

SUPPORTING STATEMENT FOR
eFiling Beta Pilot Test
OMB Control No.: XXXX-XXXX
COLLECTION INSTRUMENT(S): No Agency Form Number; File OMB-18

A. Justification

- 1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.**

Section 14(a) of the Consumer Product Safety Act (CPSA) requires manufacturers (including importers) and private labelers of certain regulated consumer products manufactured outside the United States to test and issue a certificate of compliance (COC) certifying such products as compliant with applicable laws and regulations before importation. 15 U.S.C. 2063(a). Section 14(g)(1) of the CPSA describes the data required on a COC. Section 14(g)(3) requires a COC to accompany the applicable product or shipment of products covered by the COC, and that certifiers furnish the COC to each distributor or retailer of the product. Upon request, COCs must also be furnished to CPSC and CBP. However, section 14(g)(4) provides that “[i]n consultation with the Commissioner of Customs, the Commission may, by rule, provide for the electronic filing of [COCs] under this section up to 24 hours before arrival of an imported product.” The Beta Pilot test described in this collection of information is in preparation for a rulemaking to implement section 14(g)(4) of the CPSA. 15 U.S.C. 2063(g)(4).

CPSC’s regulation, 16 C.F.R. part 1110 (part 1110), restates the statutory COC requirements and limits who must test and certify products. Unless otherwise stated in a regulation, the importer must certify products manufactured outside the United States, and manufacturers must certify products manufactured within the United States. Part 1110 also allows electronic certificates, meaning an emailed certificate or a URL pointing to a certificate online. In 2013, CPSC published a proposed rule that would require electronic filing of COCs

with U.S. Customs and Border Protection at the time of filing entry (78 FR 28080 (May 13, 2013)), but that rule has not been finalized. CPSC plans to issue a supplemental notice of proposed rulemaking to require electronic filing of COCs in 2023. CPSC will seek a separate OMB control number for the rulemaking.

Currently, for imported consumer products, CPSC asks for COCs at the ports once a shipment has been stopped for inspection. Importers must provide a COC within 24 hours of request, and can provide COCs on paper, or electronically, meaning emailed or via a URL. Because COC data is not collected before importation and maintained in a database, the information on COCs cannot be used to target shipments containing noncompliant consumer products. The Beta Pilot test, conducted jointly with Customs and Border Protection (CBP), would collect COC data for up to 50 recruited participants¹, for 300 Harmonized Tariff Schedule (HTS) codes containing products within CPSC’s jurisdiction, to create and test the infrastructure, procedures, and processes, and to operationally inform rulemaking to make the requirement permanent. Collecting COC data at the time of entry, or entry summary, if filed together, will allow CPSC to target shipments of noncompliant products using COC data.

Additionally, collecting COC data through CBP’s systems, such as the Automated Commercial Environment (ACE)² would advance the concept of a “single window” by facilitating the electronic collection, processing, sharing, and reviewing of trade data, and in furtherance of more accurately targeting imports to facilitate the flow of legitimate trade and enhanced targeting of noncompliant trade. In 2013, CPSC and CBP conducted an Alpha Pilot

¹ The voluntary participants will consist of importers in collaboration with brokers, software developers, and testing laboratories. CPSC is recruiting via public events, such as conferences, seminars, and meetings, as well as direct communication with importers and brokers who have volunteered with CPSC in the past. The Beta Pilot Test is open to anyone who imports consumer products that require certificates. CPSC staff expects to reach the goal of 30-50 participants, because of large size of the consumer product industry.

² ACE is CBP’s automated electronic system through which it collects importation and entry data, streamlining business processes and ensuring cargo security and compliance with U.S. laws and regulations.

test involving less than 10 importing entities. During the test, participants collaborated with CBP and CPSC to examine the effectiveness of the “single window” capability. CPSC also created and tested the use of a Product Registry, which successfully allowed stakeholders to file a reference to a COC through the PGA Message Set, rather than by entering all data for each entry. Now CPSC seeks to repeat the Alpha Pilot test with a Beta Pilot test, including more products, more participants, and two additional data fields.

Information to be collected

The eFiling Beta Pilot test can be thought of as two phases:

- 1) CPSC and Contractor Preparation
- 2) Importer Participation in Beta Pilot test

The first phase primarily involves CPSC and its Contractor modifying CPSC’s current data intake infrastructure and creating a Product Registry that will allow CPSC to electronically collect the required data elements from a COC for each regulated consumer product being imported, as well as incorporate these data elements into CPSC’s Risk Assessment Methodology (RAM). This likely will introduce negligible information collection burden and cost for importers to transfer the information, because they have already collected this information as part of their normal business operations.

The second phase requires the importers that participate in the Beta Pilot test (participants) to modify their ABI and train staff to electronically provide the requested elements, either all data elements from a COC (Full PGA Message Set) or a Reference PGA Message Set, if the participant has filed COC data into CPSC’s Product Registry. Importers typically use a broker to submit required entry and PGA Message Set data sets into ABI. Towards the end of the beta pilot a small survey will be administered to participants.

2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.

COCs are required by statute. CPSC uses the presence of a COC, as well as the information on a COC, to verify compliance with safety regulations, including testing requirements, for products subject to a consumer product safety rule, or other safety rules under any other CPSC-administered Act. CPSC lists all children's product rules that require third-party testing and certification on CPSC's website at: [Rules Requiring Third-Party Testing and a Children's Product Certificate | CPSC.gov](#). A list of non-children's products that require certification is available on CPSC's website at: [Rules Requiring a General Certificate of Conformity \(GCC\) | CPSC.gov](#). Currently, CPSC requests COCs from individual importers and manufacturers, and does not maintain COC information in a searchable database. Electronic filing of COCs before importation, and collecting this information in a database, will allow CPSC to use algorithms to search across COC data for imported regulated consumer products, to speed the release of compliant products, and help target unsafe and violative consumer products for examination at the ports.

The 7 data elements from a COC required for filing in the Beta Pilot test are:

1. Identification of the finished product (may provide a GTIN);
2. Each consumer product safety rule to which the finished product has been certified;
3. Date when the finished product was manufactured;
4. Place where the finished product was manufactured, produced, or assembled, including the identity and address of the manufacturing party;
5. Parties on whose testing a certificate depends (name and contact information of the testing entity); and

6. Date when the finished product was tested;
7. A check box indicating that a required certificate currently exists for the finished product, as required by Sections 14 and 17 of the CPSA.

All of these items are already required by statute to either appear on or in production of a COC; no additional record keeping is associated with this information. The two additional data elements required for the Beta Pilot test, that were not tested in the Alpha Pilot test, are the “date when the finished product was manufactured” and the “date when the finished product was tested.”

CPSC will also collect information from Beta Pilot test participants regarding the burden, costs, and experiences of participation, in anticipation of making permanent the eFiling requirement in a rulemaking. Following are the steps of the Beta Pilot test on which CPSC will request burden information:

1. Onboarding
 2. Internal Planning to approach the project
 3. Internally Gathering and Organizing Electronic Product Data
 4. Entering data into the Registry or Providing Full PGA data to broker
 5. Coordinating with broker to prepare for project go-live
 6. Coordinating with broker to sync ACE cargo data
 7. Understanding CBP warning messages
 8. Providing PGA data on an ongoing basis
 9. Other³
3. **Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.**

Participants will provide the COC data elements electronically during the Beta Pilot test.

Importers can file COC data into a CPSC-maintained Product Registry before importation, and

³ As this is still a pilot, CPSC will follow up with participants with additional questions to better understand importer/broker experience, burden, and costs.

receive a reference number to file in a PGA Message Set into ABI each time the product is imported thereafter, or may opt to file all COC data directly into ABI each time the product is imported. In preparation, participants will need to update their current ABI to transmit COC-related data elements in a PGA Message Set (Full PGA Message Set or Reference PGA Message Set) to CBP's ACE system. Brokers, on behalf of their importer clients, already electronically file data with CBP. By receiving the COC data elements electronically for imported products at the time of Entry, CPSC will not need to request COCs from the importer or broker upon examination of the cargo, which can result in delays if the COCs are not readily available. Additionally, CPSC expects fewer exams at the port for compliant products (and importers) who consistently provide the COC data.

The Beta Pilot test will help CPSC to determine the extent of any burden reduction as a result of data optimization in risk targeting for CPSC and the ability of the importer to reuse the same COC for more than one shipment. CPSC will receive participant feedback to assist with the burden reduction for eFiling and the burden estimate for the supplemental proposed rule to amend 16 CFR part 1110, which will require electronic filing of COCs. Once eFiling is finalized in a rule (part 1110), CPSC will collect COC data for all imports of consumer products that require a certificate.

The survey on Beta Pilot test participant experience will involve electronic and in-person means, such as emailed questionnaires, telephone interviews with points of contacts, and participation in public workshops.

- 4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.**

Importers are already required to maintain the COCs, with the data elements described in Item 2 above. CPSC is not requesting duplication of the information. Instead, CPSC will be testing electronic filing of the COC data.

5. If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-I), describe any methods used to minimize burden.

Participation in the Beta Pilot test is voluntary, so smaller importers and brokers are not required to participate. However, CPSC will encourage participation in the Beta Pilot test by importers of all sizes, including small importers. To ease the burden on small importers, CPSC provides two options for filing COC data, so that respondents can choose the least burdensome method for them. The Product Registry concept was tested and used in the Alpha Pilot test to ease burden. Participant feedback was that the Product Registry was easy to use and reduced the burden of eFiling by reducing data entry and reducing the data filed in ABI.

6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

CPSC has authority to collect COCs, upon request, from the importers of cargo within CPSC's jurisdiction. Section 14(g)(4) of the CPSA also allows CPSC, by rule, to require electronic filing of COCs for imported products, up to 24 hours before importation. CPSC is in the process of implementing this requirement. If CPSC does not conduct the Beta Pilot test, CPSC will still request COCs from importers as needed, which can result in delays at Entry if the COC is not readily available. Additionally, CPSC would not have the COC data before importation, to assist in expediting release of compliant trade and to focus enhanced targeting and enforcement on interdicting noncompliant consumer products.

7. Explain any special circumstances that would cause an information collection to be conducted more often than quarterly or to prepare responses in fewer than 30 days.

During the Beta Pilot test, importers will provide COC data elements for each regulated product within CPSC's jurisdiction imported, every time Entry is filed.

- 8. If applicable, provide a copy and identify the data and page number of publication in the Federal Register, summarize public comments received, and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden. Also describe efforts to consult with persons outside of the agency to on the PRA.**

On June 10th, 2022 CPSC issued a 60 day notice to the Federal Register *87 FR 35513* announcing the Beta Pilot test, soliciting volunteers, and providing a burden analysis under the Paperwork Reduction Act. CPSC received one comment in support of the Beta Pilot but now comments on the burden estimate. On September 14th, 2022 CPSC issued a 30 day notice to the Federal Register, *87 FR 56407*.

- 9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.**

Beta Pilot test participants will not receive gifts or payments.

- 10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation or agency policy.**

All data submitted and entered into ACE is subject to the Trade Secrets Act (18 U.S.C. 1905) and is considered confidential, except to the extent as otherwise provided by law. As stated in previous notices, participation in this or any of the previous ACE tests is not confidential and upon a written Freedom of Information Act ("FOIA") request, a name(s) of an approved participant(s) will be disclosed by CPSC or CBP in accordance with 5 U.S.C. 552.

- 11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.**

The Beta Pilot test will not include questions of a sensitive nature.

12. Provide estimates of the hour burden of the collection of information.

CPSC used information provided by Alpha Pilot test participants to inform the estimated burden for the Beta Pilot test. The burden from participating in the eFiling Beta Pilot test can be broken down into the burden of preparing for participation in the Pilot, the burden of maintaining the data elements separately, and, as compared to the Alpha Pilot test, the additional burden of including the dates of manufacturing and lab testing. Based on feedback from the Alpha Pilot test participants, we also assume that if we have 50 Beta Pilot test participants, approximately 45 respondents will opt to exclusively use the Product Registry and Reference PGA Message Set, while 5 participants will opt to exclusively use the Full PGA Message Set.

For the 45 participants opting to exclusively use the Product Registry, we estimate that there will be approximately 8,764 burden hours to complete the information collection burden associated with Beta Pilot test participation, and maintain the data elements, including the dates of manufacturing and lab testing. Based on feedback from Alpha Pilot test participants, participant staff costs for this burden will be about \$383,000 or approximately \$44 per hour (\$382,990/8,764).

**Table 1 – Beta Pilot Test Burden Estimates
Product Registry and Reference PGA Message Set**

Product Registry Only	A	B	C (=AxB)	D	E (=CxD)	F	G (=CxG)
Type of Respondent	#. of Respondents	#. of Responses per Respondent	# of Responses	Avg. Burden per Response (in hours)	Total Annual Burden (in hours)	Avg. Cost per Response	Total Annual Respondent Cost
Pilot Participation	45	1	45	91	4,095	\$4,929	\$221,805
Gathering and Submitting Data Elements	45	1	45	27	1,195	\$946	\$42,579
Survey	45	1	45	2.2	99	\$34.68	\$1,561
Filing Entry-Line	45	25,000	1,125,000	0.003	3,375	\$0.10	\$117,045

Total		1,125,135		8,764		\$382,990
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Assumptions:

Appx. 10% of the 50 respondents will elect to use only the Full PGA message set.

Estimated response costs based on costs information from Alpha Pilot test participants.

Wage data for survey and filing entry-line data come from U.S. Bureau of Labor Statistics, “Employer Costs for Employee Compensation,” September 2021, Table 4, total compensation for all sales and office workers in goods-producing private industries: <http://www.bls.gov/ncs/>).

For the 5 participants opting to use the Full PGA Message Set, we estimate 452 hours to complete the pilot and maintain the data elements, including the dates of manufacture and lab testing per product. The estimated associated participant staff costs will be about \$21,800, or approximately \$48 per hour (\$21,774/452 hours).

**Table 2 – Beta Pilot Test Burden Estimates
Full PGA Message Set**

Full PGA Message set Only	A	B	C (=AxB)	D	E (=Cx D)	F	G (=Cx F)
Type of Respondent	#. of Respondents	#. of Responses per Respondent	# of Responses	Avg. Burden per Response (in hours)	Total Annual Burden (in hours)	Avg. Cost per Response	Total Annual Respondent Cost
Pilot Participation	5	1	5	30	150	\$2,245	\$11,225
Gathering and Submitting Data Elements	5	1	5	13	66	\$515	\$2,573
Survey	5	1	5	2.2	11	\$34.68	\$173
Filing Entry-Line	5	1,500	7,500	0.030	225	\$1.04	\$7,803
Total			7,515		452		\$21,774

Assumptions:

Appx. 10% of the 50 respondents will elect to use the Full PGA message set.

Estimated response costs are based on cost information from the Alpha Pilot test participants.

Wage data for survey and filing entry-line data come from U.S. Bureau of Labor Statistics, “Employer Costs for Employee Compensation,” September 2021, Table 4, total compensation for all sales and office workers in goods-producing private industries: <http://www.bls.gov/ncs/>).

The estimated total burden for participation in the Beta Pilot test is 9,217 hours, with an estimated cost of \$404,800, or \$44 per hour (\$404,764/9,217).

Table 3 – Total Estimated Burden or Beta Pilot Test

Total Burden	A	B	C (=AxB)	D	E (=CxD)	F	G (=CxF)
Type of Respondent	#. of Respondents	#. of Responses per Respondent	# of Responses	Avg. Burden per Response (in hours)	Total Annual Burden (in hours)	Avg. Cost per Response	Total Annual Respondent Cost
Pilot Participation	50	1	50	85	4,245	\$4,661	\$233,030
Gathering and Submitting Data Elements	50	1	50	25	1,262	\$903	\$45,152
Survey	50	1	50	2	110	\$35	\$1,734
Filing Entry-Line	50	22,650	1,132,500	0.003	3,600	\$0.11	\$124,848
Total			1,132,650		9,217		\$404,764

- 13. Provide an estimate of the total annual cost burden to respondents or record keepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14).**

N/A

- 14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information. Agencies also may aggregate cost estimates from Items 12, 13, and 14 in a single table.**

The estimated annual cost of the information collection requirements to the federal government is approximately \$3.04 Million, which includes 2,200 staff hours to manage the Beta Pilot test, \$2.55 million in contracting costs, and \$300,000 in U.S. Customs and Border Protection Automated Commercial Environment (CBP ACE) development.

This estimate is based in part on the average hourly wage rate for a mid-level salaried GS-13-5 employee in the Washington, DC metropolitan area (effective as of January 2022) is \$58.20 ([SALARY TABLE 2022-DCB \(opm.gov\)](#)). This represents 68.4 percent of total compensation (U.S. Bureau of Labor Statistics, “Employer Costs for Employee Compensation,” March 2021, Table 2, percentage of wages and salaries for all civilian management, professional,

and related employees: <https://www.bls.gov/news.release/ecec.t02.htm>). Adding an additional 31.6 percent for benefits brings average annual compensation for a mid-level salaried GS-13 employee to \$85.09 per hour (58.20/0.684). Assuming that approximately 2,200 hours will be required annually, this results in an annual labor cost of \$187,198 (\$85.09 per hour × 2,200 hours = \$187,198) plus a contracting cost of \$2.55 million per year and \$300,000 in ACE development for an annualized total of \$3.04 Million.

15. Explain the reasons for any program changes or adjustments reporting in Items 13 or 14 of the OMB Form 83-I.

Not applicable

16. For collections of information whose results will be published, outline plans for tabulation, and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

Not applicable; results will not be published.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

Not applicable

18. Explain each exception to the certification statement identified in “Certification for Paperwork Reduction Act Submission,” of OMB 83-I.

Not applicable

B. Collections of Information Employing Statistical Methods.

CPSC will not employ a statistical methodology to collect this information.