## APPENDIX A: Tuesday Morning CPSIA Compliance Questionnaire

Vendor Name ("Vendor"): \_\_\_\_\_

Factory Name ("Factory"): \_\_\_\_\_

Factory Address: \_\_\_\_\_  
\_\_\_\_\_

1. The CPSC Children's Product Testing and Certification Rule requires that you establish an undue influence policy, and train your personnel that interact with CPSC-accredited third party testing labs to safeguard against undue influence. Tuesday Morning requires you to also have such a policy for all consumer products you provide to it, including general use/non-children's products. Do you currently have an undue influence policy and undue influence training?
  - a. If so, please describe the policy in detail. Be sure to include a detailed description of:
    - i. How you train your personnel.
    - ii. Describe the records of the training for your personnel that you retain, where those records are retained, and the length of time for which they are retained.
  - b. If not, please provide us with the date on which you intend to implement such a policy and train your personnel.

2. The CPSC Children's Product Testing and Certification Rule requires that you establish a corrective action plan to assess and correct failing test results for your children's products. Tuesday Morning requires you to also have a plan for all consumer products you provide to it, including general use/non-children's products. Do you currently have a corrective action plan in place to address failures in your products manufactured at Factory?
  - a. If so, please describe the corrective action plan in detail. Be sure to include a detailed description of:
    - i. How you investigate and assess product failures.
    - ii How you document measures taken to correct product failures.
  - b. If not, please provide us with the date on which to you intend to implement such a plan.

|  |   |
|--|---|
| Vendor Name ("Vendor") _____   |   |
| Factory Name ("Factory") _____   |   |
| Product Name ("Product") _____   | Vendor Style No.: _____ PO#: _____                      |
| <b>Please check all that apply regarding Product:</b>  |   |
| <input type="checkbox"/> Children's Product  | <input type="checkbox"/> Non-children's Product         |
| <i>For Children's Product, please complete Section A. below. For Non-Children's Product, please complete Section B. below. For all Products, you must complete Section C.</i>  |   |
| <b><u>Section A: Children's Product</u></b>  |   |
| <input type="checkbox"/> Continuously Produced   | <input type="checkbox"/> NOT Continuously Produced      |
| <input type="checkbox"/> Component Part Testing Used   | <input type="checkbox"/> NO Component Part Testing Used |
| For continuously produced Children's Products, please identify whether you provided testing of the actual finished product and/or components from the batch/lot supplied to Tuesday Morning, or testing performed in a Periodic Testing Program: |   |
| <input type="checkbox"/> Test of Actual Product/Components from Batch/Lot Supplied<br><input type="checkbox"/> Test Based on Periodic Testing Program (include Periodic Testing Program description)   |   |
| <b><u>Section B: Non-Children's Product</u></b>  |   |
| <input type="checkbox"/> Continuously Produced   | <input type="checkbox"/> NOT Continuously Produced      |
| <input type="checkbox"/> Component Part Testing Used   | <input type="checkbox"/> NO Component Part Testing Used |
| If your Non-Children's Product is continuously produced, please identify whether you tested the actual finished product and/or components from the batch/lot supplied to Tuesday Morning, or are relying on a Reasonable Testing Program:        |   |
| <input type="checkbox"/> Test of Actual Product/Components from Batch/Lot Supplied<br><input type="checkbox"/> Reasonable Testing Program (include Reasonable Testing Program description)   |   |
| <b><u>Section C: Reliance Certification for All Products</u></b>   |   |
| Vendor certifies that while Product was in its custody, Vendor exercised due care to comply with CPSIA.  |   |
| By: _____ Date: _____  |   |
| Name: _____  |   |
| Title: _____   |   |



## APPENDIX B: Tuesday Morning Product Cover Form Tuesday Morning Product Cover Form (Required for Each Product Style and CPC/GCC)

## APPENDIX C: Tuesday Morning Children's Product Certificate

TUESDAY MORNING  
Importer Children's Product Certificate  
(Updated June 2014)

|   |                                     |
|---|-------------------------------------|
| <b>Product Identification Information</b>         |                                     |
| Description of Product:                           |                                     |
| Tuesday Morning Purchase Order Number:            | Other:                              |
| Date (Month/Year) of Manufacture of the product:  |                                     |
| Actual factory location<br>(City/County/Country): |                                     |
| <b>Importer Information</b>                       |                                     |
| Name of Importer:                                 | <b>Tuesday Morning Partners Ltd</b> |
| Full Address:                                     |                                     |
| Telephone Number:                                 |                                     |
| <b>Recordkeeping Information</b>                  |                                     |
| Name of Custodian of Test Report:                 |                                     |
| Full Address:                                     |                                     |
| Telephone Number:                                 |                                     |
| Email Address:                                    |                                     |
| <b>Testing Information:</b>                       |                                     |
| Date of Compliance Test:                          |                                     |
| Compliance Test Location (City/County/Country):   |                                     |
| Name of 3 <sup>rd</sup> Party Testing Lab:        |                                     |
| -Full Address:                                    |                                     |

|   |
|---|
|   |
| -Telephone number:                                |
| -Test Report Number                               |
| Applicable Rules, Bans, Regulations and Standards |

**Tuesday Morning Partners Ltd** certifies that the above product complies with applicable rules, bans, regulations, and standards under applicable Acts enforced by the U. S. Consumer Product Safety Commission indicated below. The certification as the importer is based on information provided by the supplier and a test of the individual product or a reasonable testing program of testing by a laboratory(ies) obtained or conducted by the supplier.

**THE RULES, BANS, REGULATIONS, AND STANDARDS APPLICABLE TO THIS PRODUCT ARE INDICATED ON THE NEXT PAGE.**

Applicable Rules, Bans, Regulations, and Standards (Updated May 2014)

All Children's Products

| Check if Applies | Rule, Ban, Standard or Regulation   | Law/Act | Regulation Citation  |
|------------------|---|---------|--|
|                  | All Children's Products designed or intended primarily for children under 12 years including apparel, footwear, jewelry, furniture, home, etc |         |  |
|                  | Total Lead Content (Substrate)  | CPSIA   | PL 110-314, Sec. 101   |
|                  | Children's Metal Jewelry  | CPSIA   | PL 110-314, Sec. 101   |
|                  | Phthalates  | CPSIA   | PL 110-314, Sec. 101   |
|                  | Toy Standard  | CPSIA   | ASTM F963-11 (for toys manufactured before June 12, 2012, see safety requirements set forth in ASTM F963-08) |
|                  | Toy Chests  | CPSIA   | ASTM 4963-07e1   |
|                  | Bicycle Helmets   | CPSA    | 16 CFR 1203  |
|                  | Infant Bath Seats   | CPSIA   | 16 CFR 1215  |
|                  | Infant Walkers  | CPSIA   | 16 CFR 1216  |
|                  | Toddler Beds  | CPSIA   | 16 CFR 1217  |
|                  | Bassinets and Cradles   | CPSIA   | 16 CFR 1218  |
|                  | Lead in Paint/Surface Coating   | CPSIA   | 16 CFR 1303  |
|                  | Children's ATVs   | CPSIA   | 16 CFR 1420  |
|                  | Sharp Points  | FHSA    | 16 CFR 1500.48   |
|                  | Sharp Metal or Glass Edges  | FHSA    | 16 CFR 1500.49   |
|                  | Small parts   | FHSA    | 16 CFR 1500.50-53,1501   |
|                  | Clacker Balls   | FHSA    | 16 CFR 1500.86(a)(5)   |

|  |  |               |                             |
|--|--|---------------|-----------------------------|
|  | Dive Sticks and Similar Articles                                 | FHSA          | 16 CFR<br>1500.86(a)(7)-(8) |
|  | Electrically Operated Toys/Articles Intended for Use by Children | FHSA          | 16 CFR 1505                 |
|  | Cribs (Full Size)  | FHSA<br>CPSIA | 16 CFR 1508<br>16 CFR 1219  |
|  | Cribs (Non full size)  | FHSA<br>CPSIA | 16 CFR 1509<br>16 CFR 1220  |
|  | Play Yards   | CPSIA         | 16 CFR 1221                 |
|  | Infant Bedside Sleepers  | CPSIA         | 16 CFR 1222                 |
|  | Infant Swings  | CPSIA         | 16 CFR 1223                 |
|  | Portable Bedrails  | CPSIA         | 16 CFR 1224                 |
|  | Hand-Held Infant Carriers  | CPSIA         | 16 CFR 1225                 |
|  | Soft Infant and Toddler Carriers                                 | CPSIA         | 16 CFR 1226                 |
|  | Carriages and Strollers  | CPSIA         | 16 CFR 1227                 |
|  | Rattles  | CPSIA         | 16 CFR 1510                 |
|  | Pacifiers  | CPSIA         | 16 CFR 1511                 |
|  | Bicycles   | CPSIA         | 16 CFR 1512                 |
|  | Bunk Beds  | CPSIA         | 16 CFR 1513                 |
|  | Standard for the Flammability of Clothing Textiles               | FFA           | 16 CFR 1610                 |
|  | Children's Vinyl Plastic Film                                    | FFA           | 16 CFR 1611                 |
|  | Standard for the Flammability of Children's Sleepwear            | FFA           | 16 CFR 1615, 1616           |
|  | Children's Carpets and Rugs                                      | FFA           | 16 CFR 1630-31              |
|  | Standard for the Flammability of Mattresses/Pads/Sets            | FFA           | 16 CFR 1632, 1633           |
|  | Art Materials  | FHSA          | 16 CFR 1500.14              |

#### Home Products

| Check if Applies | Rule, Ban, Standard or Regulation | Law/Act | Regulation Citation |
|------------------|-----------------------------------|---------|---------------------|
|                  | Furniture (Non-Children's)        | CPSIA   | 16 CFR 1303         |

#### Other Applicable Standards

| Check if Applies | Rule, Ban, Standard or Regulation | Law/Act | Regulation Citation |
|------------------|-----------------------------------|---------|---------------------|
|                  | Bicycle Helmets                   | CPSA    | 16 CFR 1203         |
|                  | Lawnmowers                        | CPSA    | 16 CFR 1205         |
|                  | Swimming pool slides              | CPSA    | 16 CFR 1207         |

|  |  |      |                   |
|--|--|------|-------------------|
|  | Lighters                                   | CPSA | 16 CFR 1210, 1212 |
|  | Automated residential garage door openings | CPSA | 16 CFR 1211       |
|  | Candles with metal core wicks              | CPSA | 16 CFR 1500.12    |
|  | Adult Apparel                              | FFA  | 16 CFR 1610       |
|  | Adult PVC Products                         | FFA  | 16 CFR 1611       |
|  | Adult Carpets and Rugs                     | FFA  | 16 CFR 1630/1631  |

## APPENDIX D: Tuesday Morning General Conformity Certificate

### Tuesday Morning Partners Ltd

Importer General Conformity Certificate

(Updated June 2014)

|   |                                     |
|---|-------------------------------------|
| <b>Product Identification Information</b>   |                                     |
| Description of Product:   |                                     |
| Tuesday Morning Purchase Order Number:  | Other:                              |
| Date (Month/Year) of Manufacture of the product:  |                                     |
| Actual factory location (City/County/Country):  |                                     |
| <b>Importer Information</b>   |                                     |
| Name of Importer:   | <b>Tuesday Morning Partners Ltd</b> |
| Full Address:   |                                     |
| Telephone Number:   |                                     |
| <b>Recordkeeping Information</b>  |                                     |
| Name of Custodian of Test Report:   |                                     |
| Full Address:   |                                     |
| Telephone Number:   |                                     |
| Email Address:  |                                     |
| <b>Testing Information:</b>   |                                     |
| Date of Compliance Test:  |                                     |
| Compliance Test Location (City/County/Country):   |                                     |
| Name of 3 <sup>rd</sup> Party Testing Lab:  |                                     |
| --Full Address:   |                                     |
| --Telephone number:   |                                     |
| --Test Report Number  |                                     |
| <b>Applicable Rules, Bans, Regulations and Standards</b>  |                                     |
| <p><b>Tuesday Morning Partners Ltd</b> certifies that the above product complies with applicable rules, bans, regulations, and standards under applicable Acts enforced by the U. S. Consumer Product Safety Commission indicated below. The certification as the importer is based on information provided by the supplier and a test of the individual product or a reasonable testing program of testing by a laboratory(ies) obtained or conducted by the supplier.</p> <p><b><u>THE RULES, BANS, REGULATIONS, AND STANDARDS APPLICABLE TO THIS PRODUCT ARE INDICATED ON THE NEXT PAGE.</u></b></p> |                                     |

## Applicable Rules, Bans, Regulations, and Standards (Updated May 2014)

### Home Products

| Check if Applies | Rule, Ban, Standard or Regulation | Law/Act | Regulation Citation |
|------------------|-----------------------------------|---------|---------------------|
|                  | Furniture (Non-Children's)        | CPSIA   | 16 CFR 1303         |

### Other Applicable Standards

| Check if Applies | Rule, Ban, Standard or Regulation          | Law/Act | Regulation Citation |
|------------------|--|---------|---------------------|
|                  | Bicycle Helmets                            | CPSA    | 16 CFR 1203         |
|                  | Lawnmowers                                 | CPSA    | 16 CFR 1205         |
|                  | Swimming pool slides                       | CPSA    | 16 CFR 1207         |
|                  | Lighters                                   | CPSA    | 16 CFR 1210, 1212   |
|                  | Automated residential garage door openings | CPSA    | 16 CFR 1211         |
|                  | Candles with metal core wicks              | CPSA    | 16 CFR 1500.12      |
|                  | Adult Apparel                              | FFA     | 16 CFR 1610         |
|                  | Adult PVC Products                         | FFA     | 16 CFR 1611         |
|                  | Adult Carpets and Rugs                     | FFA     | 16 CFR 1630/1631    |

### All Children's Products

| Check if Applies | Rule, Ban, Standard or Regulation   | Law/Act       | Regulation Citation  |
|------------------|---|---------------|--|
|                  | All Children's Products designed or intended primarily for children under 12 years including apparel, footwear, jewelry, furniture, home, etc |               |  |
|                  | Total Lead Content (Substrate)  | CPSIA         | PL 110-314, Sec. 101   |
|                  | Children's Metal Jewelry  | CPSIA         | PL 110-314, Sec. 101   |
|                  | Phthalates  | CPSIA         | PL 110-314, Sec. 108   |
|                  | Toy Standard  | CPSIA         | ASTM F963-11 (for toys manufactured before June 12, 2012, see safety requirements set forth in ASTM F963-08) |
|                  | Toy Chests  | CPSIA         | ASTM 4963-07e1   |
|                  | Bicycle Helmets   | CPSA          | 16 CFR 1203  |
|                  | Infant Bath Seats   | CPSIA         | 16 CFR 1215  |
|                  | Infant Walkers  | CPSIA         | 16 CFR 1216  |
|                  | Toddler Beds  | CPSIA         | 16 CFR 1217  |
|                  | Lead in Paint/Surface Coating   | CPSIA         | 16 CFR 1303  |
|                  | Children's ATVs   | CPSIA         | 16 CFR 1420  |
|                  | Sharp Points  | FHSA          | 16 CFR 1500.48   |
|                  | Sharp Metal or Glass Edges  | FHSA          | 16 CFR 1500.49   |
|                  | Small parts   | FHSA          | 16 CFR 1500.50-53,1501   |
|                  | Clacker Balls   | FHSA          | 16 CFR 1500.86(a)(5)   |
|                  | Dive Sticks and Similar Articles  | FHSA          | 16 CFR 1500.86(a)(7)-(8)   |
|                  | Electrically Operated Toys/Articles Intended for Use by Children  | FHSA          | 16 CFR 1505  |
|                  | Cribs (Full Size)   | FHSA<br>CPSIA | 16 CFR 1508<br>16 CFR 1219   |
|                  | Cribs (Non full size)   | FHSA<br>CPSIA | 16 CFR 1509<br>16 CFR 1220   |
|                  | Play Yards  | CPSIA         | 16 CFR 1221  |
|                  | Infant Bedside Sleepers   | CPSIA         | 16 CFR 1222  |
|                  | Infant Swings   | CPSIA         | 16 CFR 1223  |

|  |   |       |                   |
|--|---|-------|-------------------|
|  | Portable Bedrails                                     | CPSIA | 16 CFR 1224       |
|  | Hand-Held Infant Carriers                             | CPSIA | 16 CFR 1225       |
|  | Soft Infant and Toddler Carriers                      | CPSIA | 16 CFR 1226       |
|  | Carriages and Strollers (Effective 9/10/15)           | CPSIA | 16 CFR 1227       |
|  | Rattles   | CPSIA | 16 CFR 1510       |
|  | Pacifiers   | CPSIA | 16 CFR 1511       |
|  | Bicycles  | CPSIA | 16 CFR 1512       |
|  | Bunk Beds   | CPSIA | 16 CFR 1513       |
|  | Standard for the Flammability of Clothing Textiles    | FFA   | 16 CFR 1610       |
|  | Children's Vinyl Plastic Film                         | FFA   | 16 CFR 1611       |
|  | Standard for the Flammability of Children's Sleepwear | FFA   | 16 CFR 1615, 1616 |
|  | Children's Carpets and Rugs                           | FFA   | 16 CFR 1630-31    |
|  | Standard for the Flammability of Mattresses/Pads/Sets | FFA   | 16 CFR 1632, 1633 |
|  | Art Materials   | FHSA  | 16 CFR 1500.14    |



## **APPENDIX E: SAMPLE UNDUE INFLUENCE POLICY**

### **Policy**

[Vendor] is committed to complying with the Undue Influence requirements of the Consumer Product Safety Improvement Act and the Final Rule on Testing and Certification of Children's Products, issued by the Consumer Product Safety Commission. The Undue Influence requirements prohibit manufacturers from exercising undue influence on a third party conformity assessment body (i.e., a CPSC-accredited, third party testing laboratory). [Vendor] will not tolerate any efforts to unduly influence third party conformity assessment bodies.

### **Procedure**

#### *Undue Influence Defined*

Undue influence is any action taken by [Vendor] personnel that could undermine the integrity of laboratory test data used in the certification of children's products.

### **Training**

All employees that interact with testing labs will be trained to safeguard against exercising undue influence on testing labs. If [Vendor] makes any substantive changes to this policy, all employees that interact with testing labs will be retrained regarding those changes. All employees must sign a statement attesting to their attendance at the training.

### **Reporting**

It is the responsibility of each employee to promptly report any incident of undue influence to [contact], who is responsible for investigating undue influence reports.

An employee is not required to report incidents of undue influence to [contact] if that person is the individual who is exercising undue influence, or if the employee would feel more comfortable reporting the incident(s) to his or her immediate supervisor or any other member of management.

An employee may also confidentially report incidents of undue influence directly to the Consumer Product Safety Commission. The Consumer Product Safety Commission can be contacted at (800) 638-2772 or through <http://www.cpsc.gov/cgibin/info.aspx>.

Supervisors or managers who receive reports of, or otherwise observe, incidents of undue influence should immediately inform [contact] or another appropriate [Vendor] official, so that an investigation may be initiated.

## **Investigation**

Every reported incident of undue influence will be investigated thoroughly, promptly, and to the extent possible, in a confidential manner.

[Vendor] will not tolerate retaliation against any employee for reporting an incident or cooperating in an investigation of reported undue influence.

### *Corrective Action and Discipline*

If undue influence is established, [Vendor] will take corrective action. [Vendor] will immediately report such findings to the Consumer Product Safety Commission. Corrective action may also include, for example, retesting of the product implicated, training, and/or disciplinary action ranging from verbal or written warnings up to and including termination of employment, depending upon the circumstances.

## APPENDIX F: Sample Material Change Log

|  |
|--|
| <b>Material Change Log</b>   |
| Please identify the product and details of the material change made. This includes the date of the change, the type of change made (change in raw material(s) or component(s), manufacturing process, or product design), a description of the change, the ID numbers of the test reports for the change (finished product or component tests), and the signature of the person providing the description. Once completed, please provide to Tuesday Morning with appropriate test reports |
| Children's Product Identification  |
| Product Name:  |
| Vendor Style No: <span style="float: right;">Purchase Order #:</span>  |
|  |

| Date     | Type (material/process/design) | Description of Change                 | Test Report ID | Signature |
|----------|--------------------------------|---------------------------------------|----------------|-----------|
| "3/3/13" | "Material"                     | "Changed supplier of plastic buttons" | "ABC123456789" |           |
| "5/7/13" | "Design"                       | "Replaced buttons with snaps"         | "ABC987654321" |           |

## **APPENDIX G: Product Specifications for CPSC Standards, Rules, Regulations, and Bans**

Below please find examples of certain federal certification standards, rules, regulations, and bans that apply to specified product categories. Please note that this list includes only those CPSC-enforced standards, labeling or disclosure requirements, rules, regulations, and bans that require CPSIA certification. For example, you must be aware of any California Prop 65 labeling requirements, or any disclosure/labeling requirements under state statutes like the Children's Safe Product Act in Washington State and the Lead Poison Prevention Act in Illinois. Please note that this list is not meant to be comprehensive. It is your responsibility to individually assess each of your products to determine and ensure compliance with all applicable requirements.

### **CHILDREN'S PRODUCTS**

#### **Infant and Toddler Bottles, Sippy Cups, Utensils, Bibs, Pacifiers, Teethers, and Other Infant and**

| Standard  | Limits/Standard   | Test Methods   |
|---|---|--|
| Lead in Paint and Surface Coatings:               | 90 ppm  | 16 CFR 1303 and CPSC-CH-E1003-09   |
| Lead in Substrate                                 | 100 ppm   | Metal: CPSC-CH-E1001-08 or CPSC-CH-E1001-08.1<br><br>Non-Metal: CPSC-CH-E1002-08.2 or CPSC-CH-E1002-08.3 |
| Phthalates  | 1,000 ppm DEHP, DBP, or BBP in toys or childcare articles<br><br>1,000 ppm DIDP, DINP, or DNOP in toys or childcare article intended for children under 3 that can be placed in the child's mouth | CPSC-CH-C1001-09.3 or GB/T 22048-2008  |
| Small Parts                                       | Shall meet small parts testing  | 16 CFR 1501 and ASTM F963-11   |
| Sharp Edges and Points                            | Shall meet sharp edges and points testing   | 16 CFR 1500.48, 16 CFR 1500.49, and ASTM F963-11   |
| Pacifier and Toy Pacifiers                        | Shall meet safety requirements  | 16 CFR 1511 and ASTM F963-11   |
| Teethers and Teething Toys                        | Shall meet safety requirements  | ASTM F963-11   |
| Toys Intended to be Attached to a Crib or Playpen | Shall meet safety requirements  | ASTM F963-11   |

### Toddler Items To Help a Child Sleep, Feed, or Teethe

#### Children's Jewelry

| ' Standard                          | Limits/Standard                           | Test Methods   |
|-------------------------------------|---|--|
| Lead in Paint and Surface Coatings: | 90 ppm                                    | 16 CFR 1303 and CPSC-CH-E1003-09   |
| Lead in Substrate                   | 100 ppm                                   | Metal: CPSC-CH-E1001-08 or CPSC-CH-E1001-08.1<br><br>Non-Metal: CPSC-CH-E1002-08.2 or CPSC-CH-E1002-08.3 |
| Small Parts                         | Shall meet small parts testing            | 16 CFR 1501 and ASTM F963-11   |
| Sharp Edges and Points              | Shall meet sharp edges and points testing | 16 CFR 1500.48, 16 CFR 1500.49, and ASTM F963-11   |

#### Children's Toys

| 'Standard                           | Limits/Standard   | Test Methods   |
|-------------------------------------|---|--|
| Lead in Paint and Surface Coatings: | 90 ppm  | 16 CFR 1303 and CPSC-CH-E1003-09   |
| Lead in Substrate                   | 100 ppm   | Metal: CPSC-CH-E1001-08 or CPSC-CH-E1001-08.1<br><br>Non-Metal: CPSC-CH-E1002-08.2 or CPSC-CH-E1002-08.3 |
| Phthalates                          | 1,000 ppm DEHP, DBP, or BBP in toys or childcare articles<br><br>1,000 ppm DIDP, DINP, or DNOP in toys or childcare article intended for children under 3 that can be placed in the child's mouth | CPSC-CH-C1001-09.3 or GB/T 22048-2008  |
| Small Parts                         | Shall meet small parts testing  | 16 CFR 1501 and ASTM F963-11   |
| Sharp Edges and Points              | Shall meet sharp edges and points testing   | 16 CFR 1500.48, 16 CFR 1500.49, and ASTM F963-11   |

|   |  |  |
|---|--|--|
| Standard Consumer Safety Specification for Toy Safety | Various safety requirements (see <a href="http://www.cpsc.gov/cgi-bin/labsearch/">http://www.cpsc.gov/cgi-bin/labsearch/</a> for listing of all ASTM F963-11 requirements) | ASTM F963-11 (for toys manufactured before June 12, 2012, see safety requirements set forth in ASTM F963-08) |
| Electrically Operated Toys                            | Shall meet safety requirements   | 16 CFR 1505 and ASTM F963-11   |
| Rattles   | Shall meet safety requirements   | 16 CFR 1510 and ASTM F963-11   |
| Toys with Magnets                                     | Shall meet safety requirements   | ASTM F963-11   |
| Clacker Balls   | Shall meet safety requirements   | 16 CFR 1500.86(a)(5)   |
| Dive Sticks and Other Similar Articles                | Shall meet safety requirements   | 16 CFR 1500.86(a)(7) and (8)   |
| Toy Chests  | Shall meet safety requirements   | ASTM F963-07e1   |
| Art Materials   | Shall meet safety requirements   | 16 CFR 1500.14   |

#### **Children's Apparel (including Children's Sleepwear/Loungewear)**

| "Standard                           | Limits/Standard   | Test Methods   |
|-------------------------------------|---|--|
| Lead in Paint and Surface Coatings: | 90 ppm  | 16 CFR 1303 and CPSC-CH-E1003-09   |
| Lead in Substrate                   | 100 ppm   | Metal: CPSC-CH-E1001-08 or CPSC-CH-E1001-08.1<br><br>Non-Metal: CPSC-CH-E1002-08.2 or CPSC-CH-E1002-08.3                           |
| Phthalates (sleepwear only)         | 1,000 ppm DEHP, DBP, or BBP in toys or childcare articles<br><br>1,000 ppm DIDP, DINP, or DNOP in toys or childcare article intended for children under 3 that can be placed in the child's mouth | CPSC-CH-C1001-09.3 or GB/T 22048-2008  |
| Flammability                        | Shall meet flammability requirements  | 16 CFR Sections 1610 (textiles), 1611 (vinyl film), 1615(sleepwear, size 0 through 6x), and/or 1616 (sleepwear, size 7 through 14) |

### Children's Footwear

| Standard                            | Limits/Standard | Test Methods   |
|-------------------------------------|-----------------|--|
| Lead in Paint and Surface Coatings: | 90 ppm          | CPSC-CH-E1003-09   |
| Lead in Substrate                   | 100 ppm         | Metal: CPSC-CH-E1001-08 or CPSC-CH-E1001-08.1<br><br>Non-Metal: CPSC-CH-E1002-08 or CPSC-CH-E1002-08.1 |

### Infant and Toddler Accessories and Furniture (Cribs, Bouncers, Prop Mats, Play Gyms, Walkers, Tummy Cruisers, Carriers, Diaper Bags, Shopping Cart Liners, Step Stools)

| Standard                                      | Limits/Standard   | Test Methods   |
|---|---|--|
| Lead in Paint and Surface Coatings:           | 90 ppm  | 16 CFR 1303 and CPSC-CH-E1003-09   |
| Lead in Substrate                             | 100 ppm   | Metal: CPSC-CH-E1001-08 or CPSC-CH-E1001-08.1<br><br>Non-Metal: CPSC-CH-E1002-08.2 or CPSC-CH-E1002-08.3 |
| Phthalates (only toys and childcare articles) | 1,000 ppm DEHP, DBP, or BBP in toys or childcare articles<br><br>1,000 ppm DIDP, DINP, or DNOP in toys or childcare article intended for children under 3 that can be placed in the child's mouth | CPSC-CH-C1001-09.3 or GB/T 22048-2008  |
| Small Parts                                   | Shall meet small parts testing  | 16 CFR 1501 and ASTM F963-11   |
| Sharp Edges and Points                        | Shall meet sharp edges and points testing   | 16 CFR 1500.48, 16 CFR 1500.49, and ASTM F963-11   |
| Infant Bath Seats                             | Shall meet safety requirements  | 16 CFR 1215  |
| Infant Walkers                                | Shall meet safety requirements  | 16 CFR 1215  |
| Play Yards                                    | Shall meet safety requirements  | 16 CFR 1221  |
| Full Size Cribs                               | Shall meet safety requirements  | 16 CFR 1219  |
| Non-Full Size Cribs                           | Shall meet safety requirements  | 16 CFR 1220  |
| Infant Bedside Sleepers                       | Shall meet safety requirements  | 16 CFR 1222  |
| Infant Swings                                 | Shall meet safety requirements  | 16 CFR 1223  |
| Hand-Held Infant Carriers                     | Shall meet safety requirements  | 16 CFR 1225  |

|   |                                |              |
|---|--------------------------------|--------------|
| Soft Infant and Toddler Carriers                  | Shall meet safety requirements | 16 CFR 1226  |
| Carriages and Strollers (Effective 9/10/15)       | Shall meet safety requirements | 16 CFR 1227  |
| Portable Bedrails                                 | Shall meet safety requirements | 16 CFR 1224  |
| Toddler Beds                                      | Shall meet safety requirements | 16 CFR 1217  |
| Bassinets and Cradles                             | Shall meet safety requirements | 16 CFR 1218  |
| Toys Intended to be Attached to a Crib or Playpen | Shall meet safety requirements | ASTM F963-11 |



## NON-CHILDREN'S PRODUCTS

### Furniture (Chairs, Tables, Stools, Benches, Ottomans, Storage Bins, Outdoor Furniture)

| Standard                           | Limits/Standard                | Test Methods                     |
|------------------------------------|--------------------------------|----------------------------------|
| Lead in Paint and Surface Coatings | 90 ppm                         | 16 CFR 1303 and CPSC-CH-E1003-09 |
| Portable Bedrails                  | Shall meet safety requirements | 16 CFR 1224                      |

### ATVs and Bicycles

| Standard        | Limits/Standard             | Test Methods |
|-----------------|-----------------------------|--------------|
| ATVs            | Shall meet safety standards | 16 CFR 1420  |
| Bicycles        | Shall meet safety standards | 16 CFR 1512  |
| Bicycle Helmets | Shall meet safety standards | 16 CFR 1203  |

### Home Accents (Candles, Candle Holders and Accessories, Accent Textiles)

| Standard           | Limits/Standard                      | Test Methods          |
|--------------------|--------------------------------------|-----------------------|
| Metal Candle Wicks | Lead content must not exceed 600 ppm | 16 CFR 1500.17(a)(13) |

### Carpets and Rugs

|                                  |                                      |                             |
|----------------------------------|--------------------------------------|-----------------------------|
| Flammability of Carpets and Rugs | Shall meet flammability requirements | 16 CFR 1630 and 16 CFR 1631 |
|----------------------------------|--------------------------------------|-----------------------------|

### Adult Apparel and Accessories

| Standard     | Limits/Standard                      | Test Methods   |
|--------------|--------------------------------------|--|
| Flammability | Shall meet flammability requirements | 16 CFR 1610 (clothing textiles);<br>16 CFR 1611 (vinyl film) |

**Lingerie/Hosiery**

| Standard     | Limits/Standard                      | Test Methods   |
|--------------|--------------------------------------|--|
| Flammability | Shall meet flammability requirements | 16 CFR 1610 (clothing textiles);<br>16 CFR 1611 (vinyl film) |

**Mattresses**

| Mattresses Standard | Limits/Standard                      | Test Methods                  |
|---------------------|--------------------------------------|-------------------------------|
| Flammability        | Shall meet flammability requirements | 16 CFR 1632 and<br>16 FR 1633 |