

SUPPORTING STATEMENT FOR
eFiling Beta Pilot Test
OMB Control No.: 3041-0193
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.**

The requirement to create and maintain certificates of compliance (certificates or COCs), including the required seven data elements, is set forth in section 14 of the Consumer Product Safety Act (CPSA). 15 U.S.C. 2063. Section 14(a) of the CPSA requires manufacturers (including importers) and private labelers of certain regulated consumer products and substances manufactured outside the United States to test and issue a certificate attesting that such products are 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 certificate. Section 14(g)(3) requires a certificate to accompany the applicable product or shipment of products covered by the certificate, and that certifiers must furnish the certificate to each distributor or retailer of the product. Upon request, certificates must also be furnished to the Consumer Product Safety Commission (Commission or CPSC) and U.S. Customs and Border Protection (CBP). 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 certificates under this section up to 24 hours before arrival of an imported product.” 15 U.S.C. 2063(g)(4). On December 8, 2023, the Commission issued an SNPR to require electronic filing (eFiling) of certificates with CBP at the time of entry, using CBP’s Partner Government Agency (PGA) Message Set. 88 FR 85760.

To test CPSC and CBP systems and to receive participant feedback on the eFiling program, from October 2023 through June 2024, CPSC conducted a Beta Pilot test with 37

participants. 87 FR 35513 (June 10, 2022). During this test, CPSC worked with participants to develop and improve IT solutions and CPSC procedure. CPSC staff anticipates sending a final rule to implement eFiling in the coming months. To continue testing the eFiling system, and to allow sufficient time for importers of consumer products and substances to participate in eFiling and prepare for such a required program, CPSC now seeks to expand the Beta Pilot test (expanded Beta Pilot) from up to 50 participants to up to an additional 2,000 participating importers. 89 FR 47922 (June 4, 2024) (60-Day Notice); 89 FR 73392 (Sept. 10, 2024) (30-Day Notice).

Like the original Beta Pilot test, the expanded Beta Pilot would require participating importers to submit certificate data, comprised of seven data elements, using a PGA Message Set at the time of filing entry, or entry summary, if both entry and entry summary are filed together. Participants will have two ways to file certificate data during the expanded Beta Pilot test: (1) filing certificate data in a CPSC-maintained Product Registry, and filing a reference number in ACE to this data set, through CBP's Automated Broker Interface (ABI), each time the product is imported thereafter (Reference PGA Message Set), or (2) filing all certificate data elements directly through ABI each time the product is imported (Full PGA Message Set). CPSC will receive the information from CBP through a real-time transfer of import data, and the agency will risk score the information in CPSC's RAM system to assist in the interdiction of noncompliant consumer products.

Because certificates are required by statute, this analysis focuses on the burden for CPSC to accept, and importers to provide, certificate data elements electronically at the time of entry filing, and not to collect and maintain certificate data more generally. Importer requirements in

the expanded Beta Pilot test for providing certificate data electronically at the time of entry filing fall within the definition of “collection of information,” as defined in 44 U.S.C. 3502(3).

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 expanded 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. An attestation that the finished product(s) covered by the certificate comply with applicable rules, bans, standards, and regulations, and that the information on the certificate is true and accurate.¹

Except for the attestation in data element seven, all of these data points are already required by statute to either appear on 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 a 2016 Alpha Pilot test, are the “date when the finished product was manufactured” and the “date when the finished product was tested.”

During the original Beta Pilot, CPSC and participants prepared for onboarding participants (Phase I) and then began collecting information during Phase II. During Phase II, Beta Pilot test participants were surveyed regarding the burden, costs, and experiences of participation, in anticipation of making permanent the eFiling requirement in CPSC’s rulemaking. Following are the steps of the original Beta Pilot test on which CPSC requested burden information from participants:

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

¹ During the Beta Pilot test this data element was modified from a check box attesting the presence of a certificate to an attestation of compliance, because eFiling replaces the need for a separate “paper” certificate and because the SNPR proposed the attestation. For eFiled certificates, the modified attestation is still in the form of a check box in both the Reference and Full PGA Message Sets.

9. Other

CPSC now seeks to expand the Beta Pilot test to include up to 2,000 participants, which is Phase III of the Beta Pilot test. Expanded Beta Pilot participants will not be surveyed about their experience but may submit feedback to CPSC at any time by submitting information to the eFiling support email: eFilingSupport@cpsc.gov.

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 expanded Beta Pilot test. Importers can file COC data into a CPSC-maintained Product Registry before importation and 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 software 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 accurate COC data.

During Phase II of the Beta Pilot test, participants helped 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. For example, CPSC

received phase II participant feedback to assist with the burden reduction for eFiling and the burden estimate for the SNPR to amend 16 CFR part 1110, requiring 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 phase two Beta Pilot test participant experience involved electronic and in-person means, such as emailed questionnaires, telephone interviews with points of contacts, and participation in public workshops. As previously stated, phase three will not have a survey.

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 expanded Beta Pilot test is voluntary, so smaller importers and brokers are not required to participate. However, CPSC encourages participation in the expanded Beta Pilot test by importers of all sizes, including small importers. To ease the burden on small importers, and as described above, CPSC provides two options for filing COC data, a Full or Reference PGA Message Set, so that respondents can choose the least burdensome method for them. CPSC developed the Product Registry (and Reference PGA Message Set) at the request of manufacturers and importers to reduce burden. The Product Registry allows importers to enter or bulk upload certificate data once, and then reuse the certificate data at entry, each time the product is imported thereafter. Small importers are not required to update computer systems or software to participate in eFiling. Any firm can enter and maintain certificate data in the Product Registry and provide their brokers with a reference number for each certificate to use in filing the shortened Reference PGA Message Set. The Product Registry concept has now been successfully tested and used in the Alpha and Beta Pilots. Participant feedback is that the Product Registry is easy to use and reduces the burden of eFiling by reducing data entry and reducing the data filed in ABI. Most participants choose to use the Product Registry.

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 and anticipates a final rule in the coming months.

If CPSC does not conduct the expanded 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. Importers would not have the opportunity to onboard the eFiling system early, to become familiar with the eFiling IT systems and procedures, before full implementation of the program, and CPSC would not have the opportunity to phase-in participants over time, and to fine-tune procedures in CPSC's RAM. 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 expanded Beta Pilot test, importers 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.

CPSC published a *Federal Register* notice on June 4, 2024, with a 60-day comment period, announcing the expanded Beta Pilot and requesting participants and comments. 89 FR 47922 (June 4, 2024). CPSC received two comments. On September 10, 2024, CPSC issued a *Federal Register* notice with a 30-day comment period, which reannounced the expanded Beta Pilot and addressed the comments received on the 60-day notice. 89 FR 73392, 73395.

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

Expanded 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) may 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 expanded Beta Pilot test will not include questions of a sensitive nature.

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

In phases one and two of the Beta Pilot test 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, for the original Beta Pilot test, we assumed 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 estimated 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, we estimated participant staff costs for this burden to be about \$418,000².

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

Product Registry 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	45	1	45	91	4,095	\$5,382	\$242,211
Gathering and Submitting Data Elements	45	1	45	27	1,195.000	\$1,033	\$46,496
Survey	45	1	45	2.2	99	\$37.87	\$1,704
Filing Entry-Line	45	25,000	1,125,000	0.003	3,375	\$0.11	\$127,813
Total			1,125,135		8,764		\$418,225

**Note: due to rounding errors the products and summations may be slightly off.*

For the 5 participants opting to use the Full PGA Message Set, we estimated 452 hours to complete the pilot and maintain the data elements, including the dates of manufacture and lab testing per product. We estimated associated participant staff costs to be about \$23,800.³

² 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/>). The costs are inflated to 2023 using the BLS “Employment Cost Index”: <https://www.bls.gov/eci/tables.htm>

³ Ibid.

**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	\$2,452	\$12,258
Gathering and Submitting Data Elements	5	1	5	13	65.000	\$562	\$2,810
Survey	5	1	5	2.2	11	\$37.87	\$189
Filing Entry-Line	5	1,500	7,500	0.03	225	\$1.14	\$8,521
Total			7,515		451		\$23,778

**Note: due to rounding errors the products and summations may be slightly off.*

The estimated total burden for participation in the original Beta Pilot test was 9,217 hours, with an estimated cost of about \$442,000.⁴

Table 3 – Total Estimated Burden for Beta Pilot Test

Total Burden	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	50	1	50	85	4,245	\$5,090	\$254,469
Gathering and Submitting Data Elements	50	1	50	25	1,260	\$986	\$49,306
Survey	50	1	50	2.2	110	\$38.22	\$1,894
Filing Entry-Line	50	22,650	1,132,500	0.003	3,600	\$0.12	\$136,334
Total			1,132,650		9,215		\$442,002

**Note: due to rounding errors the products and summations may be slightly off.*

⁴ Ibid.

Phase Three –Voluntary Participation in the Expanded Beta Pilot Test

Participants in the expanded Beta Pilot test will have similar burden per response and cost per response as the participants in phase two of the original Beta Pilot test, with the exception of burden from survey responses which will not be required of phase three pilot participants.

Similar to phase two Beta Pilot test participants, CPSC expects that 90 percent of respondents will use the Reference Message Set with the remaining 10 percent of respondents using the Full Message Set.

As before, 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 estimates below are similarly adjusted for inflation and presented in 2023 dollars. Tables 4-6 contain estimates for the expanded Beta Pilot burden.

Table 4 shows an estimated 1,800 additional participants will use the Reference PGA Message Set and bear an annual burden of 265,600 hours, costing about \$13.6 million to respond.

**Table 4 – Phase Three Expanded Beta Pilot Test Burden Estimates
Product Registry and Reference PGA Message Set**

Product Registry Only	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	1,800	1	1,800	91	163,800	\$5,382	\$9,688,442.40
Gathering and Submitting Data Elements	1,800	1	1,800	27	47,800	\$1,033	\$1,859,850.72
Expanded	1,800		18,000,000	0.003	54,000	\$0.11	\$2,045,010.24

Pilot Participation		10,000					
Total			18,003,600		265,600		\$13,593,303.36

**Note: due to rounding errors the products and summations may be slightly off.*

Table 5 shows an estimated 200 additional participants will use the Full PGA Message Set and bear an annual burden of 17,600 hours at cost of about \$944,000.

**Table 5 – Phase Three Expanded Beta Pilot Test Burden Estimates
Product Registry and Full PGA Message Set**

Full PGA Message set Only	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	200	1	200	30	6,000	\$2,452	\$490,308
Gathering and Submitting Data Elements	200	1	200	13	2,600	\$562	\$112,389
Expanded Pilot Participation	200	1,500	300,000	0.030	9,000	\$1.14	\$340,835
Total			300,400		17,600		\$943,532

**Note: due to rounding errors the products and summations may be slightly off.*

The total burden for expanding the Beta Pilot test is an estimated 283,000 burden hours for up to 2,000 participants. The estimated annual cost of the burden comes to \$14.5 million.

**Table 6 – Phase Three Expanded Beta Pilot Test Burden Estimates
Product Registry and Full PGA Message Set**

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	2,000	1	2,000	85	169,800	\$5,089	\$10,178,750
Gathering and Submitting Data	2,000	1	2,000	25	50,400	\$986	\$1,972,239

Elements							
Expanded Pilot Participation	2,000	9,150	18,300,000	0.003	63,000	\$0.13	\$2,385,845
Total			18,304,000		283,200		\$14,536,835

**Note: due to rounding errors the products and summations may be slightly off.*

- 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 expanded 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 2024) which is \$64.28 ([SALARY TABLE 2022-DCB \(opm.gov\)](https://www.opm.gov/policy-data-oversight/salary-tables/2022/DCB)). This represents 67.9 percent of total compensation (U.S. Bureau of Labor Statistics, “Employer Costs for Employee Compensation,” December 2023, 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 32.1 percent for benefits brings average annual compensation for a mid-level salaried GS-13 employee to \$94.66 per hour (64.28/0.679). Assuming that approximately 2,200 hours will be required annually, this results in an annual labor cost of \$187,198 (\$94.66 per hour

× 2,200 hours = \$208,254.79) plus a contracting cost of \$2.55 million per year and \$300,000 in ACE development for an annualized total of \$3.06 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.