

General Merchandise Regulatory Compliance and Quality Assurance

All General Merchandise (GM) products shipped to The Kroger Co. must meet all U.S. Federal and State rules, regulations, bans and standards, as well as conform to Kroger standards for quality, safety and performance. All suppliers are required to fulfill any applicable regulatory responsibility and ensure adherence to Kroger’s requirements as detailed on this webpage. Suppliers must designate personnel to manage product safety, compliance, quality and to facilitate the product’s progress through Kroger’s compliance and quality assurance program. You may send related questions to the General Merchandise Compliance Team at GMCompliance@kroger.com

Contents

1. GENERAL MERCHANDISE TESTING	1
1.1 Testing Requirements – CPSC eFiling	1
1.2 General Testing Requirements	3
1.3 Certificate of Conformity & CPSC eFiling.....	4
1.4 Supplier Factory Information	4
1.5 Test Request Forms (TRF’s) and Testing Protocols.....	4
1.6 Testing Timeline	4
1.7 Testing Validity and Periodic Testing.....	5
1.8 Unsatisfactory/Failed Tests	5
1.9 Testing Expense	5
1.10 Group Tests.....	5

1. GENERAL MERCHANDISE TESTING

1.1 Testing Requirements – CPSC e-Filing for Covered Products

All Kroger General Merchandise Direct Imports (products on a Kroger issued Import PO where Kroger is the Importer of record) subject to CPSC Electronic Filing (e-Filing) mandatory requirements, **REQUIRE** testing under the Kroger Testing Program. Kroger’s Testing Program offers both Full Protocol Testing and Report Review. Testing under Report Review must be conducted by a CPSC approved 3rd-Party lab. Testing under this section includes both Our Brand as well as National Brand Covered Products. All Certificate of Compliance (CoC) data will be uploaded into the Kroger Product Registry to comply with the CPSC e-Filing mandate.

Kroger has nominated Bureau Veritas (BV) as our 3rd Party Testing Laboratory Partner charged with implementing Kroger's Testing Program including CPSC e-Filing on behalf of Kroger.

Under Special Arrangement, for CPSC e-Filing efficiency, Kroger may accept 3rd party laboratory testing outside of the Kroger Testing Program for select National Brand suppliers, shipping Kroger Direct Imports. Testing under Special Arrangement will require **Approval in Advance** by Kroger Compliance. All 3rd-Party testing is required to be from a CPSC approved lab. All testing documents must be made available to Kroger immediately upon request.

Note: Approval under Special Arrangement is **NOT** the same as approval to use Report Review under the Kroger Testing Program managed by BV.

1.2 Testing Requirements – Our Brands & National Brands

Kroger Branded General Merchandise products (Our Brands) **REQUIRE Full Protocol Testing** under Kroger's Testing Program managed by BV. This includes all Our Brand General Merchandise products purchased on a Kroger Import or Domestic Purchase Order, where either Kroger or Supplier is the Importer of Record.

National Brand General Merchandise Kroger Direct Import Products subject to CPSC e-Filing **MUST** test under Kroger's Testing Program managed by BV. Kroger Compliance **Strongly Recommends** that CPSC Covered Products test under Kroger's Full Protocol Testing, managed by BV. Report Review for testing of Covered Products is only allowed with Kroger Compliance Approval.

National Brand General Merchandise Kroger Direct Import Products, not subject to CPSC e-Filing, must test under the Kroger Testing Program managed by BV either under Full Protocol testing OR a Report Review of the Supplier's own 3rd party testing conducted by a CPSC approved 3rd-Party lab. Report Review of non-Covered Products does not require Kroger Compliance approval.

National Brand General Merchandise Domestically Purchased Products (Supplier is Importer) must test under the supplier's own testing program. If the supplier lacks their own testing program, these products may be tested under the Kroger Testing Program managed by BV, utilizing Full Protocol Testing. Testing under the supplier's own program shall meet all regulatory requirements (both state and federal) as well as commonly accepted, Industry adopted safety standards. Testing Report Documents generated under the supplier's own program must be made available to Kroger GM Compliance on demand and within 24 hours of a written request. As the Importer, the supplier is responsible for CPSC e-Filing of CoC data for Covered Products.

If testing under Report Review, in the Kroger Testing Program, the supplier must provide a Letter of Guarantee confirming that products meet all regulatory requirements (both state and federal) as well as commonly accepted, Industry adopted safety standards. The Letter of Guarantee must also state that the product being shipped is from the same batch that the product testing certifies.

Samples submitted for tests are required to be representative of bulk production. Suppliers are required to establish a sampling plan to ensure proper representation of the tested sample. Labels and packaging are also required to be submitted to the testing laboratory for review. Sufficient samples must be submitted to ensure all Components are tested across the product assortment controlled by a unique style number.

Testing and CPSC e-Filing Requirements			
Brand	Importer	Testing Requirements	CPSC e-Filing
Kroger Brand	Kroger	Kroger Testing Program	Kroger CPSC Product Registry
Kroger Brand	Supplier	Kroger Testing Program	Supplier Responsibility
Non-Kroger Brand / National Brand	Kroger	Kroger Testing Program (3rd-Party by Special Arrangement)	Kroger CPSC Product Registry
Non-Kroger Brand / National Brand	Supplier	3rd-Party or Kroger Testing Program	Supplier Responsibility

1.3 Certificate of Conformity (CoC) and CPSC e-Filing

General merchandise products manufactured for Kroger, whether they be Our Brands or National Brands, must have a Certificate of Conformity (CoC) if the product falls under any product safety rules, bans, standards, regulations, or laws under the jurisdiction of the CPSC (a Covered Product). In general, all children’s products will require a CoC, as well as select non-children’s general use products. A list of non-children’s products requiring a CoC can be viewed [here](#). Note that rules like Reese’s Law for button/coin-cell battery containing products can trigger a CoC requirement even if the general-use product is not found on the list.

If Kroger is the Importer of Record of a Covered Product, CoC data is required to be uploaded into Kroger’s CPSC Product Registry to comply with the e-Filing requirements during custom clearance at time of import. For products tested under Kroger’s Testing Program with BV (either Full Protocol Testing or Report Review), BV will generate the CoC on behalf of Kroger and upload CoC e-Filing data into Kroger’s CPSC Product Registry.

Upon Kroger Compliance review and approval, Special Arrangements may be granted to certified suppliers of National Brand products where a 3rd-party labs CoC data may be e-Filed via API directly into the Kroger Product Registry. All Coc data e-Filed under the Special Arrangement program must be on 3rd party testing conducted at a CPSC approved 3rd-Party Lab.

If the supplier is the Importer of Record, suppliers are responsible for CoC e-Filing and customs clearance. *If tested under Kroger’s Program managed by BV, CoC’s are available from BV for the supplier to e-File.* CoC’s must be generated prior to shipment and based on passed testing from a CPSC approved 3rd party laboratory. Failure to comply with the e-Filing requirements may result in delayed or blocked shipment.

All General Merchandise products, even if they do not require a CoC, must still comply with Kroger’s testing requirements as covered in Section 1.2.

3rd party test reports and/or CoC’s must be provided to Kroger immediately upon request.

Other Requirements for GM Products

1.4 Supplier Factory Information

All suppliers must ensure factory information, including DUNS # are uploaded and updated in Kroger's Supplier Hub. This information will be updated with BV and allow suppliers/factories to pull their factory information into Kroger's e-TRF.

1.5 Test Request Forms (TRF's) and Testing Protocols

Kroger's testing protocols incorporate Federal and State laws, regulations, rules, bans and standards and include industry standards to address essential product safety and product quality concerns.

Suppliers are expected to review the applicable test protocols and adhere to specified criteria during product design, development and production to ensure the compliance of final products.

For Kroger's Testing Program, all testing is required to be submitted on an electronic-Test Request Form (e-TRF) housed in BV's online platform: BV One Source Connect (OSC).

For Kroger Our Brands, Kroger's Centric PLM is integrated with BV OSC, which allows BV to receive Kroger Brand item data for use in the Kroger e-TRF. Suppliers must enter the Centric Unique Style Code in the e-TRF to automatically populate Kroger Brand item data. "Centric Unique Style Code" can be obtained from Kroger Product Development team and/or the Centric PLM platform.

For National Brands, Supplier Style # is required to be entered into the National Brand e-TRF (use style number as it appears in Kroger's purchase order).

All mandatory fields on the e-TRF must be filled out to ensure proper e-Filing data integrity and efficient data transfer to the CPSC Product Registry.

All Kroger Test Protocols and e-TRF's are housed in BV OSC. Suppliers must obtain access to Kroger's BV OSC to view and use these materials. To request access, contact BV and/or the Kroger GM Compliance Team at GMCompliance@kroger.com.

1.6 Testing Timeline

Products are required to be tested and receive a satisfactory/pass test report at least four weeks prior to shipment. Suppliers are responsible for managing production timelines and plan testing accordingly to meet the shipping window.

The standard test turnaround time (TAT) is five to seven business days at BV labs. Certain product categories may require a longer TAT during the peak season. The lab is responsible to inform the supplier if a longer TAT time is required.

1.7 Testing Validity and Periodic Testing

All test reports are valid for **one year**, starting from the original issuance date of the test report. Product must arrive and clear the port prior to report expiration. Changes in production will result in a retest. Factors that commonly trigger a retest include, but are not limited to, change of factory, material, material supplier, equipment, process, design and engineering. A supplier is required to establish, maintain and follow a periodic test plan based on CPSC and Kroger requirements.

1.8 Unsatisfactory/Failed Tests

Samples failing CPSC regulatory requirements must be immediately reviewed with Kroger Compliance Manager. Failure to do so may result in product cancellation.

Unsatisfactory or failed test reports must be sent to the respective regulatory Compliance Manager at Kroger or GMCompliance@kroger.com for review.

Kroger reserves the right to request changes or corrections to the products or materials to MEET CPSC or Kroger's requirements in cases of Test Failures.

Suppliers will be informed upon the completion of the review and may be required to submit root cause analysis, corrective-action-preventive-action (CAPA) plan to bring the product to compliance and to prevent reoccurrence of failure. Failure to resolve non-compliance issues in a timely manner may result in order delay and/or order cancellation. Failure to correct failing CPSC regulatory test lines will result in product cancellations.

If the CAPA plan is approved by the respective Compliance Manager, the corrected samples must be retested and rated as satisfactory or pass prior to shipment.

1.9 Testing Expense

Suppliers are responsible for all testing and e-Filing costs. Bureau Veritas has agreed on special prices for testing packages as well as individual test items for products being tested against Kroger's Testing Program. Testing fee for a testing protocol and individual testing items are included at the end of each test protocol. Additionally, BV has agreed to special prices for e-Filing Certificates of Compliance. A test quotation can be provided by the lab upon request.

1.10 Grouped Test

Non-apparel products may be considered for group testing of multiple like-items. A grouped test is only applicable if multiple like-items are manufactured in the same factory, using the same manufacturing processes and same materials. Children's products cannot be grouped.

A grouping form is required to be filled-in and submitted for review and approved before the grouped test is conducted. Bureau Veritas is dedicated to review and approve group forms. Check all the tabs in the Grouping Form document to obtain conditions and instructions on how to fill out the Grouping Form.

Contact BV or GMCompliance@kroger.com to obtain a Grouping Form or to raise any concerns or questions.