United States
Consumer Product Safety Commission

CPSC at Imports

Certificate Requirements, eFiling, and 1USG Notifications

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Disclaimer: *This presentation was prepared by CPSC Staff and may not necessarily reflect the views of the Commission.*

What Must be Certified?

- Any product that is subject to a consumer product safety rule, ban, similar rule, standard, or regulation, and which is imported for consumption or warehousing, or distributed in commerce must be certified.
- Certification is the responsibility of the importer; however, importers and manufacturers should have a clear understanding of exactly which standards need to be met.
- Foreign manufacturers/suppliers should insist on a list of which mandatory and consensus standards apply.

Types of Certificates

- Children's Product Certificate (CPC) - the manufacturer or importer certifies that its children's product complies with all applicable children's product safety rules (bans, standards, similar rules, or regulations). https://www.cpsc.gov/Testing-Certification/Childrens-Product-Certificate-CPC

- General Certificate of Conformity (GCC) – the manufacturer or importer that its general use product (non-children's product) comply with all appliable consumer product safety rules. https://www.cpsc.gov/Business--Manufacturing/Testing-Certification/General-Certificate-of-Conformity-GCC

Products Requiring a Children's Product Certificate

- **Children's Products:**
  - **ASTM F-963**
  - **Lead Paint**
  - **Lead Content**
  - **Small parts**
  - **Phthalates (child care)**
- **ATVs (Youth)**
- **Activity Centers**
- **Baby Changing Products**
- **Bassinets and Cradles**
- **Bedside Sleepers**
- **Bicycles (Youth)**
- **Bicycle Helmets (Youth)**
- **Bouncer Seats**
- **Booster Seats**
- **Bunk Beds**
- **Carpets and Rugs**
- **Children's Furniture**
- **Children's Folding Chairs and Stools**
- **Clacker Balls**
- **Clothing & General Wearing Apparel**
- **Cribs**
- **Dive Sticks**
- **Electrically Operated Toys/Articles**
- **Hand-held Infant Carriers**
- **Highchairs**
- **Frame Child Carriers**
- **Gates and Enclosures**
- **Infant Bath Seats**
- **Infant Swings**
- **Infant Walkers**
- **Mattresses – Crib and Youth Size (open Flame)**
- **Mattresses – Crib and Youth Size (smoldering)**
- **Pacifiers**
- **Paint and surface coatings**
- **Play Yards**
- **Portable Bed Rails**
- **Portable Hook-On Chairs**
- **Rattles**
- **Sleepwear sizes 0-6X**
- **Sleepwear sizes 7-14**
- **Sling Carriers**
- **Small Parts**
- **Soft Infant and Toddler Carriers**
- **Toddler Beds**
- **Toys**
- **Toys with Magnets**
- **Wearing Apparel – Children's**
- **Vinyl Plastic Film in Children's Apparel**

Products Requiring a General Certificate of Conformity

- **Architectural Glazing**
- **Artificial Emberizing Materials***
- **ATVs**
- **Bicycles**
- **Bicycle Helmets**
- **Bunk Beds**
- **Candles with Metal Wicks**
- **Carpets and Rugs**
- **CB Antennas**
- **Cellulose Insulation**
- **Cigarette Lighters**
- **Contact Adhesives**
- **Consumer Patching Compounds***
- **Drywall**
- **Fireworks**
- **Garage Door Openers**
- **Inclined Infant Sleep Products***
- **Lawnmowers**
- **Lawn Darts***
- **Matchbooks**
- **Mattresses (open Flame)**
- **Mattresses (smoldering)**
- **Metal Candle Wicks***
- **Multi-purpose Lighters**
- **Paint and Similar Surface Coatings***
- **Packaging Subject to the Poison Prevention Packaging Act**
- **Portable Gas Containers**
- **Pool and Spa Drain Covers**
- **Refuse Bins***
- **Refrigerator Doors**
- **Swimming Pool Slides**
- **Vinyl Plastic Film**
- **Wearing Apparel (Flammability)**

***Products subject to ban**
Updated 9/2/2022

https://cpsc.gov/Business--Manufacturing/Testing-Certification

Certificates Must include

Identification of the finished product

Party certifying compliance

Each consumer product safety rule to which the finished product has been certified

Date and place the finished product was manufactured

Date when and place where the finished product was most recently tested for compliance

Contact information for person maintaining test records

What is eFiling?

eFiling is a CPSC initiative to enable importers of regulated consumer products to file electronically (eFile) with U.S. Customs and Border Protection (CBP) certain data elements from a certificate of compliance, via a Partner Government Agency (PGA) Message Set.

Why eFiling?

Currently, CPSC only asks for certificate data once a product has been identified for exam and, therefore, cannot use certificate data in its risk assessment and targeting in advance of a shipment arriving. Once rulemaking is completed, importers of regulated consumer products will electronically file certain certificate of compliance data elements with CPSC via the PGA Message Set at Entry, or at Entry Summary if both Entry and Entry Summary are filed together.

History

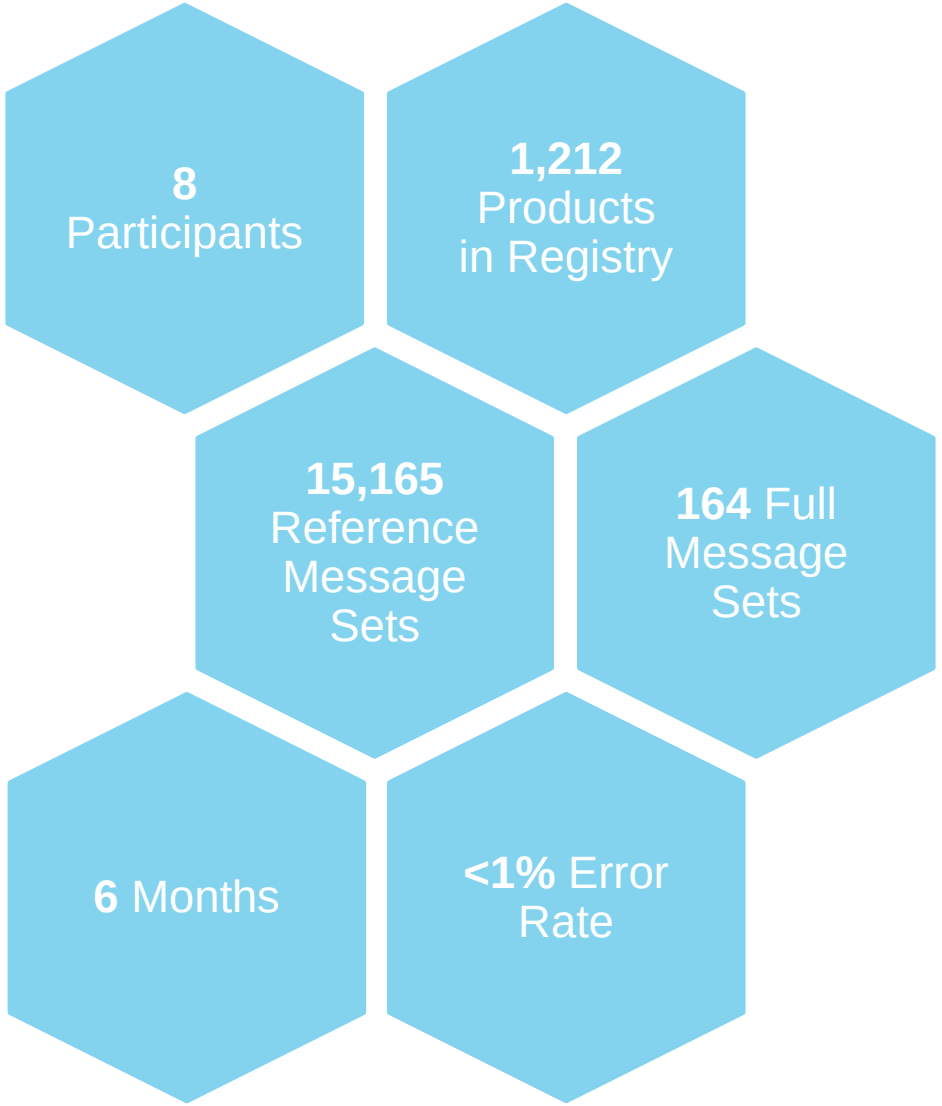
2008 CPSIA requires importers to test and certify children's and other general use products and provide certificates upon request (Codified under 16 CFR 1110).

2013 NPR published that would, among other things, require the electronic filing of certificates of compliance at the time of entry.

2016 Alpha Pilot conducted with eight participants that tested the PGA Message Set and Product Registry.

2017 Certificate Study analyzed risk potential of certificate data elements.

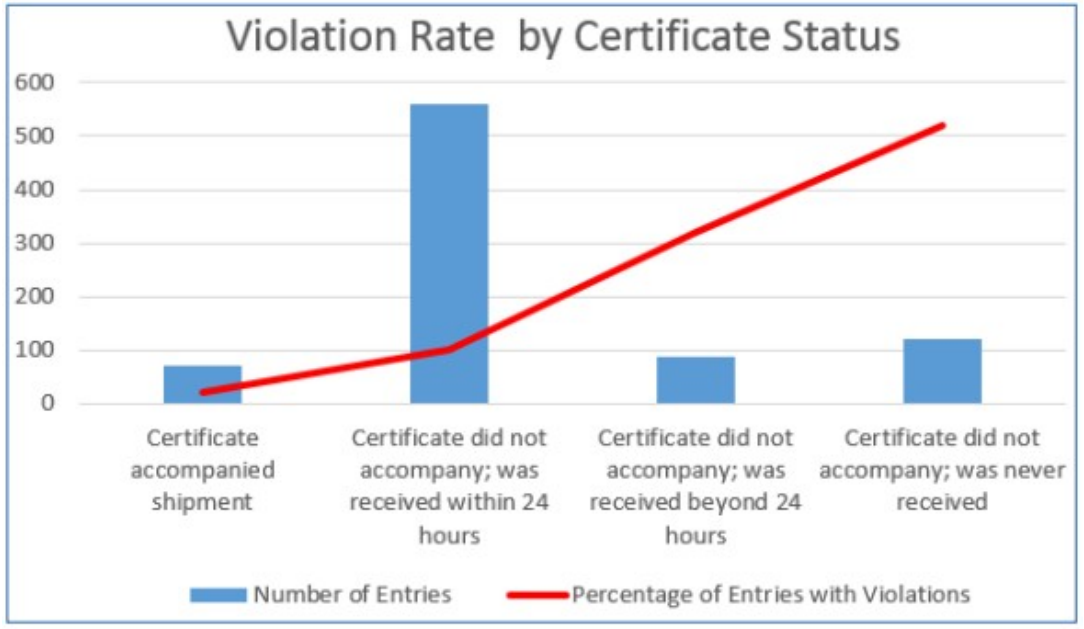
2020 Commission approves of Staff Briefing Package and Beta Pilot.

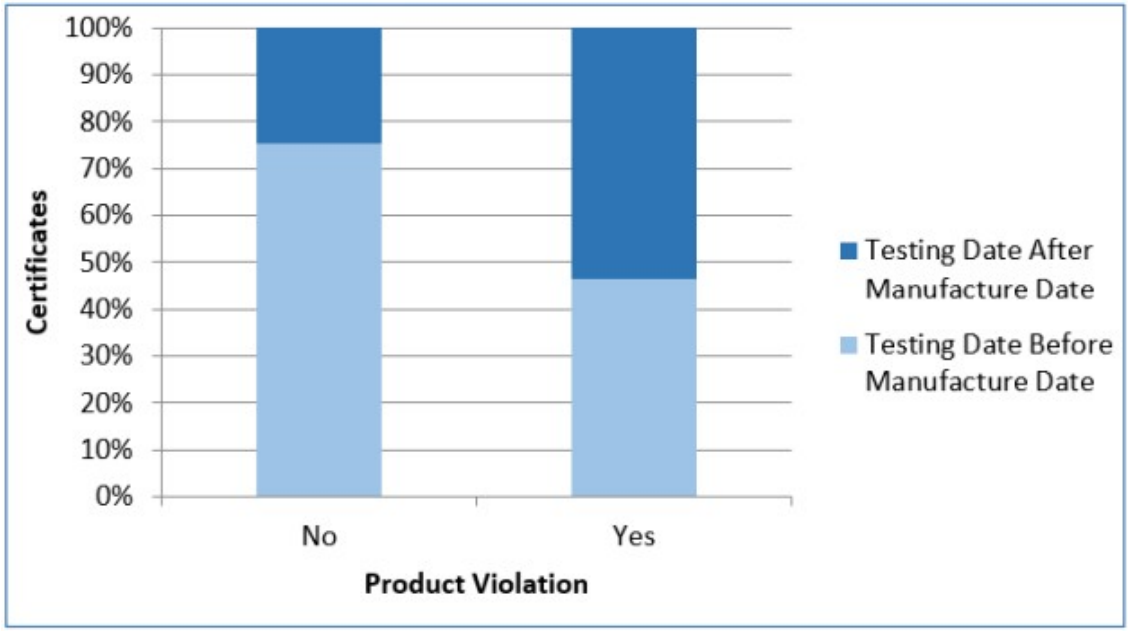


Alpha Pilot Results

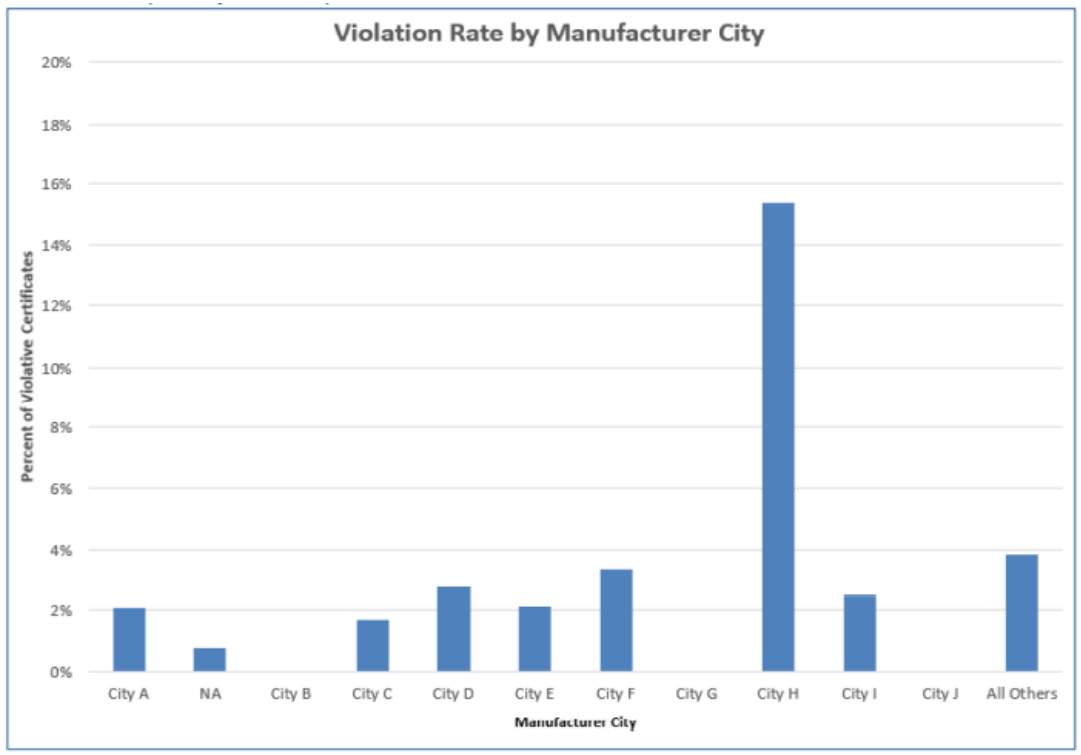
- Participants indicated required data was relatively easy to gather.
- Data successfully integrated into RAM.
- Product Registry reduced the burden and time of filing.

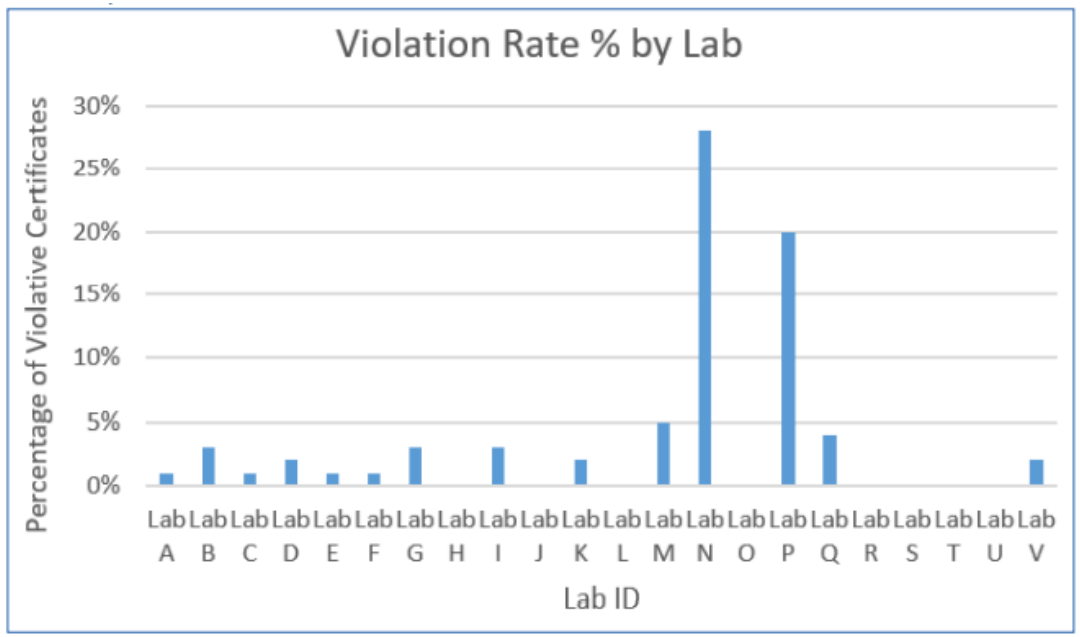
Certificate Study Results





Certificate Study Results

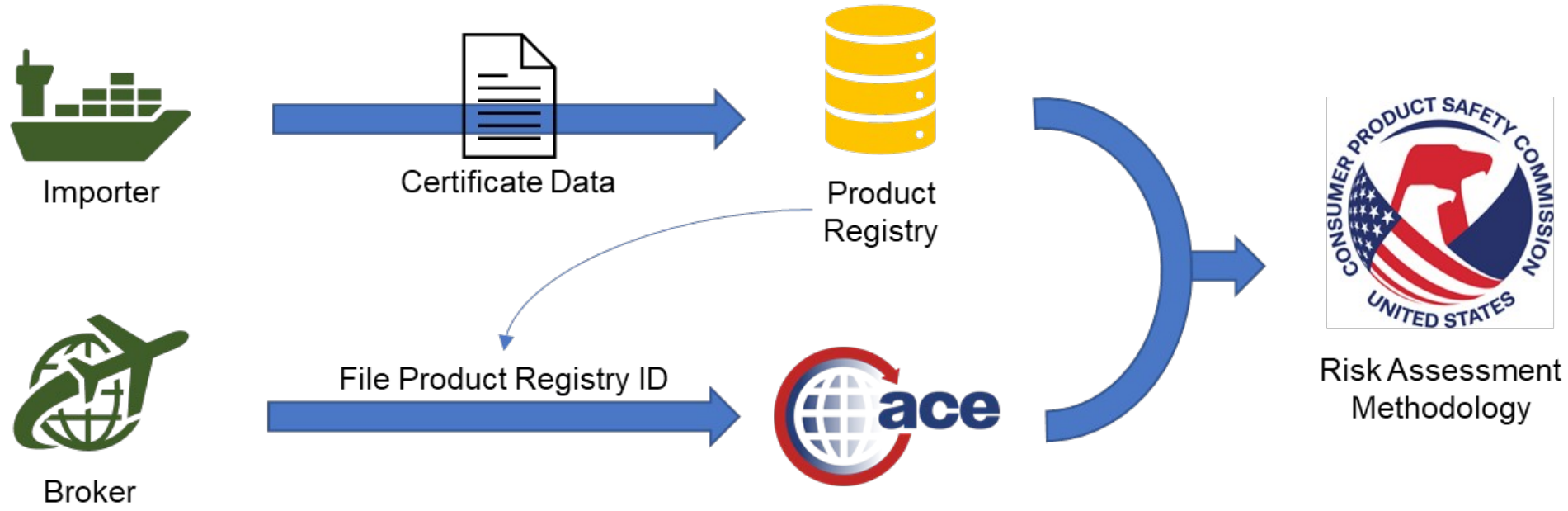




What is the Beta Pilot?

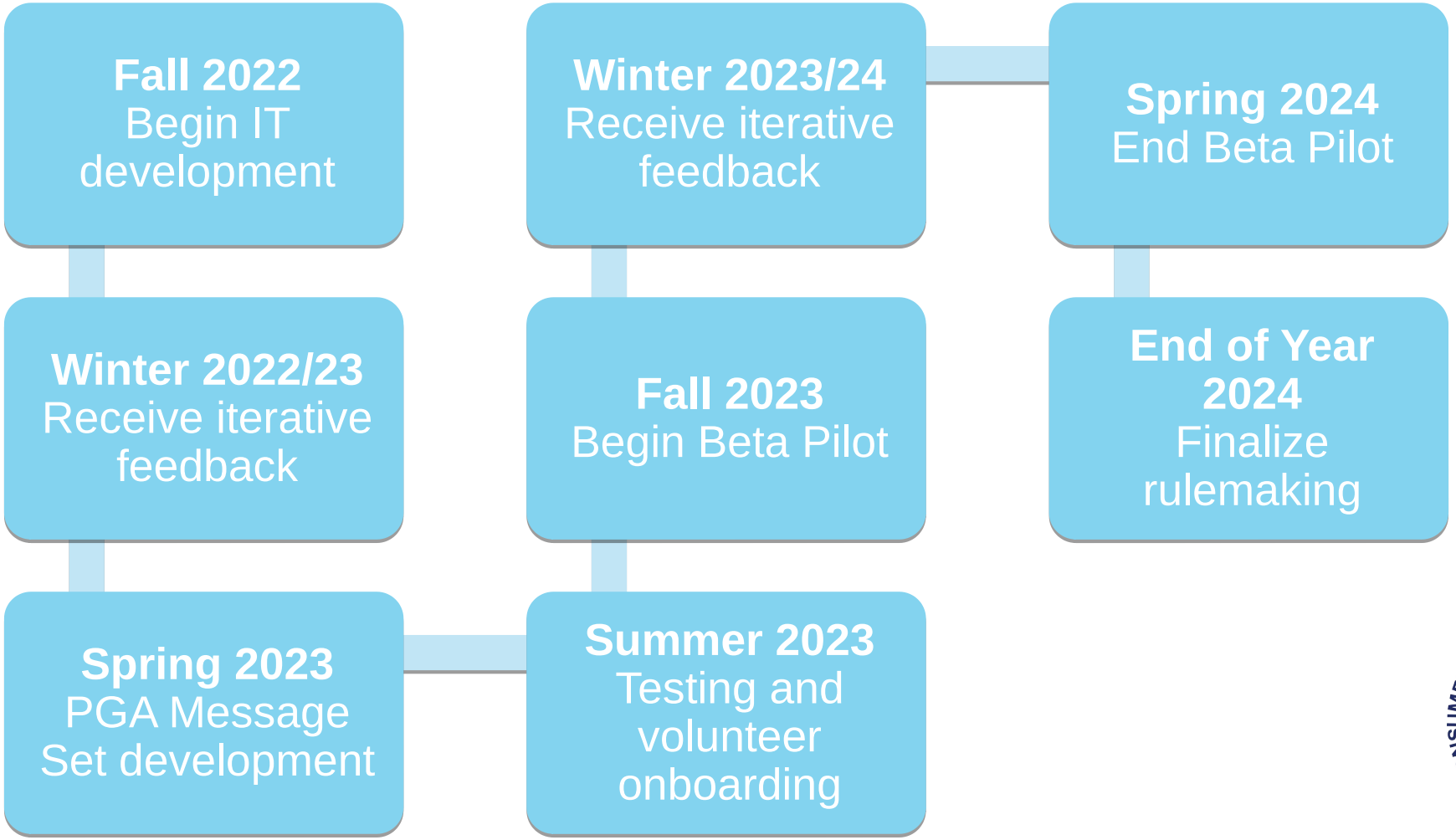
- CPSC will conduct a Beta Pilot test, in conjunction with CBP, scheduled to begin in **fall 2023**.
- The Beta Pilot test will include up to **50 volunteer participants**, allowing for **more entry lines** than the Alpha Pilot test and for CPSC to develop, test, and implement processes and procedures for an eFiling requirement for imported, regulated consumer products.

Option 1: Reference Message Set

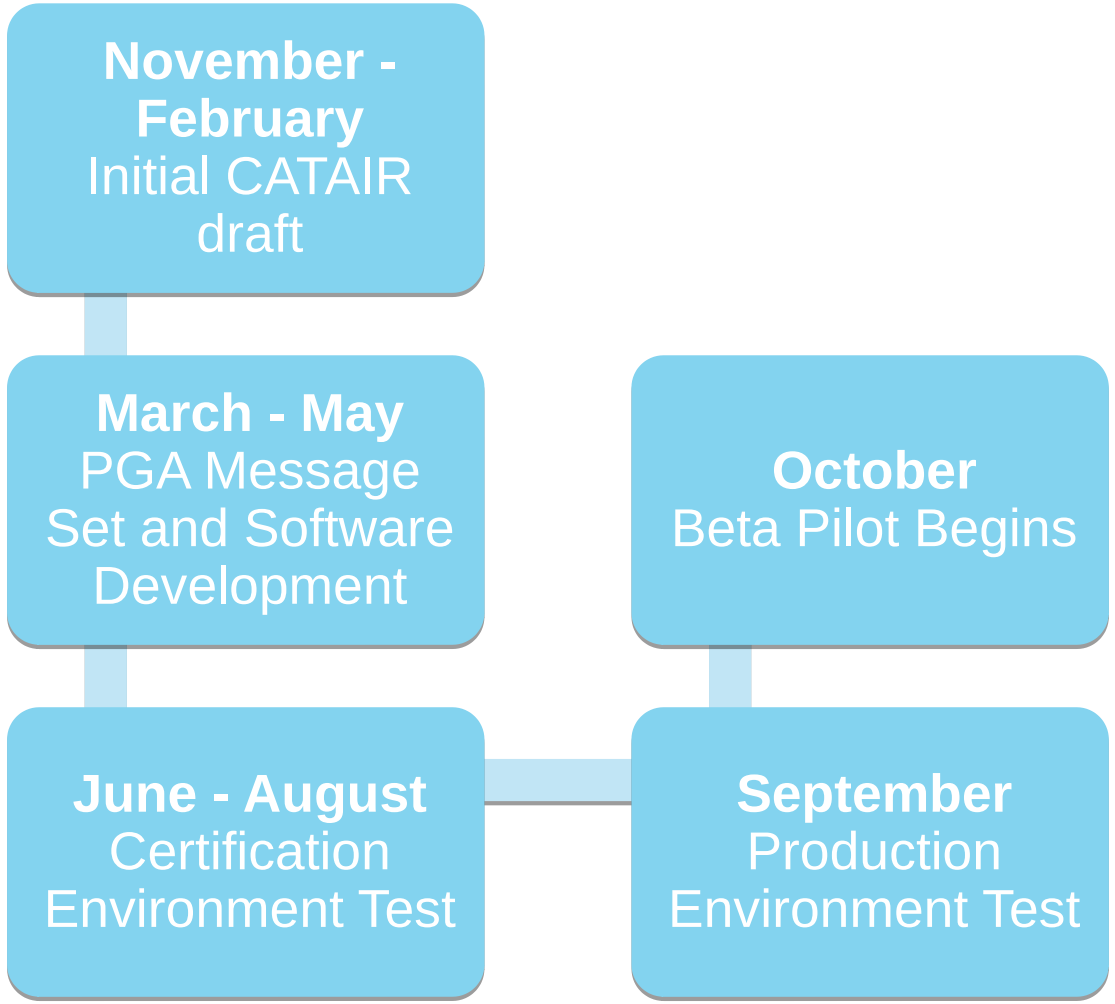


Option 2: Full Message Set

Timeline


Fall 2022
Begin IT development
Winter 2022/23
Receive iterative feedback
Spring 2023
PGA Message Set development
Summer 2023
Testing and volunteer onboarding
Fall 2023
Begin Beta Pilot
Winter 2023/24
Receive iterative feedback
Spring 2024
End Beta Pilot
End of Year 2024
Finalize rulemaking

PGA Message Set Development



How will industry benefit?

CPSC expects industry to experience improvements in risk assessment, enforcement, and trade facilitation, because the agency will be better able to incorporate the presence or lack of a certificate, as well as the data elements provided, into CPSC's targeting algorithms. Risk scores will decrease for importers who electronically file valid data elements, resulting in fewer examinations of their cargo at the port.

Participation in the Beta Pilot

- Email your interest to eFilingPilot@cpsc.gov, including your Importer of Record number and products you primarily import.
- Brokers, software developers, and labs are able to participate, but ideally would do so in collaboration with an importer.
- CPSC is seeking a subset of 9 volunteers to participate in advising the IT development.
- Visit www.cpsc.gov/eFiling for more information.

1USG Notifications via ACE

- CPSC and CBP are modernizing the exchange of messages to coordinate the exam process.
  - Automates the notification using ACE protocols and CBP messaging structures.
  - Allows CPSC the necessary time to indicate that an examination is required.
  - May delay the notification of a 1USG release for these products.
    - Does not impact the flow of goods through the border, unless CPSC determines that an intensive examination is required at the port.
  - The HTS codes for product groupings affected are listed in guidance on our website – www.cpsc.gov/imports.

Methods Message Flow

- Filer receives an “Under Review” message from ACE signifying that CPSC is electronically reviewing that entry.
  - At the same time, CPSC will receive notification of an incoming product of interest.
- If, after review, CPSC determines that a shipment requires examination, either at the port or at the importer’s premises, trade will receive additional messaging through ACE.
- If, after review, no such determination is made, a “May Proceed” will be sent by CPSC through ACE to the trade.

Methods

- The vast majority of shipments will receive a “May Proceed” message. They will be automated system-to-system messages.
- During their review, CPSC staff co-located at the ports, or in coordination with CBP, can signal an intent to examine through either a:
  - Hold Intact Notice,
  - Document Review (a type of Hold Intact),
  - Intensive Exam Request,
  - Documents Required Request (a type of Intensive Exam).

Automated Clock

Entry Filed: **Entity with:**	**3 or more Business Days Before Est. Date of Arrival** **Compliant CPSC History**	**3 or more Business Days Before Actual Arrival** **Unknown or Poor CPSC Compliance History**	**Fewer than 3 Business Days Before Actual Arrival** **Unknown or Poor CPSC Compliance History, OR Entry has additional risk factors**
Air and Truck	8 Business Hours after Entry is Filed	5 Minutes after Actual Arrival event message received	8 Business Hours after the latter of Actual Arrival or CPSC receiving the Entry
Ocean	16 Business Hours after Entry is Filed	5 Minutes after Actual Arrival event message received	16 Business Hours after the latter of Actual Arrival or CPSC receiving the Entry
Other	Not Subject to CPSC 1USG		

Thank You!

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Questions about the eFiling Beta Pilot: www.cpsc.gov/eFiling or eFilingPilot@cpsc.gov
Questions about 1USG Notification and other inquiries: www.cpsc.gov/imports or ImportTeam@cpsc.gov