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. PGA Message Sets must be filed at Entry, or at Entry Summary if both Entry and Entry Summary are filed together. Before implementation of eFiling, CPSC will conduct a Beta Pilot test in conjunction with CBP and up to 50 test participants. The Beta Pilot test is intended to inform a rulemaking and allow CPSC to develop, test, and implement processes and procedures to eFile certificates for imported, regulated consumer products.

Why is CPSC implementing eFiling?

eFiling will improve the safety of consumer products imported into the United States, by enhancing CPSC's risk assessment, targeting, and enforcement ability to interdict noncompliant consumer products at the ports. Previously, CPSC staff successfully tested eFiling in an Alpha Pilot and conducted a Certificate Study. The Alpha Pilot demonstrated the ability of eight U.S. importers, their customs brokers, CBP, and CPSC to work together to gather and electronically file these data at import. In the Certificate Study, staff found an increased likelihood of a violation if a certificate is not provided within 24 hours of CPSC's request or not provided at all. Staff also found relationships between product compliance and data on a certificate. To advance the Commission's consumer product safety mission, on December 18, 2020, the Commission approved staff's recommended plan to implement a permanent eFiling program at CPSC.

How will eFiling affect the trade industry?

In the Consumer Product Safety Act (CPSA), Congress required regulated consumer products to be tested and certified as compliant with CPSC's regulations. 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.

What benefits can industry expect to see from eFiling?

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.

Which data elements will be required?

The Beta Pilot test will collect at least seven data elements from a certificate of compliance: identification of the product, the consumer product safety rule to which the product is being certified, date of manufacturing, location of manufacturing, date of lab testing, location of lab testing, and a check box to show that a required certificate exists.

How will the PGA Message Set function?

Importers will have the opportunity to submit either a Full or Reference PGA Message Set. When using the Full PGA Message Set, brokers will submit certain certificate data elements with Entry each time a regulated consumer product is imported. When using the Reference PGA Message Set, before importing a regulated consumer product, importers will submit certain certificate data elements into a Product Registry maintained by CPSC to obtain a Registry ID, and then provide only the Registry ID number to the broker, who will submit it with Entry via the Reference PGA Message Set. The Reference PGA Message Set method allows for repeated importation of a consumer product using the Registry ID, if the certificate data information in CPSC's Product Registry remains valid.

What is the Beta Pilot Test?

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 test participants, allowing for more entry lines than the Alpha Pilot test, and allowing CPSC to develop, test, and implement processes and procedures for an eFiling requirement for imported, regulated consumer products. CPSC plans to use the results from the Beta Pilot test to scale-up IT systems to accept data for regulated consumer products; refine the required infrastructure for the real-time collection and use of data; develop internal and external procedures to supply, use, and maintain certificate data; and inform rulemaking that will require and make permanent eFiling certificate data. The Beta Pilot will also test importers' and brokers' ability to submit data elements via the PGA Message Set.

How can the trade industry participate?

CPSC will be seeking 30 to 50 volunteer importers to participate in the Beta Pilot test, with a subset of nine volunteers to advise specifically in connection with IT development. In summer 2022, CPSC will publish in the *Federal Register* a notice with directions on how to volunteer to participate in the Beta Pilot test. Pursuant to section 14(g)(4) of the CPSA, CPSC, in consultation with CBP, intends to implement eFiling by rule. CPSC anticipates initiating related rulemaking and seeking public comment in the coming year.

For more information visit: CPSC.gov/eFiling

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