manufacturer or importer of the antennas. This subpart B describes the minimum features of a reasonable testing program and includes requirements for recordkeeping.

§ 1204.12 Definitions.

In addition to the definitions set forth in section 3 of the act, and in § 1204.2 of the standard, the following definitions shall apply to this subpart B of part 1204:

(a) *Private labeler* means an owner of a brand or trademark which is used on the label of a CB antenna subject to the standard, which bears a private label as defined in section 3(a)(7) of the act, 15 U.S.C. 2052(a)(7).

(b) *Production interval* means a period of time determined by the manufacturer or importer that is appropriate for conducting a test on one or more samples of the CB antennas produced during that period in order to provide a high degree of assurance that all of the products manufactured during that period meet the requirements of the standard. An appropriate production interval may vary depending on the construction of the antenna, the likelihood of variations in the production process, and the severity of the test that is used. The time period for a production interval shall be short enough to provide a high degree of assurance that if the samples selected for testing pass the test, all other CB antennas produced during the period will meet the standard.

§ 1204.13 Certificate of compliance.

(a) The manufacturer or importer of any product subject to the standard must issue the certificate of compliance required by section 14(a) of the act. If the testing required by this subpart B of part 1204 has been performed by or for the foreign manufacturer of a product, the importer may rely on such tests to support the certificate of compliance if the importer is a resident of the United States or has a resident agent in the U.S., and the records are maintained in the U.S. The importer is responsible for ensuring that the foreign manufacturer's records show that all testing used to support the certificate of compliance has been performed properly with passing or acceptable results and that the records provide a reasonable assurance that all antennas imported comply with the standard.

(b) A certificate of compliance must accompany each product or otherwise be furnished to any distributor or retailer to whom the product is delivered by the manufacturer or importer.

(c) The certificate shall state:

(1) That the product ''complies with all applicable consumer product safety standards (16 CFR part 1204)'',

(2) The name and address of the manufacturer or importer issuing the certificate, and

(3) The date of manufacture and, if different from the address in paragraph (c)(2) of this section, the place of manufacture.

§ 1204.14 Certification tests.

(a) *General.* As explained in § 1204.11 of this subpart, certificates of compliance required by section 14(a) of the act must be based on either a test of each item or on a reasonable testing program.

(b) *Tests of each item.* If the certificate is based on tests of each item, the tests may be either those prescribed by the standard or any other test procedure that will determine that the item tested will comply with the standard.

(c) *Reasonable testing programs*—(1) *Requirements.* (i) A reasonable testing program for a particular model of CB antennas is one which demonstrates with a high degree of assurance that all the antennas of that model will meet all requirements of the standard. Manufacturers and importers shall determine the types and frequency of testing for their own reasonable testing programs. A reasonable testing program which does not test each item produced should be sufficiently stringent that any variations in production, etc., over the production interval would not cause any antenna to fail if tested according to the requirements of the standard.

(ii) All reasonable testing programs shall include qualification tests, which must be performed on one or more samples of the CB antennas representative of each model produced, or to be produced, to demonstrate that the product is capable of passing the tests prescribed by the standard and shall also

include production tests, which must be performed during appropriate production intervals as long as the product is being manufactured.

(iii) Corrective action and/or additional testing must be performed whenever certification tests of samples of the product give results that do not provide a high degree of assurance that all antennas manufactured during the applicable production interval will pass the tests of the standard.

(2) *Testing by third parties.* At the option of the manufacturer or importer, some or all of the testing of each item or of the reasonable testing program may be performed by a commercial testing laboratory or other third party. However, the manufacturer or importer is responsible for ensuring that all certification testing has been properly performed with passing or acceptable results and for maintaining all records of such tests in accordance with § 1204.17 of this subpart.

§ 1204.15 Qualification testing.

(a) *Testing.* Before any manufacturer or importer of CB antennas which are subject to the standard distributes them in commerce, one or more samples of each model shall be tested to determine that all such antennas manufactured after the effective date of the standard will comply with the standard. The type of tests and the manner of selecting samples shall be determined by the manufacturer or importer to provide a reasonable assurance that all antennas subject to the standard will comply with the standard. Any or all of the qualification testing required by this paragraph may be performed before the effective date of the standard.

(b) *Product modifications.* If any changes are made to a product, after initial qualification testing, that could affect the ability of the product to meet the requirements of the standard, additional qualification tests must be made before the changed antennas are manufactured for sale or distributed in commerce.

§ 1204.16 Production testing.

(a) *General.* Manufacturers and importers shall test antennas subject to the standard periodically as they are manufactured, to demonstrate that the antennas meet the requirements of the standard.

(b) *Types and frequency of testing.* Manufacturers and importers shall determine the types of tests for production testing. Each production test shall be conducted at a production interval short enough to provide a high degree of assurance that, if the samples selected for testing pass the production tests, all other antennas produced during the interval will meet the standard.

(c) *Test failure*—(1) *Sale of antennas.* If any test yields results which do not indicate that all antennas manufactured during the production interval will meet the standard, production must cease and the faulty manufacturing process or design must be corrected. In addition, products manufactured before the appropriate corrective action is taken may not be distributed in commerce unless they meet the standard. It may be necessary to modify the antennas or perform additional tests to ensure that only complying antennas are distributed in commerce. Antennas which are subject to the standard but do not comply with the requirements of the standard cannot be offered for sale, distributed in commerce, or imported in the United States.

(2) *Corrective actions.* When any production test fails to provide a high degree of assurance that all antennas comply with the standard, corrective action must be taken. Corrective action may include changes in the manufacturing and/or assembly process, equipment adjustment, repair or replacement, or other action deemed appropriate by the manufacturer or importer to achieve passing production test results.

§ 1204.17 Records.

Each manufacturer or importer of CB antennas subject to the standard shall maintain the following records, which shall be maintained for 3 years after the creation of the records and shall be available to any designated officer or employee of the Commission in accordance with section 16(b) of the Consumer Product Safety Act (15 U.S.C. 2065(b)):

(a) Records of the qualification and production testing required by this subpart B, including a description of