CPSC Participation in 1USG Notification Messaging at Import

Update for CBP's Trade Support Network
Orig.: July 29, 2019
Update: February 10, 2022

Purpose: This document updates the public on the U.S. Consumer Product Safety Commission's (CPSC's) participation in One U.S. Government Notification Messaging at Import (1USG). This update details the coordination process CPSC is implementing to assist U.S. Customs and Border Protection's (CBP's) review of consumer products entering U.S. commerce. For products defined by certain Harmonized Tariff Schedule (HTS) codes (product groupings are listed below), CPSC will receive notification of an incoming product of interest. At the same time, trade[1] will receive an "UNDER REVIEW" message, signifying that CPSC is electronically reviewing that entry. 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 the Automated Commercial Environment (ACE). This additional notification will augment current CPSC practices, by automating notification using ACE, and allowing CPSC necessary time to indicate that an examination is required.[2] Although the CPSC's review may delay the notification of a 1USG release for products of interest, it will *not* impact the flow of goods through the border, unless CPSC determines that an intensive examination is required, and CBP concurs.

Methodology: As CBP continues to modernize ACE, CPSC has been integrating its Risk Assessment Methodology system, known as ITDS/RAM, with ACE, to coordinate efforts with CBP and the trade community regarding examination and disposition results. This represents the first phase, *Hold Request and Conditional Release Coordination*. Using established messaging under Participating Government Agency coordination, known as "Event Messaging," CPSC will be able to notify CBP more effectively of the need to examine cargo at the border.

CPSC has developed an overall entry review plan for 1USG notification. It allows for faster review by CPSC of low-risk shipments at the port. Table 1 below provides details on the timeframes for CPSC's review of data for imported products under the agency's jurisdiction.

TABLE 1: CLOCK PRIORITIZATION IN RAM

Mode of Transport	Entry is Filed 3 or more Business Days Before an Estimated Date of Arrival (EDA) from an Entity with a Compliant CPSC History.	Entry is Filed 3 or more Business Days Before the Actual Arrival.	Entry Filed Fewer than 3 Business Days Before the Actual Arrival OR The 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's receiving the Entry
Other	Not Subject to CPSC 1USG		

[1] Trade denotes the importing community, whether the importer, broker, or express carrier is the primary agent managing the importation.

[2] This process does not supersede CPSC's domestic investigatory authority to review shipments of products once they enter the country. It is possible for a "May Proceed" message to be issued through ACE, with a subsequent CPSC manual notification after 1USG review, to indicate that CPSC will examine products at the importer's premises.

Please note, for Entry only dependent timing, the Estimated Date of Arrival (EDA) reported on the entry is compared to the CPSC Entry Create Date to calculate the number of Business Days. Business hours will be calibrated to the time zone of the Port of Entry code provided on the Entry, based upon the federal calendar, 8am to 4pm in the time zone where our staff is working. These timeframes are subject to change during our discussions with CBP and the trade.

The vast majority of shipments receive an automated "May Proceed" message initiated by CPSC systems. But, during their review, CPSC staff co-located at the ports, or in coordination with CBP, can signal an intent to examine through a(n):

- Hold Intact Notice;
- Hold Intact Notice with Documents Needed for Review- A Hold Intact with additional messaging to indicate documents are required for CPSC review. The message will detail which documents to load into the Document Imaging System or DIS;
- Intensive Exam Request – A message to CBP from CPSC requesting the Entry to be stopped at the port for examination (Brokers would see only the resulting confirmed CBP Hold that would result with any accompanying message from CPSC); or
- Intensive Exam Request with Documents Required Request - An Intensive Exam Request to CBP from CPSC with additional messaging requesting documents be required for CPSC review. The message will detail which documents to load into DIS. Again, the broker would be notified only of a resulting CBP Hold that would have an accompanying message that lists the documents needed and any other information.

The type of messaging from CPSC to CBP/trade will depend on several factors, including, but not limited to, possible noncompliance with safety standards or regulations and the risk of injury a product poses to consumers.

This process update will also include the transmission of CPSC Form 354 (Notice of Conditional Release), when applicable, to DIS for brokers to access when the "Hold Intact Notice" and the "Documents Review" examination statuses are activated. Brokers will receive notification of these statuses for their Entries and will be able to retrieve the corresponding CPSC 354 form from the DIS.

Initial messaging functionality was implemented at ports where CPSC has co-located investigators on March 22, 2021. The messaging codes of "Documents Review" and "Documents Required Request" were implemented last summer.

Two-Way Messaging covers the product categories below (subject to change without prior notification):

- ATVs and other off-road vehicles
- Children's Products:
    - Art Sets
    - Toys
    - Pacifiers and Rattles
    - Backpacks and School Supplies
    - Clothing:
        - Sleepwear
        - Outerwear

        - Infant articles
    - Imitation Jewelry
    - Cribs
    - Other Durable Furniture
    - Safety Gates
- Fireworks
- Liquid Nicotine
- Drywall
- Mattresses
- Bicycle Helmets
- Generators
- Hair Dryers
- Bicycles and other electric-powered cycles
- Baby Carriages
- Holiday Lights
- Lighters
- Rugs
- Pellet Stoves
- Potentially Flammable Adult Clothing Articles, including Scarves

Frequently Asked Questions[3]:

1. ***Is cargo free to continue to move through the port after the "Under Review" message is received, but before the "May Proceed" is sent?*** Yes, cargo continues through the port unimpeded, unless CPSC requests an "Intensive Exam," or an " Intensive Exam with Documents Required Request", and the request is approved by CBP, or if CBP or another PGA has reason to examine the cargo under their authority.

2. ***What messaging will trade receive from CPSC?*** Trade will initially receive an "Under Review" message if an entry is filed containing an HTS code of interest to CPSC (see list above). In addition, if CPSC determines that an examination is needed , trade will receive an "Intensive Exam," "Intensive Exam with Documents Required," "Hold Intact," or "Hold Intact with Documents Review" message.

3. ***Will my shipment be stopped automatically at the border if it has goods covered by those HTS codes?*** No. This messaging alone will not stop cargo. CPSC must request that CBP place an intensive examination to stop the cargo for CPSC purposes.

[3] Questions and Answers will be updated periodically to maintain utility for the trading community.

4. ***How long will it take CPSC to review the entry data and complete their review? How much time is this adding to the processing of my entry?*** After receiving the entry information, CPSC intends to review the data promptly and provide the disposition back to trade, usually via a "May Proceed" message. If CPSC does not complete its review within the proposed period outlined above, a "May Proceed" notification will be sent automatically.

5. ***What happens if CPSC does not respond in a timely fashion?*** When the stated timeframe expires without further action, CPSC systems will automatically send a "May Proceed" message to ACE. If no additional requirements were placed by other agencies, this will trigger the 1USG Notification.

6. ***What defines CPSC Business Hours at the port?*** CPSC participation at the ports to examine and enforce our statutes and regulations is limited to the operating hours of the Examination Stations where we work. To align with this reality, CPSC has adopted for this process a business clock of 8am to 4pm in the time zone where our staff is working on days where the federal government is open.

7. ***Will this review happen 24/7, 365 days of the year?*** CPSC staff reviews the data during business hours. A "May Proceed" message will be issued automatically after the established timeframe, if CPSC has taken no action.

8. ***Why must CPSC make this change?*** The change is intended to facilitate real-time, transparent communications among all parties. By automating requests through ACE, CPSC can coordinate with CBP more effectively about potentially noncompliant products arriving in the United States and allow our investigators the opportunity to examine them at the port. In addition, CPSC can facilitate the flow of compliant products into the country more effectively.

9. ***How can trade participants learn more about this process?*** Information will be updated on our website: www.cpsc.gov/imports, and guidance will be updated through this notice. Additionally, CPSC is managing a Customer Service Inbox supporting this transition and specific Entry related concerns at: RAM-2way@cpsc.gov. As new information becomes available, it will be posted through CSMS messages and brokerage news bulletins.