



## Ballot Vote Sheet

**TO:** The Commission  
Alberta E. Mills, Secretary

**DATE:** November 8, 2023

**THROUGH:** Austin C. Schlick, General Counsel  
Jason K. Levine, Executive Director

**FROM:** Daniel R. Vice, Assistant General Counsel, Regulatory Affairs  
Mary A. House, Attorney, Regulatory Affairs

**SUBJECT:** Draft Supplemental Notice of Proposed Rulemaking to Revise 16 C.F.R. part 1110,  
Certificates of Compliance

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**BALLOT VOTE DUE:** Wednesday, November 15, 2023

The Office of the General Counsel is forwarding for the Commission's consideration a staff briefing package recommending approval of the attached draft supplemental notice of proposed rulemaking (SNPR) to revise the Commission's existing rule on certificates of compliance, codified at 16 C.F.R. part 1110. The draft SNPR proposes to align the certificate rule with other testing rules and to implement electronic filing (eFiling) of certificates with U.S. Customs and Border Protection (CBP) for imported, Commission-regulated finished products and substances. In 2013, the Commission issued a notice of proposed rulemaking to revise this same rule, and received substantial comments on the proposal, with many commenters concerned that CPSC and CBP then lacked the information technology (IT) infrastructure necessary to accept and use eFiled certificates. After ten years of building and testing the IT infrastructure, working collaboratively with CBP and stakeholders, leading numerous stakeholder outreach and education programs, and conducting an eFiling Alpha Pilot and Certificate Study, staff advises that the necessary infrastructure to support eFiling has been developed and is currently being refined in an eFiling Beta Pilot. Staff recommends that the Commission publish the SNPR as drafted.

Please indicate your vote on the following options:

- I. Approve publication in the *Federal Register* of the attached draft SNPR to amend 16 C.F.R. part 1110.

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(Signature)

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(Date)

U.S. Consumer Product  
Safety Commission  
4330 East-West Highway  
Bethesda, MD 20814

National Product Testing  
and Evaluation Center  
5 Research Place  
Rockville, MD 20850

- II. Approve publication in the *Federal Register* of the attached draft SNPR to amend 16 C.F.R. part 1110, with the following changes:

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\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

- III. Do not approve publication in the *Federal Register* of the attached draft SNPR to amend 16 C.F.R. part 1110.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

- IV. Take other action specified below:

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\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

Attachments: Draft Supplemental Notice of Proposed Rulemaking to Revise 16 C.F.R. part 1110, Certificates of Compliance

**CONSUMER PRODUCT SAFETY COMMISSION**

**16 CFR Part 1110**

**[CPSC Docket No. 2013-0017]**

**Certificates of Compliance**

**AGENCY:** Consumer Product Safety Commission.

**ACTION:** Supplemental notice of proposed rulemaking.

**SUMMARY:** The U.S. Consumer Product Safety Commission (Commission or CPSC) is issuing a supplemental notice of proposed rulemaking (SNPR) to revise the agency's rule for Certificates of Compliance (certificates). The SNPR proposes to align the certificate rule with other CPSC rules on testing and certification, and to implement, for imported CPSC-regulated products and substances, electronic filing of certificates (eFiling) with U.S. Customs and Border Protection (CBP).

**DATES:** Submit comments by **[INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]**.

**ADDRESSES:** Comments related to the Paperwork Reduction Act (PRA) aspects of the proposed rule should be directed to the Office of Information and Regulatory Affairs, the Office of Management and Budget, Attn: CPSC Desk Officer, FAX: 202-395-6974, or e-mailed to [oir\\_submission@omb.eop.gov](mailto:oir_submission@omb.eop.gov).

You may submit all other comments, identified by Docket No. CPSC–2013–0017, by any of the following methods:

*Electronic Submissions:* Submit electronic comments to the Federal eRulemaking Portal at: <https://www.regulations.gov>. Follow the instructions for submitting comments. CPSC

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typically does not accept comments submitted by e-mail, except as described below. CPSC encourages you to submit electronic comments by using the Federal eRulemaking Portal.

*Mail/Hand Delivery/Courier/Confidential Written Submissions:* Submit comments by mail, hand delivery, or courier to: Office of the Secretary, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814; telephone: (301) 504-7479. If you wish to submit confidential business information, trade secret information, or other sensitive or protected information that you do not want to be available to the public, you may submit such comments by mail, hand delivery, or courier, or you may e-mail them to: [cpsc-os@cpsc.gov](mailto:cpsc-os@cpsc.gov).

*Instructions:* All submissions must include the agency name and docket number. CPSC may post all comments without change, including any personal identifiers, contact information, or other personal information provided, to: <https://www.regulations.gov>. Do not submit through this website: confidential business information, trade secret information, or other sensitive or protected information that you do not want to be available to the public. If you wish to submit such information, please submit it according to the instructions for mail/hand delivery/courier/confidential written submissions.

*Docket:* For access to the docket to read background documents or comments received, go to: <https://www.regulations.gov>, and insert the docket number, CPSC–2013–0017, into the “Search” box, and follow the prompts.

**FOR FURTHER INFORMATION CONTACT:** Arthur Laciak, Project Manager, eFiling Program Specialist, Office of Import Surveillance, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814; (301) 504-7516, or by e-mail to: [alaciak@cpsc.gov](mailto:alaciak@cpsc.gov).

**SUPPLEMENTARY INFORMATION:**

The Commission proposes to revise the rule for certificates, codified at 16 CFR part 1110 (part 1110 or the 1110 rule) to clarify certificate requirements for all regulated products and substances, to align the rule with other testing rules, and to implement electronic filing of certificates for imported products with CBP (eFiling).<sup>1</sup> Only finished products or substances that are subject to a CPSC rule, ban, standard, or regulation, are required to be tested and certified, and only such finished products that are imported into the United States for consumption or warehousing would be required to eFile certificates with CBP. Section 14(g)(4) of the Consumer Product Safety Act (CPSA) (15 U.S.C. 2063(g)(4)) gives CPSC the authority to require eFiling, by rule.<sup>2</sup>

The Commission established part 1110 to implement sections 14(a) and (g) of the CPSA (15 U.S.C. 2063(a) and (g)), which provide requirements for the content, form, and availability of certificates. After passage of the Consumer Product Safety Improvement Act of 2008 (CPSIA), which amended section 14 of the CPSA to add testing and certification requirements for CPSC-regulated consumer products and substances, the Commission sought to bring clarity and reduce burden to stakeholders through part 1110, by, among other things, limiting the parties required to issue certificates and allowing electronic certificates (available through e-mail or a worldwide web link) to “accompany” product shipments instead of paper certificates. 73 FR 68328 (Nov. 18, 2008).

After gaining experience with certificates in 2013, the Commission issued a notice of proposed rulemaking (NPR) to revise part 1110 to align with rules for testing children’s products

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<sup>1</sup> This SNPR includes information and analysis from the Staff Briefing Package: Supplemental Notice of Proposed Rulemaking to Revise 16 CFR part 1110 for Certificates of Compliance to Implement eFiling, dated November 8, 2023 (Staff’s SNPR Briefing Package), available at: [\[Insert Link\]](#).

<sup>2</sup> On [\[insert date\]](#), the Commission voted [\(x-x\)](#) to publish this supplemental notice of proposed rulemaking.

under 16 CFR part 1107 (part 1107 or the 1107 rule) and component part testing under 16 CFR part 1109 (part 1109 or the 1109 rule), and to require eFiling of certificates for imported consumer products with CBP at the time of filing the CBP entry, or the time of filing the entry and entry summary, if both are filed together. 15 U.S.C. 2063(g)(4)); 78 FR 28080 (May 13, 2013) (2013 NPR).<sup>3</sup> As described in section II.D of this preamble, since 2013 the Commission has undertaken a series of projects to support an eFiling program. Building on the 2013 NPR, this SNPR proposes to amend part 1110 to, among other things: revise terminology to integrate concepts introduced in the 1107 and 1109 rules; broaden the definition of “importer” to address commenters’ concerns about the product certifier having control over and knowledge of the goods; allow private labelers to test and certify products; and implement eFiling for imported, CPSC-regulated consumer products and substances.

## **I. Statutory Authority**

Section 102 of the CPSIA amended section 14(a) of the CPSA to require that manufacturers (including importers) and private labelers issue certificates for all consumer products subject to a consumer product safety rule under the CPSA, or a similar rule, ban, standard, or regulation under any other law enforced by the Commission, that are imported for consumption or warehousing, or distributed in commerce. 15 U.S.C. 2052(a)(11) and 2063(a)(1). Certificates for children’s products (Children’s Product Certificates or CPCs) must be based on testing performed by a third party conformity assessment body whose accreditation to perform such testing has been accepted by the Commission. 15 U.S.C. 2063(a)(2). Certificates for non-children’s products (General Certificates of Conformity or GCCs) must be based on a test of each

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<sup>3</sup> “Entry” for CBP purposes is a declaration of goods arriving in the United States, whereas an “entry summary” contains additional documentation necessary for CBP to assess duties, collect statistics, and determine whether other requirements of law have been met. *See* 19 CFR 141.0a(a) and (b). For more information on CBP’s entry processes see: <https://www.cbp.gov/trade/programs-administration/entry-summary-and-post-release-processes>.

product or a reasonable testing program. 15 U.S.C. 2063(a)(1)(A). Section 14(a)(1)(B) of the CPSA requires that certificates specify each rule, ban, standard, or regulation applicable to the product. 15 U.S.C. 2063(a)(1)(B).

Section 14(g) of the CPSA contains additional requirements for the form, content, and availability of certificates. 15 U.S.C. 2063(g). Section 14(g)(1) of the CPSA requires that each certificate identify the manufacturer (including importer) or private labeler issuing the certificate, as well as any third party conformity assessment body on whose testing the certificate depends. 15 U.S.C. 2063(g)(1). At a minimum, certificates must include the date and place of manufacture; the date and place where the product was tested; each party's name, full mailing address, and telephone number; and contact information for the individual responsible for maintaining records of test results. *Id.* Section 14(g)(2) of the CPSA requires that every certificate be legible and that all contents be in English; contents can additionally be in another language. 15 U.S.C. 2063(g)(2).

Certificates must accompany the applicable product or shipment of products covered by the certificate, and a copy of the certificate must be furnished to each distributor or retailer of the product. Upon request, the manufacturer (including importer) or private labeler issuing the certificate must provide a copy of the certificate to the Commission. 15 U.S.C. 2063(g)(3). Finally, section 14(g)(4) of the CPSA states that in consultation with the Commissioner of Customs, CPSC may, by rule, provide for the electronic filing of certificates up to 24 hours before arrival of an imported product. Upon request, the manufacturer (including importer) or private labeler issuing the certificate must provide a copy of such certificate to the Commission and to CBP. 15 U.S.C. 2063(g)(4).

In addition to the statutory authority to require certificates for regulated products and substances, as outlined in sections 14(a) and (g) of the CPSA, the Commission has general authority with regard to certificates pursuant to section 3 of the CPSIA, which provides that “the Commission may issue regulations, as necessary, to implement this Act and the amendments made by this Act.” Notes to 15 U.S.C. 2051 (citing Pub. L. 110–314, § 3, Aug. 14, 2008, 122 Stat. 3017).

## **II. Background: Certificates and eFiling**

### *A. The 1110 Rule*

As noted, the CPSIA expanded section 14 of the CPSA to require testing and certification of consumer products subject to a consumer product safety rule, or to a similar rule, ban, standard, or regulation under any other act enforced by the Commission. 15 U.S.C. 2063(a)(1). When the Commission initially issued the 1110 rule to implement this requirement, it adopted an approach that was “streamlined, at least in its initial phase.” 73 FR 68328 (Nov. 18, 2008). The rule designated the importer as the sole entity responsible for issuing certificates for imported consumer products, stating that to “accompany” a product or product shipment, the certificate must be available to the Commission no later than the time when the product or shipment is available for inspection in the United States. *Id.* The rule designated domestic manufacturers as the sole entity responsible for issuing certificates for domestically manufactured products, stating that such certificates must be available to the Commission upon request before the product or shipment is introduced into domestic commerce. *Id.*

The rule provided that the requirements in section 14(g)(1) and (3) of the CPSA that a certificate “accompany” a product or product shipment, be furnished to retailers and distributors, and be provided to CPSC upon request, could be satisfied by providing the statutorily required



certificate information by electronic means. The rule explained that the certificate must be reasonably accessed by information on the product or accompanying the product or shipment, for example, a unique identifier that can be accessed via a Uniform Resource Locator (URL) or other electronic means. 73 FR 68330-31. In practice, many importers and manufacturers e-mail certificates to CPSC in PDF format, when requested. The existing 1110 rule did not implement the authority in section 14(g)(4) of the CPSA to have certificates for imported products be eFiled with CBP. 15 U.S.C. 2063(g)(4).

The 2008 rule was not expected to be permanent. Instead, the Commission explained at the time that it “expects that with time CPSIA’s expanded certification requirements will become more routine and it then would consider whether this rule needs to be revised based on actual experience.” 73 FR 68328.

*B. The 2013 Notice of Proposed Rulemaking*

By 2012, CPSC staff had worked to refine the Risk Assessment Methodology (RAM) required by section 222 of the CPSIA, and had begun to grapple with the rise of internet-based companies selling consumer products (eCommerce) and direct-to-consumer shipments, which made CPSC’s interdiction of non-compliant products more challenging. To address those concerns, and to be able to use certificate data for targeting and enforcement of CPSC’s rules at the ports, CPSC proposed in the 2013 NPR to implement eFiling of certificates with CBP for regulated, imported products, pursuant to section 14(g)(4) of the CPSA.

The 2013 NPR also sought to revise part 1110 to integrate the rule into the testing and certification regime contemplated in then-new parts 1107 and 1109. The 1107 rule sets forth requirements for children’s product testing and certification, including when and how products must be tested and certified, and recordkeeping requirements. The 1109 rule sets forth

conditions and requirements for component part testing and certification for both children's and non-children's products. Both rules introduced new concepts and terminology related to certificates that are not present in the 1110 rule of 2008.

CPSC received over 500 comments from more than 70 commenters, as summarized in section III of this preamble, many asserting that implementation of the proposed eFiling requirement was infeasible and unreasonable due to the lack of information technology (IT) infrastructure for CBP to accept such data. At that time, CBP had not yet completed its Automated Commercial Environment (ACE) interface nor the Partner Government Agency (PGA) Message Set, which now enable importers or their brokers to submit electronic import data. For its part, CPSC had not yet fully implemented the RAM.

Since publication of the 2013 NPR, CPSC has implemented RAM 2.0 and CBP has implemented ACE and developed the PGA Message Set.<sup>4</sup> In 2016 and 2017, CPSC conducted an eFiling Alpha Pilot, in coordination with CBP, involving eight volunteer participants who successfully eFiled a limited set of targeting/enforcement data for regulated products. Also, in 2017, CPSC conducted a Certificate Study to assess CPSC's ability to use certificates and the information on them for risk assessment and targeting of regulated, imported consumer products. In December 2020, the Commission approved of a multi-year plan to implement an eFiling

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<sup>4</sup> CBP created the PGA Message Set to collect from importers additional agency-related import data for partner government agencies, or PGAs, and transmit the data elements via ACE at time of entry or entry summary. CPSC created two PGA Message Sets: the Full Message Set and Reference Message Set. When using a Full Message Set, certifiers will provide all certificate data in the form of data elements. When using a Reference Message Set, certifiers will provide a reference ID to certificate data entered into CPSC's Product Registry.

program at CPSC.<sup>5</sup> The next steps in this eFiling plan include the ongoing eFiling Beta Pilot, which is scheduled to begin accepting data in the fall of 2023, and developing this SNPR.<sup>6</sup>

*C. CPSC's Risk Assessment and Targeting Efforts for Imported Consumer Products*

CPSC's RAM currently receives an electronic feed of import entry data collected by CBP. The RAM is optimized to ingest CBP's data, using algorithms to identify potentially noncompliant consumer product shipments for CPSC's inspection. However, the data ingested by RAM are collected by CBP for its enforcement and tariff purposes, which do not always align with CPSC's risk assessment purposes. CPSC's Certificate Study confirmed that CPSC can analyze certificate data focused specifically on product manufacturing and testing to improve RAM's precision in targeting and identifying high-risk shipments for examination.

Currently, CPSC's import enforcement methodology is labor-intensive and lacks an efficient means of using product-specific data to identify potentially non-compliant products. CPSC co-locates staff alongside CBP staff at ports of entry to target shipments for examination. Once identified, staff request that CBP place a shipment on hold and transport it to an examination station for CPSC inspection; an examination hold creates delay that costs businesses and CPSC time and money. Accordingly, stakeholders and CPSC have a common interest in reducing examinations of compliant products and maximizing examinations of products that are likely to be violative. Currently, certificates are collected only after a shipment is stopped for examination; certificate data are not used to target shipments for examination. Using certificate data for more precise targeting would maximize examination efficiency for stakeholders and

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<sup>5</sup> The 2020 staff briefing package to implement an eFiling program at CPSC is available at: <https://cpsc.gov/s3fs-public/CPSC-Plan-to-Create-an-eFiling-Program-for-Imported-Consumer-Products.pdf?BYXOLX2gJmF4NaAN1LCMmqiXRI SuaRkr=>. The record of commission action is available at: <https://www.cpsc.gov/s3fs-public/RCA-CPSC-Plan-to-Create-an-eFiling-Program-for-Imported-Consumer-Products.pdf>.

<sup>6</sup> The Federal Register Notice announcing the Beta Pilot can found here: <https://www.regulations.gov/document/CPSC-2022-0020-0001>.

staff; keep hazardous, violative products out of consumer's hands; and reduce burden by not delaying compliant product and not holding up shipments at the port while waiting to receive a certificate.

Using certificate data can also improve CPSC's ability to target low-value shipments. CPSC's current targeting capabilities were designed for larger commercial shipments for which the Commission receives CBP data. CPSC's port staff are currently unable to pinpoint with a high degree of certainty potentially non-compliant and hazardous products in low-value shipments, which CBP refers to as "*de minimis* shipments," and international mail shipments, which can lead to CPSC inspections that delay release of compliant products. Specifically, using product-specific certificate information such as product description, finished product manufacturer, date of manufacture, and date and place of testing, would provide CPSC with greater insights into all imported products and substances, including *de minimis* shipments. Hundreds of thousands of *de minimis* shipments enter the United States daily; the ability to use algorithms to assess the data and identify higher-risk shipments, even those of low value that occur frequently, would enhance CPSC's ability to focus limited resources to identify and interdict higher risk shipments.

Finally, although CBP is unable to process any certificate data collected for international mail shipments subject to CPSC requirements via ACE, the SNPR proposes a modified eFiling requirement for international mail. Importers using international mail would be required to enter certificate data into the Product Registry<sup>7</sup> before the shipment arrives in the United States, so that staff can analyze this data and target mail shipments for examination.

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<sup>7</sup> The Product Registry is a certificate database created and maintained by CPSC. Importers can enter or upload certificate data for regulated consumer products and substances that can be referenced on an entry filing each time the product is imported without having to re-enter the relevant data elements.

*D. CPSC eFiling Related Projects Since the 2013 NPR*

1. eFiling Alpha Pilot (2016)

After publication of the 2013 NPR, CPSC conducted a pilot to test the feasibility of eFiling certain “targeting/enforcement data elements” on a certificate by participant industry volunteers. The 2016 eFiling Alpha Pilot was a 6-month, joint initiative between CPSC, CBP, and eight volunteer importers to establish and assess the infrastructure and processes required for a successful eFiling program. Participants used a process similar to that used in the current eFiling Beta Pilot, having a choice between entering data elements in a Product Registry, and providing a reference number to the Product Registry when filing PGA Message Set data with CBP, or filing all data elements in a PGA Message Set. CPSC staff issued a report detailing the procedure and results of the eFiling Alpha Pilot, available on CPSC’s website:

[https://www.cpsc.gov/s3fs-public/eFiling\\_Alpha\\_Pilot\\_Evaluation\\_Report-May\\_24\\_2017.pdf?uK.UhjHabKD5yjQ.1w06tudrnvvuWIra](https://www.cpsc.gov/s3fs-public/eFiling_Alpha_Pilot_Evaluation_Report-May_24_2017.pdf?uK.UhjHabKD5yjQ.1w06tudrnvvuWIra).

2. Certificate Study (2017)

Following the eFiling Alpha Pilot, from October 2017 to February 2018, CPSC staff conducted a Certificate of Compliance Study to assess any correlation between the timing and availability of a certificate, the data provided on a certificate, and the violation rate of imported finished consumer products. Staff’s eFiling Certificate of Compliance Study Assessment is available on CPSC’s website at: <https://www.cpsc.gov/s3fs-public/eFiling-Certificate-Study-Evaluation-Report-FINAL.pdf>.

Staff’s analysis of the data collected in this study indicates that the ability to provide a certificate within 24 hours of CPSC’s request is strongly associated with product compliance. The limited data set indicated that an entry is five times more likely to have a violation if a

certificate is never provided to CPSC, and three times more likely if one is provided later than 24 hours after CPSC's request. Staff also identified four data elements from certificates that show potential correlations to the rate of violations. Other data elements on a certificate, such as the list of applicable citations, would allow CPSC similarly to apply algorithms to target certain products and/or rules.

### 3. eFiling Beta Pilot (Current)

On December 18, 2020, the Commission approved staff's recommended plan to implement eFiling and to conduct an eFiling Beta Pilot, in collaboration with CBP, that would collect certificate data via a PGA Message Set.<sup>8</sup> Following this, on June 10, 2022, the Commission issued a *Federal Register* Notice (87 FR 35513 (June 10, 2022))<sup>9</sup> to announce the eFiling Beta Pilot and recruit volunteers. The eFiling Beta Pilot has a product scope of approximately 300 Harmonized Tariff Schedule (HTS) codes prioritized for imports and includes all data fields on a certificate. CPSC updated the Product Registry used in the Alpha Pilot, to create a one-time data entry repository of certificate data that can be referenced in a PGA Message Set multiple times as a product is offered for importation. Additionally, staff has been meeting with a subset of nine participant volunteers to advise in IT development for the eFiling Beta Pilot. Meeting logs and related material for this work are available on <https://www.regulations.gov> on docket number CPSC-2022-0020. CPSC's website also includes information on eFiling and the eFiling Beta Pilot, available at: <https://www.cpsc.gov/eFiling>.

The purpose of the eFiling Beta Pilot is to build upon the Alpha Pilot, develop and test the infrastructure necessary to support a full-scale eFiling requirement, inform CPSC's rulemaking effort, and develop internal procedures to support enforcement. The Beta Pilot will

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<sup>8</sup> See *Supra*, n.5.

<sup>9</sup> <https://www.regulations.gov/document/CPSC-2022-0020-0001>.

also advance the “Single Window”<sup>10</sup> concept to facilitate electronic collection, processing, sharing, and reviewing of trade data and documents required by CPSC during the cargo import process, and will assist CPSC in targeting imports more accurately to facilitate the flow of legitimate trade and enhance targeting of noncompliant trade.

The eFiling Beta Pilot also will assess CPSC and importer capabilities for eFiling certificate data elements via the PGA Message Set and incorporating the data elements into CPSC's RAM to risk score and interdict noncompliant products. The Beta Pilot will include more participants than the Alpha Pilot (over 30, more than in the Alpha Pilot), include more data elements (dates of manufacture and testing), and involve more varied consumer products under CPSC's jurisdiction (products classified under approximately 300 HTS codes).

#### 4. Developing an eFiling System

To minimize burden, CPSC's eFiling System will allow importers to enter certificate data through two means: Full Message Set or Reference Message Set using the Product Registry.<sup>11</sup> When using the Full Message Set, the importer will submit all certificate data elements via CBP's ACE. When using the Reference Message Set, the importer will enter all certificate data elements into the Product Registry prior to filing entry with CBP, and they will submit a unique reference identifier (ID) via ACE.<sup>12</sup> Tab B of Staff's SNPR Briefing Package contains the CBP

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<sup>10</sup> ACE is CBP's system through which the U.S. government has implemented the “single window,” the primary system for processing all trade-related import and export data required by government agencies. The “single window” transitions away from paper-based procedures to provide government and industry faster, more streamlined processes.

<sup>11</sup> The eFiling system collectively refers to the PGA Message Set and Product Registry and process of filing certificate data. Certifiers (meaning importers, manufacturers, or private labelers) are responsible for the certificate data submitted, but brokers or other designated parties can upload data and certify products on the certifier's behalf.

<sup>12</sup> Other trade parties, such as brokers and laboratories, may enter certificate data into the Product Registry on the certifier's behalf.

and Trade Automated Interface Requirement, which details the technical requirements to file each Message Set in ACE.

The Product Registry allows importers, or their designees, to enter the certificate data elements via a user interface, batch upload, and/or Application Programming Interface (API) upload. The user interface is a step-by-step process, where the importer submits one certificate at a time. The batch upload allows the importer to submit multiple certificates using a Comma-Separated Value (CSV) template. The API upload allows the importer to build an API connection via the Product Registry and their data systems to instantaneously enter certificates.

Additionally, the Product Registry provides multiple features to improve the importer's interaction. The importer has a business account in the Product Registry where users representing the importer can view all certificates submitted into the registry. The importer can also provide other third parties, such as a broker or test laboratory, with different levels of permission to submit certificate data on their behalf. Tab A of Staff's SNPR Briefing Package contains a detailed user guide for the Product Registry as used during the eFiling Beta Pilot.

### III. Response to Comments

In response to the 2013 notice of proposed rulemaking (2013 NPR) to revise 16 CFR part 1110, CPSC received over 500 comments from over 70 different commenters. Comment summaries include a code to identify the commenter, as shown in Table 1. Below we summarize and respond to the public comments by topic.

**Table 1 – Commenter Key**

|    |                         |    |  |
|----|-------------------------|----|--|
| 2  | Rich Frog Industries    | 40 | Bicycle Product Suppliers Association              |
| 3  | Douglas Boysen          | 41 | American Apparel and Footwear Association (AAFA)   |
| 4  | DT Swiss, Inc           | 42 | American Promotional Events                        |
| 7  | The Hosiery Association | 43 | Tom Dixon  |
| 8  | Shayla Sharp            | 44 | UPS Supply Chain Solutions                         |
| 9  | GS1 US                  | 45 | Consumer Specialty Products Association            |
| 10 | Wald & Co, Inc          | 46 | Juvenile Products Manufacturers Association (JPMA) |



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| 11 | Frette S.R.L.  | 47 | Toy Industry Association (TIA)   |
| 12 | National Customs Brokers and Forwarders Association of America (NCBFAA)              | 48 | Erika Hickey   |
| 13 | American Eagle Superstore  | 49 | Handmade Toy Alliance  |
| 14 | Writing Instrument Manufacturers Association   | 50 | National Association of Manufacturers (NAM)  |
| 15 | US Council for International Business  | 51 | Magicforest  |
| 16 | Marisol, International   | 52 | Terra Experience   |
| 17 | National Association of Foreign Trade Zones (NAFTZ)                                  | 53 | Borderfree   |
| 18 | FedEx  | 55 | American Eagle Outfitters  |
| 19 | Pacific Coasts Council of Custom Brokers & Freight Forwarders Association (PCCCBFFA) | 56 | European Union (EU)  |
| 20 | Express Association of America   | 58 | Association of American Publishers, Inc.; Book Manufacturers Institute, Inc.; & Printing Industries of America |
| 21 | Lego   | 59 | Unique Industries, Inc.  |
| 22 | Motorcycle Industry Council  | 60 | B.J. Alan Company  |
| 23 | Footwear Distributors & Retailers of America   | 61 | Bestway International  |
| 24 | YKK  | 63 | Handmade Toy Alliance  |
| 25 | Glazing Industry Code Committee  | 64 | RILA & National Retail Federation (NRF)  |
| 26 | American Fireworks Standards Laboratory  | 66 | Van Fleet Associates, Inc  |
| 27 | Terra Experience   | 67 | Integration Point  |
| 28 | US Association of Importers of Textiles and Apparel                                  | 71 | American Home Furnishings, Alliance  |
| 29 | Hallmark Cards   | 72 | NCBFAA   |
| 30 | American Architectural Manufacturers Association                                     | 74 | U.S. Council for International Business  |
| 31 | Galaxy Fireworks   | 75 | Toy Industry Association   |
| 32 | Association of Home Appliance Manufacturers  | 76 | Hennes & Mauritz L.P.  |
| 33 | The Art and Creative Materials Institute (ACMI)                                      | 77 | 33 Trade Associations  |
| 34 | Ian Brodie   | 78 | OPEI   |
| 35 | National Retail Federation   | 79 | RILA & NRF   |
| 36 | Fashion Jewelry and Accessories Trade Association                                    | 80 | Bicycle Product Suppliers Association  |
| 37 | Fireworks Over America   | 81 | AAFA   |
| 38 | Outdoor Power Equipment Institute (OPEI)   | 82 | UPS Supply Chain Solutions   |
| 39 | Retail Industry Leaders Association (RILA)   |    |  |

*A. Section 1110.3 – Definitions*

*Comment 1:* A commenter (C35) stated that proposed 16 CFR 1110.3(b) causes confusion with too many certificate types.

*Response 1:* The terms and definitions described in proposed § 1110.3(b) are for the reader's clarity; neither the NPR nor SNPR create new certificate types. Indeed, most of the terms in proposed § 1110.3 are already used in section 14 of the CPSA or in another CPSC rule, such as 16 CFR parts 1107 and 1109.

*Comment 2:* A commenter (C18) was concerned about CPSC’s proposed definition of “importer” in the NPR to be the “importer of record” or IOR (as defined in the Tariff Act of 1930, as amended), because the proposed definition could conflict with other CPSC rules. For example, the commenter stated that the “importer” required to certify products in 16 CFR part 1109 (the component part rule), may not be the IOR, who is the required certifier in the 2013 NPR. The commenter suggested that CPSC not make the IOR responsible for certification, because the IOR is the party making the official import declaration to CBP, not the party causing the goods to enter the country, who is the party with the most knowledge of the product. The commenter recommended that CPSC change the definition of “importer” to include a party with an ownership or beneficial interest in the imported products, so that the party with the most information about the product would be responsible for testing and certification.

Similarly, other commenters questioned who should be an “importer” with certification responsibilities under part 1110. For example, several commenters (C12, C16, C19, C20, C32, C44, C67, C71, C82) stated that customs brokers should not fall within the definition of “importer” because they do not have sufficient knowledge of the products to ensure compliance nor are they the “beneficial party in interest.” Commenter C18 stated the same argument with regard to consignees acting as importers of record, and other commenters (C7, C14, C36) asserted that private labelers should not be responsible for certifying for the same reasons.

*Response 2:* The CPSA does not define “importer.”<sup>13</sup> We agree that expanding the definition of who can be an “importer” in part 1110 beyond the IOR, for the purposes of testing and certification, is beneficial to stakeholders and to CPSC’s eFiling and enforcement efforts.

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<sup>13</sup> The CPSA states that the terms “‘import’ and ‘importation’ include reimporting a consumer product manufactured or processed, in whole or in part, in the United States.” 15 U.S.C. 2052(a)(9). The CPSA also states that the term “‘manufacturer’ means any person who manufactures or imports a consumer product.” 15 U.S.C. 2052(a)(11).

Accordingly, the SNPR proposes to broaden the definition of “importer” in proposed § 1110.3(b) to include any party that could be an importer under CBP’s definition of importer, as found under 19 CFR 101.1, as well as other parties that have a financial interest in the consumer product being offered for import and effectively caused the consumer product to be imported into the United States. Thus, the SNPR proposes that an “importer” may be the importer of record; consignee; or owner, purchaser, or party that has financial interest in the consumer product being offered for import and effectively caused the consumer product to be imported into the United States.

Under the proposed definition of “importer,” a person holding a valid customs broker’s license can be an importer. Retaining customs brokers in the definition gives them the option to assume responsibility for certification on behalf of their clients if that is a service they wish to provide. Additionally, because of the expanded definition of “importer” and CPSC’s need to recognize the party assuming responsibility, the SNPR requires the party certifying compliance be identified in § 1110.11(a)(5).

*Comment 3:* Two commenters (C36, C50) stated that under section 3(b) of the CPSA, CPSC does not have the authority to include common carriers in the definition of “importer.”

*Response 3:* Section 3(b) of the CPSA prohibits CPSC from deeming common carriers, contract carriers, third party logistics providers, and freight forwarders to be a manufacturer (including importer), distributor, or retailer “solely by reason of receiving or transporting a consumer product in the ordinary course of its business as such a carrier or forwarder.” 15 U.S.C. 2052(b). Neither the 2013 NPR or this SNPR would deem such carriers as manufacturers or importers for receiving or transporting goods. However, if a common carrier, contract carrier, third party logistics provider, or freight forwarder contracts with another party to provide

services as a licensed customs broker, and in that capacity chooses to act as the IOR and attests to the content of the certificate at the time it is eFiled, CPSC is justified in holding that carrier responsible for the information on a certificate. In that case, the carrier is not acting in the ordinary course of its business as a carrier or forwarder, but is instead acting as the IOR or a customs broker. The revised definition of “importer” in the SNPR should alleviate some concern, because an IOR is not the only party that can certify a product. However, a common carrier can remove themselves from any responsibility to certify consumer products by choosing not to act as a customs broker, choosing not to act as the IOR, or ensuring that the importer, as defined in proposed § 1110.3(b), certifies the product.

*Comment 4:* Several commenters (C17, C35, C38) remarked that the definition of private labeler is unclear. Commenter C17 stated that the terms “brand,” “trademark,” and “to carry” a brand or trademark are vague terms that may not be applied consistently. Commenter C38 requested clarification whether a private labeler must certify when the product does not contain the name or trademark of the manufacturer.

*Response 4:* Section 3(a)(12)(A) of the CPSA defines “private labeler” as the “owner of a brand or trademark on the label of a consumer product which bears a private label.” 15 U.S.C. 2052(a)(12)(A). Section 3(a)(12)(B) further explains that a consumer product bears a private label when the product (or its container) is labeled with the brand of a person other than a manufacturer, the person with whose brand the product (or container) is labeled has caused the product to be so labeled, and the brand of a manufacturer does not appear on the label. 15 U.S.C. 2052(a)(12)(B). Consistent with the statute, the term “private labeler” is generally understood to refer to products manufactured by one company but sold under the brand name of another company. The private labeler is one of the three parties stated in section 14 of the CPSA that

may certify a product. Section 1110.7(b) of the SNPR proposes that for domestically manufactured products, the private labeler must issue a certificate that meets the requirements of part 1110, unless the manufacturer issues the certificate.

*B. Section 1110.5 – Products Required to be Certified*

*Comment 5:* Several commenters (C31, C36, C48, C49, C52, C63) urged CPSC to specifically accommodate small businesses, which have fewer compliance resources. Several commenters (C31, C49) stating specifically that the extra security, IT infrastructure, and customs broker fees associated with eFiling, will be “out of range,” “catastrophic,” or a “significant burden” on small manufacturers and businesses in general. Two commenters (C52, C63) suggested that eFiling should be optional for small importers, instead of a mandatory requirement, to assist small businesses with small volumes or those that are from countries that do not have any competitive options for third party testing. Other commenters (C49, C52, C63) stated that small businesses usually issue paper certificates and are not prepared to file electronically. One commenter (C52) proposed that the CPSC should differentiate between importers/producers of “low risk” and “high risk” toys and children’s products to avoid excessive burdens on small producers and importers.

Additionally, commenter C8 recommended that CPSC create a new set of requirements for “micro-businesses” that would be exempted from third party testing for component parts and finished products. Instead of a certificate, the commenter proposed that these “micro-businesses” could provide a supplier’s Material Safety Data Sheet (MSDS).

*Response 5:* The CPSA’s certificate requirements do not contain a small business exception. Indeed, an exception for imported products could undermine the goal of protecting consumer safety by using certificate data to target non-compliant and potentially hazardous

consumer products. However, section 14(i)(4) of the CPSA does provide third party testing relief for certain rules for Small Batch Manufacturers of children's products, which allows for testing of certain product safety standards at any third party laboratory, instead of a CPSC-accredited laboratory.<sup>14</sup> Moreover, CPSC has a Small Business Ombudsman to assist small businesses with questions related to compliance with CPSC rules.

CPSC developed a web-based application, the Product Registry, to reduce burden for importers, especially for small businesses. CPSC's Product Registry is a web-accessible database that will not require any additional IT infrastructure for certifiers to use and has its own internal security. Firms do not need to create their own web infrastructure to host certificate data. Small businesses can enter the information into the Product Registry and use the system to maintain certificates. Firms can also enter data using batch uploads, which are available in several formats. Additionally, firms can choose to have a third party, such as a test lab, enter data into the Product Registry on their behalf. The Product Registry is designed to be flexible to allow businesses to use the system in a manner that reduces cost and burden.

*Comment 6:* Commenters C44 and C82 suggested that the CPSC consider implementing a certificate exception for *de minimis* shipments. The commenter maintains that a *de minimis* exception would leave CPSC and CBP with a greater ability to use its resources to monitor and target product safety compliance of higher-value shipments that contain larger quantities of consumer goods.

*Response 6:* Congress did not provide a *de minimis* exception from certificate requirements. Furthermore, one of the emerging hazards since the 2013 NPR is the growth in direct-to-consumer shipments, which are often *de minimis*. These shipments may be of lower

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<sup>14</sup> See <https://www.cpsc.gov/Business--Manufacturing/Small-Business-Resources/Small-Batch-Manufacturers-and-Third-Party->.

value, but the volume of such shipments is growing rapidly, and they are particularly challenging to monitor. Staff has found hazardous, non-compliant products in *de minimis* shipments. The ability to collect certificate data at entry for these lower-value shipments, and to assess these shipments for targeting purposes, will enhance CPSC's ability to enforce our rules, bans, standards, and regulations, and to protect consumer safety.

Regarding compliance burden, CBP has standardized the means of collecting additional data elements for PGAs using entry type 86 (ET86) for lower-value shipments. A broker may now use ET86 for *de minimis* shipments to append the CPSC PGA Message Set.

*Comment 7:* Commenter C53 argues that, as an IOR for returned goods, they are unable to test and certify such goods. The commenter urges CPSC to “consider products exported by U.S. retailers and then returned (reimported) to that retailer as ‘Goods Returned’ and exempt from the certificate requirement,” regardless of entry type.

*Response 7:* Section 14 of the CPSA does not provide an exemption from the certificate requirements for returned goods. As with the existing 1110 rule and consistent with the statute, under the proposed rule certificates are required for finished products that are imported for consumption or warehousing and subject to a consumer product safety rule.

*C. Section 1110.7 – Who Must Certify Finished Products*

*Comment 8:* Several commenters (C14, C36, C39) opposed the proposed changes to § 1110.7 in the 2013 NPR, which expanded who could be a certifier for both imported and domestic products and required private labelers to certify products that are privately labeled, unless another party certifies the product. Commenters encouraged CPSC to retain the existing language in current 16 CFR 1110.7, which they believe clearly identifies the party responsible for issuing the certificate. Commenter C36 stated that CPSC should recognize that either the

importer, domestic manufacturer, or private labeler may certify, as provided in section 14 of the CPSA.

*Response 8:* Upon consideration of the comments, the SNPR simplifies the 2013 NPR proposal in § 1110.7 for imported consumer products. CPSC has more information on imported consumer products than the agency had in 2013, because CPSC now receives a data feed from CBP that, while focused on trade enforcement and tariff collection rather than safety, identifies the relevant firms for each shipment. Moreover, with the additional certificate data collected via a PGA Message Set, CPSC can enforce the certificate requirement against an importer or a private labeler, even if neither firm is the entity submitting the required certificate data.

The SNPR proposes a revision to the definition of “importer,” allowing any party that can be the importer of record under proposed § 1110.3 to certify. Currently, CPSC expects the IOR to issue a certificate; however, in some cases the IOR is not the party with a beneficial ownership in the goods that causes importation of the consumer product, which makes enforcement challenging. The proposed expansion of the “importer” definition both responds to comments and should assist CPSC in identifying responsible parties.

For domestically manufactured products, the SNPR retains the 2013 NPR’s proposal that privately labeled products be certified by the private labeler, unless the manufacturer issued the certificate. CPSC proposed this requirement because products that are privately labeled do not display the manufacturer’s name or contact information. Such products are typically designed and produced according to the specifications and requirements of the brand owner. Firms that do not want to be responsible for issuing a certificate as a private labeler for domestically manufactured products need only ensure that the name of the manufacturer appears on the product. 15 U.S.C. 2052(a)(12).



*Comment 9:* Commenters (C36, C45, C47, C50, C71) suggested that any party in the supply chain should be allowed to certify, including brand owners/private labelers and foreign manufacturers. Other commenters (C15, C74) stated that foreign manufacturers of direct-to-consumer products should be required to certify, but certification by brand owners/private labelers should be optional. One commenter (C35) was unclear if the brand owner/private labeler or foreign manufacturer should certify under proposed § 1110.7(a) for imported direct-to-consumer products. Another commenter (C14) stated that responsibility for certifying should be placed on importers because foreign manufacturers might not comply.

*Response 9:* As stated in response to comment 2, the SNPR broadens the definition of “importer” in part 1110 to include any firm that could be an importer under CBP’s definition in 19 CFR 101.1. Therefore, any entity that falls within this definition would be allowed to provide certificate data for imported consumer products. For direct-to-consumer imports not involving a broker, the party with financial interest in the product being offered for import and who effectively caused the consumer product to be imported into the United States, which could be the foreign manufacturer or the seller who sold the product on an online marketplace, would be considered the importer and the party responsible for certifying. Regarding foreign manufacturers that supply products for U.S. distribution, they are subject to the requirements of the CPSA and CPSC has the authority to refuse admission for noncompliant products under section 17(a) of the CPSA. 15 U.S.C. 2066(a).

*Comment 10:* A commenter (C16) claimed that requiring brokers to be responsible for certification duplicates work being done by the importer, because the importer is already responsible for producing the certificates. The commenter argued that the proposal in the NPR would increase brokerage costs to importers, damage the importers’ ability to be profitable,

dilute the information chain, and increase the risk of mistaken reporting. Another commenter (C20) stated that holding brokers responsible for certification will result in increased requests by brokers for powers of attorney, which in turn will require greater CBP staffing, and ultimately, increased costs to the consumer. Another commenter (C44) asserted that CPSC's cost estimates for filing certificates are too low because they do not account for a necessary increase in broker's fees to offset the extra labor associated with becoming familiar with the products being imported and applicable requirements. The commenter also stated that requiring certificate information to be filed at the time of entry will slow the filing and delay delivery and increase warehouse costs. The commenter suggested reducing the burden of the proposed rule by paring down the required information to only that necessary for effective targeting and allowing the upload of the required information by PDF to cut down on the amount of data entry.

*Response 10:* As previously noted, the proposed definition of "importer" in this SNPR has been expanded to include firms that could be an importer under CBP's definition. Consequently, customs brokers are not the only entity that can certify. They can, however, assume that responsibility as a service provided to clients if they choose. Moreover, the Product Registry will allow importers to store certificate data for repeated imports of the same product, which will lessen the burden of preparing certificates.

Because entry filing most often occurs in advance of a shipment's arrival, adding a PGA Message Set with entry or entry summary will not impede the movement of a shipment, so warehousing costs and delivery times should not be impacted. Finally, CBP will not accept large amounts of data in PDF format, because it is difficult to store and search or manipulate. Since 2013, CBP and CPSC have built and demonstrated the necessary infrastructure to receive entry

data and associated PGA Message Set data, which has been successfully tested and will be further developed through the Beta Pilot, making PDF submission outmoded.

*Comment 11:* A commenter (C39) stated that if the Commission changes who is responsible for issuing certificates from a domestic manufacturer to a private labeler, private labelers such as retailers who are removed from the manufacturing process would be required to establish compliance programs to exercise due diligence over domestic manufacturers. The commenter stated that such programs will impose new burdens on the supply chain, increase end-use consumer prices, and have a potential negative impact on interstate commerce, costs for which are not accounted for in the proposed rule. The commenter also asserted that the Commission should not change the requirement of who must issue a certificate from the manufacturer to the private labeler for domestically produced products, because CPSC has not identified a rational basis for the change. Another commenter (C14) asserted that often the importer or private labeler does not know the actual manufacturer. Commenter (C49) stated that burden will increase for small manufacturers, because the same material will be tested by multiple private labelers. Similarly, commenter (C4) stated that burden will increase for their firm, because the commenter does not know whether their end customer will use their manufactured products for children's products.

*Response 11:* Private labelers who do not want to test and certify can contract with their manufacturers to ensure that the products they are responsible for introducing into commerce are compliant with all applicable consumer product safety rules and meet testing and certification requirements. For enforcement purposes, the NPR proposed to require either the domestic manufacturer or the private labeler to issue the certificate, because no other party would have the

necessary knowledge of the product to be able to certify. This SNPR retains the language in proposed § 1110.7(b) of the 2013 NPR.

*Comment 12:* Commenters (C44, C82) noted that the United States Postal Service (USPS) does not act as the IOR for mail shipments and cannot be held responsible for issuing certificate information. Due to that, the commenters asked how the proposed rule will govern mail operations and what party would issue the certificate.

*Response 12:* While the SNPR's proposed definition of importer in § 1110.3(b) does not include the USPS, the definition does include several parties who could be considered the importer. Section 1110.13(a)(1) of the SNPR would require certificates for international mail shipments to be entered in the Product Registry before the product arrives in the United States. Under the proposed definition of "importer," either the U.S.-based firm receiving the shipment or the foreign firm that sent the shipment could be considered the importer. Staff recommends that only one of those firms enter certificate data into the Product Registry and attest to the accuracy of the information, preferably the U.S.-based firm so that the certifier can be more easily contacted.

*Comment 13:* Several commenters (C33, C38, C45, C52, C74) urged that recertification not be required for each batch of a product if there has not been a material change to the product. The commenters also suggested that if the certificate scope is allowed to cover several years of production, then the burden on the manufacturer will be greatly reduced.

*Response 13:* For regulated children's products, certifiers are required to follow testing and certification requirements as described in 16 CFR parts 1107 and 1110. Part 1107 requires three types of testing for children's products: initial certification testing; periodic testing; and material change testing. Children's product certificates must be updated after periodic and

material change testing, because when new testing is conducted, the information on the certificate, namely the testing date, will have changed. This SNPR does not change any of these requirements.

Non-children's products are required to meet part 1110, meaning that each product must be compliant based on a test of each product or a reasonable testing program, and must remain compliant. CPSC recommends, but does not require, that non-children's products also be periodically tested (most companies do so yearly) and re-tested when there is a material change in the products' design or manufacture that could affect compliance. Again, the SNPR does not propose to change these requirements.

*D. Section 1110.9 – Certificate Language and Format*

*Comment 14:* Many commenters (C7, C10, C11, C13, C17, C31, C35, C36, C39, C41, C42, C43, C45, C46, C47, C50, C56, C60) opposed proposed revisions to § 1110.09(c) in the 2013 NPR, which provided that an electronic certificate must be accessible “without password protection, to the Commission, CBP, distributors, and retailers.” Several commenters stated that preventing password protection for delivery of certificates to distributors and retailers would constitute a disclosure of proprietary information, which would be in violation of section 6(a) of the CPSA, 15 U.S.C. 2055(a). Other commenters similarly expressed concern that the lack of password protection would allow fraudulent companies to falsify certificates and competitors to access commercial secrets.

*Response 14:* In light of the comments received, the SNPR does not propose to prohibit password protection but rather leaves this issue for resolution between certifiers and their retailers and distributors. To date, in the absence of a prohibition on password protection, no

retailer or distributor has complained to the Commission that they do not have access to certificate data.

*E. Section 1110.11 – Certificate Content*

*Comment 15:* Several commenters (C39, C64, C78) stated that the proposed certificate data elements to be collected at import are “unclear,” “unobtainable,” and “unnecessary” and question the utility of the data elements in enhancing CPSC’s risk assessment. These commenters further stated that CPSC should work with stakeholders to identify necessary data elements to limit industry’s burden. Commenters (C64, C78) expressed that CPSC should not collect duplicative information already provided on CBP entry forms.

*Response 15:* Section 14(g) of the CPSA sets forth the minimum requirements for certificates and provides CPSC with the authority to add more requirements through rulemaking. As described in section II.D.2 of this preamble, CPSC previously conducted a Certificate Study in 2017 and found that several data elements indicate a higher risk of a noncompliant, hazardous product. Staff advises that the data elements proposed in the SNPR are necessary to match the certificate to the product being examined and to enhance CPSC’s risk assessment, and are not duplicative of information already provided on CBP entry forms. If CPSC required eFiling of only a subset of the data elements for a certificate, importers would have the burden to maintain two sets of certificate data.

*Comment 16:* One commenter (C78) expressed that the proposed required description of the product is duplicative of the information provided by the HTS code and the quantity of units.

*Response 16:* HTS codes are typically very broad and will contain multiple products under one code. For example, 9403.20.0017 contains “Toddler beds, bassinets, cradles, play yards and other enclosures for confining children” made of metal. The code alone does not

necessarily indicate which product a certificate would reference. Instead, the SNPR proposes that the certifier provide at least one specified unique identifier, as well as a sufficient description, to match the finished products to the certificate.

*Comment 17:* Commenter C9 suggested that CPSC allow the use of other product identifiers, such as a GS1 Global Trade Item Number (GTIN), to be used as an identifier of products covered by a certificate. The commenter stated that the use of this bar code system with the electronic certificate will allow industry to use the same information currently on their products and minimize the cost of compliance.

*Response 17:* A GTIN provides useful information for product identification. Accordingly, the SNPR proposes to allow it as one of up to five product identifiers on a certificate: GTIN, model number, serial number, Stock Keeping Unit (SKU), or Universal Product Code (UPC). CPSC is developing capabilities to retrieve the required certificate data from the Global Data Synchronization Network (GDSN).

*Comment 18:* Several commenters (C24, C45, C46, C47, C50) expressed confusion regarding the date of initial certification and requested clarification as to how it differs from other dates, including the date of manufacture. A few commenters believe this data element is unnecessary.

*Response 18:* After considering the comments and enforcement efforts, the SNPR does not propose to include a separate date of initial certification. Analysis of certificates demonstrates that the date of manufacture and the date of testing, required by section 14(g) of the CPSA, and the date of entry, are sufficient to meet the statutory requirements as well as for CPSC's risk assessment.

*Comment 19:* Several commenters (C38, C45, C47, C51, C78, C80) opposed the 2013 NPR's proposal to require an indication of the scope of products covered by the certificate, claiming it to be difficult to determine.

*Response 19:* After considering the comments and gaining additional experience through the development of eFiling, CPSC does not include in the SNPR a new data element for the scope of products covered by the certificate. Instead, CPSC will rely on the product description and other identifiers on the certificate, along with CBP's entry data, to match a finished product to the certificate.

*Comment 20:* Several commenters (C38, C46, C49, C78) questioned the value of including a list of all applicable consumer product safety rules for CPSC's targeting efforts and does not believe that inclusion of this information is warranted. Another commenter (C47) stated that listing the consumer product safety rules is redundant, because the test reports already include this list.

*Response 20:* Section 14(a)(1)(B) of the CPSA requires that each rule, ban, standard, or regulation applicable to the product be specified on the certificate. Staff advises that the list of all applicable rules is a critical data element for CPSC's risk assessment and targeting efforts. Although the list also is on test reports, test report data elements are not filed in a PGA Message Set, so that information is not in an electronic format for CPSC's use within the RAM. CPSC maintains a list of rules that require testing and certification on the agency's website, and the list will also be maintained in the Product Registry. Standardizing this information in the Product Registry and for the Full PGA Message Set will allow CPSC to target shipments using the rules listed on a certificate. For example, CPSC can compare the list of rules with the product information and identification of the testing laboratory to validate that the product was tested to



the expected rules and that the named laboratory is accredited to conduct such tests.

Accordingly, the SNPR retains the requirement to provide the list of rules for which a product is subject.

*Comment 21:* One commenter (C78) stated that requesting the certifying party's name, mailing address, e-mail, address, and telephone number is redundant, because the IOR is already provided in the Customs entry documents.

*Response 21:* Section 14(g)(1) requires that "every certificate required under this section shall identify the manufacturer or private labeler issuing the certificate." The certifying party's name, mailing address, e-mail address, and telephone number are necessary for CPSC to appropriately identify and contact the responsible party. Furthermore, the IOR provided on the CBP entry documents may not always be the correct certifying party under the SNPR proposal. In some cases, the IOR is the customs broker or express carrier facilitating importation and transmission of the data, which may not be the importer for purposes of certification.

*Comment 22:* Two commenters (C21, C45) stated that it is preferable to provide generic contact information for the record custodian, rather than a specific person's contact information, because it would be unreasonable for a single person to provide coverage for every potential problem on a certificate. Another commenter (C82) stated that CPSC should not collect data that is unlikely to determine compliance, like the record custodian contact information.

*Response 22:* Section 14(g)(1) requires that the certificate contain the "contact information for the individual responsible for maintaining records of test results." Accordingly, the SNPR proposes to retain this data element. However, we agree with the commenters that generic contact information is acceptable, as long as the generic e-mail address and telephone

number is actively monitored by a knowledgeable person and the certifying firm is responsive within 24 hours of CPSC's initial contact.

*Comment 23:* Multiple commenters (C36, C37, C42, C47, C51, C76, C78) opposed including the name and address of the manufacturer, finding this data element unnecessary and duplicative, because country of origin and foreign factory information are already provided on the entry documents. Other commenters (C10, C13, C26, C43, C49) asked CPSC to remove the requirement for a street address if the street address is unavailable. Additionally, three commenters (C43, C46, C78) found this data element too burdensome for importers to manually enter, as well as too granular for CPSC's use.

*Response 23:* Section 14(g) of the CPSA requires every certificate to contain the date and place of manufacture, and to provide the full mailing address for each party, which includes a manufacturer. Additionally, section 16(c) of the CPSA, 15 U.S.C. 2065(c), requires disclosure of the identity of the manufacturer of a product by name, address, or such other identifying information as the CPSC officer or employee may request, to the extent that such information is known or can be readily determined. Accordingly, we interpret the place of manufacture to include the full address (including manufacturer name; street; city; state or province; and country or administrative region). Being able to accurately identify the manufacturer of the finished product with a street address is necessary for effective risk assessment and targeting. Indeed, in 2017 staff found in its Certificate Study that the manufacturer city is a data element that can be associated with a higher risk of a hazardous product.

If the street address is unavailable, then the certifier should provide a detailed location, consistent with the manufacturer country's mailing address standard. The address must be sufficient to describe the specific location where CPSC can send correspondence or inspect the

facility. Certifiers can use different methods to provide this information. For example, if using the Product Registry, the manufacturer's name and address will be saved with a user-generated ID under the certifier's business account, so that it can be easily referenced when creating future certificates.

*Comment 24:* One commenter (C56) asked for clarification whether all suppliers must be listed on the certificate.

*Response 24:* Consistent with section 3(a)(10) of the CPSA, 15 U.S.C. 2052(a)(10), the manufacturer that must be listed on the certificate is the entity responsible for manufacturing, producing, or assembling the finished product (or component part if issuing a component part certificate). This is clarified in proposed § 1110.11 of the SNPR.

*Comment 25:* A few commenters (C38, C45, C49, C51, C59) stated that providing the date of manufacture is redundant and burdensome, and should not be included.

*Response 25:* Section 14(g) requires every certificate to contain the date of manufacture. The 2017 Certificate Study demonstrated that date of manufacture, when compared to the date of testing, assists CPSC in determining compliance. CPSC is testing this data element in the eFiling Beta Pilot and retains this statutory date element in the SNPR.

*Comment 26:* Many commenters opposed requiring the name of the manufacturer and the place of manufacturing, including the address, because this information is considered confidential business information or a trade secret. Commenters were concerned that providing this information on the certificate may result in dealers, retailers, and competitors bypassing them and dealing directly with the manufacturer, resulting in economic injury and competitive harm. One commenter (C33) stated that trade secrets are protected by federal and state law.

*Response 26:* Section 14(g) provides the minimum data elements for certificates, which include the place and date of manufacture and “each party’s name, full mailing address, [and] telephone number.” Because this is a statutory requirement, certificates provided to CPSC must contain this information. Moreover, section 16(c) of the CPSA, 15 U.S.C. 2065(c), requires that upon request by a Commission officer or employee, every importer, retailer, or distributor of a consumer product or substance must identify the manufacturer and provide the name, address, or other identifying information. Thus, certifiers must supply manufacturer names and contact information to the Commission pursuant to sections 14 and 16 of the CPSA. CBP and CPSC will maintain business confidential data systems for eFiled certificates, which will be submitted directly to government systems with appropriate safeguards to secure the information.

*Comment 27:* One commenter (C52) opposed the requirement for providing the manufacturer address for small businesses, because the address is often a home address and the commenter is concerned for the safety of the family.

*Response 27:* Section 14(g) of the CPSA requires the place of manufacture to be provided on the certificate. Furthermore, for imported products, certificate data will be entered into a government system, which follow industry-standard data security protocols, for use by the Commission and CBP. Section 14(g) does not require certificate disclosure to the public and for any information requests, CPSC will follow the procedures set forth in 16 CFR 1015.

*Comment 28:* One commenter (C38) requested that CPSC retain the certifier’s ability to code information on a certificate as allowed on a permanent certification label for power mowers described in 16 CFR 1205.35(c). Additionally, the commenter recommended that the allowance for the addition of a website address to the certificate, which can be used by consumers or CPSC to request additional, nonproprietary information.

*Response 28:* Section 1205.35 of the power mower rule, issued in 1979, requires a reasonable testing program and a five-data point certificate label that is on the product and visible to the consumer. The information on this label is allowed to be coded. 16 CFR 1205.35(c). In 2008, however, Congress revised certificate requirements in section 14 of the CPSA for all regulated products; manufacturers of power mowers now must meet the requirements in part 1205, and also sections 14(a) and 14(g) as implemented through part 1110. The on-product certificate label requirement thus remains, but the SNPR would require an additional two-year record keeping requirement, several additional data elements for both domestic and foreign-manufactured product certificates, and an eFiled certificate for imported power mowers. Codes created by individual companies will not be allowed on eFiled certificates. The SNPR includes in proposed § 1110.11(b) the ability to add to the certificates a website address and other information (such as testing).

*Comment 29:* One commenter (C34) objected to providing contact information for CPSC-accepted laboratories on CPCs, because CPSC already has that information.

*Response 29:* The Product Registry will contain a list of CPSC-accepted third party laboratories for each regulation. If using a Full PGA Message Set, certifiers can reference the third party laboratory using a four-digit code that CPSC will maintain, along with contact information for CPSC-accepted third party laboratories. Certifiers need only provide contact information for other testing laboratories and for domestically manufactured products.

*Comment 30:* Several commenters (C21, C32, C36, C40, C47, C50, C78) objected to the requirement for an attestation as proposed in § 1110.11 (a)(10) of the 2013 NPR and recommended removing this section from the rule. For example, commenter C21 opined that the attestation will make the certificate ‘busy’ and adds little value, because certifiers will add the

language even if they do not follow the rules. This commenter further stated that certifiers in compliance with 16 CFR part 1110 understand their obligations and the gravity of providing the certificate and suggested that the Commission clearly state the certifier's obligations in the regulation, which would provide "a tacit attestation."

Two commenters (C32, C50) stated that the attestation requirement is not authorized by section 14(g) of the CPSA and has no legal significance, because the obligation to submit truthful information to the government is already applicable under current law. Commenter (C40) noted that the "capacity for human error on a certificate is not trivial" and suggested that CPSC clarify that the individual is not liable for attesting to the accuracy of the certificate. This commenter suggested withdrawing this requirement and adding a statement that firms which demonstrate the existence of a compliance plan "administered in accordance with 16 CFR parts 1107 and 1109 will not be found to have reason to know that a certificate is false or misleading."

*Response 30:* Section 14(g) sets forth the *minimum* data elements for the certificate; CPSC has authority to add data elements through rulemaking. An attestation helps to ensure the responsibility of the certifying party to know what they are certifying on behalf of the firm, and the firm's liability for a false certification. In addition, to specifically acknowledge the "capacity of human error," the SNPR's attestation language states that "the information in this certificate is true and accurate to the best of my knowledge, information, and belief."

Regarding burden, any certifier using the Product Registry will have only one click to accept the attestation and will have the option for bulk attestation. Any certifier using the Full Message Set will only have one additional field for the attestation. CPSC is testing this attestation in the eFiling Beta Pilot.

*F. Section 1110.13 – Certificate Availability*

*Comment 31:* Commenters (C12, C20, C23, C26, C28, C36, C42, C46, C47, C49, C55, C64, C71, C74, C81) suggested that CPSC should retain the current “on-demand” certification system. Commenter (C2) states that retaining the ability to satisfy the certificate requirement by presenting certificates upon request or in a password protected website is preferable to the proposed changes. Other commenters (C3, C81) stated that CPSC’s proposal to require electronic filing of certificates of compliance for regulated imported consumer products with CBP at the time of filing the entry or entry summary contravenes the CPSIA, which calls for GCCs to be submitted “upon request,” suggesting that GCCs need not be submitted with each shipment.

*Response 31:* Section 14(g)(3) of the CPSA establishes several requirements regarding the availability of certificates, which must: “accompany the applicable product or shipment of products covered by the same certificate”; be furnished to each distributor or retailer of the product; and be furnished to the Commission upon request. Additionally, section 14(g)(4) specifically provides that the Commission can, by rule, require eFiling of certificates for imported consumer products.

Certificates that are collected on an ad hoc basis, either as a hard-copy or a PDF copy via e-mail, are not in a data-usable format that can be processed into CPSC’s RAM and risk scored. To implement section 14(g)(4) of the CPSA, proposed § 1110.13 of the SNPR requires the eFiling of all certificates for regulated imported finished products, including CPCs and GCCs, at the time of filing entry or entry summary, if both entry and entry summary are filed together. CPSC intends to use certificate data to risk score shipments and enforce its statutes and

regulations. If this rule is finalized, an eFiled certificate would meet the “accompany” requirement in section 14(g)(3) of the CPSA and the requirement in proposed § 1110.13(a).

*Comment 32:* Several commenters (C7, C18, C20, C21, C47, C60, C66, C71) suggested that there should be alternate ways to submit certificate data, such as a URL, to reduce burden. Another commenter (C32) agreed with proposed § 1110.0(c)’s allowance of electronic certificates in multiple forms, suggesting that CPSC also allow a Quick Response (QR) code as an acceptable means of providing access to an electronic certificate. Additionally, several commenters (C2, C21, C71, C74) stated that they will have to submit the same certificates more than once because of the electronic and hard copy requirements.

*Response 32:* The SNPR clarifies in § 1110.9(b) that a hard copy or an electronic certificate meets the requirements described in § 1110.13(b), to furnish a certificate to each distributor or retailer, and in § 1110.13(c) to provide a certificate for inspection upon request by CPSC or CBP.

However, the SNPR would require that for imported consumer products to meet the “accompany” requirement in section 14(g) of the CPSA, certificate data elements must be eFiled with CBP using a PGA Message Set at the time of entry or entry summary. Certifiers will have several means to provide certificate data to CPSC for regulated products, including a Product Registry with a Reference PGA Message Set, and a Full PGA Message Set. CPSC may still ask for a certificate, however, for domestically manufactured products and as otherwise allowed by the statute, to verify eFiled certificate data, or for other purposes. Certificates for domestically manufactured products can still be provided through e-mail or a URL. A QR code would be an acceptable means of providing access to an electronic certificate, pursuant to proposed § 1110.9(c), but would not meet the requirement for an eFiled certificate as proposed in



§ 1110.13(a). Finally, to address burden, CPSC created a Product Registry to allow certifiers to submit certificate data once upon importation, and thereafter to use a reference PGA Message Set to identify the certificate data already entered in the Product Registry each time products covered by that certificate are imported.

*Comment 33:* A commenter (C45) stated that a requirement for a unique identifier to be “identified prominently on the finished product, shipping carton, or invoice” would potentially crowd an occupied area on product labels. Another commenter (C35) stated that an overt display of a unique identifier is unnecessary and may be duplicative.

*Response 33:* The electronic certificate data may not be easily accessible to retailers and distributors, and to CBP or CPSC upon request, if the unique identifier is not “identified prominently.” Accordingly, the SNPR proposes to maintain the requirements for prominence for certifiers that choose to use electronic forms of a certificate. We seek comment, however, on whether the prominence of an electronically available certificate on an invoice or shipping container is still important and appropriate to address in the final rule.

*Comment 34:* Commenters (C40, C74) suggested that CPSC interpret “accompany” to mean eFiling of the certificate with CBP, or a certificate with electronic access to distributors and retailers. The commenters also stated that an additional physical certificate is not necessary.

*Response 34:* The SNPR clarifies in proposed § 1110.13(a) that an eFiled certificate (filed in ACE using a PGA Message Set) meets the “accompany” requirement. Furthermore, proposed § 1110.9(c) clarifies that because an electronic certificate meets the “furnishing” and “availability” requirements in §§ 1110.13(b) and (c), respectively, a physical copy of the certificate meets the same requirements.

*Comment 35:* Several Commenters (C10, C13, C26, C31, C37, C43) stated that the current system of allowing certifiers to furnish certificates to distributors and retailers through “grant of reasonable access” or “on demand” should be maintained, instead of requiring they be made available for each shipment. One commenter (C47) stated that if certificates are furnished to retailers, CPSC should not dictate the method for how it is done. Other commenters (C10, C42) stated that the change will be a “costly shift” from the current regulation and result in the hiring of additional staff.

*Response 35:* Section 14(g)(3) of the CPSA requires that “a copy of the certificate shall be furnished to each distributor and retailer of the product.” This differs from the requirement in the same section, stating that “every certificate ... shall accompany the applicable product or shipment of products covered by the same certificate,” and from the eFile authority in section 14(g)(4) of the CPSA. The SNPR would require certificates for imported consumer products to be eFiled using one of two methods described in section II.D.4 of this preamble. Otherwise, the SNPR does not dictate how a certificate must be furnished to each distributor and retailer; electronic certificates for these purposes are allowed, but not required.

*Comment 36:* A commenter (C38) suggested that CPSC clarify that a domestically manufactured product is not required to be accompanied by a certificate. Another commenter (C52) recommended that small batch manufacturers be treated like domestic manufacturers in that their certificates need not be submitted to CPSC until the products enter commerce.

*Response 36:* Consistent with the existing 1110 rule, the SNPR requires that certificates for domestically manufactured products be issued before a product is introduced into commerce, and made available to CPSC upon request, either in hard copy or through electronic means. Small batch manufacturers can receive testing relief through a program described on CPSC’s

website (see response to Comment 5). Unless entitled to relief through that program, small batch manufacturers must issue certificates and meet the certificate availability requirements that apply to all domestic or imported consumer products.

*G. Section 1110.17 – Recordkeeping Requirements*

*Comment 37:* Commenter C35 stated that the NPR provides no rationale for the proposed requirement that GCCs and supporting records be maintained for five years. The commenter stated that this new requirement is confusing and will not improve product safety, because a three-year record retention already is mandated in some existing CPSC safety standards. Commenter C14, in contrast, noted that companies already keep customs entry records for five years or longer, and thus has no objection to the proposed increased retention time for GCCs.

*Response 37:* Pursuant to 28 U.S.C. 2462, the statute of limitations to litigate a civil fine, penalty, or forfeiture for a consumer product safety violation is five years. Commenter C14 is correct that customs entry records must be maintained for five years (*see* 19 CFR 163.4). Additionally, 16 CFR 1107.26(b) and 16 CFR 1109.5(j) have five-year record retention requirements. To be consistent with these record retention periods and the statute of limitations, the SNPR retains the proposed requirement that GCCs and supporting records be maintained for five years. We note that CBP recordkeeping requirements may differ from CPSC requirements, depending on the commodity and the circumstances of entry filing.

*H. Section 1110.19 – Component Part Certificates*

*Comment 38:* Several commenters (C23, C35, C36, C38, C40, C47, C49, C50, C56, C71, C80) expressed confusion regarding the difference between certificates for component parts, for finished products, and for replacement parts of consumer products.

*Response 38:* Proposed § 1110.3(b) defines “component part” as a product or substance that is intended to be used in the manufacture or assembly of a finished product, and is not intended for sale to, or use by, consumers as a finished product. The SNPR defines a “finished product” as a product or substance that is “regulated by the Commission that is imported for consumption or warehousing or is distributed in commerce.” The SNPR definition explains that parts of such products or substances, including replacement parts, that are imported for consumption or warehousing, or are distributed in commerce, and that are packaged, sold, or held for sale to, or use by, consumers, are considered finished products.

Only finished products subject to a rule must be tested and certified. Component part certificates are voluntary and are not required to accompany an imported component part, are not required to be furnished to retailers and distributors (as described in proposed § 1110.13(b)), and are not to be eFiled.

Not all replacement parts are finished products that require testing and certification. A replacement part of a consumer product that meets the definition of a finished product may be subject to part 1110, if the replacement part is subject to a rule. For example, a handlebar stem for a bicycle that is sold to consumers as a replacement part requires a certificate, because handlebar stems, either as a stand-alone product or as part of a finished bicycle, must be tested for strength in accordance with 16 CFR 1512.18(g). Additionally, parts of toys, such as doll accessories, that are sold to consumers as a separate finished product, must comply with all applicable rules, including for example lead in paint and/or lead content. If the same doll accessories were imported for manufacturing purposes and not for consumption or warehousing, and were intended to be combined with a doll for sale, then such accessories would not be a finished product required to be certified until they are part of a finished product.

*Comment 39:* Two commenters (C22, C38) objected to the requirement to certify replacement parts for products with many replaceable items, such as ATVs and walk-behind power mowers, which commenters allege will result in an increase to the overall burden that was not included in the burden estimate for the NPR. Commenter C22 stated that most replacement parts do not have serial numbers and needing to track each part will result in a tremendous logistical challenge. Additionally, the same commenter claimed that the proposed rule will expand the definition of finished products and apply it to replacement parts, which do not have their own safety standard.

*Response 39:* As explained in response to comment 38, product parts that are unregulated by CPSC and not sold to consumers, but are instead intended to be used in manufacturing a consumer product, are not required to be tested and certified. To be subject to testing and certification under section 14 of the CPSA and part 1110, a product must be a finished product, as defined in proposed § 1110.3(b), that is subject to one or more regulations.

*Comment 40:* Two commenters (C49, C52) suggested that certification requirements specifically include “retail component parts.” The commenter defines these as component parts purchased at a retail establishment, which would be primarily purchased by handmade toy makers and small businesses. The commenter suggested that certificates for “retail component parts” be voluntary.

*Response 40:* Component parts of a toy, such as doll clothing or accessories, are finished products when sold to consumers. If such finished products are subject to a regulation, section 14 of the CPSA requires that they be tested and certified. Accordingly, although the SNPR does not contain a separate definition for “retail component parts,” the definition of “finished product” in proposed section § 1110.3(b) would include these products.

*eFiling System and eFiling Pilots*

*I. CBP's IT Infrastructure*

*Comment 41:* Numerous commenters were concerned in 2013 that CBP systems then lacked the ability to accept electronic certificates in any format. For example, numerous commenters were concerned that CBP's system did not have the capacity to upload PDF/electronic files. Commenters advised that CPSC should wait and work with CBP to fully develop the International Trade Data System (ITDS), which would allow the direct submission of certificates via ACE.

*Response 41:* As described in sections II.C and II.D.4 of this preamble, CPSC and CBP have established the technology infrastructure to meet the requirements of eFiling. CPSC and CBP conducted an initial eFiling pilot, the Alpha Pilot, in 2016-17 that used the PGA Message Set to transmit certificate data to CPSC's RAM for risk assessment. CPSC and CBP are currently conducting an eFiling Beta Pilot with importers and their customs brokers, to further test eFiling certificate data.

*Comment 42:* Commenter C71 stated that CPSC should allow companies to use barcodes to upload certificate data.

*Response 42:* CBP's PGA Message Set data structure does not allow for a bar code to upload PGA data. However, the SNPR would allow use of a GTIN (in numeric format), which is typically displayed on consumer products in barcode format, as part of the data element to describe the consumer product in proposed § 1110.11(a)(1).

*Comment 43:* Several commenters (C15, C16, C20, C21, C31, C36, C40, C55, C64) stated that because CPSC does not have the infrastructure to review uploaded PDF certificates from CBP and neither agency is staffed for eFiling, the new reporting requirements will slow the

entry clearance process during peak import seasons, which can result in increased local storage capacity and irregular deliveries.

*Response 43:* As described in section II.D of this preamble, certificate data would be submitted to CBP as data elements and seamlessly incorporated into CPSC's RAM for risk analysis using algorithms. If the RAM algorithm increases the risk score for a shipment based on certificate data, staff can identify the shipment for examination, and will also be able to review the certificate data for each shipment, along with entry documents.

Because CBP is now capable of accepting certificate data elements via ACE, the entry clearance process will not be slowed. In fact, CPSC expects that certifiers who provide consistent and accurate certificate data will see a reduction in their shipments' risk scores, which would lower the chance of a hold for exam. Thus, CPSC expects that eFiling will facilitate compliant trade.

*Comment 44:* Commenters (C12, C14, C20, C28, C44, C47, C64, C72, C76) stated that it is essential that CPSC's electronic certificate filing requirement reflect the complexity of the international supply chain, including different modes of transportation, and can process the large amounts of data it will receive, so as not to delay the delivery of goods. One commenter (C12) claimed that filing 24 hours prior to entry is unrealistic, because many imported products will require multiple certificates. Commenter C28 stated that the NPR's alternative option of allowing, rather than requiring eFiling, would be sufficient for effective targeting and the added benefits of requiring electronic filing of certificates will not outweigh the burden on importers.

*Response 44:* As described in section II.D of this preamble, certifiers will have multiple means of eFiling certificates that address the commenters' concerns, including using a CPSC-managed Product Registry to enter and maintain certificate data. At entry, certifiers can

reference a certificate in the Product Registry whenever the product is imported. Regardless of the mode of shipment, importers can reference a pre-existing data set when submitting a PGA Message Set. Importers can also choose to eFile all data elements each time a product is imported. Companies or brokers also can maintain their own product registries, and eFile the same data set multiple times to improve efficiency. CBP's systems can accept the certificate data, including multiple certificates for each entry line, up to 24 hours before arrival, which is the timeframe specified in section 14(g)(4) of the CPSA. CBP and CPSC have already tested this capability in the eFiling Alpha Pilot and are testing it again now in the eFiling Beta Pilot.

Finally, as stated in section II.D.2 of this preamble, CPSC found an increased risk of a product safety violation for shipments without an accompanying certificate, as well as an increased risk with certain data elements. Thus, voluntary filing of certificates is not an effective way for CPSC to enforce the certificate requirement or to identify violative products. Importers of noncompliant products are less likely to file certificates if eFiling is not required.

*Comment 45:* Several commenters (C15, C18, C20, C66) suggested that CPSC and/or CBP should notify companies regarding which HTS codes and associated shipments require certificates.

*Response 45:* Importers are responsible for knowing whether the products they import are required to be tested and certified before entering the United States. A list of all regulated products covered by the 2013 NPR and this SNPR, for both children's products<sup>15</sup> and non-children's products,<sup>16</sup> is maintained on CPSC's website. For importers using the Product Registry, this information is maintained in the software as well. For importers that want to eFile

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<sup>15</sup> Children's product rules requiring testing and certification: <https://www.cpsc.gov/Business--Manufacturing/Testing-Certification/Lab-Accreditation/Rules-Requiring-Third-Party-Testing>.

<sup>16</sup> Non-Children's product rules requiring testing and certification: <https://www.cpsc.gov/Business--Manufacturing/Testing-Certification/Lab-Accreditation/Rules-Requiring-a-General-Certificate-of-Conformity>.



using a Full PGA Message Set, the list of regulations and associated codes is also stored on CPSC's website.<sup>17</sup>

CBP will inform filers when a certificate may be expected with their entry based on the associated HTS code. For the Beta Pilot, CPSC created a publicly available list of HTS codes, maintained on CPSC's website (available at <https://www.cpsc.gov/eFiling>), which gives HTS codes for regulated consumer products within CPSC's jurisdiction. CBP and CPSC will use these codes to inform importers regarding the potential for having to file a certificate. CPSC has also developed CBP Customs and Trade Automated Interface Requirements (CATAIR) explaining how to file both Reference and Full PGA Message Sets that use HTS Codes associated with products that could fall within CPSC's certificate requirement. This CATAIR is available at [www.cpsc.gov/eFiling](http://www.cpsc.gov/eFiling), and is attached as Tab B to Staff's SNPR Briefing Package.

*J. CPSC's IT Infrastructure*

*Comment 46:* Commenter C18 recommends using the ITDS and leveraging the automated process of receiving entry and entry summary information from CBP to eliminate paper-based processes. Commenter C45 suggests having a "check box" stating that the importer has a certificate on file, as an alternative to filing the certificate.

*Response 46:* CPSC currently uses ITDS as part of the RAM to screen shipments of consumer products intended for import into the United States, including consumer products potentially in violation of health and safety laws. eFiling will continue to use ITDS to receive certificate data. And, as stated in section II.D.4 of this preamble, to streamline data collection the eFiling system will have a Product Registry database maintained by CPSC.

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<sup>17</sup> [https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.cpsc.gov%2Fs3fs-public%2FBetaPilotCitationandExemptionCodesv2Cleared\\_0.xlsx%3FVersionId%3D\\_Cv6CJDAJ0u8UiigH9CNgQy1ax3b4G.b&wdOrigin=BROWSELINK](https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.cpsc.gov%2Fs3fs-public%2FBetaPilotCitationandExemptionCodesv2Cleared_0.xlsx%3FVersionId%3D_Cv6CJDAJ0u8UiigH9CNgQy1ax3b4G.b&wdOrigin=BROWSELINK).

Data collection will be automated and streamlined, but will not rely on a “check box” option to indicate that the importer has the required certificate, because a check box, without associated data, is insufficient for CPSC’s enforcement and targeting needs as described in section II.C of this preamble.

*Comment 47:* Commenters (C19) suggested that CPSC contemplate a web portal, whereby the “Responsible Party” can file the electronic certificate data elements. The Commission could then evaluate the data elements for inspection targeting purposes. Similar comments were filed by several commenters (C7, C67, C71, C72, C78, C82), all of whom recommended the ability to file certificate data for products that could be used more than once, to minimize the burden of repeated data entry.

*Response 47:* CPSC understands that a certificate database can be an efficient way to reduce burden. Accordingly, as described in sections II.D of this preamble, CPSC developed the suggested web portal, called the Product Registry, as part of the eFiling System. As contemplated by commenters, the Product Registry allows certifiers to electronically enter the certificate data elements for each regulated product once, and then submit a reference to this dataset each time the product is imported thereafter.

*K. eFiling Procedures, Pilots, and Stakeholder Engagement*

*Comment 48:* Several commenters (C23, C36, C47, C64, C79, C80, C81) objected to the implementation of the 2013 NPR due to the lack of previous studies and pilots, and because the 2013 NPR allegedly did not identify problems with the current system. Several commenters (C15, C19, C77, C78, C79) suggested that CPSC withdraw the 2013 NPR until after the Commission addresses submitted comments. Commenters (C19, C46, C64, C77, C78) requested that CPSC engage with stakeholders more intensely to address various concerns related to the

RAM, administrative and financial burdens, trade barriers, and streamlining the certificate process.

*Response 48:* Please see the discussion in section II.D of this preamble regarding CPSC's pilots and Certificate Study, stakeholder engagement, and how CPSC will use certificate data to target shipments containing noncompliant consumer products and substances. Section XI of Staff's SNPR Briefing Package further details CPSC staff's outreach and education activities relating to certificates and eFiling.

*Comment 49:* In 2013 a commenter (C79) recommended at least 18 months before implementation of the eFiling requirement.

*Response 49:* Based on developments since the 2013 NPR and experience in the Beta Pilot thus far, the SNPR proposes a 120-day effective date for a final rule and seeks public comment on this proposed effective date.

*Comment 50:* A few commenters (C17, C64, C74, C75, C77) referenced Executive Order 13659, Streamlining the Export/Import Process for America's Businesses, signed by President Obama on February 19, 2014, and CPSC's role in and execution of the "Single Window" for imports and exports. These commenters suggested that CPSC work with either the Border Interagency Executive Council (BIEC) or Customs Operations Advisory Committee (COAC) to craft a rule that accommodates the needs of stakeholders.

*Response 50:* CPSC actively collaborates with CBP regarding the "Single Window" for imports and engages with the BIEC and with COAC. Throughout development of the eFiling program, CPSC has updated the BIEC and COAC at their regular meetings. CPSC also incorporates data from ITDS in its RAM for targeting and enforcement. CPSC also worked with CBP to develop the PGA Message Set, which is the means for certifiers to eFile certificate data.

CPSC continues to work and consult with CBP on import surveillance issues, including the eFiling Alpha and Beta Pilots, and this rulemaking.

*Comment 51:* Several commenters (C15, C39, C41, C64, C74, C81, C82) requested CPSC consider working with the CBP Importer Self-Assessment (ISA) or Customs-Trade Partnership Against Terrorism (CTPAT) programs to carve out eFiling exceptions for importers participating in these programs, who are currently considered “trusted traders.” These commenters proposed a specific exception for trusted traders from certificate filing “at-entry” and instead would have CPSC allow these traders to provide certificates “on-demand,” as they do today. One commenter (C15) suggested that CPSC should not require new data elements besides those already part of the ISA.

*Response 51:* Because the requirements for CTPAT and other “trusted trader” programs do not particularly relate to potential consumer product safety hazards, and CPSC historically has found product safety violations for CTPAT members, the SNPR does not provide an exemption for members of “trusted trader” programs.

*Comment 52:* A commenter (C77) suggested that the CPSC establish a permanent stakeholder advisory group to regularize needed input into product safety issues of mutual importance.

*Response 52:* While CPSC staff agrees there could be benefits from a stakeholder advisory group, the establishment of such a group is out of scope for this rulemaking.

*Comment 53:* One commenter (C74) stated that CPSC should allow multiple products on one certificate.

*Response 53:* The SNPR proposes that certificate data identify the finished product with a sufficient description to allow staff to identify the product in question. To reduce the potential

for disrupting importation of compliant products that appear on the same certificate as a potentially non-compliant product, the SNPR proposes that each certificate contain information for only one product. If a product is materially different, meaning that it has a different product design, manufacturing process (including location), or source of component parts (including paints and materials) from another similar product, then each product should have a separate eFiled certificate. In other words, if a certifier expects that the difference in a product can affect compliance, then each product should have a separate eFiled certificate. For an explanation of what the Commission means by materially different products, see 16 CFR 1107.23.

For example, wearing apparel is typically made of the same material and ships with various styles and sizes of similar products. Accordingly, the SNPR would allow multiple models that were composite tested together, so long as there is no material change, to be included on one certificate. CPSC will consider the multiple models as one product, which should be referenced by one ID in the Product Registry or the Full Message Set. For example, multiple styles, sizes, and colors of the same shirt can be on the same certificate, referenced by one ID, because the differences in styles, sizes, and colors are not considered a material change. Also, if a product is comprised of a bundle of finished products, importers can provide one certificate that covers all products in the bundle or multiple certificates covering each individual product in the bundle.

*Comment 54:* One commenter (C26) expressed concern that units of a product may come from several different manufacturing or testing batches and, therefore, there may be several different certificates associated with the product.

*Response 54:* A product that was manufactured in different test facilities or in several different batches and tested separately would likely require a separate certificate for each batch,

depending on the materials used and timing of testing, because each batch would likely have different testing information. The certifier is responsible for keeping track of manufacturing processes, product batches, and associated testing and certification, as has been the case since 2008, when the existing 1110 rule was published. CPSC's Product Registry is designed to assist certifiers in managing certificates for different products and product batches, where each certificate will be uniquely identified.

*Comment 55:* Three commenters stated that requiring the electronic filing of certificates will not only result in burden for importers, but also increase burden for the government. One commenter (C35) predicted that the processing of millions of PDF certificates would be overly expensive and recommended that any new requirements be integrated into existing supply chain and import practices. A second commenter (C81) stated that processing times will increase and CBP will have to rely upon manual release for a huge number of entries, especially during peak season. A third commenter (C55) questioned whether CPSC and CBP will be able to handle shipments without certificates and how the information will be validated for accuracy.

*Response 55:* CBP has been collecting electronic data for other partner government agencies since 2016. The increase in data collected, in the form of data elements, will not result in increased processing times, because the data will be electronically transmitted to CPSC and initially reviewed by algorithms in the RAM. CPSC has been co-located with CBP at ports across the country since 2008 and already processes shipments lacking accompanying certificates. CBP and CPSC will incorporate data quality checks into the PGA Message Set to validate the accuracy of the certificate data.

*Comment 56:* Several commenters (C15, C20, C36, C74, C81) asked for clarity about what will happen if a certificate contains an error or is not provided at all. One commenter (C36)

asked whether a violation occurs if the importer characterizes a CPC as a GCC or vice versa. Another commenter (C15) asked CPSC to articulate the impact to importers if a certificate is not submitted upon entry.

*Response 56:* Currently, before issuing a violation, CPSC staff considers whether any inaccurate information on the certificate was deliberate, or inadvertently erroneous. For example, a firm's mischaracterization of its certificate as a CPC rather than a GCC, or vice versa, is unlikely to result in a violation in the first instance if the underlying testing that supports the certificate is correctly conducted and accurate. Enforcement for noncompliant certificates includes a range of options, such as increasing an importer's risk score, which increases the risk of a hold for examination, and rejecting an entry that lacks certificate data, contains incomplete or inaccurate information, or lacks a disclaimer message if no certificate is required for a flagged HTS code.

*Comment 57:* Commenter (C17) suggested that the rule clearly state that products admitted into and/or produced in a foreign trade zone (FTZ) are not subject to CPSC requirements, including those for certification. The commenter noted that CPSC requirements should only apply to goods entered into the United States from the FTZ for consumption via a CBP Form 7501, instead of the CBP Form 3461, because Form 7501 includes details about the products making entry, whereas Form 3461 gives only estimates of the quantity and type of products. Other commenters (C21, C67, C74) also sought clarification on when a certificate must be filed for products leaving an FTZ.

*Response 57:* The SNPR would apply to all finished goods entering the United States for consumption or warehousing, even if being imported from an FTZ, as specified in proposed §§ 1110.5 and 1110.13(a)(1). The CPSA does not exempt consumer products from testing and

certification requirements based on the mode of importation. For products entering the United States from an FTZ, certificate data should be filed with CBP Form 7501, which details the products making entry.

*Comment 58:* Three commenters (C15, C17, C43) sought clarification on how the NPR will impact the first-in-first-out (FIFO) inventory management system employed in FTZs. One commenter (C15) added that for products that are multi-sourced by different manufacturers under a FIFO system, tying certificates to the physical product would be cumbersome and costly.

*Response 58:* The SNPR requires certifiers to match the correct certificate data to the correct product at the time of entry, so that the data can be used for targeting in CPSC's RAM. Furthermore, the SNPR proposes an effective date 120 days after publication of a final rule in the Federal Register. Therefore, FTZ users would have time to update their software after a final rule is issued. Alternatively, a certifier importing products from an FTZ could provide multiple certificates at entry that may apply to the product being imported, so that the certifier avoids the risk of having no certificate or providing an incorrect certificate.

### ***Particular Consumer Products***

#### ***L. Walk-Behind Power Mowers***

*Comment 59:* Two commenters (C38, C78) claimed that the NPR contradicts the certification requirements for walk-behind power lawn mowers in 16 CFR part 1205. Commenters note that § 1205.35(a) states that the certificate shall be in the form of a durable label on the finished product and that § 1205.36(a) states that an importer can rely in good faith



on the foreign manufacturer's testing. Commenters requested that the current certificate requirements in 16 CFR part 1205 be retained, rather than the filing requirements of the NPR.

*Response 59:* As explained in response to comment 28, after the Commission issued 16 CFR part 1205 in 1979, Congress revised section 14(a)(1) of the CPSA, adding requirements for certification for all regulated consumer products. The on-product label certificate required in § 1205.35 remains, and is helpful for consumers to identify the product, certifier, and the production lot of the mower, in the case of a recall. However, the on-product certificate does not meet the statutory requirements for the form, content, and availability of certificates in sections 14(a) and (g) of the CPSA, or the Commission's rule in part 1110. For example, § 1205.35(b) does not contain all data elements required in CPSA section 14(g)(1) and proposed § 1110.11. Accordingly, the SNPR maintains the requirement that mowers subject to part 1205 must also meet the certificate requirements in part 1110, including eFiling. Importers can continue to rely on a foreign manufacturer's testing and/or certification to certify imported products pursuant to 16 CFR part 1109. Moreover, the Product Registry is designed to allow certifiers to give permissions to other trade partners to enter data or certify products on their behalf.

*M. Textiles and Wearing Apparel*

*Comment 60:* One commenter (C55), a clothing retailer, stated that creating certificates "guaranteeing" conformity with the Flammable Fabrics Act may not reflect true compliance, because vendors can alter test reports and certificates. Another commenter (C56) noted that third party testing and product certification are not required in the European Union for textile and clothing products. The commenter also adds that adult clothing manufactured in the United States is not subject to mandatory third party testing.

*Response 60:* Altering or falsifying a test report or certificate is a prohibited act under section 19(a)(6) of the CPSA, and likely a criminal act, as set forth in 18 U.S.C. 1001. Where the facts warrant, the Commission may refer criminal acts to the Department of Justice for prosecution.

Section 14(a)(1) of the CPSA requires certification for any product which is subject to a consumer product safety rule under any regulation enforced by the Commission. Therefore, clothing textiles require certification to the applicable rules, irrespective of textile requirements in the European Union.<sup>18</sup>

*Comment 61:* Commenter (C56) requested that fabric tests based on the International Organization for Standards (ISO) standards and testing to EN597-1 (Furniture - Evaluation of Flammability of Mattresses and Upholstered Bed Bases) be considered suitable for the certification of mattresses subject to CPSC's flammability requirements. The commenter suggested exempting silk from testing to 16 CFR part 1610, Standard for the Flammability of Clothing Textiles.

*Response 61:* Testing required to support a valid certificate under part 1110 is prescribed under the specific CPSC regulation to which the product is subject. What constitutes valid testing to support a required certificate, or qualifies as an exemption from the requirements of a regulation, is outside the scope of this rulemaking.

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<sup>18</sup> Note that in 2016, the Commission issued enforcement discretion stating that no certificate is required for adult wearing apparel that falls within one of the testing exemptions in § 1610.1(d). <https://www.federalregister.gov/documents/2016/03/10/2016-04533/statement-of-policy-on-enforcement-discretion-regarding-general-conformity-certificates-for-adult>. Children's wearing apparel that falls within § 1610.1(d) must still issue a certificate and claim the testing exemption.

*N. Architectural Glazing Materials*

*Comment 62:* Two commenters (C25, C30) argued that the NPR should only apply to glazing materials and not to architectural products containing glazing materials. Commenters stated that manufacturers of the architectural products are already responsible for meeting the testing and certification requirements under 16 CFR part 1201. Additionally, these commenters asserted, the NPR would effectively amend 16 CFR 1201.5 without complying with the process requirements of the Administrative Procedure Act (APA).

*Response 62:* As noted, in 2008 Congress expanded the testing and certification requirements for regulated products in section 14 of the CPSA. The SNPR does not disrupt existing testing or certification requirements regarding who must test or certify products in 16 CFR part 1201. Section 1201.5(a) states that manufacturers and private labelers of glazing materials covered by part 1201 shall comply with the requirements of section 14 of CPSA and regulations issued under it. Like the existing part 1110, proposed § 1110.7(a) states that “[e]xcept as otherwise provided in a specific rule, ban, standard, or regulation enforced by CPSC, for a finished product manufactured outside of the United States that must be accompanied by a certificate as set forth in § 1110.5, the importer must issue a certificate that meets the requirements of this part.” Proposed § 1110.7(b) contains a similar statement regarding domestically manufactured products. Thus, to the extent that finished products subject to part 1201 are imported for consumption or warehousing, or distributed in commerce, they should continue to follow the requirement in § 1205.5(a) regarding who should issue a certificate.

*O. Bicycles*

*Comment 63:* Two commenters (C40, C80) claimed that the bicycle industry does not have the resources to meet the certificate requirements and that there is no evidence that the additional burden would improve safety. Specifically, the commenters claimed the bicycle supply chain is not able to easily match bicycle components and accessories with particular certificates. In addition, one commenter (C40) suggested that certificates should not be required for bicycle replacement parts.

*Response 63:* Section 14(a)(1) of the CPSA requires certification for any product which is subject to a consumer product safety rule under any regulation enforced by the Commission. Certification is only required for component or replacement parts if they are sold as finished products to consumers and if they are subject to a regulation. If the component part itself is not required to be tested for compliance with any part of a regulation, as distributed in commerce, then no testing or certification is required.

*P. Refrigerators*

*Comment 64:* One commenter (C32) stated that the NPR would impose substantial administrative costs on household refrigeration manufacturers, yet few distributors or retailers request copies of certificates of conformity. The commenter also requested that 16 CFR part 1750 be included in a “cleanup list” for future legislative reform, because most modern refrigerators do not use latching mechanisms to hold the door closed.

*Response 64:* eFiling for refrigerators is justified by the considerations discussed in section II of this preamble. The request for refrigerators to be on a “cleanup list” for future legislative reform is outside the scope of this rule. However, in 2019, the Commission issued a statement of policy announcing that for household refrigerators that bear a safety certification mark indicating compliance with the Underwriters Laboratory Standard 60335-2-24, Household

and Similar Electrical Appliances—Safety—Part 2-24: Particular Requirements for Refrigerating Appliances, Ice-Cream Appliances and Ice-Makers, CPSC will not enforce the requirement that every manufacturer issue and provide a GCC. 84 FR 37767 (Aug. 2, 2019). CPSC’s CATAIR, Tab B of Staff’s SNPR Briefing Package, explains how importers of refrigerators can file a “disclaim” with CBP to avoid an error for not filing a certificate PGA Message Set.

*Q. Fireworks*

*Comment 65:* Two commenters (C31, C61) stated the requirements set in the 2013 NPR are “virtually impossible” for fireworks, because these products are not serialized or lot-controlled.

*Response 65:* Certain fireworks are subject to CPSC regulation and must be certified under existing law, and those certificates must be based on a test of each product or upon a reasonable testing program. Certificate requirements are found in section 14 of the CPSA and part 1110, and have been in effect since 2008. We seek additional comment on how regulated fireworks meet this requirement now and how they can meet the eFiling requirement in the SNPR.

***Analysis of Cost and Burden***

*R. Costs, Burden, the RFA and PRA*

*Comment 66:* Several commenters (C14, C20, C32, C36, C40, C47, C55, C75) stated that the Paperwork Reduction Act (PRA) and Initial Regulatory Flexibility Analysis (IRFA) did not accurately estimate the impact of the NPR on businesses, especially for large importers and specific industries, and did not reflect publicly available business information. One commenter (C49) suggested that the rule’s requirements would be costly or otherwise detrimental to small

businesses and the associated annual burden would be \$27,500 per firm rather than the estimated \$275.

Two commenters (C39, C51) suggested that CPSC is not correctly estimating the recordkeeping burden by failing to take into account a realistic number of entries, IT costs for importers, and costs to private labelers to implement new testing and certification processes. One commenter (C41) stated that the proposed five-year paperwork retention period is longer than the three-year requirement in some current rules and is not supported by data. The commenter claimed that the burden calculated for the GCC for the apparel industry does not consider retention of GCCs and supporting test reports.

*Response 66:* Tabs C and D of Staff's SNPR Briefing Package, and sections VI and VII of this preamble, contain revised RFA and PRA analyses for the revised part 1110 and the eFiling requirement. These analyses can be more specific now that the IT solutions are developed and have been tested. As explained in the updated analysis, the burden of the SNPR consists of a marginal increase in recordkeeping for some non-children's products from three to five years and an additional eFiling requirement for importers of regulated consumer products. The SNPR requires importers to eFile certificates each time a regulated product is imported, but this burden is small.

CPSC conducted an eFiling Alpha Pilot in 2016 with importers and brokers and determined the costs of eFiling were minimal. CPSC created a Product Registry, described in section II.D.4 of this preamble, which allows for one-time data entry for certificates that importers can reference each time the product is imported, without reentering data. The Product Registry also provides an IT solution for the storage and management of certificate data. No technological system is required other than a basic computer or laptop and an internet

connection, which are normal business capital expenditures. No technical skills are required other than the ability to navigate the Product Registry website and fill out a series of web forms. Larger firms may invest in technology or processes to automate this process such as APIs or bulk data uploads to further reduce time burden. The PRA analysis in section VII of this preamble and Tab D of Staff's SNPR Briefing Package, estimates the burden of eFiling, including the time and cost burden for firms that may elect to automate data upload into the Product Registry. As explained in Tab C of Staff's SNPR Briefing Package, CPSC does not expect that the proposed rule would significantly impact small manufacturers and importers. Over time, moreover, the new eFiling requirement should reduce burden for importers who eFile compliant certificate data. Staff anticipates that additional certificate data will allow for better targeting of shipments with potentially hazardous products. Importers who file compliant certificate data may see a reduction in their risk scores, which may result in a reduced number of shipments placed on hold and examined and shorter wait times associated with exams.

*Comment 67:* A few commenters (C39, C42, C46, C79) expressed concern that brokers and importers would have technical challenges implementing the rule, leading to costs for infrastructure upgrades and programming/software development. Commenters asserted that linking their IT systems with the brokers' IT systems would cost between \$30,000 and \$500,000. In addition, commenters stated that increasing the number of data fields will incrementally increase the cost for the certifier and thus consumers. The commenters also expressed concern that importers and their supply chain partners will incur costs in creating new electronic certificates.

*Response 67:* The commenters' concerns have been addressed by use of the existing PGA Message Set structure and the creation of the Product Registry, which can be used to create,

store, and transmit certificates. The only interface requiring more than basic technical knowledge is the API interface, which CPSC is not mandating be used. However, firms that do choose to use this function would experience efficiency gains and time savings.

*Comment 68:* Several commenters (C33, C43, C61, C80) expressed concern over the asserted complexity of filing certificates for multiple products within a shipment and the resulting burden, delays, duplication, and supply chain disruptions. Commenter (C21) stated that CPSC is underestimating the numbers of shipments per importer and the number of certificates required per shipment.

*Response 68:* As described in section II.D of this preamble, to reduce cost and burden, CPSC developed the Product Registry, which allows importers to enter certificates prior to filing entry. Importers can reference a certificate stored in the Product Registry in a short PGA Message Set at Entry each time the product is imported. CPSC tested this concept in 2016 in the eFiling Alpha Pilot. During the eFiling Alpha Pilot, multiple certificates were successfully filed for a single entry. CPSC learned that importers that used the Product Registry were able to re-use certificates multiple times, alleviating potential burden from re-entering certificate information. The Commission's burden estimate reflects this efficiency.

*Comment 69:* One commenter (C49) claimed that CPSC and Congress use different definitions for small entities.

*Response 69:* CPSC applies the definitions for small businesses as prescribed in the Small Business Regulatory Enforcement Fairness Act. Additionally, CPSC uses the definition for Small Business Manufacturer as found under section 14(i)(4) of the CPSA.



*Comments Regarding Justifications for the Proposed Requirements*

*S. Alleged Rulemaking Defects*

*Comment 70:* Many commenters (C14, C23, C35, C36, C39, C40, C46, C61, C64, C71, C76) alleged that the NPR's proposal was burdensome and unnecessary and that the Commission failed to identify sufficient evidence that the eFiling proposal would enhance targeting of violative products or improve safety.

*Response 70:* CPSC explained in the 2013 NPR that the CPSA allows CPSC to require eFiling with CBP by rule, and that CPSC would use certificate data to target noncompliant, imported consumer products. *See, e.g.,* 78 FR 28088-89. The preamble to this SNPR provides additional detail of the efforts in outreach, education, pilots, study, and infrastructure investment that have occurred over the last ten years to refine how importers will file certificate data, provide burden reduction options for importers, and demonstrate how CPSC will use the data to target noncompliant shipments. CPSC has also updated the burden estimate for this rule, demonstrating that eFiling for importers that are compliant with existing certificate requirements will not have a significant economic impact on industry. Finally, the efficiencies gained by using technology will not only improve enforcement of individual certificate violations, but also aid in the identification of noncompliant, hazardous shipments. eFiling will allow CPSC to use its staff assigned to ports more efficiently to focus on examinations of noncompliant shipments.

*Comment 71:* A commenter (C71) stated that by establishing two types of certificates (the GCC and CPC), the NPR goes beyond the authorization of the CPSA.

*Response 71:* CPSC is implementing the testing requirements in section 14 of the CPSA, which creates this distinction. CPCs for children's products must be supported by third party testing, whereas GCCs for non-children's products must be based on a test of each product or a

reasonable testing program; third party testing is not required for GCCs. Other than the type of testing required to support the certificate, all data elements on GCCs and CPCs are the same.

*Comment 72:* Several commenters (C21, C71, C50, C61) stated that the proposed requirement to file certificates with CBP diverges from the intent of Congress as expressed in CPSA section 14(g)(4) and poses a substantial burden to importers.

*Response 72:* Section 14(g) sets forth minimum content requirements that CPSC may implement and expand through rulemaking, and section 14(g)(4) expressly allows CPSC to require eFiling with CBP by rule. The Certificate Study demonstrated that certifiers fulfill certificate data requirements in a variety of ways; but to use certificate data for algorithmic targeting, CPSC must standardize the presentation of this information. Thus, CPSC is clarifying expectations for standardized certificate data, which is consistent with CPSC's authority in sections 3 and 14 of the CPSA, and with notice and comment rulemaking under section 553 of the APA.

Since 2013, moreover, CPSC has developed the Product Registry with substantial input from importers that is on-going in the Beta Pilot, to ease burdens on industry and assist in standardization of the format and content of certificate data for imported products.

Additionally, since 2013 CBP completed ACE development as the "single window" for federal agencies to collect required data at entry. CBP has now implemented the PGA Message Set, which is attached to an entry; CPSC will use this now well-developed method to receive certificate data, as contemplated by the statutory framework for imported products.

*Comment 73:* Many commenters objected to requiring certificates for products that are either subject to a ban or have a testing exemption, stating that CPSC does not have the authority to require certificates for products that do not require testing. One commenter (C23) stated that

“negative” certificates would be especially complicated when children’s products have many component parts subject to different rules, alleging that the CPSA does not authorize the CPSC to issue a rule requiring a finished product certifier to list each component in a children’s product and require separate product safety rule certification of each component part. Commenter C22 suggested that the proposal would require certifiers to list every rule that a product is not subject to, or risk enforcement. Two commenters (C41, C47) noted previous CPSC guidance (Statement of Policy: Testing and Certification of Lead Content in Children’s Products, and Statement of Policy: Testing of Component Parts With Respect To Section 108 of the Consumer Product Safety Improvement Act) and an FAQ stating: “If, however, your children’s product is wholly composed of components that satisfy the determinations and/or satisfy the determinations on inaccessibility, and there are no other applicable children’s product safety rules, then you do not have to issue a children’s product certificate.”

*Response 73:* Section 14 of the CPSA requires that certificates list all applicable rules, bans, standards, and regulations. Accordingly, all finished product certificates, including children’s products, must list all applicable rules, bans, standards, and regulations. 15 U.S.C. 2063(a)(1)(B). The certificate is attesting that the product was tested to these rules and passed. Where multiple rules apply, as may be the case with children’s products, for example, the certificate should list all applicable rules; the testing information where testing was required and successfully conducted under the listed rules; and any exceptions or exemptions that apply under the listed rules.

CPSC recognizes several types of testing and/or certificate “exceptions” or “exemptions.” To address the issues raised by the commenters, proposed § 1110.11(c) is now prefaced with “[u]nless otherwise provided by the Commission,” the certifier should replace the lab place and

date with the testing exclusion code. This phrase is intended to encompass any existing or future Commission enforcement discretion or other policy statements that provide testing or certification guidance. Therefore, as stated in the quoted FAQ, the Commission will not require certificates for products that are subject to Commission enforcement discretion or are otherwise wholly exempt or excluded from testing.

Importers will use CBP's "disclaim" feature for non-regulated products within CPSC's jurisdiction and for products that are regulated but do not require certification. CPSC's CATAIR explains how to file a "disclaim" in a PGA Message Set for products such as adult wearing apparel and refrigerators that are not required to issue a certificate based on the Commission's enforcement discretion. Using CBP's "disclaim" option reduces burden for importers by not requiring a certificate and allows CPSC to capture data on why an importer did not file the expected certificate data.

Tab B of Staff's SNPR Briefing Package, and the Commission's website (<https://www.cpsc.gov/eFiling>) provide CPSC's CATAIR detailing how these exemptions and exceptions are addressed by the eFiling requirement, as well as a list of all exemption/exception codes being tested during the Beta Pilot. The Product Registry will also assist importers to understand the available testing exemption/exception codes using drop down menus. CPSC encourages certifiers to review this information and submit comments on the proposed implementation of this requirement. Domestic manufacturers can also use this information to understand certificate requirements and how testing exemptions or exclusions should be noted on a certificate.

Finally, the 2013 NPR discussed the issues involved in certifying to a ban, discussing that some bans do not remove an entire product category from the market, rather, they ban certain

hazardous product characteristics. 78 FR 28080. The Commission's website contains a list of product safety rules, bans, standards, and regulations that require certification in a GCC.<sup>19</sup>

*Comment 74:* A commenter (C74) stated that certificates should be required at manifest and provide only those elements included in the importer security filing requirements.

*Response 74:* Manifest occurs at an earlier import stage than entry. CBP has now finalized using the PGA Message Set to collect data required by PGAs. The PGA Message Set is tied to filing CBP's entry. Accordingly, CPSC will use this existing infrastructure to establish an eFiling requirement for certificates.

*Comment 75:* Commenter C7 suggested requiring a full certificate at customs entry would create differential treatment between imports and domestically produced goods. Another commenter (C56) pointed out Article 5.1.2. of the World Trade Organization's Technical Barriers to Trade (TBT) Agreement, stating that conformity assessment procedures should not be adopted or applied with the effect of creating unnecessary obstacles to international trade, and should not be applied more strictly than necessary to importers.

*Response 75:* The SNPR does not impose different testing or data element requirements on certificates for imported products. Unless otherwise provided by the Commission, all finished products or substances regulated by CPSC are required to be tested and certified as compliant, regardless of whether products are manufactured within the United States or imported. Regarding the eFiling process, CPSC's economic analysis demonstrates that for compliant importers, the PGA Message Set requirement will not have a significant impact on small (or large) importers, and thus the requirement should not create an obstacle to trade.

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<sup>19</sup> <https://www.cpsc.gov/Business--Manufacturing/Testing-Certification/Lab-Accreditation/Rules-Requiring-a-General-Certificate-of-Conformity>.

*Comment 76:* The EU requested that the CPSC supply additional information on the rationale for imposing third party testing requirements for the flammability of children's clothing and apparel.

*Response 76:* The SNPR does not require third party testing of the children's clothing and apparel standards set forth in 16 CFR part 1610. Rather, 15 U.S.C. 2063(a)(2) and 16 CFR part 1107 require third party testing to all children's product rules. Part 1107 has been in effect for more than 10 years.

#### **IV. Description and Explanation of Proposed Revisions to Part 1110**

Below we explain the basis for the SNPR to amend the current 1110 rule and describe the provisions of the current rule, proposed revisions in the 2013 NPR, and how the 2023 SNPR either retains or changes the 2013 proposals. Because of the number of changes, the Commission proposes to strike and replace the existing 1110 rule in its entirety, as described below.

##### *A. Purpose and Scope (§1110.1)*

Current rule: Existing § 1110.1 describes the purpose and scope of the rule, explaining that the rule limits the entities required to issue certificates; specifies the content, form, and availability of certificates; and specifies the form of electronic certificates. 16 CFR 1110.1(a). Existing § 1110.1(b) explains that the rule does not implement eFiling certificates with CBP under section 14(g)(4) of the CPSA.

2013 NPR: The 2013 NPR proposed to increase the number of entities responsible for issuing certificates, stating that the purpose was to "specify" the entities that must issue certificates. Proposed § 1110.1(b) explained that the rule would implement section 14(g)(4) and require certificates for imported products to be eFiled with CBP. 78 FR 28081. The proposed

changes also would clarify which provisions in part 1110 apply to voluntary component part certificates.

2023 SNPR: The SNPR maintains the scope proposed in 2013, with non-substantive editorial changes.

*B. Definitions (§1110.3)*

Current rule: This section of part 1110 defines “electronic certificate” as “a set of information available in, and accessible by, electronic means that sets forth the information required by CPSA section 14(a) and section 14(g) and that meets the availability requirements of CPSA section 14(g)(3)” and states that definitions of section 3 of the CPSA and additional definitions in the CPSIA apply to part 1110.

2013 NPR: The 2013 NPR added 13 new definitions to introduce concepts and terms used in the 1107 and 1109 rules and to clarify the requirements of part 1110. 78 FR 28081-82.

2023 SNPR: The SNPR maintains the additional terms proposed in the 2013 NPR, adds several more terms, and revises several definitions. Newly defined terms include: “eFiled certificate,” to differentiate an electronic certificate from a certificate that is submitted to CBP in a PGA Message Set, and “Product Registry,” to describe the CPSC-maintained repository for certificate data. The SNPR revises several definitions to better describe the types of merchandise under CPSC’s jurisdiction, which includes not only consumer products, but also hazardous substances. The SNPR replaces the term “General Conformity Certificate” with “General Certificate of Conformity,” because the latter is the statutory term.

The SNPR broadens the definition of “importer” to include any entity CBP allows to be an importer of record (19 U.S.C. 1484(a)(2)(B)). Proposed § 1110.3 also defines additional terms to develop the revised definition of “importer” in the SNPR, such as “importer of record,”

“consignee,” and “owner or purchaser.” These definitions are based on CBP’s definitions, found in 19 CFR 101.1 and Customs Directive 3530-002A, with slight changes to reflect CPSC’s purposes.

The 2013 NPR proposed to codify the existing policy of placing the obligation to test and certify consumer products and substances on the IOR. In response to comments on the NPR and staff’s experience with enforcement, the SNPR broadens the definition of “importer” beyond the IOR to allow a party familiar with the products with a beneficial ownership in the goods to be the importer responsible for testing and certification. The revised definition of “importer” includes the IOR, consignee, owner, or purchaser, which are typically all parties that have a financial interest in the products or substances being imported, and effectively caused the consumer product to be imported into the United States. The private labeler, which could certify a privately labeled product, is also included under this proposed definition, because a private labeler can be the consignee, owner, or purchaser.

*C. Products Required to be Certified (§ 1110.5)*

Current rule: The current § 1110.5 states what is an acceptable form for certificates. In the existing rule, the Commission sought to allow “electronic certificates” to ease the burden of placing paper copies of certificates in a shipping container or box. Accordingly, the existing rule explains that a certificate that is in hard copy or electronic form and complies with all applicable requirements of part 1110 meets the certificate requirements of section 14 of the CPSA. The existing rule states that the importer or domestic manufacturer must also meet the underlying



statutory requirements to support a certificate, meaning the required testing and/or other bases to support certification and issuance of certificates.

2013 NPR: The 2013 NPR proposed to revise § 1110.5 to state when a certificate is required, clarifying that only finished products subject to a consumer product safety rule under the CPSA, or similar rule, ban, standard, or regulation under any other law enforced by the Commission, that are imported for consumption or warehousing, or are distributed in commerce, need to be accompanied by a certificate. This is a restatement of the statutory requirement. Use of the term “finished product” in the 2013 NPR clarified that component parts of a consumer product are not required to be certified; the 1109 rule allows for voluntary component part testing and/or certification, but testing or certification of component parts not intended to be offered for sale as finished products is never required. 78 FR 28082-83.

The 2013 NPR also explained when banned products are required to be certified, stating that bans “generally remove the subset of products with hazardous characteristics, but still leave some products subject to CPSC regulation. In sum, manufacturers of products in a category where a subset of the products are subject to a ban must still issue certificates.” 78 FR 28082. The 2013 NPR provided a list of bans for which a GCC certifying compliance is required. 78 FR 28083. This list is also maintained on CPSC’s website at <https://www.cpsc.gov/Business--Manufacturing/Testing-Certification/Lab-Accreditation/Rules-Requiring-a-General-Certificate-of-Conformity>.

2023 SNPR: The SNPR retains proposals in the 2013 NPR clarifying that a certificate is required only when: (1) the product is a finished product; (2) the product is subject to a consumer product safety rule under the CPSA, or similar rule, ban, standard, or regulation under any other

law enforced by the Commission; and (3) the product is imported for consumption or warehousing, or is distributed into commerce.

*D. Who Must Certify Finished Products (§ 1110.7)*

Current Rule: Section 1110.7 of the existing rule states that, except as otherwise provided in a specific standard, for products manufactured outside the United States the importer is required to certify the product and provide a certificate, as required by section 14(a) of the CPSA. Certificates must be available to the Commission as soon as the product is available for inspection in the United States. For products manufactured in the United States, the manufacturer must certify products and provide the required certificate. Certificates must be available prior to the introduction of the product or shipment into domestic commerce.

2013 NPR: Section 1110.7 of the 2013 NPR continued to require that, unless a specific rule states otherwise, importers certify imported products, except for products that are delivered directly to consumers in the United States, such as products purchased through an Internet website. For products delivered directly to a consumer, the Commission proposed that the foreign manufacturer be required to issue a certificate, unless the product bears a private label, and then the private labeler would be required to issue a certificate. Thus, the 2013 NPR would have placed on a private labeler the responsibility for ensuring testing and certification of privately labeled products, either by testing and certifying the product, or by ensuring that the manufacturer has done so. The proposed revision clarified that the consumer would not typically be responsible for certifying a product, even if the consumer could technically meet the definition of an “importer” under a direct-purchase scenario. 78 FR 28083-84.

For finished products manufactured in the United States that are required to be certified, the 2013 NPR maintained the requirement that, unless a specific rule requires otherwise, a

manufacturer must issue the certificate. But, as with imported products, the 2013 NPR placed testing and certification responsibility for domestically manufactured, privately labeled products on the private labeler. The 2013 NPR allowed private labelers to continue to rely on a manufacturer's certification if they choose to do so and follow the requirements in part 1109. *Id.*

2023 SNPR: For imported consumer products that require testing and certification, the SNPR retains requirements from the existing rule, rather than the changes proposed in the 2013 NPR. The SNPR requires that, unless a specific rule states otherwise, only importers, as newly defined, must issue a certificate for imported products. However, a private labeler could assume responsibility for certifying an imported product under the SNPR, because a private labeler would fall within the definition of a consignee, owner, or purchaser of the goods under the new importer definition proposed in § 1110.3.

For domestically manufactured finished products, the SNPR maintains the 2013 NPR proposal that, unless otherwise required in a specific rule, the manufacturer must issue the certificate, except for consumer products or substances that are privately labeled. When a product is privately labeled, a manufacturer name does not appear on the product. Accordingly, for such products, placing responsibility on the private labeler is both pragmatic and appropriate. However, the SNPR proposes to allow private labelers to continue to rely on a manufacturer's testing or certification if they choose to do so. Importantly, if a manufacturer's name appears on a product, the product is not privately labeled under the definition in section 3 of the CPSA, 15 U.S.C. 2052(a)(12), and the manufacturer would be required to test and certify the product.

The SNPR moves the requirement regarding the availability of certificates for imports and domestic products, found in § 1110.7(c) of the existing rule, to proposed § 1110.13.

*E. Certificate Language and Format (§ 1110.9)*

Current Rule: Section 1110.9 of the existing rule provides that certificates may be in hard copy or electronic form and must be provided in English but also may be provided in any other language.

2013 NPR: The 2013 NPR maintained the two requirements in the existing rule with minor edits. The 2013 NPR continued to allow a broad range of formats for electronic certificates, as long as the certificate is identified by a unique ID and can be accessed online via a URL or other electronic means. The 2013 NPR proposed that the unique ID be “identified prominently on the finished product, shipping carton, or invoice.” The 2013 NPR discussed that experience with electronic certificates had shown that they can be effective when they are easily accessible. 78 FR 28084-85.

The 2013 NPR proposed that electronic certificates be available without password protection, stating that the number of manufacturers, private labelers, and importers that certify products could make the maintenance of password information burdensome on CPSC and diminish the efficiencies achieved by allowing electronic certificates. 78 FR 28085. The 2013 NPR also clarified that electronic certificates, the URL or other electronic means, and the unique ID must be accessible to the Commission, CBP, distributors, and retailers “on or before the date the finished product is distributed in commerce.” *Id.*

Finally, the requirements for electronic certificates in the 2013 NPR only applied to: products manufactured in the United States; foreign-manufactured products that are delivered directly to a consumer in the United States; certificates furnished to retailers and distributors; and imported finished products after importation, such as when requested by CPSC or CBP. 78 FR 28084. The 2013 NPR specifically excluded certificates filed with CBP from the electronic

certificate requirements in this section, because certificates eFiled with CBP would likely require different formatting based on CBP's system of records. *Id.*

2023 SNPR: The SNPR retains most of the language proposed in the 2013 NPR with several changes for clarity. Proposed § 1110.9 (a) states that an eFiled certificate must be in English. Certificate data eFiled in an IT system built by CBP, or uploaded into CPSC's Product Registry, must be in English based on system design. Proposed § 1110.9 (a) provides that a hard copy or electronic certificate must be in English, but may also contain the same content in any other language.

Proposed § 1110.9(b) clarifies the formats for eFiled and for hard copy and electronic certificates. The SNPR proposes that an eFiled certificate must meet the requirements in proposed § 1110.13(a), and that certificates furnished to retailers, distributors, or to CPSC pursuant to § 1110.13(b) and (c) may be provided in hard copy or electronically.

Proposed § 1110.9(c) describes the format for the electronic certificates described in § 1110.13(b) and (c), which are used to furnish a certificate to retailers or distributors, or to CBP or CPSC upon request. Based on the agencies' IT development and comments received, the SNPR removes the provision that an electronic certificate must not be password protected. eFiled certificates will be filed into a government IT system with appropriate protections. However, if an importer provides a password protected electronic certificate to CPSC or CBP, the password must be provided to the relevant agency at the same time.

*F. Certificate Content (§ 1110.11)*

Current Rule: This section of the existing rule identifies the statutorily required seven data elements that must be present on all certificates: (1) information identifying the product covered by the certificate; (2) a list of all applicable rules for which the product is being

certified; (3) the name, full mailing address, and telephone number of the importer or domestic manufacturer certifying the product; (4) the name, e-mail address, full mailing address, and telephone number of the individual maintaining records of test results; (5) the date (minimally, the month and year) and place (including city and state, country, or administrative region) of manufacture; (6) the date and place (including city and state, country, or administrative region) where the product was tested; and (7) the name, full mailing address, and telephone number of the laboratory that conducted any required third party testing.

2013 NPR: The 2013 NPR proposed to clarify and expand upon the existing seven data elements and to add three new data elements that would assist in identifying the products covered by the certificate. 78 FR 28085-88. It clarified that additional identifying information for products may be included on a certificate, such as UPCs and GTINs. 78 FR 28085. The NPR allowed more than one product on a certificate, provided they were created at the same factory and relied upon the same testing. *Id.* The 2013 NPR also proposed to modify certificate content requirements to allow for certificates to cover finished products or component parts. Accordingly, the NPR proposed to require finished product certificates to list all applicable rules, while component part certificates would list only those rules for which the component part is being certified (because certifiers of component parts can choose which standards to test and certify to, and they may not know all of the standards that eventually may apply to the component part when it is integrated with a finished product). 78 FR 28086.

The three proposed new content requirements for certificates were date of initial certification, scope of the certificate, and attestation certifying compliance. The existing rule requires the date of initial certification, but it only applies to electronic certificates. Proposed § 1110.11(a)(2) of the NPR sought to ensure that all certifiers are using the same date on

certificates. 78 FR 28086. Proposed § 1110.11(a)(3) sought to require the scope of the finished product or component part for which the certificate applies, so that CPSC can better match a certificate to a product. 78 FR 28086. Finally, to educate certifiers of their legal obligations, proposed § 1110.11(a)(10) required an attestation certifying compliance indicating that the information provided by the certifier is true and accurate. 78 FR 28087.

The 2013 NPR also proposed in § 1110.11(b), (c), and (d), to describe more fully the requirements for certificate formats. 78 FR 28088. Proposed § 1110.11(b) would allow, but not require, the certifier to include a URL or other electronic means on the certificate, along with identification of the custodian of records, to allow for electronic access to supporting records such as test records. Proposed § 1110.11(c) described what certifiers must do when a product is subject to more than one consumer product safety rule, and the certifier is claiming a testing exception for some, but not all, of the applicable rules. Proposed § 1110.11(d) clarified that although each applicable rule must be listed on a certificate, finished product certifiers are not required to conduct duplicative third party testing for any rule that refers to or incorporates fully another applicable consumer product safety rule or similar rule, ban, standard, or regulation under any other law enforced by the Commission. 78 FR 28088.

2023 SNPR: The SNPR requires the seven statutory data elements in the existing rule, and includes only one of the three additional requirements proposed in the 2013 NPR—attestation. However, the SNPR provides additional detail on the required data elements. Below we describe each data element proposed in § 1110.11(a) of the SNPR.

*Product Identification (§ 1110.11(a)(1))*: The SNPR proposes to require identification of the finished product covered by the certificate, including at least one unique ID from a list of seven options and a sufficient description to match the finished product to the certificate.

Certifiers may provide optional additional IDs to assist with product identification. The SNPR would clarify that “identification” means a unique ID is necessary for eFiling, so that certificates can be better tracked in the Product Registry and RAM. CPSC expects that it would be easier for importers to provide a unique ID that already exists for the product as allowed by the SNPR, instead of having certifiers manage an additional identifier assigned by CPSC but invites comment on this question.

The SNPR also proposes to expand the term “description” from the 2013 NPR to mean a “sufficient description to match the finished product to the certificate.” Currently, the description in a certificate is sometimes insufficient to enable CPSC staff to determine whether the certificate describes the product being examined.

*List of Applicable Rules (§ 1110.11(a)(2))*: The SNPR would retain without change the requirement in the existing rule and the 2013 NPR to provide a list of all applicable rules to which the product is being certified. The eFiling system makes this requirement easier for certifiers because CPSC will provide a standardized list of all rules, each assigned a code. When eFiling certificate data, the certifier would only need to select from these codes, either in the Full Message Set or in the Product Registry.

*Identification of Certifier (§ 1110.11(a)(3))*: The SNPR would maintain the requirement from the 2013 NPR to identify the party certifying compliance of the finished product(s), including the party’s name, street address, city, state or province, country or administrative region, electronic mail (e-mail) address, and telephone number. Adding a more specific street address interprets the statutory requirement for a “full mailing address,” and would assist staff in distinguishing facilities or locating certifiers for site visits. If a certifying party’s physical location does not have a street address, then a location identification typical of the country of



origin, or a GPS coordinate, is also permissible. We also retain the proposal to include an e-mail address, which is intended to improve communication between CPSC and the certifying party, particularly across time zones.

*Contact for Records (1110.11(a)(4))*: The SNPR proposes to maintain the requirement from the existing rule and 2013 NPR to provide the identity and contact information for the individual maintaining records of test results. As with the certifier's contact information, the SNPR describes in more detail the concept of a "full mailing address" to include "street address, city, state or province, country or administrative region, electronic mail (e-mail) address, and telephone number." The 2013 NPR also referenced the recordkeeping sections of the Code of Federal Regulations that apply to GCCs and CPCs, which the SNPR maintains.

The SNPR clarifies that the individual maintaining records may be a position title, provided that this position is always staffed and responsive to CPSC's requests. This change is in response to public comments concerned that the individual maintaining the records of test results may leave the company or otherwise be unavailable, and that a position title would provide continuity.

*Manufacture Date and Place (1110.11(a)(5))*: The SNPR would maintain the requirement from the existing rule to provide the date when the finished product(s) were manufactured, produced, or assembled. The first date of a batch run is the date of manufacturing. The SNPR also maintains the statutory requirement from the existing rule to provide the place where the finished product(s) were manufactured. The SNPR aligns the manufacturer information with the other data elements regarding contact information, proposing to require the manufacturer name, street address, city, state or province, country or administrative region, e-mail address, and telephone number where the finished product(s) were

manufactured, produced, or assembled. This requirement is consistent with section 14(g)(1) of the CPSA which requires “each party's name, full mailing address, [and] telephone number.”

CPSC proposes to require additional manufacturer detail, for eFiling in particular, because staff has experienced situations where it is difficult to distinguish between multiple firms with similar addresses and contact the correct manufacturer. If a location does not have a street address, a location identification typical of the country of origin or a GPS coordinate is permissible.

*Test Date and Place (1110.11(a)(6))*: The SNPR would maintain the requirement from the existing rule to provide the date when the finished product(s) were tested for compliance. The SNPR, however, amends this requirement to clarify that the required date is the most recent date of testing. This change is to aid CPSC in assessing the validity and integrity of a certificate, and to promote consistency across certificates for CPSC and certifiers, particularly where laboratory testing is done over several days.

The SNPR maintains the requirement from the existing rule to provide the place where the finished product(s) were tested for compliance. The SNPR standardizes the contact information required, including the name of each third party conformity assessment body or other party on whose testing the certificate depends, and the street address (or locally comparable location identification), city, state or province, country or administrative region, e-mail address, and telephone number. The SNPR requires an e-mail address, so staff has another means of contacting the testing laboratory.

*Attestation (§ 1110.11(a)(7))*: The SNPR proposes to maintain the requirement from the 2013 NPR to provide an attestation certifying compliance, indicating that the information provided by the certifier is true and accurate and that the certified product complies with all rules, bans, standards, or regulations applicable to the product under the CPSA or any other Act

enforced by the Commission. We note that the Product Registry contains a certifier attestation and also allows an importer to designate third parties that can enter certificate information and certify on behalf of the importer, if such permission is granted. The importer remains responsible for the information provided to CPSC, making an attestation by each party entering information important to maintain accountability for the information.

The SNPR does not include two proposals from the 2013 NPR: the date of initial certification and the scope of the finished product(s) covered by the certificate. Based on revisions to the identification of the product, and manufacture and test dates, the proposed new fields are now unnecessary because CPSC will know the date of laboratory testing and the date the certificate was filed. Similarly, the proposed product identification requirement of at least one unique ID and a “sufficient description to match the finished product to the certificate” makes it unnecessary to have a statement of the scope of the finished product(s). However, the SNPR would allow certifiers to provide production start and end dates and lot numbers as optional fields.

Furthermore, the SNPR retains the proposal in § 1110.11(b) of the 2013 NPR for a certificate to optionally include a URL or other electronic means, along with the identification of the custodian of records, to allow for electronic access of supporting records, such as test records. If certifiers provide this information, staff can more easily confirm the veracity of the certificate. The SNPR contains minor clarifications that specify the sections of the CFR containing the recordkeeping requirements for supporting records.

The SNPR also retains the proposal in § 1110.11(c) of the 2013 NPR for certifiers to list all claimed testing exclusions, instead of providing the date and place where the product was tested for compliance. The Product Registry lists all available exclusions for each rule,

streamlining and standardizing how to record these exclusions. These exclusions will also be maintained on CPSC's website for use in a Full PGA Message Set. The SNPR does not keep the proposal to include the basis for each exclusion, because this is resolved by stating the testing exclusion. Many certifiers already list their testing exclusions, so this requirement will standardize the process for all certifiers. Furthermore, this requirement would only be relevant when the product is subject to a product safety rule. If no product safety rule or similar rule, ban, standard, or regulation applies, or the product is subject to enforcement discretion (such as adult wearing apparel relying on § 1610.1(d), which only requires a disclaimer), then no certificate would be required.

Finally, the SNPR retains the proposal in § 1110.11(d) regarding duplicative testing. The SNPR states that certifiers are not required to conduct duplicative testing for any rule that refers to, or incorporates fully, another applicable consumer product safety rule or similar rule, ban, standard, or regulation under any other law enforced by the Commission. This proposal is maintained for the same reasons stated in the 2013 NPR, to reduce burden for certifiers.

*G. Certificate Availability (§ 1110.13)*

Current Rule: Section 1110.13(a) of the existing rule restates the statutory requirement in section 14(g)(3) of the CPSA that certificates must "accompany" each product or product shipment and be furnished to distributors and retailers. Section 1110.13(a)(1) and (2) explains how electronic certificates satisfy the "accompany" and "furnish" requirements of that section, and § 1110.13(b) states that an electronic certificate must have a means to verify the date of its creation or last modification.

2013 NPR: The 2013 NPR proposed to move the requirements for electronic certificates to proposed § 1110.9(c), while proposed § 1110.13 addressed when certificates had to

“accompany” a product or product shipment, be “furnished” to retailers or distributors, and be “furnished” to CPSC and CBP. The 2013 NPR also proposed that certificates be eFiled with CBP prior to arrival of an imported product, as authorized in section 14(g)(4) of the CPSA. 78 FR 28088.

Proposed § 1110.13(a)(1) of the 2013 NPR stated that for imported products to meet the “accompany” requirement, importers must eFile certificates with CBP, either when the entry is filed, or when the entry and entry summary are filed, if they are filed together.<sup>20</sup> The NPR explained that only finished products would require certification, and that certificates filed in the form of data elements would allow more efficient targeting. 78 FR 28089. The 2013 NPR acknowledged that, at that time, CBP was not yet able to collect PGA data. 78 FR 28089.

Proposed § 1110.13(a)(2) of the 2013 NPR required that for finished products manufactured domestically to meet the “accompany” requirement, the finished product certifier must make the certificate available for inspection by CPSC on or before the date the finished product is distributed in commerce. 78 FR 28089.

Proposed § 1110.13(a)(3) of the 2013 NPR stated that for imported finished products that are required to be certified and that are delivered directly to a consumer in the United States, the finished product certifier could either eFile the certificate with CBP, or they could make the certificate available for inspection by CPSC on or before the date the finished product is distributed in commerce. In the case where no entry is filed, a finished product certifier could meet the “accompany” requirement either by placing a hard copy of the certificate in the box with the product or by following the requirements for an electronic certificate. 78 FR 28089.

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<sup>20</sup> An entry summary (CBP Form 7501) must be filed within 10 days of the cargo’s release from CBP custody or within 10 working days after entry of the merchandise and estimated duties deposited.

Proposed § 1110.13(b) of the 2013 NPR restated the statutory requirement in section 14(g)(3) of the CPSA that finished product certificates be furnished to distributors and retailers. Proposed § 1110.13(c) of the NPR added a new section reflecting the requirement in section 14(g)(3) that certificates must be furnished to CPSC and CBP upon request. The proposal states that certificates be made available immediately upon request by the CPSC or CBP. The preamble to the 2013 NPR defined the term “immediately” to mean “within 24 hours,” as it has been interpreted by CPSC in other rules. 78 FR 28089.

2023 SNPR: The SNPR retains some of the 2013 NPR’s proposals and amends others. Now that the IT solutions are available and more fully developed, proposed § 1110.13(a) in the SNPR points to a CPSC-specific CATAIR and Product Registry that contain the IT solutions for eFiling. Thus, for example, the SNPR does not retain a separate “accompany” requirement for imported finished products that are delivered directly to a consumer in the United States, but rather provides for collecting these certificates electronically.

Like the 2013 NPR, proposed § 1110.13(a) explains that a finished product certificate must accompany each finished product or finished product shipment required to be certified pursuant to § 1110.5. Additionally, § 1110.13(a) requires that each certificate describe a single product. One product per certificate allows the RAM to conduct risk analysis on unique products in a shipment, which allows better targeting of potentially violative products and avoids delaying delivery of products in a shipment that do not warrant examination.<sup>21</sup>

Proposed § 1110.13(a)(1) of the SNPR states that GCC or CPC data elements for an imported product must be eFiled in ACE at the time of entry filing, or entry summary, if both are filed together, and as provided in CPSC’s CATAIR (and discussed in Tab B of the Staff SNPR

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<sup>21</sup> See, for example, § 1107.23, which explains a “material change” to a children’s product. Products that are not the same in all material respects cannot be on the same certificate.

Briefing Package). The requirement applies to all imported finished products subject to a CPSC regulation, including *de minimis* shipments and products imported from an FTZ. The SNPR also explains that for finished products that are imported by mail, the finished product certifier must enter the required GCC or CPC data elements into CPSC's Product Registry prior to the product or substance arriving in the United States.

Proposed § 1110.13(b) of the SNPR maintains the statutory requirement from the 2013 NPR to "furnish" a required CPC or GCC to each distributor or retailer. Proposed § 1110.13(c) of the SNPR maintains the statutory requirement to make certificates available for inspection immediately upon request by CPSC or CBP. To be clear regarding the expectation, the SNPR proposes in the regulation text that "immediately" means within 24 hours. The 2013 NPR stated this in the preamble.

*H. Legal Responsibility for Certificate Information (§ 1110.15)*

Current Rule: Current § 1110.15 states that another entity may maintain an electronic certificate platform, but the certifier is still responsible for ensuring its validity, accuracy, completeness, and availability.

2013 NPR: The 2013 NPR maintained the requirement in the existing rule with slight edits. 78 FR 28090.

2023 SNPR: Proposed § 1110.15 of the SNPR maintains the NPR requirement, but proposes that the entity that maintains an electronic certificate platform and enters the requisite data into U.S. Government systems on behalf of the certifier may also certify the product(s) on the certifier's behalf. This addition accommodates diverse relationships between certifiers and their trade partners to better facilitate trade. The SNPR maintains accountability for certifiers, who are ultimately responsible for testing and certification. Certifiers will have the ability in the

Product Registry to manage permissions for trade partners to enter data and/or to certify products, including managing the roles of specific individuals who enter data or certify products on the certifier's behalf. Certifiers should exercise due diligence if they allow another entity to certify on their behalf.

*I. Recordkeeping Requirements (§ 1110.17)*

Current Rule: The current rule does not contain recordkeeping requirements.

2013 NPR: The 2013 NPR proposed a new § 1110.17 to establish recordkeeping requirements. 78 FR 28090. For CPCs, the 2013 NPR summarized the existing recordkeeping requirements in other rules that apply to CPCs, including §§ 1107.26, 1109.5(g), and 1109.5(j), all of which have a five-year record retention period based on the applicable statute of limitations. The 2013 NPR proposed to align the record retention requirements for GCCs with those for CPCs, such that certifiers would maintain the certificate and supporting test records for at least five years. 78 FR 28090. The NPR explained that maintenance of such records may, for example, aid both the certifier and the Commission in the event of an investigation or product recall. *Id.*

2023 SNPR: Proposed § 1110.17 of the SNPR maintains the recordkeeping requirement from the 2013 NPR. CPCs have a five-year record retention period based on the 1107 and 1109 rules and the statute of limitations for enforcement.

*J. Component Part Certificates (§ 1110.19)*

Current Rule: The current rule does not address component part certificates.

2023 NPR: Proposed § 1110.19 of the 2013 NPR added a new section to clarify for stakeholders which sections of the 1110 rule apply to voluntary component part certificates. If a finished product certifier chooses to rely on a component part certificate, the component part



certificate must meet the requirements of the 1109 rule, as well as the form, content, and availability requirements described in the 2013 NPR. 78 FR 28090.

2023 SNPR: The SNPR's proposal retains the component part certificate requirements from the 2013 NPR.

## **V. Effective Date**

The APA generally requires that the effective date of a rule be at least 30 days after publication of the final rule. 5 U.S.C. 553(d). The Commission proposes that a final rule for revisions to 16 CFR part 1110 will become effective 120 days after publication in the *Federal Register*. Although the SNPR makes few changes in the certificate requirements for domestic manufacturers, importers will require this time to onboard with CPSC's Product Registry and upgrade software to send a PGA Message Set to their broker for eFiling.

The proposed 120-day effective date is consistent with the experience of eFiling Beta Pilot participants that advised on IT solutions and initially tested the eFiling system. CPSC expects that once software is updated to submit entry data to CBP, gaining login credentials into the Product Registry will take less than 10 minutes and training will take less than two hours. CPSC seeks comment on the proposed effective date and intends to consider the experience of all Beta Pilot participants when considering a final effective date.

## **VI. Initial Regulatory Flexibility Analysis**

The Regulatory Flexibility Act (RFA) requires that agencies review a proposed rule for the rule's potential economic impact on small entities, including small businesses, unless the agency certifies that the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. 5 U.S.C. 603. Tab C of the Staff's SNPR Briefing Package, which we summarize in this section, assesses the impact of the SNPR on small

businesses. Based on staff's analysis, the Commission certifies that the proposed rule will not, if promulgated, have a significant economic impact on a substantial number of small entities.

Staff assesses that firms affected by the SNPR import or domestically manufacture products that fall under numerous North American Industry Classification System (NAICS) codes and HTS codes.<sup>22</sup> Using these guidelines, staff estimates that as many as 43,061 small firms import regulated non-children's consumer products and substances annually, and will be required to eFile GCCs, while 211,148 firms annually import regulated children's products and would be required to eFile CPCs.

*A. Compliance, Reporting, and Recordkeeping Requirements of the SNPR*

The SNPR would impose a new reporting burden on importers who must eFile certificates at the time of entry, or at entry summary, if both entry and entry summary are filed together. The SNPR would also impose a minor additional recordkeeping burden for GCCs, which is the mandatory retention of records for two additional years in most cases, from three to five years. To achieve compliance with the SNPR's eFiling requirements, small importers of products requiring either a GCC or CPC could possibly incur costs from several activities including: (1) the costs of inputting and filing certificate information with CBP through a PGA Message Set; (2) the one-time conversion costs of updating technology; and (3) broker fees.

Because of the creation of CPSC's Product Registry, CPSC does not expect small businesses to need to invest in technology to eFile certificates. A small business only needs a laptop with a hard drive for storing records and an internet connection to enter certificates into the Product Registry. Larger importers and manufacturers who import larger volumes of regulated consumer products and substances would be more likely to invest in technology to

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<sup>22</sup> The full list of HTS codes can be found in the Appendix to Tab D of Staff's SNPR Briefing Package.

enable batch uploads of data into the Product Registry, or to create their own registries. But because the SNPR does not require a technology investment, and because small importers are unlikely to need to invest in new technology, we do not forecast technology costs in this burden analysis.

The Commission anticipates that 95 percent of importers will choose to use the Product Registry, and this estimate holds for small importers. When using the Product Registry, the Reference PGA Message Set is a shortened data set that only requires a few data elements, including the Unique ID for the certificate stored in CPSC's Product Registry each time the associated product is imported. Accordingly, if importers use the Product Registry and a Reference PGA Message Set at the time of entry, 95 percent of importers will bear an additional 20 second burden per Reference Message Set filed during entry, while five percent of importers will bear a one minute burden per Full Message Set filed.

CPSC does not expect the SNPR to change the number of firms that chose to use brokers. Brokers typically charge a fee for each entry line that is filed. Through discussions with importers and brokers, Commission staff understands that this fee is greatly dependent on the number of entry lines filed, and the complexity of the PGA Message Set. The latter factor is greatly reduced by importers electing to use the Product Registry. By using the Product Registry, each time the same product is imported the importer can streamline eFiling by supplying the Unique ID for the associated product certificate to the broker.

Tab C of Staff's SNPR Briefing Package explains staff's procedure in classifying small businesses using NAICS codes. The Commission requests comment on staff's procedure, including methods of obtaining more precise estimates of percentages of small businesses belonging to a given NAICS, how many small firms covered by the SNPR fall within that

NAICS, and how many certificates these firms may create.

Table 1 in Tab C of Staff's SNPR Briefing Package shows an estimated 43,061 small businesses that will need to eFile GCCs with CBP and keep records for certificates and supporting information. Staff estimates that the net cost of the SNPR's additional burdens on small suppliers of general use products is \$611,089. On average, each small business will spend approximately \$14 ( $\$611,089/43,061 \approx \$14$ ) on the SNPR's new requirements. This can be described as the cost of eFiling these certificates, with a small increase in the time cost of recordkeeping each certificate.

Table 2 in Tab C of Staff's SNPR Briefing Package shows that an estimated 211,148 small businesses will need to eFile CPCs with CBP. The total additional cost to eFile for children's products suppliers is \$922,934 annually. This means on average, that each small business will spend approximately \$4 ( $\$922,934/211,148 \approx \$4$ ) annually to comply with the SNPR. Note that the five-year recordkeeping requirement for children's products is consistent with the existing requirements of 16 CFR part 1107. Therefore, the additional burden that the SNPR imposes on small importers supplying children's products is that of eFiling. Except for the potential for some small private labelers to need to test and certify privately labeled children's products, domestic manufacturers will have no change in burden pursuant to the SNPR.

For the \$18 per firm costs (assuming both a \$14 cost per firm for GCCs and \$4 per firm for CPC impacts) to be greater than the one percent threshold that indicates a significant burden, a firm's revenues would have to be less than \$1,800 per year. We seek comment on the average annual revenues of small businesses within the impacted industries, as well as on alternative industry classifications that we should consider when classifying the relevant industry for SBA

purposes.

*B. Alternatives for Reducing the Adverse Impact on Small Businesses*

Instead of the proposals in the SNPR, CPSC considered the alternatives of making the eFiling of certificates at entry voluntary rather than mandatory, and requiring PDF submissions of certificates rather than eFiling certificates.

Allowing, rather than requiring, certificates for imported products to be eFiled at entry would still require certificates to be made available for examination upon request, as it is now. Allowing, instead of requiring, certificates to be eFiled at entry could reduce the burden on small businesses, but it would not enhance the Commission's ability to target shipments for examination by using the additional certificate data elements collected via eFiling and to verify the accuracy of certificates. Noncompliant firms likely would not choose to eFile certificates, thwarting CPSC's ability to identify noncompliant products using algorithms and decreasing the accuracy and capabilities of algorithms that can learn based on eFiled data.

The alternative of requiring PDF submissions of certificates, to be uploaded into CBP's Document Image System, would not enhance the Commission's ability to target shipments for examination by using the additional certificate data elements collected via eFiling. It is cumbersome to extract data from PDF files for targeting purposes, and PDF files require a relatively large amount of storage space to maintain, particularly compared to isolated data elements.

*C. Request for Comment*

Based on staff's analysis, we conclude that the additional burden imposed by the SNPR is small when compared to one percent of the revenue for small firm typical of its industry. The SNPR does not change small firms' statutory obligations to certify that their products meet

applicable safety standards. The SNPR adds a minor burden of an additional two years of recordkeeping for GCCs, and adds a reporting burden for importers to eFile certificates with CBP using the PGA Message Set. These additional burdens add approximately \$1.5 million in cost to the industry, which is small when compared to the respective 43,000 and 211,000 suppliers of non-children's and children's products.

Small businesses that believe they would be affected by the SNPR are encouraged to submit comments. The comments should be specific and describe the potential impact and its magnitude, and the industry in which the firm resides.

## **VII. Paperwork Reduction Act**

This SNPR contains information collection requirements that are subject to public comment and review by the Office of Management and Budget (OMB) under the PRA. 44 U.S.C. 3501–3521. The PRA requires an agency to publish the following information:

- a title for the collection of information;
- a summary of the collection of information;
- a brief description of the need for the information and the proposed use of the information;
- a description of the likely respondents and proposed frequency of response to the collection of information;
- an estimate of the burden that will result from the collection of information; and
- notice that comments may be submitted to OMB.

44 U.S.C. 3507(a)(1)(D). The SNPR creates a new collection of information for certificates for non-children's products, and would expand the existing collection for Third Party Testing of Children's Products, OMB Control No. 3041-0159. The Children's Product OMB control

number would be expanded to include eFiling certificates for imported children's products that are subject to a CPSC rule requiring certification. Tab D of Staff's SNPR Briefing Package contains a detailed burden analysis by CPSC regulation. We summarize that information here. In accordance with OMB's requirement, the Commission provides the following information:

*Title:* (1) Certification of Non-Children's Products; (2) Amendment to Third Party Testing of Children's Products, approved previously under OMB Control Number 3041-0159.

*Summary, Need, and Use of Information:* Sections I and II of this preamble, and Tab D of Staff's SNPR Briefing Package, contain this information.

*Respondents and Frequency:* For products manufactured outside of the United States, respondents include importers of consumer products and substances subject to a CPSC-enforced regulation. For products manufactured within the United States, respondents include manufacturers and private labelers of consumer products and substances subject to a CPSC-enforced regulation.

*Estimated Burden:* CPSC has estimated the respondent burden in hours and the estimated labor costs to respondents.

*Estimate of Respondent Burden:* Below we categorize and estimate the burden created by both the statute and the SNPR for children's and non-children's regulated products as follows:

*Certificates:* The burden associated with the creation of certificates (GCCs and CPCs). This can be considered a general recordkeeping burden.

*Disclosure:* The burden derived from disclosing certificate information and from furnishing the certificates to these third parties (distributors and retailers). This is considered a third party disclosure.

*Recordkeeping:* The burden associated with the initial storage and routine maintenance of

records, including records of the certificates and any supporting and testing documentation, for a period of five years. This is considered a recordkeeping burden.

*eFiling*: The initial burden from electronically filing the certificates, using either the CPSC-maintained Product Registry or the systems provided by the brokers that support importers' activities, as well as the routine burden on importers submitting associated Full or Reference PGA Message Sets. This would be considered a reporting burden.

The additional burden imposed specifically by the SNPR includes (1) the additional recordkeeping period for GCCs from three to five years and (2) eFiling GCC and CPC data for regulated, imported finished consumer products and substances.

*A. Total Burden for GCCs*

CPSC estimates that there may be 49,364 non-children's products firms subject to the SNPR. Staff expects these firms to create 1,333,952 certificates and spend 111,163 hours on their creation. These same firms must keep the records supporting the certificates for a period of five years. This annual burden comes to 27,791 hours. The firms must also furnish each certificate to retailers and distributors of the product upon request; thus, we estimate an additional 0.25 hours (15 minute) burden for third party disclosure. This sums to 333,488 hours.

Staff estimates the number of responses for eFiling as 18,997,724 and estimates the eFiling burden as 200,532 hours. The aggregate burden associated with the SNPR for non-children's products suppliers is 672,973 hours and has a total cost of \$27,399,039. This number includes burden imposed by statute, which the non-children's products suppliers would bear in absence of the SNPR. The net burden from the SNPR—excluding the statutory burden—is 202,755 hours and the net cost is \$6,828,781. Table 2 shows that importers of general use products requiring a GCC bear most of both the statutory burden and the additional burden from



the eFiling requirement.

Staff expects that 82 percent of the firms subject to the SNPR will be importers with the remaining 18 percent as manufacturers. We estimate the statutory burden borne by importers as 536,950 hours (80%) and the expected burden to manufacturers as 136,023 hours (20%). The net burden from the SNPR is 202,115 hours for importers (99.7%) and 640 hours for manufacturers (0.3%). Tab D of Staff's SNPR Briefing Package explains in more detail the methodology staff used to derive the burden estimate, as well as a PRA burden estimate for each regulated product that was used to calculate these totals.

**Table 2: Total Burden on Non-Children Products Covered by Part 1110**

| Total Burden                              | Respondents   | Frequency of Response | Responses         | Response Time | Burden Hours   | Cost per Burden Hour        | Total Cost of Burden |
|---|---------------|-----------------------|-------------------|---------------|----------------|-----------------------------|----------------------|
| Certificates                              | 49,364        | 27.0                  | 1,333,952         | 0.0833        | 111,163        | \$76.26                     | \$8,477,268          |
| Disclosure                                | 49,364        | 27.0                  | 1,333,952         | 0.2500        | 333,488        | \$33.68                     | \$11,231,879         |
| Recordkeeping                             | 49,364        | 27.0                  | 1,333,952         | 0.0208        | 27,791         | \$33.68                     | \$935,990            |
| eFiling                                   | 40,665        | 467.2                 | 18,997,724        | 0.0106        | 200,532        | \$33.68                     | \$6,753,902          |
| <b>Total</b>                              | <b>49,364</b> | <b>465.9</b>          | <b>22,999,581</b> | <b>0.0293</b> | <b>672,973</b> | <b>\$40.71</b>              | <b>\$27,399,039</b>  |
| <b>Additional Burden from the Rule</b>    |               |                       |                   |               |                |                             |                      |
| <b>Total</b>                              | <b>49,364</b> | <b>384.9</b>          | <b>18,997,724</b> | <b>0.0107</b> | <b>202,755</b> | <b>\$33.68<sup>23</sup></b> | <b>\$6,828,781</b>   |
| <b>Manufacturers</b>                      |               |                       |                   |               |                |                             |                      |
| Certificates                              | 8,699         | 44.2                  | 384,066           | 0.0833        | 32,006         | \$76.26                     | \$2,440,741          |
| Disclosure                                | 8,699         | 44.2                  | 384,066           | 0.2500        | 96,017         | \$33.68                     | \$3,233,838          |
| Recordkeeping                             | 8,699         | 44.2                  | 384,066           | 0.0208        | 8,001          | \$33.68                     | \$269,486            |
| eFiling                                   | 0             | 0.0                   | 0                 | 0.0000        | 0              | \$0.00                      | \$0                  |
| <b>Total</b>                              | <b>8,699</b>  | <b>132.5</b>          | <b>1,152,199</b>  | <b>0.1181</b> | <b>136,023</b> | <b>\$43.70</b>              | <b>\$5,944,065</b>   |
| <b>Additional Burden to Manufacturers</b> |               |                       |                   |               |                |                             |                      |
| <b>Total</b>                              | <b>8,699</b>  | <b>0.0</b>            | <b>0</b>          | <b>0.0000</b> | <b>640</b>     | <b>\$33.68</b>              | <b>\$21,559</b>      |
| <b>Importers</b>                          |               |                       |                   |               |                |                             |                      |
| Certificates                              | 40,665        | 23.4                  | 949,886           | 0.0833        | 79,157         | \$76.26                     | \$6,036,527          |
| Disclosure                                | 40,665        | 23.4                  | 949,886           | 0.2500        | 237,472        | \$33.68                     | \$7,998,042          |
| Recordkeeping                             | 40,665        | 23.4                  | 949,886           | 0.0208        | 19,789         | \$33.68                     | \$666,503            |
| eFiling                                   | 40,665        | 467.2                 | 18,997,724        | 0.0106        | 200,532        | \$33.68                     | \$6,753,902          |
| <b>Total</b>                              | <b>40,665</b> | <b>537.3</b>          | <b>21,847,382</b> | <b>0.0246</b> | <b>536,950</b> | <b>\$39.96</b>              | <b>\$21,454,974</b>  |
| <b>Additional Burden to Importers</b>     |               |                       |                   |               |                |                             |                      |
| <b>Total</b>                              | <b>40,665</b> | <b>467.2</b>          | <b>18,997,724</b> | <b>0.0106</b> | <b>202,115</b> | <b>\$33.68</b>              | <b>\$6,807,222</b>   |

<sup>23</sup> Total compensation for Office and Administrative Support Occupation in Goods-producing industries as of March of 2023. U.S. Bureau of Labor Statistics, "Employer Costs for Employee Compensation," March 2023, Table 4. See [https://www.bls.gov/news.release/archives/ecec\\_06162023.pdf](https://www.bls.gov/news.release/archives/ecec_06162023.pdf).

*B. Total Burden for eFiling CPCs*

Section 14 of the CPSA requires third party testing of children’s products that are subject to an applicable children’s product safety rule to ensure compliance with such rule. Based on this testing, manufacturers, including importers, are required to certify compliance of their products to the applicable standards. The burden associated with certificate production, recordkeeping, and disclosure is already subject to an OMB control number, 3041-0159, for children’s product testing, as set forth in 16 CFR parts 1107 and 1109. The SNPR adds a certificate eFiling requirement for importers of finished children’s products and estimates the reporting burden for this requirement.

Table 3 presents CPSC’s estimate that there are 244,000 firms producing children’s products. Staff estimates that 27,540 imported children’s products are subject to a children’s product safety rule and would be annually required to eFile certificates, with an estimated eFile burden of 290,710 hours. This number only includes burden imposed by the SNPR, so the net burden from the SNPR is also 290,710 hours, and the net cost of the SNPR (\$9,791,126) equals the total cost.

**Table 3: eFiling Children’s Product Certificates (CPC)**

| <b>Total Burden</b>                    | <b>Respondents</b> | <b>Frequency of Response</b> | <b>Responses</b> | <b>Response Time</b> | <b>Burden Hours</b> | <b>Cost per Burden Hour</b> | <b>Total Cost of Burden</b> |
|--|--------------------|------------------------------|------------------|----------------------|---------------------|-----------------------------|-----------------------------|
| eFiling                                | 224,000            | 123.0                        | 27,540,984       | 0.0106               | 290,710             | \$33.68                     | \$9,791,126                 |
| <b>Additional Burden from the Rule</b> |                    |                              |                  |                      |                     |                             |                             |
| Total                                  | 224,000            | 123.0                        | 27,540,984       | 0.0106               | 290,710             | \$33.68                     | \$9,791,126                 |

*C. Burden Estimate Breakdowns by Imported and Domestically Manufactured Products*

Table 4 provides a summary of the analysis for imported products, and Table 5 provides a summary of this analysis for domestically manufactured products. Tab D of Staff’s SNPR

Briefing Package contains additional detail on how staff estimated the number of respondents and responses.

**Table 4 - Import Data Analysis by Product**

| Product                                | Total          |                 | CPC                    |               | GCC                    |               |
|--|----------------|-----------------|------------------------|---------------|------------------------|---------------|
|  | Total Respndts | Total Responses | Percent of Resp as CPC | CPC Responses | Percent of Resp as GCC | GCC Responses |
| Architectural Glazing Materials        | 792            | 11,717          | 0                      | 0             | 100                    | 11,717        |
| Artificial Emberizing Materials        | 16             | 5               | 0                      | 0             | 100                    | 5             |
| ATVs                                   | 41             | 37,795          | 25                     | 9,449         | 75                     | 28,346        |
| Baby Changing Products                 | 4,027          | 523,490         | 100                    | 523,490       | 0                      | 0             |
| Bassinets and Cradles                  | 76             | 2,299           | 100                    | 2,299         | 0                      | 0             |
| Bedside Sleepers                       | 230            | 75,979          | 100                    | 75,979        | 0                      | 0             |
| Bicycle Helmets                        | 624            | 16,300          | 50                     | 8,150         | 50                     | 8,150         |
| Bicycles                               | 194            | 125,796         | 50                     | 62,898        | 50                     | 62,898        |
| Bunk Beds - Furniture                  | 2,076          | 89,801          | 75                     | 67,351        | 25                     | 22,450        |
| Button Batteries                       | 57             | 523             | 0                      | 0             | 100                    | 523           |
| Candles with metal-cored wicks         | 2,616          | 27,843          | 0                      | 0             | 100                    | 27,843        |
| Carpets and Rugs                       | 186            | 261,374         | 25                     | 65,344        | 75                     | 196,031       |
| Carriages and Strollers                | 243            | 9,030           | 100                    | 9,030         | 0                      | 0             |
| CB Antennas                            | 538            | 12,594          | 0                      | 0             | 100                    | 12,594        |
| Cellulose Insulation                   | 5,764          | 46,511          | 0                      | 0             | 100                    | 46,511        |
| Children's folding chairs and stools   | 1,273          | 67,489          | 100                    | 67,489        | 0                      | 0             |
| Children's Sleepwear                   | 112            | 66,855          | 100                    | 66,855        | 0                      | 0             |
| Cigarette & Multipurpose Lighters      | 69             | 3,908           | 0                      | 0             | 100                    | 3,908         |
| Clacker Balls                          | 4,863          | 10,243          | 100                    | 10,243        | 0                      | 0             |
| Clothing Storage Units                 | 2,992          | 316,923         | 0                      | 0             | 100                    | 316,923       |
| Consumer Patching Compounds            | 864            | 13,101          | 0                      | 0             | 100                    | 13,101        |
| Crib mattresses                        | 154            | 8,294           | 100                    | 8,294         | 0                      | 0             |
| Cribs                                  | 81             | 14,206          | 100                    | 14,206        | 0                      | 0             |
| Dive Sticks and Other Similar Articles | 2,003          | 4,853           | 100                    | 4,853         | 0                      | 0             |
| Drywall                                | 68             | 35,134          | 0                      | 0             | 100                    | 35,134        |
| Electrically Operated Toys or Articles | 1,012          | 15,794          | 100                    | 15,794        | 0                      | 0             |
| Fireworks                              | 132            | 47,076          | 0                      | 0             | 100                    | 47,076        |
| Frame Child Carriers                   | 0              | 0               | 100                    | 0             | 0                      | 0             |
| Furniture                              | 1,092          | 5,402,165       | 0                      | 0             | 100                    | 5,402,165     |
| Garage Door Openers                    | 3,451          | 10,533          | 0                      | 0             | 100                    | 10,533        |

**OS 100  
DRAFT**

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|----------------------------------|-------|------------|-----|-----------|-----|-----------|
| Gates and Enclosures             | 87    | 7,018      | 100 | 7,018     | 0   | 0         |
| Hand-Held Infant Carriers        | 0     | 0          | 100 | 0         | 0   | 0         |
| High Chairs                      | 172   | 14,990     | 100 | 14,990    | 0   | 0         |
| Imitation Firearms               | 992   | 3,853      | 0   | 0         | 100 | 3,853     |
| Infant Bath Seats                | 73    | 507        | 100 | 507       | 0   | 0         |
| Infant Bath Tubs                 | 1,594 | 5,929      | 100 | 5,929     | 0   | 0         |
| Infant Bouncer Seats             | 82    | 5,224      | 100 | 5,224     | 0   | 0         |
| Infant Sleep Products            | 739   | 80,644     | 100 | 80,644    | 0   | 0         |
| Infant Swings                    | 95    | 1,388      | 100 | 1,388     | 0   | 0         |
| Infant Walkers                   | 33    | 3,183      | 100 | 3,183     | 0   | 0         |
| Lawn Darts                       | 2,353 | 4,704      | 0   | 0         | 100 | 4,704     |
| Liquid Nicotine Packaging        | 536   | 2,242      | 0   | 0         | 100 | 2,242     |
| Magnets                          | 908   | 34,846     | 0   | 0         | 100 | 34,846    |
| Matchbooks                       | 71    | 241        | 0   | 0         | 100 | 241       |
| Mattresses                       | 329   | 167,504    | 50  | 83,752    | 50  | 83,752    |
| Pacifiers                        | 146   | 4,166      | 100 | 4,166     | 0   | 0         |
| Paints                           | 812   | 154,543    | 0   | 0         | 100 | 154,543   |
| Play Yards                       | 71    | 3,400      | 100 | 3,400     | 0   | 0         |
| Pool and Spa Drain Covers        | 2,636 | 33,397     | 0   | 0         | 100 | 33,397    |
| Portable Bedrails                | 7,605 | 29,814     | 100 | 29,814    | 0   | 0         |
| Portable Fuel Containers         | 386   | 5,974      | 0   | 0         | 100 | 5,974     |
| Portable Gas Containers          | 386   | 5,974      | 0   | 0         | 100 | 5,974     |
| Portable Hook-On Chairs          | 564   | 5,328      | 0   | 0         | 100 | 5,328     |
| Power Mowers                     | 111   | 18,865     | 0   | 0         | 100 | 18,865    |
| Rattles                          | 592   | 7,939      | 100 | 7,939     | 0   | 0         |
| Refrigerator Coors               | 140   | 74,190     | 0   | 0         | 100 | 74,190    |
| Refuse Bins                      | 2,407 | 2,717      | 0   | 0         | 100 | 2,717     |
| Sling Carriers                   | 0     | 0          | 100 | 0         | 0   | 0         |
| Soft Infant and Toddler Carriers | 0     | 0          | 100 | 0         | 0   | 0         |
| Special Packaging (PPPA)         | 310   | 1,410,691  | 0   | 0         | 100 | 1,410,691 |
| Stationary Activity Centers      | 37    | 3,093      | 100 | 3,093     | 0   | 0         |
| Swimming Pool Slides             | 886   | 4,184      | 0   | 0         | 100 | 4,184     |
| Toddler Beds                     | 76    | 1,839      | 100 | 1,839     | 0   | 0         |
| Toys                             | 1,926 | 1,349,066  | 100 | 1,349,066 | 0   | 0         |
| Vinyl Plastic Film               | 729   | 33,719     | 50  | 16,859    | 50  | 16,859    |
| Wearing Apparel                  | 220   | 16,290,891 | 50  | 8,145,446 | 50  | 8,145,446 |

OS 101  
DRAFT

**Table 5 - Domestic Manufacturer Data by Product Category**

| CFR  | Product Categories              | NAICS  | NAICS_Desc   | Respdnts |
|--|---------------------------------|--------|--|----------|
| 16 CFR part 1201                                   | Architectural Glazing Materials | 327211 | Flat Glass Manufacturing   | 19       |
| 16 CFR part 1201                                   | Architectural Glazing Materials | 321911 | Wood Window and Door Manufacturing   | 48       |
| 16 CFR part 1201                                   | Architectural Glazing Materials | 326199 | All Other Plastics Product Manufacturing: Doors and door frames, plastics, manufacturing   | 139      |
| 16 CFR part 1201                                   | Architectural Glazing Materials | 327215 | Glass Product Manufacturing Made of Purchased Glass  | 50       |
| 16 CFR part 1201                                   | Architectural Glazing Materials | 332321 | Metal Window and Door Manufacturing  | 45       |
| 16 CFR part 1305                                   | Artificial Emberizing Materials | 327999 | All Other Miscellaneous Nonmetallic Mineral Product Manufacturing: Asbestos products (except brake shoes and clutches) manufacturing | 7        |
| 16 CFR part 1420                                   | ATVs                            | 336999 | All other transportation equipment manufacturing: All-terrain vehicles (ATVs), wheeled or tracked, manufacturing                     | 5        |
| 16 CFR part 1203                                   | Bicycle Helmets                 | 339920 | Sporting and athletic goods manufacturing  | 38       |
| 16 CFR part 1512                                   | Bicycles                        | 336991 | Motorcycle, bicycle, and parts manufacturing: Bicycles and parts manufacturing   | 125      |
| 16 CFR part 1500.17(a)(13)                         | Candles w/Metal Core Wicks      | 339999 | All other miscellaneous manufacturing: candle manufacturing  | 1,000    |
| 16 CFR parts 1630 and 1631                         | Carpets and Rugs                | 314110 | Carpet and rug mills   | 185      |
| 16 CFR parts 1630 and 1631                         | Carpets and Rugs                | 314999 | All other miscellaneous textile product mills  | 219      |
| 16 CFR part 1204                                   | CB Band Base Station Antennas   | 334220 | Radio and television broadcasting and wireless communications equipment manufacturing  | 10       |
| 16 CFR part 1209                                   | Cellulose Insulation            | 321219 | Reconstituted Wood Product Manufacturing   | 65       |
| 16 CFR part 1210 and 1212                          | Cigarette Lighters              | 339999 | All other miscellaneous manufacturing: Cigarette lighters (except precious metal) manufacturing                                      | 29       |
| 16 CFR part 1261                                   | Clothing Storage Units          | 337122 | Nonupholstered Wood Household Furniture Manufacturing  | 2,012    |
| 16 CFR part 1261                                   | Clothing Storage Units          | 337127 | Institutional Furniture Manufacturing  | 581      |
| 16 CFR part 1507; 16 CFR 1500.17(3) and 1500.17(8) | Fireworks Devices               | 325998 | All other miscellaneous chemical product and preparation manufacturing: Fireworks manufacturing                                      | -        |
| 16 CFR parts 1213                                  | Furniture (bunk beds)           | 337122 | Nonupholstered Wood Household Furniture Manufacturing  | 50       |
| 16 CFR part 1303                                   | Furniture (paint & entrapment)  | 337122 | Nonupholstered Wood Household Furniture Manufacturing  | 201      |
| 16 CFR part 1303                                   | Furniture (paint & entrapment)  | 337127 | Institutional Furniture Manufacturing  | 29       |
| 16 CFR part 1303                                   | Furniture (paint & entrapment)  | 337121 | Upholstered Household Furniture Manufacturing  | 73       |
| 16 CFR part 1303                                   | Furniture (paint & entrapment)  | 337211 | Wood Office Furniture Manufacturing  | 15       |

**OS 102  
DRAFT**

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|----------------------------|--------------------------------|--------|--|-----|
| 16 CFR part 1303           | Furniture (paint & entrapment) | 337212 | Custom Architectural Woodwork and Millwork Manufacturing   | 52  |
| 16 CFR part 1303           | Furniture (paint & entrapment) | 337214 | Office Furniture (except Wood) Manufacturing   | 5   |
| 16 CFR part 1211           | Garage Door Openers            | 335999 | All Other Miscellaneous Electrical Equipment and Component Manufacturing: Garage door openers manufacturing  | 9   |
| 16 CFR part 1306           | Lawn Darts                     | 339920 | Sporting and Athletic Goods Manufacturing  | 10  |
| 15 USC sec 1472a           | Liquid Nicotine Packaging      | 325411 | Medicinal and Botanical Manufacturing: Nicotine and derivatives (i.e., basic chemicals) manufacturing  | 278 |
| 16 CFR part 1262           | Magnets                        | 327110 | Pottery, Ceramics, and Plumbing Fixture Manufacturing - Magnets, permanent, ceramic or ferrite, manufacturing  | 7   |
| 16 CFR part 1262           | Magnets                        | 332999 | All Other Miscellaneous Fabricated Metal Product Manufacturing - Magnets, permanent, metallic, manufacturing   | 18  |
| 16 CFR part 1202           | Matchbooks                     | 325998 | All other miscellaneous chemical product and preparation manufacturing: Matches and matchbook manufacturing  | 6   |
| 16 CFR parts 1632 and 1633 | Mattresses, Pads, and Sets     | 337910 | Mattress manufacturing   | 314 |
| 16 CFR parts 1632 and 1633 | Mattresses, Pads, and Sets     | 337121 | Upholstered Household Furniture Manufacturing  | 686 |
| 16 CFR part 1303           | Paints and Coatings            | 325510 | Paint and coating manufacturing  | 100 |
| 16 CFR part 1304           | Patching Compounds             | 327999 | All Other Miscellaneous Nonmetallic Mineral Product Manufacturing: Asbestos products (except brake shoes and clutches) manufacturing   | 10  |
| 16 CFR part 1460           | Portable gas containers        | 326199 | All Other Plastics Product Manufacturing   | 10  |
| 16 CFR part 1700           | PPPA                           | 324110 | Petroleum Refineries: Solvents made in petroleum refineries  | 16  |
| 16 CFR part 1700           | PPPA                           | 325180 | Other Basic Inorganic Chemical Manufacturing - Fuel propellants, solid inorganic, not specified elsewhere by process, manufacturing; Caustic soda (i.e., sodium hydroxide) manufacturing, Potassium hydroxide (i.e., caustic potash) manufacturing | 94  |
| 16 CFR part 1700           | PPPA                           | 325194 | Cyclic Crude, Intermediate, and Gum and Wood Chemical Manufacturing: Turpentine  | 13  |
| 16 CFR part 1700           | PPPA                           | 325199 | All Other Basic Organic Chemical Manufacturing: Fuel propellants, solid organic, not specified elsewhere by process, manufacturing   | 156 |
| 16 CFR part 1700           | PPPA                           | 325411 | Medicinal and Botanical Manufacturing: Dietary supplements, uncompounded, manufacturing  | 115 |
| 16 CFR part 1700           | PPPA                           | 325412 | Pharmaceutical Preparation Manufacturing   | 262 |

*D. Cost to the Federal Government*

The estimated annual cost of the information collection requirements to the federal government is approximately \$1.2 million, which includes 2,080 staff hours to manage the

eFiling program and \$1 million in contracting costs. This estimate is based on an average annual compensation for a mid-level salaried GS-13 employee of \$88.45 per hour. Assuming that approximately 2,080 hours will be required annually, this results in an annual labor cost of \$183,976 ( $\$88.45 \text{ per hour} \times 2,080 \text{ hours} = \$183,976$ ) plus an annual contracting cost of \$1 million in IT development for an annual cost to the government of \$1.2 million. Contracting costs are expected to decrease over time and will only be required for ongoing operations and maintenance.

*E. Comments*

CPSC has submitted the information collection requirements of this rule to OMB for review in accordance with PRA requirements. 44 U.S.C. 3507(d). CPSC requests that interested parties submit comments regarding information collection to the Office of Information and Regulatory Affairs, OMB (see the **ADDRESSES** section at the beginning of this NPR).

Pursuant to 44 U.S.C. 3506(c)(2)(A), the Commission invites comments on:

- whether the proposed and revised collections of information are necessary for the proper performance of CPSC's functions, including whether the information will have practical utility;
- the accuracy of CPSC's estimate of the burden of the proposed collections of information, including the validity of the methodology and assumptions used;
- ways to enhance the quality, utility, and clarity of the information the Commission proposes to collect;
- ways to reduce the burden of the collection of information on respondents, including the use of automated collection techniques, when appropriate, and other forms of information technology; and

- the estimated respondent cost other than burden hour cost.

## **VIII. Environmental Considerations**

The Commission's regulations address whether the agency is required to prepare an environmental assessment or an environmental impact statement. Under these regulations, certain categories of CPSC actions normally have "little or no potential for affecting the human environment," and therefore, do not require an environmental assessment or an environmental impact statement. 16 CFR 1021.5(c). Rules regarding product certification fall within this categorical exclusion. 16 CFR 1021.5(c)(2).

## **IX. Preemption**

Section 26(a) of the CPSA, 15 U.S.C. 2075(a), addresses the preemptive effect of CPSC's consumer product safety standards. Part 1110, however, is a procedural rule, not a consumer product safety standard. Therefore, the preemption provision of section 26(a) of the CPSA would not apply to a final rule.

## **X. Request for Comments**

The Commission requests comment on all aspects of the SNPR, including specifically the following items:

- proposed definition of "importer";
- whether the proposed requirement in § 1110.9(c) regarding the prominence of an electronically available certificate on an invoice or shipping container is supported by a valid concern for furnishing a certificate;
- how do regulated fireworks meet the obligation to test and certify now, and how will regulated fireworks meet the eFiling requirement in the SNPR if finalized;
- eFiling options and solutions for products imported from an FTZ;



- the proposed effective date of 120 days after publication of a final rule in the *Federal Register*;
- analysis and information regarding small business impacts, including:
  - whether CPSC can obtain more precise estimates of percentages of small businesses belonging to a given NAICS, how many small firms covered by the SNPR fall within that NAICS, and how many certificates these firms may create; and
  - the average annual revenues of small businesses within the impacted industries, as well as alternative industry classifications that CPSC should consider when classifying the relevant industry for SBA purposes; and
- PRA burden estimates.

## List of Subjects

### 16 CFR Part 1110

Administrative practice and procedure, Business and industry, Certificate, Certification, Children, Component part certificate, Consumer protection, Electronic filing, Imports, Labeling, Product testing and certification, Reporting and recordkeeping requirements, Record retention, Regulated products.

For the reasons stated in the preamble, the Commission proposes to revise 16 CFR part 1110 to read as follows:

### **PART 1110—CERTIFICATES OF COMPLIANCE**

Sec.

1110.1 Purpose and scope.

1110.3 Definitions.

1110.5 Products required to be certified.

1110.7 Who must certify finished products.

1110.9 Certificate language and format.

- 1110.11 Certificate content.
- 1110.13 Certificate availability.
- 1110.15 Legal responsibility for certificate information.
- 1110.17 Recordkeeping requirements.
- 1110.19 Component part certificates.

**Authority:** 15 U.S.C. 2063, Secs. 3 and 102 of Pub. L. 110–314, 122 Stat. 3016, 3017 (2008), Pub. L. 112–28 (2011).

### **§ 1110.1 Purpose and scope.**

This part specifies the entities that must issue certificates for finished products in accordance with section 14(a) of the Consumer Product Safety Act (CPSA), as amended, 15 U.S.C. 2063(a); specifies certificate content, form, and availability requirements that must be met to satisfy the requirements of section 14 of the CPSA; requires importers to file certificates electronically (eFile) with CBP for imported finished products that are required to be certified; and clarifies which provisions of this part apply to component part certificates. This part does not address the type or frequency of testing necessary to support a certificate.

### **§ 1110.3 Definitions.**

(a) The definitions of section 3 of the CPSA, 15 U.S.C. 2052, and additional definitions in the Consumer Product Safety Improvement Act of 2008 (CPSIA), Pub. L. 110-314, apply to this part.

(b) Additionally, the following definitions apply for purposes of this part:

*Automated Commercial Environment (ACE)* means the automated and electronic system for processing commercial importations that is operated by CBP in accordance with the National Customs Automation Program established in Subtitle B of Title VI—Customs Modernization, in the North American Free Trade Agreement Implementation Act (Pub. L. 103–182, 107 Stat.

2057, 2170, December 8, 1993) (Customs Modernization Act), or any other CBP-authorized electronic data interchange system.

*CBP* or *Customs* means U.S. Customs and Border Protection.

*Certificate* or *certificate of compliance* means a certification that the finished products or component parts within the scope of the certificate comply with the consumer product safety rules under the CPSA, or similar rules, bans, standards, or regulations under any other law enforced by the Commission, as set forth on the certificate. “Certificate” and “certificate of compliance” generally refer to all three types of certificates: General Certificates of Conformity (GCC), Children’s Product Certificates (CPC), and component part certificates.

*Certifier* means the party who issues a certificate of compliance.

*Children’s Product Certificate* (CPC) means a certificate of compliance for a finished product issued pursuant to section 14(a)(2) of the CPSA, 15 U.S.C. 2063, and part 1107 of this chapter.

*Commission* or *CPSC* means the United States Consumer Product Safety Commission.

*Component part* means a component part of a consumer product or other product or substance regulated by the Commission, as defined in § 1109.4(b) of this chapter, that is intended to be used in the manufacture or assembly of a finished product, and is not intended for sale to, or use by, consumers as a finished product.

*Component part certificate* means a certificate of compliance for a *component part*, as defined in this section.

*Consignee* means the recipient of the goods being shipped or transported and who typically takes ownership of consumer products or other products or substances regulated by the Commission once they have cleared customs. A consignee includes the “ultimate consignee,”

who is the party in the United States to whom the overseas supplier sold, consigned, or delivered the imported merchandise.

*eFiled certificate* means an electronic filing of the data elements in § 1110.11 in ACE, in the format required in § 1110.13(a).

*Electronic certificate* means a set of information available in, and accessible by, electronic means that sets forth the information required in § 1110.11, in the format described in § 1110.9(c).

*Finished product* means a consumer product or other product or substance regulated by the Commission that is imported for consumption or warehousing or is distributed in commerce. Parts of such products or substances, including replacement parts, that are imported for consumption or warehousing or are distributed in commerce that are packaged, sold, or held for sale to, or use by, consumers are considered finished products.

*Finished product certificate* means a certificate of compliance for a finished product, as defined in this section. There are two types of finished product certificates: Children's Product Certificates and General Certificates of Conformity.

*Finished product certifier* means a party who is required to issue a finished product certificate pursuant to § 1110.7.

*General Certificate of Conformity (GCC)* means a certificate of compliance for a finished product issued pursuant to section 14(a)(1) of the CPSA, 15 U.S.C. 2063(a)(1).

*Importer* means the importer of record; consignee; or owner, purchaser, or party that has a financial interest in the product or substance being offered for import and effectively caused the product or substance to be imported into the United States. An importer can also be a person holding a valid customs broker's license, pursuant to 19 U.S.C. 1641, when appropriately

designated by the owner, purchaser, or consignee of the product or substance. For purposes of testing and certification, CPSC will not typically consider a consumer purchasing or receiving products for personal use or enjoyment to be an importer.

*Importer of Record* means the entity listed as the importer of record on CBP forms 3461 and 7501.

*Owner or purchaser* means any party with a financial interest in the imported product or substance, including, but not limited to, the actual owner of the goods, the actual purchaser of the goods, a buying or selling agent, a person or firm who imports on consignment, or a person or firm who imports under loan or lease.

*Product Registry* means a database created and maintained by CPSC that allows for the electronic entry of data elements required on GCCs and CPCs, as provided in § 1110.11. This definition includes any CPSC successor system.

*Third party conformity assessment body* means a testing laboratory whose accreditation has been accepted by the CPSC to conduct certification testing on children's products.

#### **§ 1110.5 Products required to be certified.**

Finished products subject to a consumer product safety rule under the CPSA, or similar rule, ban, standard, or regulation under any other law enforced by the Commission, which are imported for consumption or warehousing, or are distributed in commerce, must be accompanied by a GCC or a CPC, as applicable.

#### **§ 1110.7 Who must certify finished products.**

(a) *Imports.* Except as otherwise provided in a specific rule, ban, standard, or regulation enforced by CPSC, for a finished product manufactured outside of the United States that must be

accompanied by a certificate as set forth in § 1110.5, the importer must issue a certificate that meets the requirements of this part.

(b) *Domestic products.* Except as otherwise provided in a specific rule, ban, standard, or regulation enforced by the Commission, for a finished product manufactured in the United States that must be accompanied by a certificate, as set forth in § 1110.5, the manufacturer must issue a certificate that meets the requirements of this part. However, if a finished product manufactured in the United States is privately labeled, the private labeler must issue a certificate that meets the requirements of this part, unless the manufacturer issues the certificate.

#### **§ 1110.9 Certificate language and format.**

(a) *Language.* An eFiled certificate must be in the English language. All other certificates, including hard copy and electronic certificates, must be in the English language and may also contain the same content in any other language.

(b) *Format.* Certificates for finished products that are manufactured outside the United States and offered for importation into the United States for consumption or warehousing are required to be eFiled using the format required in § 1110.13(a)(1). All other certificates must be made available as provided in § 1110.13(b) and (c), and may be provided in hard copy or electronically, as set forth in (c) of this section.

(c) *Electronic certificates.* An electronic certificate meets the requirements of § 1110.13(b) and (c) if it is identified prominently on the finished product, shipping carton, or invoice by a unique identifier and can be accessed via a World Wide Web uniform resource locator (URL) or other electronic means, provided that the certificate, the URL or other electronic means, and the unique identifier are accessible, along with access to the electronic certificate itself, to the Commission, CBP, distributors, and retailers, on or before the date the finished product is

distributed in commerce. If the electronic certificate is password protected, the password must be provided at the same time as the certificate when requested by CPSC or CBP.

**§ 1110.11 Certificate content.**

(a) *Content requirements.* Each certificate must:

(1) Identify the finished product(s) covered by the certificate. Certifiers must provide at least one of the following unique identifiers: global trade item number (GTIN), model number, registered number, serial number, stock keeping number (SKU), universal product code (UPC), or alternate identifier, along with a sufficient description to match the finished product to the certificate. Certifiers may also include other identifiers, such as lot number, model style, and model color, that may assist with product identification.

(2) State each consumer product safety rule under the CPSA, or similar rule, ban, standard, or regulation under any law enforced by the Commission, to which the finished product(s) are being certified. Finished product certificates must identify separately all applicable rules, bans, standards, or regulations.

(3) Identify the party certifying compliance of the finished product(s), as set forth in § 1110.7, including the party's name, street address, city, state or province, country or administrative region, electronic mail (e-mail) address, and telephone number.

(4) Identify and provide contact information (consisting, at a minimum, of the individual's name, street address, city, state or province, country or administrative region, e-mail address, and telephone number) for the individual maintaining the records stated in this paragraph. An individual can be a position title, provided that this position is always staffed and responsive to CPSC's requests.

(i) Records of test results on which a GCC is based, and records described in §§ 1109.5(g) and (j) of this chapter (where applicable).

(ii) Records of test results and other records on which a CPC is based, as required by § 1107.26, and § 1109.5(g) and (j) of this chapter (where applicable).

(iii) Records of test results and other records on which a component part certificate is based, as required by § 1109.5(g) and (j) of this chapter.

(5) Provide the date (month and year, at a minimum) and place (including a manufacturer name, street address, city, state or province, country or administrative region, e-mail address, and telephone number) where the finished product(s) were manufactured, produced, or assembled. For manufacturing runs over a series of days, provide the initial date of manufacture (month and year, at a minimum).

(6) Provide the most recent date and places (including the name of each third party conformity assessment body or other party on whose testing the certificate depends: name, street address, city, state or province, country or administrative region, e-mail address, and telephone number) where the finished product(s) were tested for compliance with the rule(s), ban(s), standard(s), or regulation(s) cited in § 1110.11(a)(4).

(7) Include the following attestation:

I hereby certify that the finished product(s) covered by this certificate comply with the rules, bans, standards, and regulations stated herein, and that the information in this certificate is true and accurate to the best of my knowledge, information, and belief. I understand and acknowledge that it is a United States federal crime to knowingly and willfully make any materially false, fictitious, or fraudulent statement, representation, or omission on this certificate.



(b) *Electronic access to records.* In addition to identification of the custodian of records as described in § 1110.11(a)(6), a certificate may include a URL, or other electronic means, which provides electronic access to the required underlying records to support the certificate as specified in §§ 1107.26 and 1109.5(g), or any other applicable consumer product safety rule, ban, standard, or regulation enforced by the Commission.

(c) *Statutory or regulatory testing exclusions:* Unless otherwise provided by the Commission, if a certifier is claiming a statutory or regulatory testing exclusion to an applicable consumer product safety rule or similar rule, ban, standard, or regulation, then in addition to listing all applicable rules, bans, standards, and regulations as required under § 1110.11(a)(2) and in lieu of providing the date and place where testing was conducted for that regulation under § 1110.11(a)(6), a certifier shall list on the certificate the applicable testing exclusions.

(d) *Duplicative testing not required.* Although certificates must list each applicable rule, ban, standard, or regulation separately, finished product certifiers are not required to conduct duplicative third party testing for any rule that refers to, or incorporates fully, another applicable consumer product safety rule or similar rule, ban, standard, or regulation under any other law enforced by the Commission.

### **§ 1110.13 Certificate availability.**

(a) *Accompanying certificates.* A certificate issued by a finished product certifier must accompany each finished product or finished product shipment required to be certified pursuant to § 1110.5. Each certificate must describe only one product.

(1) In the case of finished products that are manufactured outside the United States and are offered for importation into the United States for consumption or warehousing, including products offered for importation from a Foreign Trade Zone or products under the *de minimis*

value (as defined in § 901 of the Trade Facilitation and Trade Enforcement Act of 2015 or any successor act), the finished product certifier must eFile the GCC or CPC data elements required under § 1110.11 in ACE at the time of filing the CBP entry, or the time of filing the entry and entry summary, if both are filed together, as provided in CPSC's PGA Message Set CATAIR Implementation Guide (including revisions thereto). In the case of finished products that are manufactured outside of the United States and imported as a mail shipment, the finished product certifier must enter the GCC or CPC data elements required under § 1110.11 into CPSC's Product Registry prior to the product or substance arriving in the United States.

(2) In the case of finished products manufactured in the United States, the finished product certifier must issue the required certificate on or before the date the finished product is distributed in commerce, and make the certificate available for inspection immediately, meaning within 24 hours, upon request by CPSC.

(b) *Furnishing certificates.* A finished product certifier must furnish a required GCC or CPC to each distributor or retailer of the finished product.

(c) *Availability.* Certifiers must make certificates available for inspection immediately, meaning within 24 hours, upon request by CPSC or CBP.

#### **§ 1110.15 Legal responsibility for certificate information.**

Certifiers may, directly or through another entity, maintain an electronic certificate platform, enter the requisite data into the Product Registry or into ACE, or certify the product(s) or substance(s). The certifier is legally responsible for the information in a certificate, including its validity, accuracy, completeness, and availability.

**§ 1110.17 Recordkeeping requirements.**

For CPCs and component part certificates, certifiers must satisfy the recordkeeping provisions contained in §§ 1107.26, 1109.5(g), and 1109.5(j) of this chapter, as applicable. For GCCs, certifiers must maintain for at least five years from their creation the certificate and supporting test records required under this chapter.

**§ 1110.19 Component part certificates.**

Pursuant to part 1109 of this chapter, component part certificates are voluntary. Certificates should not be filed in ACE upon importation of component parts. Certifiers of component parts must meet the requirements in part 1109 of this chapter, and component part certificates must meet the form, content, and availability requirements described in §§ 1110.9, 1110.11, 1110.13(c), 1110.15, and 1110.17.

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Alberta E. Mills,  
Secretary, Consumer Product Safety Commission



United States  
**Consumer Product Safety Commission**

## Staff Briefing Package

### Supplemental Notice of Proposed Rulemaking to Revise 16 CFR part 1110 for Certificates of Compliance and to Implement eFiling

November 8, 2023

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*This report was prepared by the CPSC staff.  
It has not been reviewed or approved by,  
and may not necessarily reflect the views of,  
the Commission.*

|  |            |
|--|------------|
| <b>Briefing Memorandum.....</b>  | <b>1</b>   |
| <b>TAB A – eFiling Beta Pilot Product Registry Standard Operating Procedure.....</b> | <b>14</b>  |
| <b>TAB B – CBP and Trade Automated Interface Requirements (CATAIR).....</b>          | <b>47</b>  |
| <b>TAB C – Initial Regulatory Flexibility Analysis .....</b>                         | <b>91</b>  |
| <b>TAB D – Burden Analysis for the Paperwork Reduction Act.....</b>                  | <b>103</b> |

**TO:** The Commission  
Alberta E. Mills, Secretary

**DATE:** November 8, 2023

**THROUGH:** Austin C. Schlick, General Counsel  
Jason Levine, Executive Director  
DeWane Ray, Deputy Executive Director for Operations

**FROM:** Jim Joholske, Director,  
Office of Import Surveillance

Arthur Laciak, eFiling Program Specialist,  
Targeting and Analytical Team  
Office of Import Surveillance

**SUBJECT:** Draft Supplemental Notice of Proposed Rulemaking to Revise 16 CFR part 1110 for Certificates of Compliance and to Implement eFiling

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## I. Introduction

The U.S. Consumer Product Safety Commission (Commission or CPSC) staff recommend that the Commission revise the agency's rule for Certificates of Compliance, codified at 16 C.F.R. part 1110 (part 1110 or the 1110 rule) primarily to align the rule with other testing rules; standardize the recordkeeping requirement for all certificates of compliance (COCs or certificates) to five years; require private labelers to certify privately-labeled domestic products, unless the manufacturer certifies the product; and implement electronic filing of certificates with U.S. Customs and Border Protection (CBP) for imported finished consumer products or substances (eFiling), as authorized under section 14(g)(4) of the Consumer Product Safety Act (CPSA) (15 U.S.C. § 2063(g)(4)).<sup>1</sup> Staff recommends that the Commission publish the accompanying draft supplemental notice of proposed rulemaking (SNPR), as drafted by the Office of the General Counsel (OGC).

The Commission originally promulgated part 1110 on November 18, 2008, as an immediately effective final rule, to codify the statutory requirements for certificates, provided in sections 14(a) and (g) of the CPSA (15 U.S.C. § 2063(a) and (g)), which provide requirements for the content, form, and availability of certificates. 73 Fed. Reg. 68,328 (Nov. 18, 2008). After passage of the Consumer Product Safety Improvement Act of 2008 (CPSIA), which amended section 14 of the CPSA to add new testing and certification requirements for consumer products, the Commission fielded thousands of inquiries regarding the new requirements. CPSC sought to bring clarity and reduce burden to stakeholders through the 1110 rule, by, among other things, limiting the parties required to issue certificates and allowing electronic certificates instead of paper certificates to "accompany" product shipments. "Electronic certificates" means certificates available through electronic mail (email) or a worldwide web link. *Id.* The existing 1110 rule does not allow for eFiling, as contemplated in section 14(g)(4) of the CPSA.

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<sup>1</sup> Key Abbreviations and Acronyms are found in section X of this memorandum.

After gaining experience with certificates, in 2013, the Commission issued a notice of proposed rulemaking (NPR) to revise part 1110, for domestically manufactured and imported consumer products, to align with rules for testing children's products, 16 C.F.R. part 1107 (part 1107 or the 1107 rule), and component part testing 16 C.F.R. part 1109 (part 1109 or the 1109 rule), and to require eFiling of certificates for imported consumer products with CBP at the time of filing the CBP entry, or at the time of filing the entry and entry summary, if both are filed together.<sup>2</sup> 15 U.S.C. § 2063(g)(4)); 78 Fed. Reg. 28,080 (May 13, 2013) (2013 NPR). The Commission received over 500 comments on the NPR submitted by over 70 commenters, with many commenters concerned that, at that time, the IT infrastructure to accept eFiled certificates did not yet exist.

To address CPSC's and CBP's lack of a robust technology infrastructure to implement eFiled certificates, as highlighted in the comments on the 2013 NPR, the Commission has spent the last decade conducting additional testing and study before implementing eFiling as authorized in section 14(g)(4) of the CPSA. As described in section II of the preamble to the draft SNPR, since 2013, the Commission has undertaken a series of projects and collaboration with CBP on its path to establish an eFiling program, including:

- updating CPSC's Risk Assessment Methodology (RAM) system to receive real-time import entry data from CBP that uses a rules-based approach to identify potentially hazardous consumer products;
- conducting an eFiling Alpha Pilot to establish and assess the infrastructure and processes required for a successful eFiling program;
- conducting a Certificate Study to assess the correlation between the timing and availability of a certificate, the data provided on a certificate, and the violation rate of imported finished consumer products;
- conducting outreach and education for stakeholders;<sup>3</sup> and
- conducting an eFiling Beta Pilot to build upon the previous Alpha Pilot, develop and test the IT infrastructure necessary to support a full-scale eFiling program, inform CPSC's potential rulemaking, and develop internal procedures to support enforcement.

Notably, since 2013, CBP has also fully implemented its own technology upgrade in the Automated Commercial Environment (ACE) and is using the Partner Government Agency (PGA) Message Set, which allows PGAs to collect agency-specific data sets at import, as part of the "Single Window" effort of the International Trade Data System (ITDS). On December 18, 2020, the Commission authorized a staff-recommended multi-year plan to implement a permanent eFiling program at CPSC.<sup>4</sup> Completing the rulemaking required to implement such a program is part of this authorized plan.

<sup>2</sup> Entry is a declaration of goods arriving in the United States. Entry Summary is additional documentation necessary for CBP to assess duties, collect statistics, and determine whether other requirements of law have been met. <https://www.cbp.gov/trade/programs-administration/entry-summary-and-post-release-processes>.

<sup>3</sup> A list of staff outreach and industry engagement can be found in section XI of this Briefing Memorandum.

<sup>4</sup> The staff briefing package for CPSC's plan to create an eFiling program for imported consumer products is available at: <https://cpsc.gov/s3fs-public/CPSC-Plan-to-Create-an-eFiling-Program-for-Imported-Consumer-Products.pdf?BYXOLX2gJmF4NaAN1LCMmqiXRIaRkr->. Record of Commission Act is available at: <https://www.cpsc.gov/s3fs-public/RCA-CPSC-Plan-to-Create-an-eFiling-Program-for-Imported-Consumer-Products.pdf>.

Like the 2013 NPR, staff's draft SNPR proposes to amend the existing part 1110 to, among other things:

- revise terminology to integrate concepts introduced in the 1107 and 1109 rules;
- broaden the rule's the definition of "importer" to address commenters' pragmatic concerns;
- allow private labelers to test and certify products;
- identify applicable testing exclusions on a certificate;
- standardize the recordkeeping requirement for all certificates to five years; and
- implement eFiling for imported, regulated consumer products and substances.

## II. Summary of Response to Comments

In response to the 2013 NPR, CPSC received over 500 comments from over 70 different commenters. Section III of the preamble to the draft SNPR summarizes the public comments and provides staff's recommended responses. In this section, staff provides an overview of the significant issues that received the most comment.

### A. *Revisions to Existing 16 CFR 1110*

In addition to concerns about eFiling described in section III of the preamble, many commenters had concerns about the applicability of the proposed revisions in the 2013 NPR to component parts, *de minimis* and international mail shipments, and Foreign Trade Zones (FTZs).

Component Parts: The criteria set forth in § 1110.5 of the 2013 NPR, which staff recommends maintaining in the SNPR, explains that certificates are only required when each of three criteria are met: (1) the product is a finished product; (2) the product is subject to a consumer product safety rule under the CPSA, or a similar rule, ban, standard, or regulation under any other law enforced by the Commission; and (3) the product is imported for consumption or warehousing or is distributed in commerce.

Component parts that are not sold, offered for sale, or distributed in commerce to consumers as finished products would not meet the first criterion of § 1110.5 and, thus, a certificate is not required. However, a certificate may be required for a component or replacement part of a consumer product if it is intended for distribution to consumers, because it would be considered a finished product. Finished products are only required to be certified if they are subject to a CPSC rule, ban, standard, or regulation. CPSC maintains a list of rules that require testing and certification on CPSC's website: <https://www.cpsc.gov/Business--Manufacturing/Testing-Certification>. Staff recommends that industry closely review CPSC rules, bans, standards, and regulations to determine whether any of them would apply to a component or replacement part sold directly to consumers. Staff observes that component or replacement parts for children's products would be more likely to require testing and certification to rules that apply generally to children's products, such as lead in paints and surface coatings, lead content, and small parts.

De Minimis and International Mail Shipments: Several commenters requested that *de minimis* shipments be exempted from the proposed eFiling requirement for imported products. The CPSA, however, does not provide testing or certificate exemptions or exceptions for *de minimis* shipments. Moreover, with the increase in eCommerce and direct-to-consumer shipments, many violative



products can enter the United States through low-value shipments. Exempting low-value shipments from eFiling requirements would create a pathway for violative products to reach American consumers undetected. Therefore, staff does not recommend such an exception, and the draft SNPR maintains the eFiling requirement for these low-value importations. Moreover, CBP and CPSC have IT solutions for eFiling certificates for *de minimis* shipments. Since the 2013 NPR was proposed, CBP developed entry type (ET) 86, which allows PGA Message data to be filed for *de minimis* shipments, and CPSC has developed the Product Registry, a CPSC-maintained repository for certificate data. Certifiers can use ET86 and the Product Registry to transmit eFiling data.

Other commenters asked for more information regarding international mail shipments because the United States Postal Service cannot act as the Importer of Record (IOR). As with low-value shipments, the CPSA does not provide testing or certification exemptions or exceptions for international mail shipments. Importers who rely on foreign post are subject to testing and certification requirements in section 14 of the CPSA. Although CBP does not require low-value shipments (less than \$800) or those using international mail to file an entry, importers using international mail or any other method of international package delivery via a foreign post can still enter certificates into CPSC's Product Registry prior to the shipment's arrival in the United States. The draft SNPR proposes that certificates for products imported via international mail be entered in the Product Registry before arrival in the United States.

Foreign Trade Zones (FTZs): Commenters requested that imports from FTZs be exempted from the proposed eFiling requirement, because products brought into and out of FTZs do not follow the same entry timelines that other imported products follow. Many consumer product manufacturers and importers take advantage of FTZs to import consumer products and substances. Because the CPSA does not except or exempt products imported through an FTZ from the testing and certification requirement, and violative products can be imported from an FTZ, staff does not recommend exempting or excepting products imported from an FTZ from testing or certification, or from eFiling. We realize that the timelines may be different, but products imported from an FTZ also submit entry forms to CBP, albeit in a different format. Staff recommends that products imported from an FTZ must include either the Full PGA Message Set or a Reference PGA Message Set with CBP's Form 7501.

#### *B. Definition of Importer*

Current § 1110.7(a), regarding who must certify imported products and provide a certificate, requires that, unless otherwise provided in a specific regulation, importers certify imported products. CPSC expects that the IOR named on CBP's entry is the responsible party to test and certify consumer products or other substances regulated by the Commission. Thus, third parties, such as brokers and express carriers, that choose to offer their service as an IOR are responsible for obtaining required certificate data even if they do not have a beneficial interest in the goods. Consistent with this, 16 C.F.R. § 1109 allows such IORs to rely on another party's testing or certification. The 2013 NPR did not change this interpretation of section 1110.7(a).

Some commenters criticized the Commission's current approach that the IOR must certify imported products. They argued that third parties such as brokers and express carriers, who sometimes act as the IOR, do not have sufficient knowledge of the goods, including testing and certification. These commenters contend that requiring these types of IORs to have certificate data could delay products at the ports because these entities will not have the relevant data.

Staff has considered commenters' concerns and the practical difficulties involved in enforcing certificate requirements against an IOR with little or no knowledge about the goods. To enforce certificate requirements, staff requires the ability to identify a responsible party with a beneficial interest in the imported products. Accordingly, for the draft SNPR, staff recommends broadening the definition of "importer" beyond the IOR, to allow any party that could be an IOR under CBP's definition, and requiring an attestation of compliance that identifies the party taking responsibility for testing and certification. The proposed definition of "importer" would include any party that has a financial interest in the consumer product or substance being offered for import and effectively caused the consumer product to be imported into the United States. The intent of the new definition is to provide more options of who may be considered the importer, including the importer of record, consignee, owner, or purchaser. Thus, the draft SNPR proposes that the responsible party is any person that meets the definition of importer, who must affirmatively attest, through meeting the testing and certification requirements in part 1110, to the compliance of the products being imported. If no person that could be an importer tests and certifies the product, staff would default to enforcement against the IOR, consistent with past practice. Staff proposes maintaining the requirement in § 1110.7(a), that an importer certify consumer products, and broadening the definition of "importer." The new definition, along with the requirement for an attestation of compliance, will assist in identifying the party responsible for certifying.

### *C. Certificate Content*

CPSC received many comments regarding the information required on a certificate. Much of the content is required by sections 14(a) and 14(g) of the CPSA, namely the party certifying compliance; the rule, ban, standard, or regulation to which the product is subject; any third party conformity assessment body on whose testing the certificate depends; the date and place of manufacture; the date and place where the product was tested; and each party's name, full mailing address, telephone number, and contact information for the individual responsible for maintaining records of test results. The draft SNPR maintains these requirements.

The 2013 NPR proposed two additional certificate data elements, which staff no longer recommends in the draft SNPR, namely the date of initial certification and the scope of the finished product. Based on the IT developed for eFiling, this content is unnecessary for risk assessment. Further, the product covered by a certificate can be identified by the entry line associated with the certificate, and other content on the certificate, such as the product description.

The draft SNPR clarifies the requirements for two additional certificate data points, the need for an adequate product description, and the need for a contact's email address. To implement eFiling, the certificate would require at least one unique ID and a "sufficient description to match the finished product to the certificate." Additionally, the contact information for the manufacturer, laboratory conducting third party testing, and individual maintaining the records of the test results would require an email address and a telephone number. Because many manufacturers and labs are overseas and in time zones inconsistent with CPSC staff's working hours, an email address allows for more effective and timely communication. In response to comments stating that a position title is preferable to an individual employee's name, because individual employees can leave the company, the draft SNPR also allows the individual maintaining the records of the test results to be a position title, rather than a specific person's name, as long as a firm-affiliated person is responsive to CPSC's requests.

#### *D. CBP and CPSC IT Infrastructure*

Staff received many comments regarding CBP's ability to collect the additional certificate data proposed in the 2013 NPR at entry filing. Those comments may have been justified at the time the 2013 NPR was proposed, because CBP and CPSC had not completed development of the infrastructure needed to collect electronic data at the time of entry. But as explained in section II.B. of the SNPR preamble, since 2013, ACE has been fully implemented and certifiers can now submit electronic data via CBP's Automated Broker Interface (ABI). Additionally, CBP created the PGA Message Set. Today, CBP collects millions of entry lines and PGA Message Sets annually, demonstrating the collection of import data via ACE and the PGA Message Set to be very successful. Moreover, CPSC's RAM system can collect and risk score CBP's entry data, and CPSC has successfully completed an eFiling Alpha Pilot demonstrating the ability to receive and risk score certificate data in the RAM.<sup>5</sup> Comments regarding CBP's and CPSC's ability to collect and use certificate data are no longer relevant.

#### *E. eFiling Requirement*

Many commenters questioned whether a hard copy or electronic certificate must be provided, in addition to an eFiled certificate. The draft SNPR clarifies the requirement by updating the language in §§ 1110.9(b) and (c) to state that an eFiled certificate meets the "accompany" requirement in § 1110.13(a). An electronic certificate, which is different from an eFiled certificate, meets the "furnish" requirements in §§ 1110.13(b) and (c). A hard copy of the certificate also meets these requirements. The draft SNPR retains the "availability" requirement of § 1110.13(c) for all finished consumer products, and so that staff can confirm validity of any certificate, when necessary.

### **III. Description and Explanation: Staff's Draft Supplemental Notice of Proposed Rulemaking**

Because of the number of proposed changes to the current rule, staff recommends striking the existing 16 C.F.R. part 1110 in its entirety and replacing it with the text proposed in the draft SNPR, as described in the preamble of the SNPR, which amends the existing 1110 rule in several ways:

- Defines terms introduced in the part 1107 and part 1109 rules, redefines "importer" to include more parties that can certify compliance, and introduces the terms "eFiled Certificate" and "Product Registry."
- Clarifies three criteria that must be met for a product to require testing and certification.
- Requires importers to certify imported goods and domestic manufacturers or private labelers to certify domestically manufactured goods.
- Clarifies what forms certificates must take and explains the requirements for eFiled and electronic certificates.
- Retains the certificate content requirements from the existing rule with small clarifying changes and proposes an attestation requirement.

<sup>5</sup> The Alpha Pilot Report is available at: [https://www.cpsc.gov/s3fs-public/eFiling\\_Alpha\\_Pilot\\_Evaluation\\_Report-May\\_24\\_2017.pdf?uK.UhjHbKD5yIQ.1w06tudrnvuWlra](https://www.cpsc.gov/s3fs-public/eFiling_Alpha_Pilot_Evaluation_Report-May_24_2017.pdf?uK.UhjHbKD5yIQ.1w06tudrnvuWlra)

- Retains the “accompany” and “furnish” requirement from the existing rule, addresses how eFiled and electronic certificates meet those requirements, and requires one product per certificate.
- Clarifies that a third party may maintain the certificate data and certify on the certifier’s behalf, but requires that a certifier is ultimately responsible for testing and certification.
- Summarizes the existing five-year recordkeeping requirement for CPCs and proposes to add a five-year standard recordkeeping requirement for all General Certificates of Conformity (GCCs).
- Clarifies that component part certificates are not required and remain voluntary.

#### IV. Regulatory Flexibility Act

Whenever an agency publishes an NPR, section 603 of the Regulatory Flexibility Act (RFA), 5 U.S.C. §§ 601–612, requires the agency to prepare an initial regulatory flexibility analysis (IRFA), unless the head of the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Based on this analysis, staff recommends that the Commission certify that this proposed rule will not have a significant economic impact on a substantial number of small entities.

Tab C of this briefing package contains staff’s IRFA for the draft SNPR. The draft SNPR would require that importers of regulated products eFile certificates at the time of filing the CBP entry, or the time of filing the entry and entry summary, if both are filed together, as provided in CPSC’s PGA Message Set CATAIR Implementation Guide (Tab B). Importers would either file the certificate with CBP using a Full PGA Message Set or file a Reference Message Set with a corresponding reference to CPSC’s Product Registry. For domestic manufacturers, the certificate requirements remain the same as the existing 1110 rule, meaning that certificates must be created prior to products entering commerce, and made available to CPSC and CBP immediately upon request. The draft SNPR does not create a new requirement to issue certificates. The analysis in Tab C considers the following new requirements of the draft SNPR: additional recordkeeping for GCCs (typically 2 additional years); and eFiling GCCs and CPCs for imported, regulated consumer products.

CPSC staff’s IRFA concludes that the draft SNPR will not have a significant impact on a substantial number of small businesses. Staff estimates that the 43,061 small firms domestically manufacturing or importing non-children’s products subject to the proposed rule will spend on average \$14 in paperwork costs to comply with the proposed rule’s GCC creation, recordkeeping, third party disclosure, and eFiling requirements. Staff estimates that 211,148 small firms domestically manufacturing or importing children’s products will, on average, spend \$4 to comply with the eFiling requirement. These figures do not include any filing fees charged by brokers or any investment in technology. The burden imposed by the proposed rule, net of the statutory requirements, is small when compared to Small Business Administration’s “significant economic impact” yardstick of one percent of a typical small firm’s annual revenue. The rule does not change small firms’ statutory obligations to certify that their products meet applicable safety standards. The rule does add a PRA burden of additional recordkeeping and a reporting burden for eFiling certificates for imported products. These additional burdens add approximately \$1.5 million in paperwork cost to the industry, which is small when compared to the respective 43,000 and 211,000 small importers and domestic manufacturers of non-children’s and children’s products.

## V. Paperwork Reduction Act

The draft SNPR contains information collection requirements that are subject to public comment and review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (PRA). The rule on certificates of compliance, 16 C.F.R. part 1110, requires importers and domestic manufacturers to issue certificates in the form of either a General Certificate of Conformity (GCC) for a non-children's product or a Children's Product Certificate (CPC) for a children's product. The draft SNPR proposes creating a five-year recordkeeping requirement for all certificates and supporting documents, and a requirement for the eFiling of certificate data for regulated, imported consumer products. This analysis estimates the PRA burden associated with the draft SNPR.

Table 1 summarizes the PRA burden for non-children's products requiring a GCC. CPSC estimates that 49,364 importers and domestic manufacturers are subject to an existing product safety rule for non-children's products. These firms may create 1.3 million GCCs and eFile GCCs 19 million times. The total burden associated with the GCC requirements is 672,973 hours, of which a net 202,755 hours are attributable to the draft SNPR, and the rest being statutory. The cost of the draft SNPR's additional burden is approximately \$6.8 million.

Table 2 summarizes the PRA burden for eFiling certificates for imported children's products.<sup>6</sup> The draft SNPR's only impact on information collection for children's products is an eFiling requirement for imported products, because the PRA burden for Third Party Testing of Children's Products is already captured under OMB Control Number 3041-0159. CPSC estimates that 224,000 importers are subject to an existing CPSC regulation for children's products. These firms may eFile CPCs 27.5 million times. The burden from eFiling CPCs is 290,710 hours and the cost from this burden is \$9.8 million.

That brings the total burden attributable to the draft SNPR to 493,465 hours (202,755 GCC hours + 290,710 CPC hours) for a total cost of \$17 million (\$6,828,781 + \$9,791,126). As explained in detail in Tab D of this briefing package, approximately 82 percent of the total GCC-related burden described in the draft SNPR is borne by importers while the remaining 18 percent is borne by domestic manufacturers.

**Table 1 – Estimated Annual Burden for Non-Children's Products Importers and Domestic Manufacturers**

| Total Burden  | Respondents | Frequency of Response | Responses  | Response Time | Burden Hours | Cost per Burden Hour | Total Cost of Burden |
|---------------|-------------|-----------------------|------------|---------------|--------------|----------------------|----------------------|
| Certificates  | 49,364      | 27.0                  | 1,333,952  | 0.0833        | 111,163      | \$76.26              | \$8,477,268          |
| Disclosure    | 49,364      | 27.0                  | 1,333,952  | 0.2500        | 333,488      | \$33.68              | \$11,231,879         |
| Recordkeeping | 49,364      | 27.0                  | 1,333,952  | 0.0208        | 27,791       | \$33.68              | \$935,990            |
| Filing        | 40,665      | 467.2                 | 18,997,724 | 0.0106        | 200,532      | \$33.68              | \$6,753,902          |
| Total         | 49,364      | 465.9                 | 22,999,581 | 0.0293        | 672,973      | \$40.71              | \$27,399,039         |

<sup>6</sup> Note that the burden related to CPC creation, disclosure, and recordkeeping is covered by the information collection for 16 CFR 1107, "Third Party Testing of Children's Products".

| <b>Additional Burden from the draft SNPR</b> |        |       |            |        |         |         |             |
|--|--------|-------|------------|--------|---------|---------|-------------|
| Total  | 49,364 | 384.9 | 18,997,724 | 0.0107 | 202,755 | \$33.68 | \$6,828,781 |

**Table 2 – Estimated Annual Burden Children’s Products Suppliers**

| <b>Total Burden</b>                          | <b>Respondents</b> | <b>Frequency of Response</b> | <b>Responses</b> | <b>Response Time</b> | <b>Burden Hours</b> | <b>Cost per Burden Hour</b> | <b>Total Cost of Burden</b> |
|--|--------------------|------------------------------|------------------|----------------------|---------------------|-----------------------------|-----------------------------|
| Filing                                       | 224,000            | 123.0                        | 27,540,984       | 0.0106               | 290,710             | \$33.68                     | \$9,791,126                 |
| <b>Additional Burden from the draft SNPR</b> |                    |                              |                  |                      |                     |                             |                             |
| Total  | 224,000            | 112.9                        | 27,540,984       | 0.0106               | 290,710             | \$33.68                     | \$9,791,126                 |

**VI. Effective Date**

Staff recommends an effective date 120 days after publication of the final rule in the Federal Register. This recommendation is based on the user experience of eFiling Beta Pilot participants who initially tested the eFiling system in 2023. The bulk of the participant’s effort was to update the current software used to submit entry data, to include the PGA Message Set data, which the participants were able to do in under 120 days. Furthermore, staff has prepared an implementation guide and other educational material to assist importers in onboarding into the eFiling system. Lastly, after the effective date, the Commission will consult with CBP on enforcement options, which may include increasing or decreasing an importer’s risk score or rejecting an entry that lacks certificate data or contains incomplete or inaccurate information.<sup>7</sup>

**VII. Request for Comments**

Staff recommends collecting comment on all requirements proposed in the draft SNPR, and in particular, on the following:

- The proposed definition for “importer,” which would include the IOR; consignee; or owner, purchaser, or party that has financial interest in the consumer product being offered for import and effectively caused the consumer product to be imported into the United States.
- The requirement that each eFiled certificate contain only one product to meet the “accompany” requirement.

**VIII. Staff’s Recommendation**

Staff recommends that the Commission publish the SNPR as drafted by the Office of the General Counsel.

<sup>7</sup> CBP will flag HTS codes on CPSC’s behalf that may require an eFiled certificate. For certain codes, the certifier has the option to submit a disclaim message, which informs CPSC that the product imported under that certain HTS code does not require a certificate per CPSC’s rules. This is described in the CATAIR (Tab B at section (1) Disclaimer PGA Message Set).

## IX. Conclusion

The amendments to 16 C.F.R. part 1110 proposed in the draft SNPR establish requirements for eFiling certificates at entry or entry summary, if filed at the same time, as provided by section 14(g)(4) of the CPSA. The draft SNPR also defines terms introduced in the part 1107 and part 1109 rules, redefines importer to include more parties that can certify compliance, and introduces the terms “eFiled Certificate” and “Product Registry.” Furthermore, the draft SNPR clarifies the parties responsible for certifying, updates the required content on a certificate including an attestation certifying compliance, and aligns the recordkeeping requirement to five years for all certificates.

The additional burden from this draft SNPR is not expected to have a significant economic impact. Approximately, 273,000 importers and domestic manufacturers may be affected by this rule, with a cost of approximately \$17 million annually. The majority of these costs will be borne by importers. Approximately, 254,000 small businesses may be affected by this rule, resulting in an average of \$14 in paperwork costs for GCCs and an average of \$4 in paperwork costs for CPCs.

**X. Key Abbreviations and Acronyms**

1107 rule – 16 C.F.R. part 1107

1109 rule – 16 C.F.R. part 1109

1110 rule – 16 C.F.R. part 1110

ABI – Automated Broker Interface

ACE – Automated Commercial Environment

API – Application Programming Interface

CATAIR – CBP and Trade Automated Interface Requirements

CBP – U.S. Customs and Border Protection

Certificate – Certificate of Compliance

CPC – Children’s Product Certificate

CFR – Code of Federal Regulations

CPSA – Consumer Product Safety Act

CPSC – U.S. Consumer Product Safety Commission

CPSIA – Consumer Product Safety Improvement Act

CSV – Comma-Separated Values

CTAC – Commercial Targeting and Analysis Center

DIS – Document Image System

ET – Entry Type

EXIS – Office of Import Surveillance, U.S. Consumer Product Safety Commission

FTZ – Foreign Trade Zone

GCC – General Certificate of Conformity

HTS – Harmonized Tariff Schedule

ID – Identifier

IOR – Importer of Record

IRFA – Initial Regulatory Flexibility Analysis

IT – Information Technology

NPR – Notice of Proposed Rulemaking

OMB – Office of Management and Budget

PGA – Partner Government Agency

PRA – Paperwork Reduction Act

RAM – Risk Assessment Methodology

Staff Briefing Package: Supplemental Notice of Proposed Rulemaking to Revise 16 CFR part 1110  
for Certificates of Compliance to Implement eFiling | November 8, 2023 | cpsc.gov



RFA – Regulatory Flexibility Act

SNPR – Supplemental Notice of Proposed Rulemaking

**XI. Staff Outreach and Industry Engagement Since the 2013 NPR**

| <b>Date</b>            | <b>Event</b>  |
|------------------------|---|
| 8/10/2023              | Small Business Ombudsman Webinar on Certificate Requirements and eFiling                                |
| 8/3/2023               | Beta Pilot IT-Development Advisory Group Meeting  |
| 8/1/2023               | National Customs Broker and Freight Forwarders Association of America Global Trade Education Conference |
| 7/13/2023              | Beta Pilot IT-Development Advisory Group Meeting (with National Association of Foreign Trade Zones)     |
| 6/27/2023              | Beta Pilot Welcome Meeting  |
| 6/22/2023              | Beta Pilot IT-Development Advisory Group Meeting  |
| 6/22/2023              | Customs Broker International Freight Forwarder Association of Virginia, Norfolk                         |
| 6/8/2023               | Geodis Annual Conference  |
| 6/7/2023               | Newark Quarterly Brokers Meeting  |
| 6/6/2023 to 6/7/2023   | Global Standards 1 Connect  |
| 5/18/2023              | Beta Pilot IT-Development Advisory Group Meeting  |
| 5/17/2023              | World Trade Center Miami  |
| 4/24/2023              | National Customs Broker and Freight Forwarders Association of America Annual Conference                 |
| 4/20/2023              | Beta Pilot IT-Development Advisory Group Meeting  |
| 4/17/2023 to 4/19/2023 | 2023 U.S. Customs and Border Protection Trade Facilitation and Cargo Security Summit                    |
| 4/11/2023              | Risk Management Forum (convenience store industry)  |
| 4/6/2023               | Beta Pilot IT-Development Advisory Group Meeting  |
| 3/28/2023              | Los Angeles Customs Brokers and Freight Forwarders Association  |
| 3/23/2023              | Beta Pilot IT-Development Advisory Group Meeting  |
| 3/16/2023              | U.S. Customs and Border Protection Trade Support Network  |
| 3/9/2023               | Beta Pilot IT-Development Advisory Group Meeting  |
| 3/8/2023               | U.S. Customs and Border Protection Trade Advisory Group   |
| 2/23/2023              | Beta Pilot IT-Development Advisory Group Meeting  |
| 2/21/2023              | San Diego Brokers Association   |
| 2/14/2023              | Northern Border Customs Brokers Association   |
| 2/14/2023              | Global Standards 1 Global Forum 2023  |
| 2/9/2023               | Beta Pilot IT-Development Advisory Group Meeting  |
| 1/12/2023              | Beta Pilot IT-Development Advisory Group Meeting  |
| 12/15/2022             | Beta Pilot IT-Development Advisory Group Meeting  |
| 12/7/2022              | Newark Quarterly Brokers Meeting  |

Staff Briefing Package: Supplemental Notice of Proposed Rulemaking to Revise 16 CFR part 1110  
for Certificates of Compliance to Implement eFiling | November 8, 2023 | cpsc.gov

|                          |   |
|--------------------------|---|
| 10/20/2022               | eFiling Beta Pilot Workshop   |
| 10/19/2022 to 10/20/2022 | Florida International Trade and Cultural Expo   |
| 10/8/2022                | Pacific Coast Conference WESCCON  |
| 10/7/2022                | Florida Customs Brokers and Forwarders Association  |
| 9/28/2022                | U.S. Chamber of Commerce  |
| 9/19/2022                | National Customs Broker and Freight Forwarders Association of America Government Affairs Committee Conference |
| 9/11/2022 to 9/13/2022   | IPWatchdog  |
| 9/8/2022                 | Geodis Symposium  |
| 8/4/2022                 | U.S. Customs and Border Protection Trade Support Network  |
| 7/18/2022 to 7/20/22     | U.S. Customs and Border Protection Trade Facilitation and Cargo Security Summit                               |
| 6/23/2022                | National Custom Brokers and Freight Forwarders of America Meeting   |
| 6/15/2022                | American Association of Exporters and Importers Conference  |
| 6/8/2022                 | North Texas Customs Brokers Meeting   |
| 5/20/2022                | Miami International Trade Week  |
| 5/2/2022                 | National Custom Brokers and Freight Forwarders of America Annual Conference                                   |
| 9/23/2016                | U.S. Customs and Border Protection Trade Support Network  |
| 8/4/2016                 | Review meeting with eFiling Alpha Pilot participants  |
| 4/13/2016                | Adult Wearing Apparel Webinar with eFiling Alpha Pilot participants   |
| 2/25/2016                | eFiling Product Registry Webinar  |
| 11/18/2015               | Kick-off meeting eFiling Alpha Pilot participants   |
| 10/1/2015                | eFiling Product Registry Webinar  |
| 9/16/2015                | U.S. Customs and Border Protection Trade Support Network  |
| 9/16/2015                | Border Interagency Executive Council (BIEC) Meeting   |
| 5/13/2015                | Commercial Operations Advisory Committee (COAC) Working Group   |
| 4/28/2015                | Commercial Operations Advisory Committee (COAC) 1USG Subcommittee   |
| 4/9/2015                 | Commercial Operations Advisory Committee (COAC) Working Group   |
| 3/26/2015                | Commercial Operations Advisory Committee (COAC) Working Group   |
| 3/12/2015                | Commercial Operations Advisory Committee (COAC) Working Group   |
| 9/18/2014                | Public Workshop on eFiling  |

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for Certificates of Compliance to Implement eFiling | November 8, 2023 | cpsc.gov

## TAB A – eFiling Beta Pilot Product Registry Standard Operating Procedure

Staff Briefing Package: Supplemental Notice of Proposed Rulemaking to Revise 16 CFR part 1110  
for Certificates of Compliance to Implement eFiling | November 8, 2023 | cpsc.gov



# Memorandum

**TO:** The File **DATE:** November 8, 2023

**THROUGH:** Jim Joholske, Director  
Office of Import Surveillance

**FROM:** Arthur Laciak, eFiling Program Specialist  
Targeting and Analytical Team  
Office of Import Surveillance

**SUBJECT:** eFiling Beta Pilot Product Registry - Standard Operating Procedure

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## I. Introduction

This document, eFiling Beta Pilot Product Registry - Standard Operating Procedure, provides step-by-step guidance for using the Consumer Product Safety Commission's (CPSC) Product Registry for Beta Pilot participants. The Product Registry is a database created and managed by CPSC staff, where participants can enter certificate data, which can later be referenced when submitting a Reference Partner Government Agency (PGA) Message Set to U.S. Customs and Border Protection (CBP) when filing entry or entry summary.

The Product Registry will have multiple means of entering certificate data and has many user-friendly tools. Once the Beta Pilot is complete, the CPSC will improve the Product Registry based on the results of the Beta Pilot, and CPSC will then roll out the ability to enter certificate data in the Product Registry to all importers of consumer products and their authorized business partners prior to implementation of a permanent eFiling program.



United States

**Consumer Product Safety Commission**

# eFiling Beta Pilot - Standard Operating Procedure Guide

August 4, 2023

Version 1.0

**Table of Contents**

|           |  |              |
|-----------|--|--------------|
| <b>1.</b> | <b><u>eFiling Program Overview</u></b>                   | .....        |
| <b>2.</b> | <b><u>Product Registry</u></b>                           | .....        |
| 2.1       | <u>Business Account: User Roles and Responsibilities</u> | .....        |
| 2.2       | <u>Product Registry: New User Profile Setup</u>          | .....        |
| 2.3       | <u>Business Account: User Management</u>                 | .....        |
| 2.3.1     | <u>Invite a New User</u>                                 | .....        |
| <b>3.</b> | <b><u>Working in the eFiling Environment</u></b>         | .....        |
| <b>4.</b> | <b><u>Business Account Setup and Management</u></b>      | .....        |
| 4.1       | <u>Establish a New Business Account</u>                  | .....        |
| 4.2       | <u>The CPSC eFiling Dashboard</u>                        | .....        |
| 4.3       | <u>Manage Business Account Administrators</u>            | .....        |
| 4.3.1     | <u>Add New Account Administrators</u>                    | .....        |
| 4.4       | <u>Product Collection Management</u>                     | .....        |
| 4.4.1     | <u>Create a New Product Collection</u>                   | .....        |
| 4.4.2     | <u>Grant/Revoke Product Collection Users</u>             | .....        |
| 4.5       | <u>Trade Party Data Management</u>                       | .....        |
| 4.5.1     | <u>Adding a Trade Party</u>                              | .....        |
| <b>5.</b> | <b><u>Entering a New Product Certificate</u></b>         | .....        |
| 5.1       | <u>Manually Entering a Single Certificate</u>            | ..... - 38 - |
| <b>6.</b> | <b><u>Product Certificate Updates</u></b>                | .....        |
| 6.1       | <u>Edit Single Product Entry</u>                         | .....        |

## Key Terminology

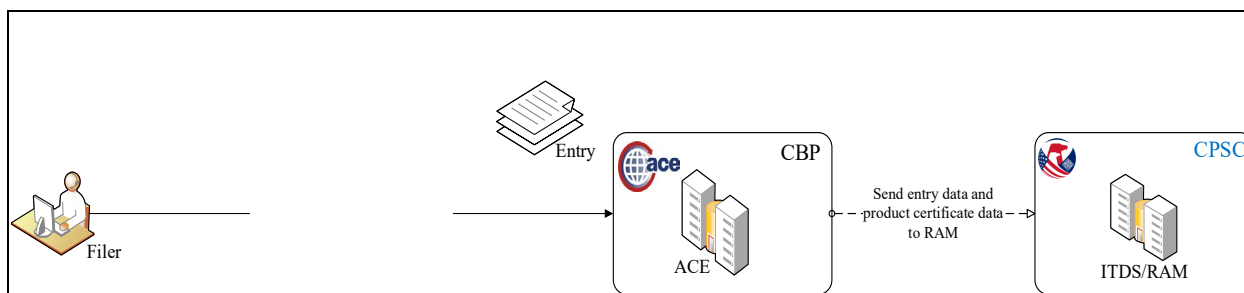
- **Attestation:** The act of asserting that all information provided for a product is true and accurate to the best of one's knowledge. Any user that provides product entry data must perform attestation.
- **Business Account** – The account that legally represents an organization within the Product Registry and captures and manages an organization's certificate data.
- **Business Account Administrator:** An employee of the Importer organization, designated by the Participant to manage the Business Account and hold the highest level of permissions including create/remove Product Collections; add and update product data within collections; and invite other users to collaborate as a Business Account Administrator, Product Collection Administrator, Collection Editor or Collection Viewer.
- **Certification:** The act of asserting that a product referred to within the Product Registry is in compliance with all applicable CPSC regulations. Business Account Administrators are accountable and responsible for certifying products but can delegate authority to Collection Administrators or Collection Editors.
- **Certificate ID:** A unique ID code that identifies an individual product within the Product Registry. The Certificate ID is a combination of the Certifier ID, Product ID, and Version ID.
- **Certifier ID:** A unique ID code that is specific to an importer's business account in the Product Registry.
- **Collection Administrator:** An employee of the Importer organization or a Trade Party designated by a Business Account Administrator to manage a Product Collection and its users. A Business Account Administrator may authorize the Collection Administrator to certify product certificates.
- **Collection Editor:** A user with permission to add and update data within a specific Product Collection. A Business Account Administrator may authorize a Collection Editor to certify product certificates.
- **Collection Viewer:** A user with permission to only view data within a specific Product Collection.
- **eFiling Dashboard:** The homepage for the eFiling environment where all actions within the Product Registry begin.
- **Importer:** Business that purchases products made in a foreign country with intent to import into the United States and make available for sale to the U.S. consumers.
- **Participant:** Importer organization who has volunteered to participate in the eFiling Beta Pilot.
- **Product ID:** An ID code that consists of one of seven possible ID Types (e.g., GTIN, SKU, UPC, Model Number, Serial Number, Registered Number, Alternate ID).
- **Trade Party/Partner:** Trade Party entities including manufacturer, testing laboratory, broker, and software developers who participate directly or indirectly in the import process. Any Trade Party may receive administrator, editor, or viewer access to a collection. NOTE: The Product Registry currently uses the term "Trade Party" to define Partner data, including the Partner's name, address, email address, and telephone number.
- **User:** Any individual in any role using the Product Registry.
- **User Profile:** A collection of information (e.g., name, contact info, company name, password) associated with a specific user to identify the users and manage their access, roles, and permissions to one or more Business Account.
- **Version ID:** An ID code created or set by a user when a product is certified in a Product Collection. Version ID must be updated each time a product is re-certified.

## 1. eFiling Program Overview

The CPSC electronic Filing (eFiling) program is a phased effort to test the filing and collection of certificates of compliance data elements electronically, establish policies and procedures, and implement the program for all importers of CPSC regulated products. Currently, CPSC only asks for certificate data once a product is identified for exam which limits its ability to use certificate data in its risk assessment and targeting in advance of a shipment arrival.

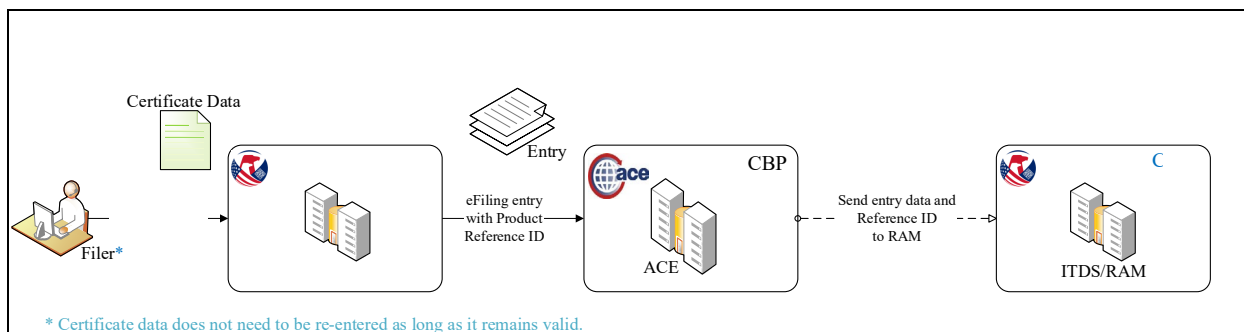
eFiling enables importers of regulated consumer products to file certificate of compliance data elements with U.S. Customs and Border Protection (CBP) using a PGA Message Set. Beginning in the fall of 2023, CPSC is conducting a Beta Pilot with approximately 40 importer participants (Participant) and their partners (Trade Parties) who will work collaboratively with CPSC and CBP to test the eFiling system and process and provide feedback to inform rulemaking to require eFiling and to support full implementation of the eFiling program. Beta Pilot participants will eFile entries using one of two methods:

1. **Full PGA Message Set:** Participants electronically file standard entry data and the product certificate data elements into CBP's Automated Commercial Environment (ACE) system through the Automated Broker Interface (ABI) (see **Figure 1**). Participants will enter certificate data elements into the Message Set each time they import a product. ACE transmits entry data and product certificate data to CPSC's Risk Assessment Methodology (RAM) system to identify products that have a higher risk of violating consumer product safety rules.



*Figure 1: Full PGA Message Set Filing*

2. **Product Registry and Reference PGA Message Set:** Participants or their Trade Parties enter and manage certificate data in a database called the CPSC Product Registry. Participants who use the Product Registry do not need to enter PGA Message Set data elements each time a product is imported. Instead, Participants or their Broker submit a shorter PGA Message Set referencing a unique ID assigned to the certificate data record stored in the Product Registry (see **Figure 2**). ACE transmits entry data and reference ID to CPSC's Risk Assessment Methodology (RAM) system to identify products that have a higher risk of violating consumer product safety rules.



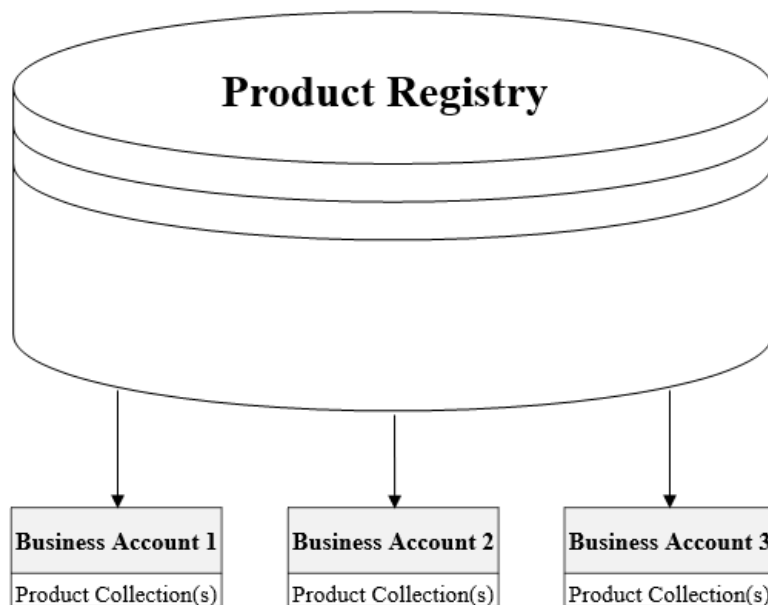


*Figure 2: Data Registry and Reference Message Set Filing*

Participants and Trade Parties may use this Standard Operating Procedure (SOP) as a guide to manage certificate data in the Product Registry during the Beta Pilot. The SOP defines key roles and responsibilities and provides step-by-step instructions on how to establish a business account, manage users, enter, and certify certificate of compliance data.

## 2. Product Registry

The Product Registry is a secure online application where participants establish Business Accounts and Product Collections to organize and manage data. Participants can create as many collections as needed to manage their certificate data (see **Figure 3**). The participant is legally responsible for the certificate data and must create a Business Account in the Product Registry. The participant will designate an employee to function as the initial Business Account Administrator. The Business Account Administrator has the highest level of administrative privileges and may delegate permissions to other users to manage the Business Account and/or Product Collections. The Business Account Administrator may also designate permissions to Trade Parties to manage Product Collections.

*Figure 3: Product Registry Design*

Participants must send an email to CPSC that identifies the designated Business Account Administrator responsible for establishing the Business Account. (**NOTE:** The Product Registry does not allow an existing Business Account Administrator user to create a new Business Account. Therefore, the participant must ensure that the designee is not a Business Account Administrator for a separate business account.) CPSC will then send an email invite to the designee who will create their own user account and the new Business Account.

CPSC assigns the role of the initial Business Account Administrator to the designee during account setup. The Business Account Administrator can invite additional users from their business or a trade party to collaborate in the Business Account and/or individual Product Collections. Administrative users have permissions to add and revoke user and Trade Party privileges at the Business Account or Product Collection level. [2.1 Business Account: User Roles and Responsibilities](#) defines Business Account user roles and responsibilities.

Individual users may establish a user profile in the Product Registry to access a Business Account. Individual users may use the detailed procedures in section [2.2 Product Registry: New User Profile Setup](#) to complete the process.

## 2.1 Business Account: User Roles and Responsibilities

Participants maintain all of their certificate data and manage their users and third parties in a Business Account. Trade Party businesses are participant partners that support the participant in their import and eFiling process. Business Account functions include administrative, edit, and view only access to specific components of the account based on a user's role and the permissions that correspond to the role. For the purposes of this SOP, a user is an individual in any role using the Product Registry. The Business Account User Roles table (see **Table 1**) lists specific user types and roles.

| Roles                          | Participant | Partner |              |             |
|--------------------------------|-------------|---------|--------------|-------------|
|                                | Importer    | Broker  | Manufacturer | Testing Lab |
| Business Account Administrator | X           |         |              |             |
| Collection Administrator       | X           | X       | X            | X           |
| Collection Editor              | X           | X       | X            | X           |
| Collection Viewer              | X           | X       | X            | X           |

*Table 1: Business Account User Roles*

Business Account responsibilities vary by role and user type. Responsibilities for each role are defined below:

- **Business Account Administrator** is a user from the Importer's business designated to manages the Business Account on behalf of the business. The Business Account Administrator performs the function of every role within the Business Account.
  - i. The Business Account Administrator performs the following functions that are unique to this role:
    - Assign and remove Business Account Administrators and Collection Administrators
    - Create and remove Product Collections
  - ii. The Business Account Administrator also performs the following roles, which they may delegate to other Importer users or Partner users:
    - Assign or remove Collection Editors and Collection Viewers in any Product Collection
    - Enter and manage data in any Product Collection
- **Collection Administrator** is a user from the Importer's or Partner's business who manages certificate data and grants and removes access to a specific Product Collection
  - i. The Collection Administrator performs the following functions that are standard to this role:
    - Add and remove Collection Editors and Collection Viewers in a specific Product Collection
    - Enter and manage certificate data in a specific Product Collection
    - Attest to the accuracy of product data
  - ii. The Collection Administrator may perform the following functions, as assigned by a Business Account Administrator
    - Certify product data (only if permission is granted by a Business Account Administrator)
- **Collection Editor** is a user from the Importer's or Partner's business who enters and manages data in a specific Product Collection
  - i. The Collection Editor performs the following function that are standard to this role:
    - Enter and manage data in a specific Product Collection
    - Attest to the accuracy of product data

iii. The Collection Editor may perform the following functions, as assigned by a Business Account Administrator

- Certify product data (only if permission is granted by a Business Account Administrator)
- **Collection Viewer** is a user from the Importer's or Partner's business with view-only access to a specific Product Collection

**NOTE:** The Business Account Administrator may delegate responsibility to certify data in the Business Account. However, The Participant remains responsible and accountable to comply with the terms of the certification statement.

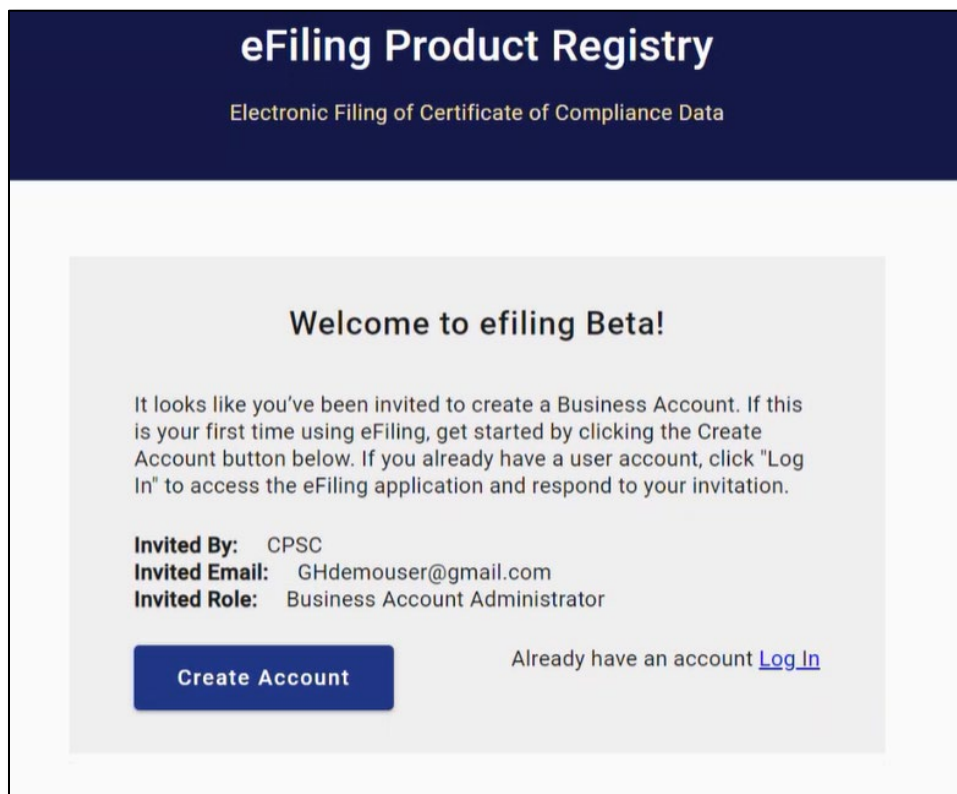
## 2.2 Product Registry: New User Profile Setup

Individual users must set-up a profile to access the Product Registry, accept assigned roles, and perform associated responsibilities in a Business Account. CPSC will send the designated Business Account Administrator the initial CPSC invitation to create a new user profile in the Product Registry and establish a Business Account.

The Business Account Administrator can invite new administrative users to the new Business Account and assign roles from the list in **Table 1** located in section [2.1 Business Account: User Roles and Responsibilities](#). Collection Administrators can invite Trade Parties and assign roles for collaboration within a Product Collection. Trade Parties invited to collaborate in a Product Collection and who are new Product Registry users must also create a new user profile.

New users can follow the steps below to set-up a user account in the Product Registry. An asterisk (\*) designates a required field.

1. Receive email from CPSC titled "Invitation to join CPSC's eFiling Beta Pilot".
2. Open email and click on the **Invitation** hyperlink, which directs users to the following page:



3. Click the [CREATE ACCOUNT] button.
4. Review the legal notice and click the [ACKNOWLEDGE] button.

## eFiling Product Registry

Electronic Filing of Certificate of Compliance Data

By logging into the eFiling Product Registry, you are participating in a beta pilot test (Beta Pilot) that will evaluate the effectiveness of electronic filing (eFiling) of certificate data relating to regulated imported products. The U.S. Consumer Product Safety Commission (CPSC) is undertaking the Beta Pilot in consultation with U.S. Customs and Border Protection (CBP) to assess eFiling of certificate data via the Partner Government Agency (PGA) Message Set to the CBP-authorized Electronic Data Interchange system known as the Automated Commercial Environment. The Beta Pilot includes all products that require a certificate of compliance under section 14 of the Consumer Product Safety Act (CPSA; 15 USC 2063), meaning finished consumer products under CPSC's jurisdiction that are subject to a consumer product safety rule under the CPSA, or similar rule, ban, standard, or regulation under any other Act enforced by the Commission and which is imported for consumption or warehousing or distributed in commerce.

By logging on to this page, you are consenting to the terms and conditions applicable to the Beta Pilot as set forth in the Federal Register announcement of the Beta Pilot (87 FR 35513 (June 10, 2022)) and related documents stored on CPSC's website at [www.cpsc.gov/eFiling](http://www.cpsc.gov/eFiling), all of which are incorporated by reference here.

During the Beta Pilot, participants agree to collaborate with CBP and CPSC to examine the effectiveness of the "single window" capability to facilitate electronic collection, processing, sharing, and reviewing of trade data and related documents during the cargo import and export process, which CPSC expects will allow more accurate targeting of imports to facilitate the flow of legitimate trade and enhanced targeting of noncompliant trade. Participants agree to provide feedback as part of the Beta Pilot to assess and enhance the concept of a "Product Registry," maintained by CPSC, which would allow importers (or their delegates, such as brokers) to file a reference to existing certificate data stored in the Product Registry through the PGA Message Set, rather than by entering all certificate data for each entry.

CANCEL
ACKNOWLEDGE

5. In the "Create an Account" window, enter the following user information below.
  - First Name\*
  - Last Name\*
  - Phone\*

**NOTE:** The email field defaults to the email used to create the user account and cannot be edited.

**Create an Account**

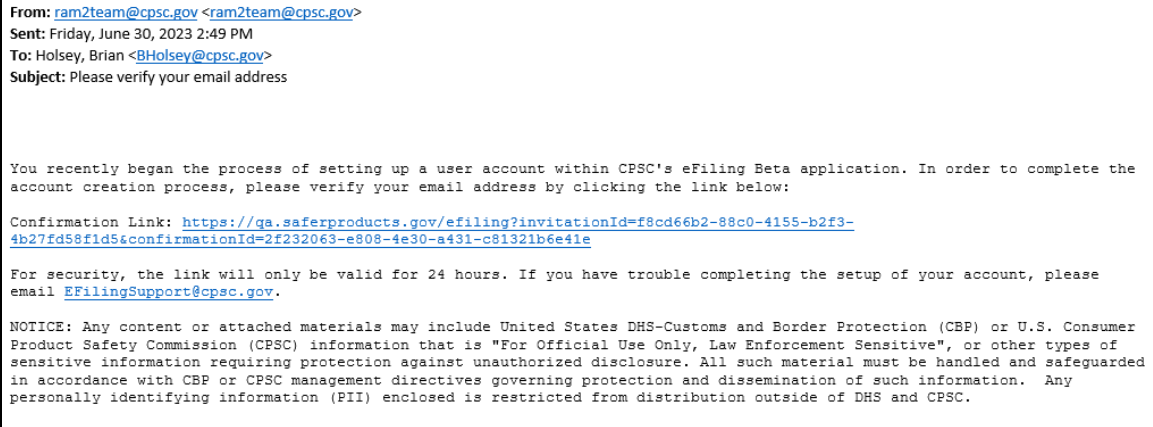
In order to access eFiling, you will need to provide some information about you and your business.

|  |                                 |
|--|---------------------------------|
| First name* <input type="text"/>                 | Last name* <input type="text"/> |
| Email*<br>GHdemouser@gmail.com                   | Phone* <input type="text"/>     |
| Company name* <input type="text"/>               |                                 |
| Create a password*                               | Confirm your password*          |
| <input type="button" value="Create An Account"/> |                                 |

6. Enter the user's company name in the **Company name** field and select the appropriate company record from the drop-down.
- If the user's company does not appear in the drop down, this means that the company has not yet been added to the Product Registry. To add the company, select [**+Add New Company**].
  - Add the user's company information in the fields provided. An asterisk (\*) designates a required field.
    - i. Company Name\*
    - ii. Organization Type (*see note below*)
    - iii. Division
    - iv. GLN
    - v. Address\*
    - vi. City\*
    - vii. State/Province
    - viii. Country\*
    - ix. Zip/Postal Code
    - x. Corporate Phone\*
    - xi. Corporate Email\*
    - xii. Website

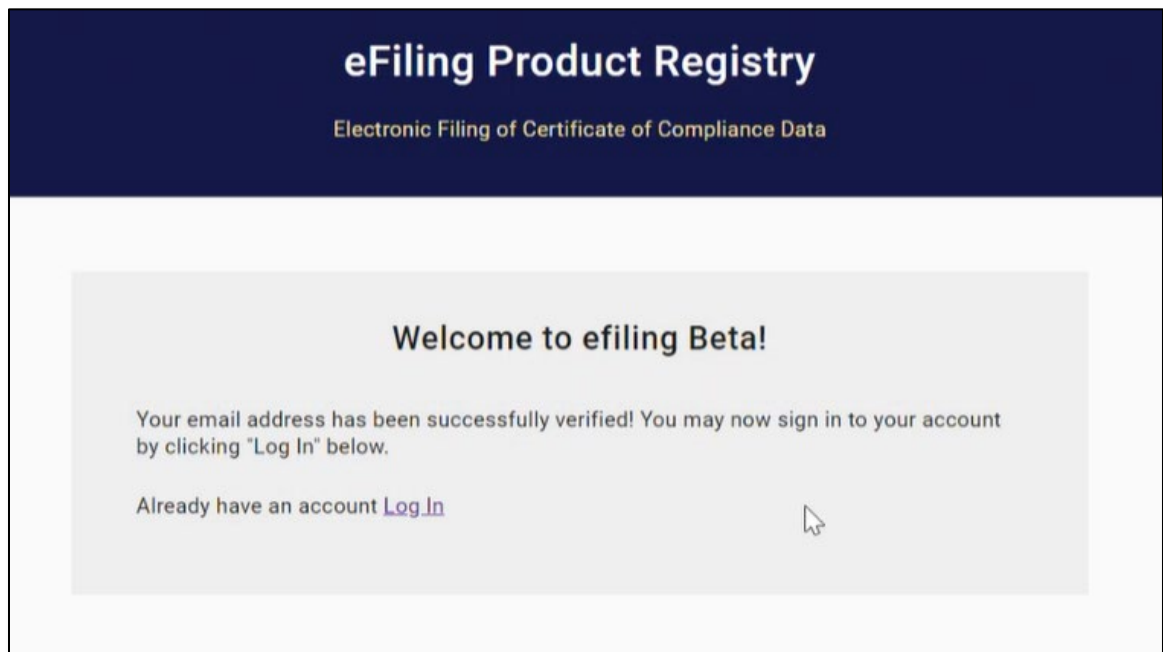
**NOTE:** If a new user is a Business Account Administrator, the **Organization Type** field defaults to 'Importer' and **cannot** be edited. Trade Parties **can** edit this field and select their organizational type (e.g., Manufacturer, Laboratory, Broker).

7. Create a user password in the following fields using the password rules provided:
  - Create a password\*
  - Confirm your password\*
8. Select the **[CREATE AN ACCOUNT]** button.
  1. The system creates the account and sends a system generated email titled "Please verify your email address".
9. Open the email and click the **Confirmation** hyperlink.



The system will complete the process and return to the Welcome page.

10. Click the **Log In** hyperlink.



11. Enter the user's Username and Password and click the **[Sign In]** button.

12. Review the legal notice and click the **[ACKNOWLEDGE]** button. The system directs the user to the Product Registry Dashboard (see section [4.2 The CPSC eFiling Dashboard](#)).

Review the user roles below for next steps:

- New Business Account Administrator invited to an existing Business Account: No further action required.
- New Business Account Administrator invited to create a new Business Account: See section [4.1 Establish a New Business Account](#) to continue with the Business Account setup.
- Trade Parties invited to collaborate in a Product Collection: User must accept or decline the invitation, using the following steps:
  - i. In the To-Do list section of the Product Registry Dashboard, click the **You have been invited** hyperlink.
  - ii. A window displays the following information on the Product Collection the user has been invited to join. Click the **[ACCEPT]** button.
    - Product Collection
    - Company
    - Invited by
    - Role
    - Certification Permission
      - This field only appears for Trade Parties offered the permission to certify products within a Product Collection. Users will see a certification statement and choice to accept or reject the permission by selecting ‘Yes’ or ‘No’.
  - iii. Click the **[ACCEPT]** button to accept the invitation or the **[DECLINE]** button to decline the invitation.

**NOTE:** The User Management functionality is still in development so the CPSC IT is currently restricting editing of user profiles. Users should carefully review all user profiles, Business Account data, and Trade Party data before submitting. The CPSC IT team will perform data corrections, upon request, which may cause delays in data submission. Participants must send requests for user profile edits to the eFiling support mailbox: [efilingssupport@cpsc.gov](mailto:efilingssupport@cpsc.gov).

## 2.3 Business Account: User Management

User management is a key role for Business Account Administrators to add, edit, and remove user access to the Business Account and Product Collections. Business Account Administrators can invite new users and assign permissions using the process in this section.

**NOTE:** The User Management functionality is still in development so the CPSC IT is currently restricting editing of user profiles. Users should carefully review all user profiles, Business Account data, and Trade Party data before submitting. The CPSC IT team will perform data corrections, upon request, which may cause delays in data submission. Participants must send requests for user profile edits to the eFiling support mailbox: [efilingssupport@cpsc.gov](mailto:efilingssupport@cpsc.gov).

### 2.3.1 Invite a New User

Business Account Administrators can invite users to collaborate as either another Business Account Administrator or as a Collection Administrator, Collection Editor, or Collection Viewer. Collection Administrators can only invite new users to collaborate as a Collection Editor or Viewer.



To invite a new user as a Business Account Administrator, see [4.3.1 Add New Account Administrator](#). To invite users to collaborate in a Product Collection, see [4.4.2 Grant/Revoke Product Collection Users](#).

### 3. Working in the eFiling Environment

There are several tools within the Product Registry to aid in the management of the Business Account. Those include:

- **Activity Feed** – This list displays all activity performed on the account to date, including status of entering certificate data.
- **To Do List** – This list provides information on the current tasks that must be completed by specific users, including responding to invitations and certifying product data, so the certificate may be used in Reference Message Set filings.
- **Prompts** – The Activity Feed and the To Do List are tools that are constantly present on the home screen. Users also receive a pop up “prompt” for new or high priority activities. See the example below.



To complete the setup of your Business Account, please [set your Certifier ID](#). X

These tools provide helpful information on status of certificate data entry to allow ongoing updates on the status of the Business Account and manage data entry progress.

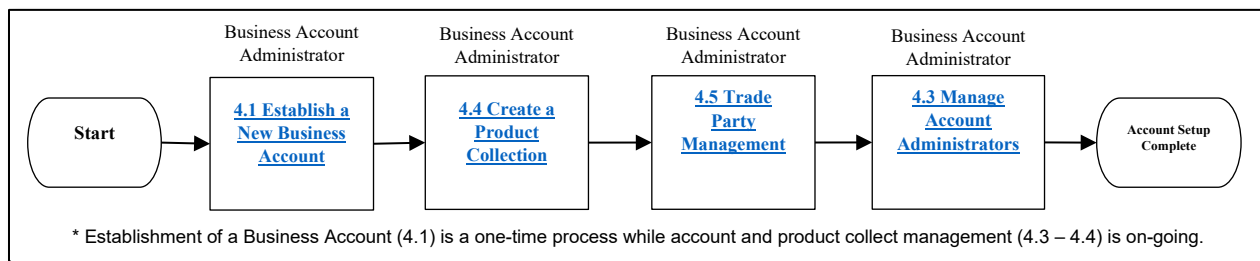
### 4. Business Account Setup and Management

Participants are legally responsible for their certificate data. Each participant must establish a Business Account and Product Collections (see **Figure 4**) to organize and manage product certificate data. Each participant should establish internal business processes, prior to any account setup activity to ensure standardized practices are in place regarding data access and management. Some key business decisions for consideration in internal processes may include the following:

- Who will be the primary Business Account Administrator?
- What are the criteria for additional Business Account Administrators?
- How will participants organize products into Product Collections?
- What are the criteria for selecting Collection Administrators?
- Which Trade Parties will have access to the different Product Collections?

The Business Account Administrator can invite other Business Account Administrators. The Business Account Administrator role is only available to employees within the participant’s business. Business Account Administrators also create Product Collections and setup users with appropriate permissions to edit or preview data within specific Product Collections. **Figure 4** displays the full Business Account workflow for reference.





**Figure 4: Business Account and Product Collection Setup**

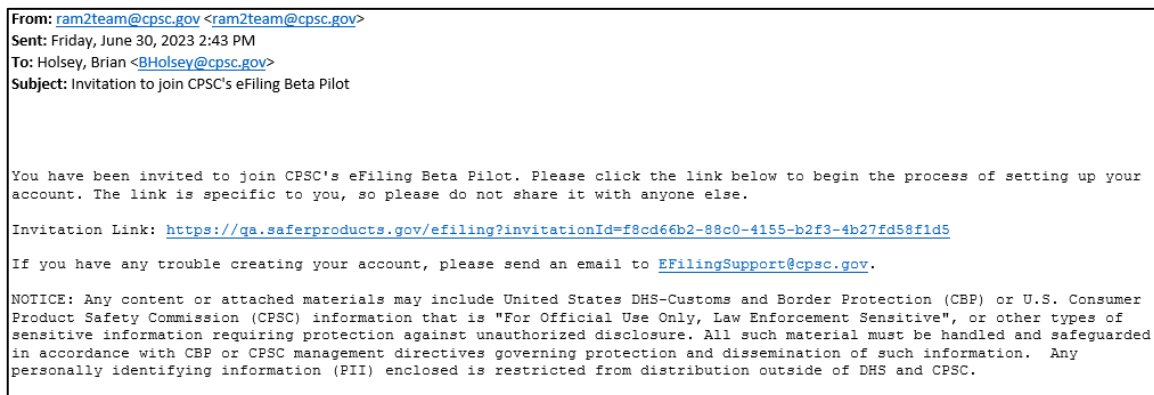
## 4.1 Establish a New Business Account

Participants should designate a primary Business Account Administrator as part of their internal business process. The designated Business Account Administrator is responsible for creating the participant’s initial Business Account in the Product Registry and is the owner of the Business Account. The Business Account Administrator will set up a new user profile and company record in the Product Registry. The ‘Certifier ID’ is used to create the Business Account, after the user profile and company record are complete.

**NOTE:** The User Management functionality is still in development so CPSC IT is restricting edits to Business Account data. Users should review all user profiles, Business Account data, and Trade Party data before submitting. The CPSC IT team will perform data corrections, upon request, which may cause delays in data submission. Participants must send requests for edits to Business Account data to the eFiling support mailbox: [efilingssupport@cpsc.gov](mailto:efilingssupport@cpsc.gov).

Business Account Administrators can use the process below to set up a new Business Account. An asterisk (\*) designates a required field.

1. Open the email titled “Invitation to join CPSC’s eFiling Beta Pilot.”



2. Select the Invitation Link in the email. The eFiling Product Registry page appears:

United States  
CONSUMER PRODUCT SAFETY COMMISSION

## eFiling Product Registry

Electronic Filing of Certificate of Compliance Data

### Welcome to eFiling Beta!

It looks like you've been invited to create a Business Account. If this is your first time using eFiling, get started by clicking the Create Account button below. If you already have a user account, click 'Log In' to access the eFiling application and respond to your invitation.

Invited By: CPSC  
Invited Email: eFilingTraining@gmail.com  
Invited Role: Business Account Administrator

[Create Account](#) Already have an account [Log In](#)

### What is eFiling?

The eFiling Beta pilot is being conducted to assess the effectiveness of the electronic filing of Certificate of Compliance information for imported products that fall under CPSC's jurisdiction.

- [Learn More](#)
- [Resources for Beta Pilot Participants](#)
- [Frequently Asked Questions](#)

OMB Control Number 3041-0193

[Accessibility](#) [Privacy Policy](#) [Vulnerability Disclosure Policy](#) [Open Government](#) [Information Quality Act](#) [FOIA](#) [Inspector General](#) [No Fear Act](#)

3. Select the **[Create Account]** button.
4. Create a new user profile, (see [2.2 Product Registry: New User Profile Set-up](#)).
5. Click the **Set your Certifier ID** link under the **To-Do List** section of the Product Registry dashboard.
6. Create a unique Certifier ID\* or use the system generated value in the 'Certifier ID' field.
  - The Certifier ID is unique to the Business Account, which a broker will later provide at the time of filing a Reference Message Set.
  - The Certifier ID is only one portion of the Certificate ID, which also includes a Product ID and Version ID. The Certificate ID uniquely identifies the certificate, when eFiling at Entry in the Reference Message Set.

### Set Certifier ID to Complete Business Account

A unique certifier ID is required for every Business Account. A default based on your company information has been generated below, but you are free to replace it with your GLN, or another unique identifier for your company.

**Important Points:**

- Once a unique Certifier ID has been chosen, it cannot be changed
- Completing this step will make you an Administrator of the new Business Account
- Administrators should be employees of the company the Business Account represents

Certifier ID\*  
 MyNewCompany-Division 1

**Company name:** My New Company  
**Division:** Division 1  
**Address:** 123 Candy Land Lane , Bethesda, MD, 20901, United States of America  
**Email:** abc@mynewcompany.com  
**Phone:** 301-523-4174  
**Website:** www.mynewcompany.com

SAVE

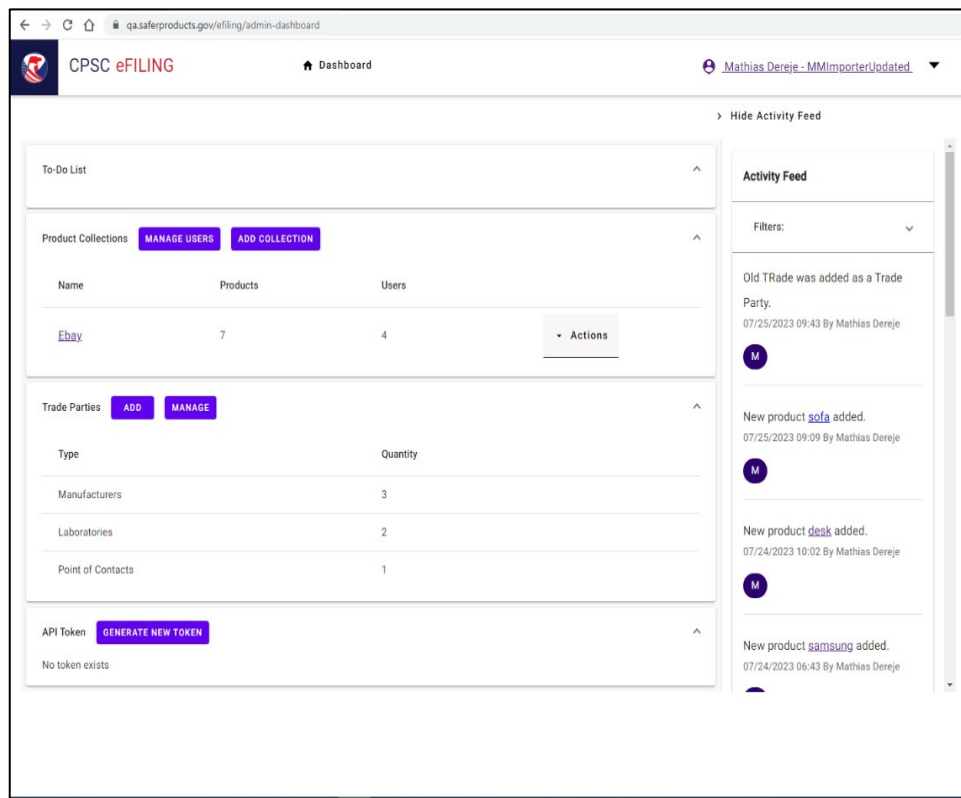
CANCEL

7. Click the **[Save]** button.

The system saves the Certifier ID and returns to the CPSC eFiling Dashboard.

## 4.2 The CPSC eFiling Dashboard

The CPSC eFiling Dashboard is the homepage for the eFiling environment. Users may initiate actions for User Management, Product Collections, and Trade Parties. Users may also track pending tasks and actions to be completed and review past actions that have been performed within the Product Collection.



1. The Business Account Administrator receives a prompt from the Dashboard to create a Product Collection, following the creation of the Certifier ID.

**NOTE:** A Product Collection must be created in order to enter data into the Business Account. See [4.4 Product Collection Management](#).

2. The Business Account Administrator can take any actions listed in this SOP once a Product Collection is created. Refer to the table of contents for all Product Registry functions.

### 4.3 Manage Business Account Administrators

The initial Business Account Administrator may invite or remove other Business Account Administrators. All Business Account Administrators share the same roles and permissions and may invite or remove other Business Account Administrators from that role. The initial Business Account Administrator may find a need to add additional administrators to manage their account's collections or associated users.

Business Account Administrators establish Product Collections and oversee access and can delegate responsibility for individual Product Collections by inviting Collection Administrators. Business Account Administrators also possess all the permissions necessary to complete tasks required to use the Product Registry.

- The Business Account Administrator and Collection Administrator roles are responsible for managing user access to a specific collection and managing user permissions.
- The Collection Editor and Collection Viewer roles perform the designated tasks based on the role assigned in a specific Product Collection.

**NOTE:** The User Management functionality is still in development so CPSC IT is restricting edits to Business Account Administrators. Users should carefully review all user profiles, Business Account data,

and Trade Party data before submitting into the eFiling environment. The CPSC IT team will perform data corrections which may cause delays in data submission. Participants must send requests for edits to Business Account Administrator roles to the eFiling support mailbox: [efilingssupport@cpsc.gov](mailto:efilingssupport@cpsc.gov).

#### 4.3.1 Add New Account Administrators

**NOTE:** The New Account Administrator functionality is not yet available as it is still under development.

Business Account Administrators can invite additional Business Account Administrator users by completing the steps below:

1. Log into the user's Product Registry Account. The user's Company Information page displays:

The screenshot shows the 'eFiling > Company Information' page for a user named Jane Doe. The page is divided into three main sections: Company Information, Company Account Admins, and Company Product Collections.

**Company Information**

|               |  |
|---------------|--|
| Name:         | Storm Imports                            |
| Division:     | West                                     |
| Certifier ID: | Storm-Imports-West                       |
| Address:      | 222 16th Street G Atlanta, Georgia 30363 |
| Email:        | compliance@stormimports.com              |
| Phone number: | 555 555 1234                             |
| Website:      | www.stormimports.com                     |
| Importer ID:  | 256-7325                                 |

**Company Account Admins**

| User ID               | Name     | Phone        | Role          | Company       |
|-----------------------|----------|--------------|---------------|---------------|
| jane@stormimports.com | Jane Doe | 555-555-1134 | Account Admin | Storm Imports |

**Company Product Collections**

| Name          | Role                   | Products |
|---------------|------------------------|----------|
| Storm Imports | Registry Administrator | 5478     |

2. Select the [ADD A USER] button.

The 'Invite a User' window displays:

**Invite a User**

Email

jack@stormimports.com

Role

Editor

SEND INVITATION CANCEL

3. Complete the data fields in the 'Invite a User' window (refer to [2.3.1 Invite a New User for detailed steps](#)).

The system sends the invite and returns a confirmation message.

#### 4.4 Product Collection Management

Business Account Administrators establish Product Collections to manage a particular subset of their products. Product Collections allow participants to organize, segment, and manage their product data. Product Collections also provide Business Account Administrators the ability to control who can view and edit specific Product Collections. Business Account Administrators can create multiple collections as needed.

Business Account Administrators can organize Product Collections to accommodate the specific needs of their organization in managing access to product data, such as by product type or by Trade Parties that require access to the data. For example, if a participant works with more than one broker, the participant may wish to create separate Product Collections for each broker, so the brokers are unable to see the product certificate data managed by another broker. NOTE: The Business Account Administrators may designate any Trade Party as a Collection Administrator.

##### 4.4.1 Create a New Product Collection

Users must complete the steps below to create a new Product Collection. An asterisk (\*) designates a required field.

1. Select the **[ADD COLLECTION]** button in the **Product Collection** section.

| Product Collections                    |          |       | ADD COLLECTION                               | ^ |
|--|----------|-------|--|---|
| Name                                   | Products | Users |  |   |
| <a href="#">Gingerbread Collection</a> | 2        | 1     | <div> <div>▼</div> <div>Actions</div> </div> |   |

- The 'Create a Collection' window displays. Enter the desired Product Collection name in the 'Name\*' field.

## Create a Collection

Name\*

Please provide a valid name

CANCEL

CREATE COLLECTION

- Click the [CREATE COLLECTION] button.

The new Product Collection appears on the Product Registry dashboard.

Business Account Administrators, Collection Administrators, and Collection Editors may use [5. Entering a New Product Certificate](#) to add product certificates to a collection.

#### 4.4.2 Grant/Revoke Product Collection Users

Business Account Administrators can add Collection Administrators, Collection Editors and Collection Views to a Product Collection. Collection Administrators can add Collection Editors, and Collection Viewers to a Product Collection. Business Account Administrators and Collection Administrators add users by initiating an invite from the Product Registry, where the system generates and sends an email to a user to collaborate in the Product Collection, as a Collection Administrator, Collection Editor, or Collection Viewer. The invitation email includes the name of the Business Account, the name of the Product Collection, and the assigned collection user role. Business Account Administrators and Collection Administrators can also edit the users invited to the Product Collection.

Business Account Administrators and Collection Administrators assigned to a specific collection, determine which role(s) are granted to any user with access to a collection. Collection Administrators can modify and/or revoke these permissions for Collection Editors and Collection Viewers in their assigned collections.

**NOTE:** The User Management functionality is still in development so CPSC IT is restricting edits to user profiles and roles. Users should carefully review all user profiles, Business Account data, and Trade Party data before submitting into the eFiling environment. The CPSC IT team will perform data corrections, upon request, which may cause delays in data submission. Participants must send requests for edits to users to the eFiling support mailbox: [efilingssupport@cpsc.gov](mailto:efilingssupport@cpsc.gov).

Business Account Administrators and Collection Administrators may invite a new user to collaborate on a Product Collection using the steps below. An asterisk (\*) designates a required field.

1. Open the desired Product Collection.
2. Select the **[Invite a User]** button.

The screenshot shows the 'PRODUCTS' section of the CPSC eFiling system. At the top, it displays 'Company name: North Pole Inc.' and 'Certifier ID: NorthPoleInc.-HQ'. There are two buttons: 'Invite a User' and 'Manage Users'. Below this is a table with columns: Product ID, Product Name, Version, Trade/Brand Name, Last Test Date, Manufacturer Name, and Status. A single row is visible with the following data: Product ID 10001, Product Name Gingerbread Car, Version CBCar, Last Test Date 2023-01-05, Manufacturer Name North Pole Manufacturing, and Status Incomplete. There are also links for 'Import', 'Export', and 'Add Products'. At the bottom, there is a pagination bar showing 'Items per page: 5' and '1 - 1 of 1'.

3. Complete the following data fields in the “Invite a User” window:
  - Email\*
  - Role\*
4. Review the certifier permission statement and check the **Offer user permission to certify** checkbox if the user requires permission to certify products.
  - **NOTE:** Only Business Account Administrators can grant Collection Administrators and Collection Editors permissions to certify in a Product Collection.




**Invite a User**

Email\*

Select a Role\*

A finished product certifier may allow any entity or entities to view, enter, or maintain certificate data in CPSC's Product Registry on your behalf. Certifiers can also give these entities permission to invite additional entities to view, enter, or maintain certificate data on your behalf. Please be aware that, you, the finished product certifier, remain legally responsible for the accuracy and completeness of any certificate data entered and relied upon by CPSC to assess the compliance of consumer product(s).

☒ Offer user permission to certify 

5. Click the **[SEND INVITATION]** button.

The system will send the invitation and return a message to confirm.

#### 4.5 Trade Party Data Management

Business Account Administrator, Collection Administrator, and Collection Editor roles can create and/or edit Trade Party data added to a Business Account. Establishing a record of Trade Parties within a Business Account allows users to quickly reference those Trade Parties during the product certificate data entry process, as they are required steps for identifying relevant Trade Parties.

Business Account Administrators can add Trade Parties manually through the Product Registry dashboard or during entry of a product certificate to a Product Collection. Collection Administrators and Collection Editors can only add Trade Parties, during entry of a product certificate to their assigned Product Collections. Business Account Administrators are the only users who can edit/remove Trade Party data due to the amount of certificate data that is affected by modification to Trade Party data. CPSC staff may

review edits to Trade Party information, with the exception of contact information (i.e., phone number, email).

**NOTE:** The Trade Party Data Management functionality is still in development so CPSC IT is restricting edits to Trade Party data. Users should carefully review all user profiles, Business Account data, and Trade Party data before submitting into the eFiling environment. The CPSC IT team will perform data corrections, upon request, which may cause delays in data submission. Participants must send requests for Trade Party edits to the eFiling support mailbox: [efilingssupport@cpsc.gov](mailto:efilingssupport@cpsc.gov).

#### 4.5.1 Adding a Trade Party

Business Account Administrators may add new Trade Parties from the Dashboard, using the steps below. An asterisk (\*) designates a required field.

Business Account Administrators and Collection Administrators may use [5.1 Manually Entering a Single Certificate](#) to add a Trade Party when entering a product certificate.

1. From the Product Registry Dashboard, in the **Trade Party** section, click the **[ADD]** button.
  - Alternatively, users can click the **[MANAGE]** button which navigates the user to the Trade Party Management Dashboard where they click the **[Add New]** button.



| Type              | Quantity |
|-------------------|----------|
| Manufacturers     | 1        |
| Laboratories      | 0        |
| Point of Contacts | 0        |

2. In the “Add New Trade Party” window, enter the following Trade Party information:
  - Trade Party name\*
  - Small Batch Manufacturer ID (if applicable)
  - GLN or Alternate ID
    - i. The user can provide an alternate ID for a manufacturer in order to reference the manufacturer more easily on another certificate.
  - Address Line\*
  - City\*
  - State/Province
  - Zip/Postal Code
  - Country\*
  - Phone\*
  - Email\*
3. Click the **[Save]** button.

### Add New Trade Party

|  |  |
|--|--|
| Trade party name*<br>North Pole Labs   | Select Trade Party Type*<br>Laboratory |
| Alternate Id*<br>0101010   | GLN                                    |
| Address line 1*<br>101 North Pole Way  |  |
| Address line 2   |  |
| Country<br>United States of America  | State/Province*<br>Virginia            |
| City<br>Arlington  | Zip/Postal Code*<br>22206              |
| Phone*<br>7035557890   | Email*<br>info@NPL.com                 |
| <input type="button" value="Cancel"/> <input style="background-color: #4a4a9a; color: white;" type="button" value="Save"/> |  |

The system saves the Trade Party record and returns to the Product Collection list.

## 5. Entering a New Product Certificate

Business Account Administrators, Collection Administrators, and Collection Editors can manually enter product certificate data for a single certificate. The Business Account Administrator must certify a certificate. (However, the Business Account Administrator can delegate permissions, allowing a Collection Administrator or Collection Editor to certify. The Business Account Administrator remains legally responsible for the certificate.) Certification occurs after all product certificate data is provided for a product. If a Collection Administrator or Collection Editor does not have permission to certify the certificate, then they must attest to the accuracy of the data.

**NOTE:** The certification function is still in final development and the certification steps detailed in this section are subject to change.

A Bulk Upload function is currently in development which will allow Business Account Administrators, Collection Administrators, and Collection Editors to enter products into a Product Collection in bulk using a Comma-separated Value (.CSV) file to upload data to the Product Registry or through an Application Programming Interface (API). The Bulk Upload function will be implemented at a later date.

### 5.1 Manually Entering a Single Certificate

Business Account Administrators, Collection Administrators, and Collection Editors can manually enter product certificate data for a single certificate in a Product Collection through the user interface. Product certificate data entry is the core function of the Product Registry and is where most of the data entry occurs. There are several data elements required to be considered complete and ready for certification, and users can save incomplete product certificate data entries for completion later or by a different user. Product certificate data is only considered complete and usable for eFiling with a Reference Message Set after all mandatory certificate data has been entered and has been certified by a Business Account

Administrator, or by a Collection Administrator or Collection Editor who has been granted certification permission by a Business Account Administrator.

Unique identification requirements for product certificate data entered in a Business Account are described below.

- A Certificate ID is assigned to each individual product and uniquely identifies that product. The Certificate ID combines the Certifier ID, Product ID, and the Version ID. Users must enter each product individually into a Collection. Users may not enter certificate data for multiple, similar products into a single certificate, but must create a separate unique certificate for each product. (CPSC considers apparel items from the same material with multiple styles, sizes, and colors to be one product, if the items were manufactured and tested together.)
  - The Certifier ID is unique to the participant and is created when the Business Account Administrator establishes the Business Account (See [4.1 Establish a New Business Account](#)).
  - The Product ID must be one of seven possible ID types: GTIN, SKU, UPC, Model Number, Serial Number, Registered Number, or Alternate ID. Multiple IDs are acceptable, but the first ID provided will be assigned as Product ID.
  - The Version ID defaults to the Test Report ID. The user entering the certificate data has the option to create their own Version ID. The Version ID, when combined with the Product ID, uniquely identifies the product certified in the Product Collection.
    - For multiple certificates relying on the same component parts test report, the Test Report ID can be used as the Version ID for multiple certificates.
    - For certificates with multiple labs, list first the lab with the most citations. The Version ID will default to that Test Report ID.

Users entering the certificate data may save incomplete products in the Product Registry for completion later or by another user. Users must enter a Product ID to successfully save an incomplete product in a collection. (**NOTE:** While data can be saved, the certificate is not complete until fully entered, attested, and certified).

Collection Administrators and Collection Editors may add a product to a Product Collection using the steps below. An asterisk (\*) designates a required field.

1. Navigate to the desired Product Collection. Click on the link for that Collection.
2. Click **[Add Products]**.

The screenshot shows a web interface for managing products. At the top, it displays 'Company name: North Pole Inc.' and 'Certifier ID: NorthPoleInc.-HQ'. There are two buttons: 'Invite a User' and 'Manage Users'. Below this is a section titled 'PRODUCTS' with links for 'Import', 'Export', and 'Add Products'. A search bar and a date range selector are also present. The main part of the interface is a table with the following columns: Product ID, Product Name, Version, Trade/Brand Name, Last Test Date, Manufacturer Name, and Status. One product is listed: Product ID 10001, Product Name 'Gingerbread Car', Version 'CBCar', Last Test Date '2023-01-05', Manufacturer Name 'North Pole Manufacturing', and Status 'Incomplete'. There is an 'Actions' dropdown menu for this product. At the bottom, it shows 'Items per page: 5' and '1 - 1 of 1'.

| Product ID | Product Name    | Version | Trade/Brand Name | Last Test Date | Manufacturer Name        | Status     |
|------------|-----------------|---------|------------------|----------------|--------------------------|------------|
| 10001      | Gingerbread Car | CBCar   |                  | 2023-01-05     | North Pole Manufacturing | Incomplete |

3. Click on the **Product** tab and complete the following Product Detail information within the **Product Details** section. **NOTE:** The user must provide a Product ID during this step. The user can add additional IDs using steps 4 and 5 below.
  - Product Name\*
  - Product ID Type\*
  - Product ID\*
  - Trade/Brand Name
4. Next, click [+ **Additional Identifiers**].
5. In the pop box, select the **Type\*** and enter the corresponding **ID\***.

**Please select a TYPE and enter a corresponding ID**

Type\*  
Model # ▼

ID\*  
001456

ADD
CANCEL

6. Click the [**Add**] button.

The system returns to the **Product Details** section.

7. Manually expand the **Product Description** section and enter:
  - Color
  - Style
  - Description
  - Manufacturer name\*
  - Manufacturer Date\*
  - Production Start Date
  - Production End Date
  - Lot Number
  - Indicate whether the Lot Number Assigned By is Manufacturer or Seller.
  - Enter the Manufacturer name and select the appropriate manufacturer option in the drop-down
    - i. Select [+ **Add New Manufacturer**] to add a new manufacturer.

- Enter the following manufacturer details. The **Trade Party Type** field defaults to 'Manufacturer' and may not be edited.
  - Trade Party name\*
  - Small Batch Manufacturer ID (if applicable)
  - GLN or Alternate ID
    - The user can provide an alternate ID for a manufacturer to easily reference the manufacturer on another certificate.
  - Address Line\*
  - City\*
  - State/Province
  - Zip/Postal Code
  - Country\*
  - Phone\*
  - Email\*

8. Click the [**Save**] button.

9. Click the [**Next**] button.

10. On the **Testing** tab, use the drop-down menu to identify the Certificate Type\*,

- General Certificate of Conformity (GCC)
- Children's Product Certificate (CPC)

Product ☒ Testing ☒ Certificate ☒

Certificate Type\* CPC

GCC

CPC ✓

New Laboratory

Laboratory Type ☒ CPSC-Accredited ☐ Other

Laboratory Name:\*

Date of Testing\*

Test URL

Test Report ID

Add Citations:

+ ADD A LABORATORY

+ ADD AN EXEMPTION

[Save and close](#) Cancel Back Next

11. Within the **New Laboratory** section, provide the following Lab details:

- Laboratory Type
- Laboratory Name
  - i. Select a **Laboratory Type** to enable this field. This field is only required when 'GCC' is selected.
  - ii. If 'CPC' is selected in the **Laboratory Type** field, the user can **only** select a CPSC-accredited laboratory. CPSC maintains the list of CPSC-accredited labs in the Product Registry and will update this list as needed.
  - iii. If 'GCC' is selected in the **Laboratory Type** field, the user has the option to select a CPSC-accredited laboratory **or** third party laboratory. If the user selects

‘Other’ as the **Laboratory Type** for a third party laboratory, the user may search and select the laboratory or create a new laboratory record.

- To add a new lab, select [+ **Create New Laboratory**] and enter the following lab details in the ‘Add New Trade Party’ window. The **Laboratory Type** field defaults to ‘Laboratory’ and may not be edited
  - Trade Party name\*
  - GLN or Alternate ID
  - Address Line\*
  - City\*
  - State/Province
  - Country\*
  - Zip/Postal Code
  - Phone\*
  - Email\*

iv. Click the [**Save**] button.

v. Search the citation in this field and click the [+] button to add the citation.

- Date of Testing\*
- Test URL
- Test Report ID
- Citations\*

12. If additional labs are associated with this product, click the [+ **ADD A LABORATORY**] button and repeat the previous step as necessary.

13. To claim an exemption for this product, click the [+ **ADD AN EXEMPTION**] button. Search the exemption code and click the [+] button to add the exemption.

14. Select the [**Next**] button to continue.

15. On the **Certificate** tab, enter the following details:

- Version\*
  - i. A new version ID is generated each time a product is updated, and the previous version will be archived. Version IDs are system generated but can be manually entered. Users must review the versions they are filing in the Reference Message Set to ensure that certificates are filed against the correct version of a product.
- Point of Contact for Test Result Records\*
  - i. The selectable POC options are Certifier/Importer, Broker, Manufacturer, Laboratory, or Other.
  - ii. For “Other,” enter the following point of contact details.
    - Name\*
    - Address Line\*
    - City\*
    - State/Province
    - Zip/Postal Code
    - Country\*
    - Phone\*
    - Email\*



16. Review the following legal text. The user's certification permissions dictate the legal text received:

- Users with certification permissions receive the following **certification statement** below.
  - i. “The information provided in support of the certificate(s) is true and accurate to the best of my knowledge, information, and belief. I understand and acknowledge that it is a violation of federal law to knowingly and willfully make any materially false, fictitious, or fraudulent statements, representations, or omissions, on this certificate.”

Version\* GBHouse

Point of Contact for Test Result Records\* Importer

The information provided in support of the certificate(s) is true and accurate to the best of my knowledge, information, and belief. I understand and acknowledge that it is a violation of federal law to knowingly and willfully make any materially false, fictitious, or fraudulent statements, representations, or omissions, on this certificate.

[Save and close](#) [Back](#) [Cancel](#) [Certify](#)

Date Created: Last Update: Last Updated By:

- Users without certification permissions receives the following **attestation statement**:
  - i. “The information provided in support of the certificate(s) is true and accurate to the best of my knowledge, information, and belief. I understand and acknowledge that it is a violation of federal law to knowingly and willfully make any materially false, fictitious, or fraudulent statements, representations, or omissions, on this certificate.”

17. Submit the product certificate data by clicking the following submission button below. The user's certification permissions determine which submission button text is received.

- For users with certification permissions, click the **[Submit]** button.
- For users without certification permissions, click the **[Submit for Certification]** button.

The system returns to the Product Collection dashboard.

18. Users can select the drop-down carot to view the certificate data for a specific product by.

One of the following statuses for the submitted product will appear and depending on the status, one of the following three options will apply:

- If the status shows as Complete, proceed to step 19.
- If the status shows as Incomplete, the product may be missing data in required fields and edits are required to add/update those data fields. See [6.1 Edit Single Product Entry](#) for steps on how to update product certificate data.
- If the status shows as Awaiting Certification, a user with certification permissions must certify the product. Users with certification permissions can certify the product through one of two options:
  - i. Edit the product and navigate to the certificate tab (see [6.1 Edit Single Product Entry](#)) or;
  - ii. Select the **Certify** option from the product's drop-down menu in the Product Collection dashboard

## 6. Product Certificate Updates

Users can edit all certificate data elements individually, **except** the Primary Product ID. Any edits made to product certificate data elements require a new Version ID, and re-certification.

Business Account Administrators can edit data in any Product Collection. However, Collection Administrators and Collection Editors can only edit product certificate data within their assigned Product Collections.

### 6.1 Edit Single Product Entry

Users can edit product certificate data for a single product using the user interface. However, any edits made to existing product certificate data will undo its data attestation and certification. Edits to existing certificate data requires re-submission of data for attestation and certification. Users can edit individual products in a Product Collection using the steps below, which are similar to the steps for manually entering a single product certificate.

1. Navigate to the appropriate Product Collection.
2. Select the desired Product ID from the list of products in the collection.
  - Use the drop-down carrot located on the right-hand side of each product to view the product certificate data for that particular product entry.
3. From the drop-down menu select **[Edit]**.
  - Edits to the Primary Product ID field are not allowed.

The screenshot shows a web interface for a Product Collection. At the top, it displays 'Company name: North Pole Inc.' and 'Certifier ID: NorthPoleInc.-HQ'. There are buttons for 'Invite a User' and 'Manage Users'. Below this is a 'PRODUCTS' section with filters for 'Bulk Actions', 'Search', 'Enter a date range' (MM/DD/YYYY - MM/DD/YYYY), and 'Status'. A table lists products with columns: Product ID, Product Name, Version, Trade/Brand Name, Last Test Date, Manufacturer Name, and Status. Two products are listed: 'Gingerbread House' (ID 100) and 'Gingerbread Car' (ID 10001). The 'Gingerbread Car' row is selected, and a dropdown menu is open showing 'Acti...', 'Edit', and 'Archi...'. The 'Edit' option is highlighted. At the bottom, it shows 'Items per page: 5' and '1 - 2 of 2'.

| Product ID | Product Name      | Version | Trade/Brand Name  | Last Test Date | Manufacturer Name        | Status     |         |
|------------|-------------------|---------|-------------------|----------------|--------------------------|------------|---------|
| 100        | Gingerbread House | GBHouse | Gingerbread House | 2023-01-02     | North Pole Manufacturing | Incomplete | Acti... |
| 10001      | Gingerbread Car   | CBCar   |                   | 2023-01-05     | North Pole Manufacturing | Incomplete | Acti... |

4. Perform steps 2-18 in section [5.1 Manually Entering a Single Certificate](#) and update certificate data where necessary. **NOTE:** All fields may be edited for products that have been certified **except** for the Primary Product ID field.

The system returns to the Product Collection list.

## TAB B - CBP and Trade Automated Interface Requirements (CATAIR)



United States  
**Consumer Product Safety Commission**

## Memorandum

**TO:** The File

**DATE:** November 8, 2023

**THROUGH:** Jim Joholske, Director  
Office of Import Surveillance

**FROM:** Arthur Laciak, eFiling Program Specialist  
Targeting and Analytical Team  
Office of Import Surveillance

**SUBJECT:** CBP and Trade Automated Interface Requirements: CPSC eFiling Beta Pilot  
Implementation Guide

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### I. Introduction

This document, the CBP and Trade Automated Interface Requirements (CATAIR), provides CPSC's interface requirements and guidance for submitting a Full Partner Government Agency (PGA) Message Set and Reference PGA Message Set via the U.S. Customs and Border Protection (CBP) Automated Commercial Environment (ACE) for eFiling Beta Pilot participants. Once the eFiling Beta Pilot is complete, CPSC's CATAIR will be improved based upon feedback and results from the participants, and a finalized version will be later rolled out to all of industry prior to the implementation of a permanent eFiling program.

# CBP and Trade Automated Interface Requirements

Title: CPSC eFiling Beta Pilot Implementation  
Guide – Version 1.5

August 8, 2023



U.S. Customs and  
Border Protection





# CPS

**Important Note for Filers: Only participants in the U.S. Consumer Product Safety Commission (CPSC) eFiling Beta Pilot should use the procedures in this Implementation Guide to provide Partner Government Agency (PGA) Message Set data to CPSC. The Implementation Guide (IG) is being posted at <https://www.cpsc.gov/eFiling> as “In Development,” for trade awareness purposes only. CPSC does not require or accept eFiling of the PGA Message Set data from the general trade community at this time. **The general trade community should not program from this document.****



## Contents

|   |       |
|---|-------|
| <a href="#">Change Log</a>                                | ..... |
| <a href="#">General Introduction</a>                      | ..... |
| <a href="#">Contact Information</a>                       | ..... |
| <a href="#">CPSC eFiling Beta Pilot</a>                   | ..... |
| <a href="#">Filing Methods</a>                            | ..... |
| <a href="#">eFiling Beta Pilot Scope</a>                  | ..... |
| <a href="#">Three Methods to eFiling PGA Message Sets</a> | ..... |
| (1) <a href="#">Disclaimer PGA Message Set</a>            | ..... |
| <a href="#">Disclaimer Examples</a>                       | ..... |
| <a href="#">Record Identifier OI</a>                      | ..... |
| <a href="#">Record Identifier PG01</a>                    | ..... |
| (2) <a href="#">Reference PGA Message Set</a>             | ..... |
| <a href="#">Record Identifier OI</a>                      | ..... |
| <a href="#">Record Identifier PG01</a>                    | ..... |
| <a href="#">Record Identifier PG02</a>                    | ..... |
| <a href="#">Record Identifier PG14</a>                    | ..... |
| (3) <a href="#">Full PGA Message Set</a>                  | ..... |
| <a href="#">Identify the Product</a>                      | ..... |
| <a href="#">Record Identifier OI</a>                      | ..... |
| <a href="#">Record Identifier PG01</a>                    | ..... |
| <a href="#">Record Identifier PG02</a>                    | ..... |
| <a href="#">Record Identifier PG07</a>                    | ..... |
| <a href="#">Record Identifier PG10</a>                    | ..... |
| <a href="#">PGA Message Set Structure PG 19 – 21:</a>     | ..... |
| <a href="#">Record Identifier PG19</a>                    | ..... |
| <a href="#">Record Identifier PG20</a>                    | ..... |
| <a href="#">Record Identifier PG21</a>                    | ..... |
| <a href="#">Record Identifier PG22</a>                    | ..... |
| <a href="#">Record Identifier PG25</a>                    | ..... |
| <a href="#">Record Identifier PG30</a>                    | ..... |
| <a href="#">Record Identifier PG60</a>                    | ..... |
| <a href="#">PGA Message Set Order</a>                     | ..... |
| <a href="#">Appendix</a>                                  | ..... |





## Change Log

| Date       | Version No. | Description  | Page #   | Author  |
|------------|-------------|--|--|---|
| 08/08/2023 | 1.5         | Update to Product Identifier Guidance<br>Removed PG08 from Full Message Set<br>Removed PG24 from Full Message Set<br>Updated PG60 for CIT  | 20<br><br>37   | Arthur Laciak, Brian Holsey, CPSC                 |
| 05/25/2023 | 1.4         | Removed PG14 for Disclaimer Message Set<br>Clarified use of Disclaim A and B   | 11-14  | Arthur Laciak, CPSC                               |
| 04/18/2023 | 1.3         | Added PG14 to Disclaimer Message Set<br>Updates to PG19<br>Updates to PG60<br>Updates to PGA Message Set Order   | 13<br>28<br>36<br>38-39                              | Arthur Laciak, CPSC                               |
| 02/23/2023 | 1.2         | Review by Beta Pilot IT Development<br>Advisory Group:<br>Update to data elements<br>Clarified use of different filing methods<br>Clarified directions for Disclaimers<br>Updates to PG19<br>Updates to PG22<br>Updates to PG24<br>Updates to PG30<br>Updates to PGA Message Set Order<br>Minor edits throughout | <br>6<br>7<br>11<br>27-29<br>32<br>33<br>35<br>37-38 | Arthur Laciak, CPSC                               |
| 01/04/2023 | 1.1         | Minor edits after CPSC agency review   | ALL  | Arthur Laciak, CPSC                               |
| 12/23/2022 | 1.0         | Draft finalized by EXIS for agency clearance   | ALL  | Arthur Laciak, Jim Joholske, Sabrina Keller, CPSC |
| 12/20/2022 | 0.2         | Review and changes proposed by CBP   | ALL  | Emi Wallace, CBP<br>Arthur Laciak, CPSC           |
| 12/08/2022 | 0.1         | Internal review by EXIS  | ALL  | John Blachere, Andrea Rucker-Yarosh, CPSC         |
| 12/02/2022 | 0.0         | Initial version based upon eFiling Alpha<br>Pilot IG document (v3.2)   | ALL  | Arthur Laciak, CPSC                               |



## General Introduction

This document is intended as a supplemental guide to the CBP Customs and Trade Automated Interface Requirements (CATAIR) PGA Message Set chapter. This PGA Implementation Guide (IG) provides CPSC-specific guidance regarding CPSC's business requirements for data submission.

The general CATAIR chapters and appendices can be found on CBP.gov at:  
<http://www.cbp.gov/trade/ace/catair>

Click on the "PGA Message Set" tab for the following documents:

- PGA Message Set (formatting/processing guide)
- Appendix PGA (codes for data submission)

REMINDER: The PGA Message Set cannot be submitted on its own and must be submitted as part of a valid Automated Commercial Environment (ACE) transmission, such as an entry filing.

## Contact Information

For questions about the eFiling Beta Pilot, please contact:

Arthur Laciak

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(202) 444-5946

[eFilingPilot@cpsc.gov](mailto:eFilingPilot@cpsc.gov)



## CPSC eFiling Beta Pilot

The CPSC eFiling Beta Pilot is the final step of a joint effort between CPSC, CBP, and industry that will test electronic filing (eFiling) of Certificate of Compliance data elements for imported regulated consumer products<sup>8</sup> (regulated products) using the PGA Message Set. CPSC and CBP will conduct this test collaboratively with dozens of volunteer importer participants. This document provides specific details on what the requested Certificate of Compliance data are, how the data should be formatted, and under what circumstances the data should be submitted for purposes of the Beta Pilot.

At a minimum, Pilot participants will file the seven Certificate of Compliance data elements listed below for regulated finished products:

1. Identification of the finished product<sup>9</sup>;
2. Each consumer product safety rule to which the finished product has been certified under 16 CFR part 1110;
3. Date when the finished product was manufactured;
4. Place where the finished product was manufactured, produced, or assembled, including the name, full address, and contact information of the manufacturing party;
5. Date when the finished product was most recently tested for compliance with the consumer product safety rule cited above;
6. Individual on whose testing a certificate under 16 CFR part 1110 depends, including name, full address, and contact information of the testing entity;<sup>10</sup> and
7. Contact information for the party maintaining records of test results, including name, full address, and contact information.

Additional information on the eFiling Beta Pilot can be found in the Commission's *Federal Register* notice announcing the pilot (87 *Fed. Reg.* 12447, (June 10, 2022)): <https://www.regulations.gov/document/CPSC-2022-0020-0001>.

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<sup>8</sup> A regulated consumer product is a finished product that is subject to a consumer product safety rule under the CPSA or similar rule, ban, standard, or regulation under any other law enforced by the Commission that is imported for consumption or warehousing, or distributed in commerce. Regulated products require a Certificate of Compliance, unless a statutory or regulatory exemption applies.

<sup>9</sup> Further defined in the section: Identification of the Finished Product

<sup>10</sup> The individual may be a position title, with a generic email and phone number.



## Filing Methods

CPSC will use CBP's ACE system for filers (either an importer or broker) to allow trade to electronically file Certificate of Compliance data as a supplement to entry information being submitted to CBP. CPSC data will be submitted via the PGA Message Set—the standard process for all PGAs to receive their required data. Trade has the option to provide the following CPSC data:

1. Full PGA Message Set—filing all Certificate of Compliance data at time of entry, OR
2. Product Registry and Reference PGA Message Set—filing only a reference to Certificate of Compliance data at the time of entry that links to a prior filing of Certificate of Compliance data in the CPSC Product Registry.

Using either method, the data would be submitted via the PGA Message Set as part of an ACE entry, or an ACE entry summary certified for release. Participants in the eFiling Beta Pilot who are filing entry of a product that requires Certificate of Compliance data will have the flexibility to select the option they prefer for each entry. Different methods, including a disclaimer message set, may be used for different products imported under the same entry. Each entry line containing an HTS code that is within the scope of the Beta Pilot must contain a message set.

### 8. *Full PGA Message Set*

With this option, when trade files an entry or an entry summary certified for release, trade can include the Full CPSC PGA Message Set of the required Certificate of Compliance data for each imported product. This will enable all entry-related information to be entered in the system at one time.

### 9. *CPSC Product Registry and Reference PGA Message Set*

The Product Registry is an alternative option that allows the full Certificate of Compliance data for each imported product to be filed one time with CPSC, prior to the entry filing. With this option, trade can then file a much shorter PGA Message Set each time the product is imported. The Product Registry will be created and maintained by CPSC.

With this option, participants file all Certificate of Compliance data in the CPSC Product Registry for each imported product *prior to* filing an entry with CBP. Filers then only need to provide a few elements of reference data related to the Certificate of Compliance using the Reference PGA Message Set during the entry process, rather than providing all of the Certificate of Compliance data along with each entry filing.<sup>11</sup>

<sup>11</sup> Many regulated consumer products require periodic testing and, as a result, the certificate may need to be updated in the Product Registry.



## **eFiling Beta Pilot Scope**

To focus the Beta Pilot, only a subset of entry filings that meet the following criteria will be a part of this initial program. The following criteria will determine if a CPSC filing is allowed within the Pilot:

1. Entry Type = “01” Consumption, “06” FTZ, “11” Informal, or “86” *de minimis*
2. Importer is a valid participant in the eFiling Beta Pilot
3. Filer/Broker is a valid participant in the eFiling Beta Pilot
4. HTS code is identified as an eFiling Beta Pilot HTSUS Code<sup>12</sup>

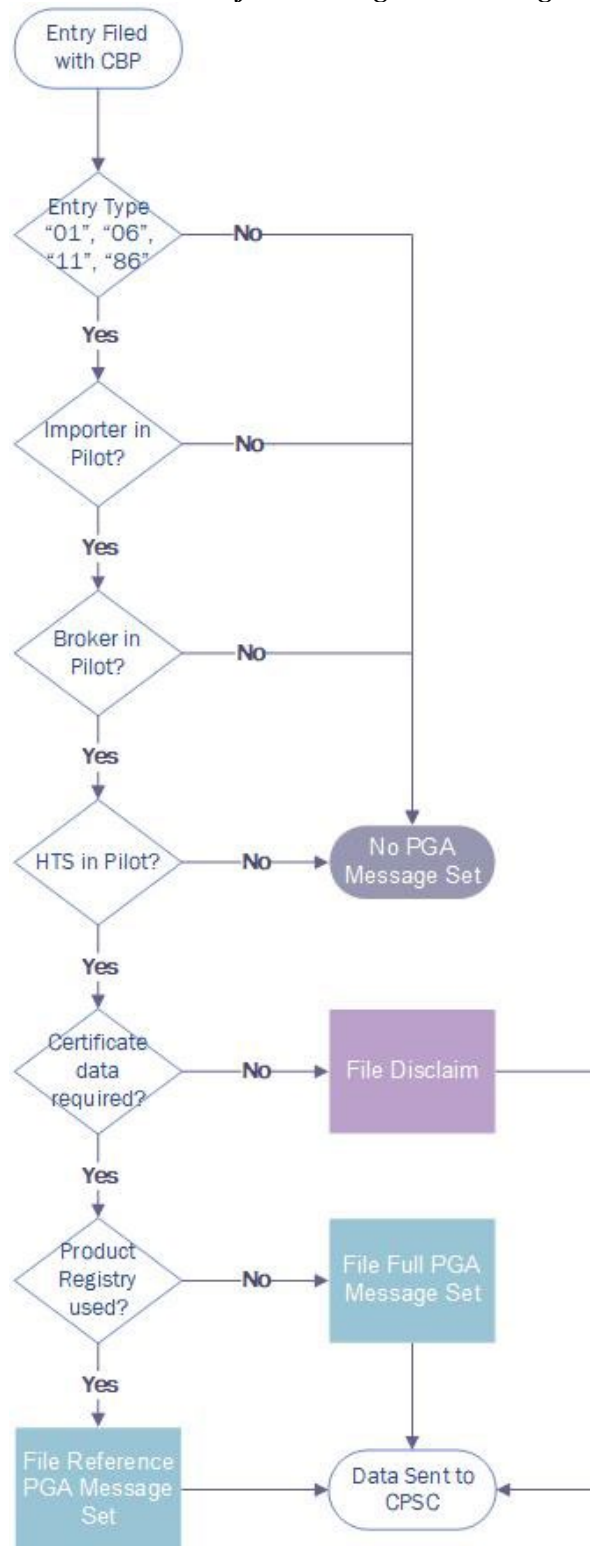
If these four items are true, then a PGA Message Set will be allowed for that particular entry. The figure below describes that set.

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<sup>12</sup> The Harmonized Tariff Schedule of the United States (HTSUS) codes that apply to the eFiling Beta Pilot will be shared separately from this document.



**Figure 1: Process Flow of Submitting PGA Message Set Data**



Staff Briefing Package: Supplemental Notice of Proposed Rulemaking to Revise 16 CFR part 1110 for Certificates of Compliance and to Implement eFiling | November 8, 2023 | cpsc.gov

- 57 -



### **Three Methods to eFiling PGA Message Sets**

The figure above defines three methods to file PGA Message Set data. These are determined by the filer's decision on filing method (Full PGA Message Set, or Product Registry and Reference PGA Message Set), as well as the circumstances of the type of product being filed. Different methods may be used for different products imported under the same entry. Multiple OI records may be submitted per Entry Line.

- 1) Disclaimer PGA Message—this is used for products imported under an HTSUS code that are identified for the eFiling Beta Pilot, but that do not require Certificate of Compliance data.
- 2) Reference PGA Message—allows Certificate of Compliance data for each imported product to be entered electronically with CPSC through the Product Registry prior to submitting an entry. The full Certificate of Compliance data are filed in advance in the CPSC Registry—while a reference to that Certificate of Compliance data is filed at entry.
- 3) Full PGA Message— allows Certificate of Compliance data for each imported product to be filed via the PGA Message Set at the time of entry.







## Record Identifier OI

This PGA line item description input record is mandated by CBP and provides the description of the product. This record precedes the Record Identifiers for the PGA Message set. The OI record is a generic description record. Multiple OI records are allowed per Entry Line.

| <i>Record Identifier OI (Input)</i> |                  |          |        |   |      |
|-------------------------------------|------------------|----------|--------|---|------|
| Data Element                        | Length/<br>Class | Position | Status | Description   | Note |
| Control Identifier                  | 2A               | 1-2      | M      | Must always equal OI.   |      |
| Filler                              | 8AN              | 3-10     | M      | Space fill.   |      |
| Commercial Description              | 70X              | 11-80    | M      | A clear description of the commercial line item in English. For example, COLLECTIBLE TOY. |      |

## Record Identifier PG01

This is a mandatory PGA input record that provides data pertaining to the PGA Line Number, Government Agency Code, Government Agency Program Code, Intended Use Code, and Disclaimer. The Disclaimer code allows the filer to identify that the product being imported does not require Certificate of Compliance data, even though the HTSUS code is designated as part of the eFiling Beta Pilot.

| <i>Record Identifier PG01 (Input)</i> |                  |          |        |  |      |
|---------------------------------------|------------------|----------|--------|--|------|
| Data Element                          | Length/<br>Class | Position | Status | Description  | Note |
| Control Identifier                    | 2A               | 1-2      | M      | Must always equal PG.  |      |
| Record Type                           | 2N               | 3-4      | M      | Must always be 01.   |      |
| PGA Line Number                       | 3N               | 5-7      | M      | Number required by PGAs beginning with 001 within a CBP Entry Line and sequentially incremented on subsequent PG01 records, if applicable. |      |
| Government Agency Code                | 3AN              | 8-10     | M      | Code that identifies the PGA; “CPS” for CPSC.  |      |
| Government Agency Program Code        | 3X               | 11-13    | M      | CPSC is organized under a single program, “CPS” for CPSC.  |      |
| Government Agency Processing Code     | 3AN              | 14-16    | N/A    | Not Applicable.  |      |
| Electronic Image Submitted            | 1A               | 17       | N/A    | Not Applicable.  |      |


**CPSC eFiling Beta Pilot – Customs and Trade Automated Interface**


| <b>Record Identifier PG01 (Input)</b>                 |                          |                 |               |  |             |
|---|--------------------------|-----------------|---------------|--|-------------|
| <b>Data Element</b>                                   | <b>Length/<br/>Class</b> | <b>Position</b> | <b>Status</b> | <b>Description</b>   | <b>Note</b> |
| Confidential Information Indicator                    | 1A                       | 18              | N/A           | Not Applicable.  |             |
| Globally Unique Product Identification Code Qualifier | 4AN                      | 19-22           | N/A           | Not Applicable.  |             |
| Globally Unique Product Identification Code           | 19X                      | 23-41           | N/A           | Not Applicable.  |             |
| Intended Use Code                                     | 16X                      | 42-57           | M             | The code indicating the intended use base code of the product, followed by the intended use subcode.   | 1           |
| Intended Use Description                              | 22X                      | 58-78           | C             | If “For Other Use” (980.000) code is used, then a free text description of the intended use should be provided.  |             |
| Correction Indicator (Future Use)                     | 1X                       | 79              | N/A           | Not Applicable.  |             |
| Disclaimer  | 1A                       | 80              | M             | A code indicating the reason data is not being provided. Valid codes are:<br>A = product is not regulated by this agency<br>B = data is not required per agency guidance |             |

**Note 1**

The following Intended Use Codes may be used for Disclaimer A. This list is only guidance and other Intended Use Codes may be used. The full list of Intended Use Codes can be found in “Appendix R – Intended Use Codes for ACE”

(<https://www.cbp.gov/document/guidance/appendix-r-intended-use-codes-ace>).

|         |  |
|---------|--|
| 081.XXX | For Human Medical Use as Medical Device                      |
| 090.XXX | For Military Use as a Non-Food Product                       |
| 100.XXX | For Personal Use as a Non-Food Product                       |
| 130.XXX | For Consumer Use as a Non-Food Product (besides 130.001-005) |
| 155.XXX | For Commercial Assembly as a Non-Food Product                |
| 940.XXX | For Compassionate/Emergency Use of a Non-Food Product        |
| 970.XXX | For Export   |

Staff Briefing Package: Supplemental Notice of Proposed Rulemaking to Revise 16 CFR part 1110 for Certificates of Compliance and to Implement eFiling | November 8, 2023 | cpsc.gov

- 61 -

**CPSC eFiling Beta Pilot – Customs and Trade Automated Interface**

|         |   |
|---------|---|
| 980.000 | For Other Use (with Intended Use Description) |
|---------|---|

The following Intended Use Code must be used for Disclaimer B. Since CPSC is executing enforcement discretion for adult consumer products that falls within CPSC’s jurisdiction, only this code may be used. Disclaim B cannot be used for children’s products.

|         |   |
|---------|---|
| 130.006 | Consumer product intended for People aged 13 Years or Older |
|---------|---|





## Record Identifier PG01

This is a mandatory PGA input record that provides data pertaining to the PGA Line Number, Government Agency Code, and Government Agency Program Code. For each unique product within an Entry Line, a new PG01 with a new PGA Line Number should be provided.

| <i>Record Identifier PG01 (Input)</i>                 |                  |          |        |  |      |
|---|------------------|----------|--------|--|------|
| Data Element  | Length/<br>Class | Position | Status | Description  | Note |
| Control Identifier                                    | 2A               | 1-2      | M      | Must always equal PG.  |      |
| Record Type   | 2N               | 3-4      | M      | Must always be 01.   |      |
| PGA Line Number                                       | 3N               | 5-7      | M      | Number required by PGAs beginning with 001 within a CBP Entry Line and sequentially incremented on subsequent PG01 records, if applicable. |      |
| Government Agency Code                                | 3AN              | 8-10     | M      | Code that identifies the PGA; “CPS” for CPSC.  |      |
| Government Agency Program Code                        | 3X               | 11-13    | M      | CPSC is organized under a single program, “CPS” for CPSC.  |      |
| Government Agency Processing Code                     | 3AN              | 14-16    | M      | Submit “REF” to indicate this is a Reference PGA Message Set.  |      |
| Electronic Image Submitted                            | 1A               | 17       | N/A    | Not Applicable.  |      |
| Confidential Information Indicator                    | 1A               | 18       | N/A    | Not Applicable.  |      |
| Globally Unique Product Identification Code Qualifier | 4AN              | 19-22    | N/A    | Not Applicable.  |      |
| Globally Unique Product Identification Code           | 19X              | 23-41    | N/A    | Not Applicable.  |      |
| Intended Use Code                                     | 16X              | 42-57    | O      | The code indicating the intended use base code of the product followed by the intended use subcode.  |      |
| Intended Use Description                              | 22X              | 58-78    | C      | If “For Other Use” (980.000) code is used, then a free text description of the intended use should be provided.                            |      |
| Correction Indicator (Future Use)                     | 1X               | 79       | N/A    | Not Applicable   |      |



| <i>Record Identifier PG01 (Input)</i> |                  |          |        |                 |      |
|---------------------------------------|------------------|----------|--------|-----------------|------|
| Data Element                          | Length/<br>Class | Position | Status | Description     | Note |
| Disclaimer                            | 1A               | 80       | N/A    | Not Applicable. |      |

## Record Identifier PG02

This mandatory PGA input record is used to indicate whether the information being provided relates to a product or a component of a product and to provide the Product ID number (“PRI”) and version (“PRIV”), used by the filer in the Product Registry. The Product ID number and version, with the Certifier ID number (in PG14), ensures that Certificate of Compliance data are linked accurately by filer and product.

NOTE: For the CPSC eFiling Beta Pilot, participants will ONLY report data for finished products; therefore, a PG02 with an Item Type of “P” is required. There can only be one PG02 “P” associated with a PGA Line Number.

| <i>Record Identifier PG02 (Input)</i> |                  |          |        |   |      |
|---------------------------------------|------------------|----------|--------|---|------|
| Data Element                          | Length/<br>Class | Position | Status | Description   | Note |
| Control Identifier                    | 2A               | 1-2      | M      | Must always equal PG.   |      |
| Record Type                           | 2N               | 3-4      | M      | Must always be 02.  |      |
| Item Type                             | 1A               | 5        | M      | Identifies whether the information provided is for a product or a component.<br>“P” = Product |      |
| Product Code Qualifier                | 4AN              | 6-9      | M      | Code that identifies the Product ID used in the CPSC Product Registry: “PRI”                  |      |
| Product Code Number                   | 19X              | 10-28    | M      | The Product ID that is used in the CPSC Product Registry.                                     |      |
| Product Code Qualifier                | 4AN              | 29-32    | M      | Code that identifies the Product ID version used in the CPSC Product Registry: “PRIV”         |      |
| Product Code Number                   | 19X              | 33-51    | M      | The Product ID version that is used in the CPSC Product Registry.                             |      |
| Product Code Qualifier                | 4AN              | 52-55    | N/A    | Not Applicable.   |      |
| Product Code Number                   | 19X              | 56-74    | N/A    | Not Applicable.   |      |
| Filler                                | 6X               | 75-80    | M      | Space fill.   |      |



## Record Identifier PG14

This is a mandatory PGA input record that provides the Certifier ID. The Certifier ID is provided to the filer upon creation of an account in the Product Registry. The Certifier ID, with the Product ID number and version (in PG02), ensures that Certificate of Compliance data are linked accurately by filer and product.

| <i>Record Identifier PG14 (Input)</i> |                  |          |        |  |      |
|---------------------------------------|------------------|----------|--------|--|------|
| Data Element                          | Length/<br>Class | Position | Status | Description                                | Note |
| Control Identifier                    | 2A               | 1-2      | M      | Must always equal PG.                      |      |
| Record Type                           | 2N               | 3-4      | M      | Must always be 14.                         |      |
| LPCO Transaction Type                 | 1N               | 5        | N/A    | Not Applicable.                            |      |
| LPCO Type                             | 3AN              | 6-8      | N/A    | Not Applicable.                            |      |
| Certifier ID (LPCO Number (or Name))  | 23X              | 9-41     | M      | The Certifier ID for the Product Registry. |      |
| LPCO Date Qualifier                   | 1N               | 42       | N/A    | Not Applicable.                            |      |
| LPCO Date                             | 8N               | 43-50    | N/A    | Not Applicable.                            |      |
| LCPO Quantity                         | 16N              | 51-66    | N/A    | Not Applicable.                            |      |
| LCPO Unit of Measure                  | 5AN              | 67-71    | N/A    | Not Applicable.                            |      |
| Exemption Code                        | 9X               | 72-80    | N/A    | Not Applicable.                            |      |







## Identify the Product

Product Name is mandatory. Additionally, some data elements that serve to identify the product are listed with a “Status” of “C” (conditional). Out of a set of seven conditional data elements for product identification (Global Trade Item Number, UPC, Stock Keeping Unit, Model Number, Serial Number, Registered Number, and Alternate Identifier) – one of the following product identifiers must be provided to satisfy the requirement of identifying the product.

A) PG01: The ‘Globally Unique Product Identification Code Qualifier’ is provided (must equal ‘SRV’ or ‘AI’) and the corresponding ‘Globally Unique Product Identification Code’ is provided, OR

B) PG02: The ‘Product Code Qualifier’ is provided (must equal ‘SKU’) and the corresponding ‘Product Code Number’ is provided, OR

C) PG07: The ‘Item Identity Number Qualifier’ is provided (with a code of ‘MN’, ‘SE’, ‘RN’, or ‘ALT’) and the corresponding Item Identity Number is provided.

Either A, or B, or C must be provided. But trade can also provide two, or all three identifiers.

| Message | Data Element   | Length/Class | Position | Status |
|---------|--|--------------|----------|--------|
| PG01    | Globally Unique Product Identification Code Qualifier (Global Trade Item Number ‘SRV’ or UPC ‘AI’)                             | 4AN          | 19-22    | C      |
|         | Globally Unique Product Identification Code  | 19X          | 23-41    | C      |
| PG02    | Product Code Qualifier (Stock Keeping Number ‘SKU’)  | 4AN          | 6-9      | C      |
|         | Product Code Number  | 19X          | 10-28    | C      |
| PG07    | Item Identity Number Qualifier (Model Number ‘MN’, Serial Number ‘SE’, Registered Number ‘RN’, or Alternate Identifier ‘ALT’.) | 3AN          | 61-63    | C      |
|         | Item Identity Number   | 17X          | 64-80    | C      |

All these product identifiers are optional; however, CPSC would like trade to provide as many as possible.

| Message | Data Element  | Length/Class | Position | Status |
|---------|---|--------------|----------|--------|
| PG01    | Intended Use Code   | 16X          | 42-57    | O      |
| PG07    | Trade Name/Brand Name   | 35X          | 5-39     | O      |
| PG10    | Commodity Characteristic Qualifier (Model Color ‘MC’, Model Description ‘MD’, Model Style ‘MS’) | 4X           | 16-19    | O      |
| PG25    | Lot Number  | 25X          | 16-40    | O      |



## Record Identifier OI

This PGA line item description input record is mandated by CBP and provides the description of the product. This record precedes the Record Identifiers for the PGA Message set. The OI record is a generic description record. Multiple OI records are allowed per Entry Line.

| <i>Record Identifier OI (Input)</i> |                  |          |        |  |      |
|-------------------------------------|------------------|----------|--------|--|------|
| Data Element                        | Length/<br>Class | Position | Status | Description  | Note |
| Control Identifier                  | 2A               | 1-2      | M      | Must always equal OI.  |      |
| Filler                              | 8AN              | 3-10     | M      | Space fill.  |      |
| Commercial Description              | 70X              | 11-80    | M      | A clear description of the commercial line item in English. For example, CHILDRENS PUZZLE. |      |

## Record Identifier PG01

This is a mandatory PGA input record that provides data pertaining to the PGA Line Number, Government Agency Code, Government Agency Program Code, Globally Unique Product Identification Code, and Intended Use Code. For each unique product within an Entry Line, a new PG01 with a new PGA Line Number should be provided.

| <i>Record Identifier PG01 (Input)</i> |                  |          |        |   |      |
|---------------------------------------|------------------|----------|--------|---|------|
| Data Element                          | Length/<br>Class | Position | Status | Description   | Note |
| Control Identifier                    | 2A               | 1-2      | M      | Must always equal PG.   |      |
| Record Type                           | 2N               | 3-4      | M      | Must always be 01.  |      |
| PGA Line Number                       | 3N               | 5-7      | M      | Number required by PGAs beginning with 001 within a CBP Entry Line and sequentially incremented on subsequent PG01 records, if applicable.  |      |
| Government Agency Code                | 3AN              | 8-10     | M      | Code that identifies the PGA; “CPS” for CPSC.   |      |
| Government Agency Program Code        | 3X               | 11-13    | M      | CPSC is organized under a single program, “CPS” for CPSC.   |      |
| Government Agency Processing Code     | 3AN              | 14-16    | M      | Submit “FCP” to indicate this is a Full PGA Message Set for a Children’s Product Certificate (CPC).<br><br>Submit “FGC” to indicate this is a Full PGA Message Set for a General Certificate of |      |

Staff Briefing Package: Supplemental Notice of Proposed Rulemaking to Revise 16 CFR part 1110 for Certificates of Compliance and to Implement eFiling | November 8, 2023 | cpsc.gov

- 69 -


**CPSC eFiling Beta Pilot – Customs and Trade Automated Interface**


| <b>Record Identifier PG01 (Input)</b>                 |                          |                 |               |   |             |
|---|--------------------------|-----------------|---------------|---|-------------|
| <b>Data Element</b>                                   | <b>Length/<br/>Class</b> | <b>Position</b> | <b>Status</b> | <b>Description</b>  | <b>Note</b> |
|   |                          |                 |               | Conformity (GCC).   |             |
| Electronic Image Submitted                            | 1A                       | 17              | N/A           | Not Applicable.   |             |
| Confidential Information Indicator                    | 1A                       | 18              | N/A           | Not Applicable.   |             |
| Globally Unique Product Identification Code Qualifier | 4AN                      | 19-22           | C             | Code indicating the type of globally unique number used to identify the commercial product or commodity.                        | 1           |
| Globally Unique Product Identification Code           | 19X                      | 23-41           | C             | If identifying a Unique Product Code Qualifier in the previous data element, then identify the Unique Product Code Number here. |             |
| Intended Use Code                                     | 16X                      | 42-57           | O             | The code indicating the intended use base code of the product, followed by the intended use subcode.                            | 2           |
| Intended Use Description                              | 21X                      | 58-78           | C             | If “For Other Use” (980.000) code is used, then a free text description of the intended use is mandatory.                       |             |
| Correction Indicator (Future Use)                     | 1X                       | 79              | N/A           | Not Applicable.   |             |
| Disclaimer  | 1A                       | 80              | N/A           | Not Applicable.   |             |

**Note 1**

List of Globally Unique Product Identification Code Qualifiers applicable to CPSC:

| <b>Code</b> | <b>Name</b>                  | <b>Definition</b>   |
|-------------|------------------------------|---|
| SRV         | GS1 Global Trade Item Number | A globally unique 14-digit number assigned to a product according to the numbering structure of the GS1 system.   |
| AI          | UPC (Universal Product Code) | A globally unique number assigned to consumer units of a product for use at point-of-sale registers according to the numbering structure of the GS1 system. |

**Note 2**

The full list of Intended Use Codes can be found in “Appendix R – Intended Use Codes for ACE” (<http://www.cbp.gov/document/guidance/appendix-r-intended-use-codes-ace>). Use Codes applicable to consumer products are limited to 130.000 through 130.006.


**CPSC eFiling Beta Pilot – Customs and Trade Automated Interface**


| <i>Code</i> | <i>Name</i> | <i>Definition</i>  |
|-------------|-------------|--|
| 130.000     |             | Intended use conforms to the general base code definition of “130”   |
| 130.001     |             | Consumer product, such as a toy or furniture, designed or primarily intended for use by Infants aged 0 through 18 months |
| 130.002     |             | Consumer product, such as a toy or furniture, designed or primarily intended for use by Toddlers aged 19 to 36 months    |
| 130.003     |             | Consumer product, such as a toy or furniture, designed or primarily intended for use by Children aged 3 to 6 years       |
| 130.004     |             | Consumer product, such as a toy or furniture, designed or primarily intended for use by Adolescents aged 6 to 8 years    |
| 130.005     |             | Consumer product, such as a toy or furniture, designed or primarily intended for use by Adolescents aged 8 to 12 years   |
| 130.006     |             | Consumer product, such as a toy or furniture, designed or primarily intended for use by people aged 13 years or older    |

Staff Briefing Package: Supplemental Notice of Proposed Rulemaking to Revise 16 CFR part 1110  
for Certificates of Compliance and to Implement eFiling | November 8, 2023 | cpsc.gov

- 71 -



## Record Identifier PG02

This mandatory PGA input record is used to indicate whether the information being provided relates to a product or a component of a product and is mandated by CBP. This record can also be used to provide non-globally unique product numbers, such as a Stock Keeping Unit (SKU) number.

NOTE: For the CPSC eFiling Beta Pilot, participants will ONLY report data for finished products; therefore, a PG02 with an Item Type of “P” is required. There can only be one PG02 “P” associated with a PGA Line Number.

| <i>Record Identifier PG02 (Input)</i> |                  |          |        |  |      |
|---------------------------------------|------------------|----------|--------|--|------|
| Data Element                          | Length/<br>Class | Position | Status | Description  | Note |
| Control Identifier                    | 2A               | 1-2      | M      | Must always equal PG.  |      |
| Record Type                           | 2N               | 3-4      | M      | Must always be 02.   |      |
| Item Type                             | 1A               | 5        | M      | Identifies whether the information provided is for a product or a component.<br>“P” = Product<br><br>For the eFiling Beta Pilot, participants will ONLY report data for finished products. Therefore, “P” is required. |      |
| Product Code Qualifier                | 4AN              | 6-9      | C      | Code identifying the type of Product Code being provided in the next data element.   | 1    |
| Product Code Number                   | 19X              | 10-28    | C      | If identifying a Product Code Qualifier in the previous data element, then identify the Product Code Number here.  |      |
| Product Code Qualifier                | 4AN              | 29-32    | N/A    | Not Applicable.  |      |
| Product Code Number                   | 19X              | 33-51    | N/A    | Not Applicable.  |      |
| Product Code Qualifier                | 4AN              | 52-55    | N/A    | Not Applicable.  |      |
| Product Code Number                   | 19X              | 56-74    | N/A    | Not Applicable.  |      |
| Filler                                | 6X               | 75-80    | M      | Space fill.  |      |

### Note 1

The only applicable Product Code Qualifier for CPSC is SKU, so the remaining Product Code Qualifier and Number fields are grayed out.



| <i>Code</i> | <i>Name</i>        | <i>Definition</i>   |
|-------------|--------------------|---|
| SKU         | Stock Keeping Unit | A reference number used by a manufacturer to distinguish one product from the others it manufactures. |

### Record Identifier PG07

This mandatory PGA input record provides data pertaining to Brand Name, Product Name, Manufacture Month and Year, Item Identity Number Qualifier, and Item Identity Number. PG07 may be repeated to provide multiple types of item Identity Numbers. If repeated, the Product Name and Manufacture Month and Year must be repeated. PG60 may be used immediately after this record to provide additional information that did not fit within the character length of this record.

| <i>Record Identifier PG07 (Input)</i> |                       |                 |               |   |             |
|---------------------------------------|-----------------------|-----------------|---------------|---|-------------|
| <b>Data Element</b>                   | <b>Length / Class</b> | <b>Position</b> | <b>Status</b> | <b>Description</b>  | <b>Note</b> |
| Control Identifier                    | 2A                    | 1-2             | M             | Must always equal PG.   |             |
| Record Type                           | 2N                    | 3-4             | M             | Must always be 07.  |             |
| Trade Name/Brand Name                 | 35X                   | 5-39            | O             | The brand name of the product.  |             |
| Product Name (Model)                  | 15X                   | 40-54           | M             | The name of the product. For example, "KIDUZZLE PUZZLE."  |             |
| Manufacture Month and Year            | 6N                    | 55-60           | M             | The month and year the product was manufactured. The format is MMCCYY (month, century, year).   |             |
| Item Identity Number Qualifier        | 3AN                   | 61-63           | C             | A model, serial, registered number, or other unique identifier of the product. The qualifier indicates the type of Item Identity Number that will follow. | 1           |
| Item Identity Number                  | 17X                   | 64-80           | C             | If identifying the type of Item Identity Number Qualifier in the previous data element, then identify the unique identifier number here.                  |             |

### Note 1

Item Identity Number Qualifiers for CPSC use:

| <i>Code</i> | <i>Name</i>       | <i>Definition</i>   |
|-------------|-------------------|---|
| MN          | Model Number      | The model number of the product   |
| SE          | Serial Number     | Identification number of an item, which distinguishes this specific item out of a number of identical items |
| RN          | Registered Number | Registered Number   |

**CPSC eFiling Beta Pilot – Customs and Trade Automated Interface**

|     |                      |   |
|-----|----------------------|---|
| ALT | Alternate Identifier | A unique identifier of the product that does not align with the other Identity Number Qualifiers' categories provided |
|-----|----------------------|---|

Staff Briefing Package: Supplemental Notice of Proposed Rulemaking to Revise 16 CFR part 1110  
for Certificates of Compliance and to Implement eFiling | November 8, 2023 | cpsc.gov

- 74 -



## Record Identifier PG10

This optional PGA input record is used to provide additional characteristics of a product, not reported elsewhere in the PG Message Set. Specifically, this record can be used to provide the model color, description, and/or style of a product. This record can be repeated to provide multiple product characteristics.

| <b>Record Identifier PG10 (Input)</b> |                          |                 |               |  |             |
|---------------------------------------|--------------------------|-----------------|---------------|--|-------------|
| <b>Data Element</b>                   | <b>Length/<br/>Class</b> | <b>Position</b> | <b>Status</b> | <b>Description</b>   | <b>Note</b> |
| Control Identifier                    | 2A                       | 1-2             | M             | Must always equal PG.  |             |
| Record Type                           | 2N                       | 3-4             | M             | Must always be 10.   |             |
| Category Type Code                    | 6AN                      | 5-10            | N/A           | Not Applicable.  |             |
| Category Code                         | 5AN                      | 11-15           | N/A           | Not Applicable.  |             |
| Commodity Qualifier Code              | 4X                       | 16-19           | N/A           | Code indicating qualifier code for CPSC: "PC9."  |             |
| Commodity Characteristic Qualifier    | 4AN                      | 20-23           | O             | A model color, description, or style of a product. The qualifier indicates the type of Commodity Characteristic Description that will follow.                                      | 1           |
| Commodity Characteristic Description  | 57X                      | 24-80           | C             | If identifying the type of Commodity Characteristic Qualifier in the previous data element, then provide a free text description of the product pertaining to that qualifier here. |             |

### Note 1

Commodity Characteristic Qualifiers for CPSC use:

| <b>Code</b> | <b>Name</b>       | <b>Definition</b>    |
|-------------|-------------------|----------------------|
| MC          | Model Color       | Model Color(s)       |
| MD          | Model Description | Model Description(s) |
| MS          | Model Style       | Model Style(s)       |



***PGA Message Set Structure PG 19 – 21:***

PG19 through PG21 are records that will be used to provide:

- A. An Entity: Certifying Entity, Manufacturer, Independent Third Party Lab, Lab, No Lab testing required, Point of Contact.
  - Each Full Message Set requires a Manufacturer and at least one of the lab entity options.
  - If “FCP” is used as the Government Agency Processing Code in PG01, then only an Independent Third Party Lab “ITL” can be reported.
  - The Certifying Entity is only required if the Importer of Record (IOR) is not certifying the certificate data.<sup>13</sup>
  - The Point of Contact (party maintaining records of test results) is only required if the Importer of Record (IOR) is not maintaining the records.<sup>14</sup>
- B. A description of that Entity with necessary details: Name, Address, Email, Phone Number.

Each Full PGA Message Set for Regulated Products will have at least two PG19–21 groupings to provide the required information.

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<sup>13</sup> If this Entity Code is not provided, CPSC will consider the IOR as certifying the Certificate of Compliance data. This entity could be the importer, manufacturer, or private labeler.

<sup>14</sup> If this Entity Code is not provided, CPSC will contact the IOR for the records of the test reports. The party can be a firm name or position title.



## Record Identifier PG19

This is a mandatory PGA input record that provides data pertaining to Entity Role Code, CPSC Lab ID, Entity Name, and Entity Address 1. This record is used to identify the entities and facilities (foreign and domestic) associated with the product. This record is also used to identify the certifying entity if the certifying entity is not the IOR. PG60 may be used immediately after this record to provide additional information that did not fit within the character length of this record.

| <b>Record Identifier PG19 (Input)</b>                               |                          |                 |               |  |             |
|---|--------------------------|-----------------|---------------|--|-------------|
| <b>Data Element</b>   | <b>Length/<br/>Class</b> | <b>Position</b> | <b>Status</b> | <b>Description</b>   | <b>Note</b> |
| Control Identifier  | 2A                       | 1-2             | M             | Must always equal PG.  |             |
| Record Type   | 2N                       | 3-4             | M             | Must always be 19.   |             |
| Entity Role Code  | 3AN                      | 5-7             | M             | Entity Role Codes as provided below.   | 1           |
| Entity Identification Code  | 3AN                      | 8-10            | C             | If Entity Role Code is “MF” and has a testing exemption as a Small Batch Manufacturer, then the code “SBM” should be provided.   | 2           |
| CPSC Lab ID or Small Batch Manufacturer Registry ID (Entity Number) | 15X                      | 11-25           | C             | If Entity Role Code is “ITL”, then it is mandatory to reference the CPSC Accepted Lab via the four-digit Lab ID number;<br><br>If Entity Role Code is “MF” and Entity Identification Code is “SBM,” then it is mandatory to provide the Small Batch Manufacturer Registry ID.<br><br>Otherwise, leave blank. | 3           |
| Entity Name   | 32X                      | 26-57           | C             | If Entity Role Code is “CE”, “LAB”, “MF”, or “PK”, then the name of the Certifying Entity, Lab, Manufacturer, Point of Contact is mandatory;<br>Otherwise, leave blank.  |             |
| Entity Address 1  | 23X                      | 58-80           | C             | If Entity Role Code is “CE”, “LAB”, “MF”, or “PK”, then Entity Address 1 is mandatory;<br>Otherwise, leave blank.  |             |

### Note 1

List of Entity Role Codes applicable to CPSC:


**CPSC eFiling Beta Pilot – Customs and Trade Automated Interface**


| <i>Code</i>       | <i>Name</i>                        | <i>Definition</i>  |
|-------------------|------------------------------------|--|
| CE <sup>15</sup>  | Certifying Entity                  | Importer, Manufacturer, or Private Labeler who is certifying the certificate data. If selecting this entity, please provide the address in PG19 & PG20 and the contact information in PG21.  |
| ITL               | Independent Third Party Laboratory | A CPSC-Accepted Testing Laboratory that has been accredited to assess conformity with children's product safety rules. If selecting this entity, then it is mandatory to reference the CPSC-Accepted Lab via the four-digit Lab ID number.   |
| LAB               | Laboratory                         | Any Laboratory that is not a CPSC-Accepted Testing Laboratory and has not been accredited to assess conformity with children's product safety rules. If selecting this entity, please provide the address where the test was conducted in the address fields of PG19 & PG20 and the contact information in PG21. |
| MF                | Manufacturer of goods              | Entity that manufactures the product and the address where the product was manufactured. If selecting this entity, please provide the address in PG19 & PG20 and the contact information in PG21.  |
| NOL <sup>16</sup> | No Lab testing required            | No Lab testing required for citations/rules that are identified in the subsequent PG60 Message.  |
| PK <sup>17</sup>  | Point of Contact                   | Individual maintaining records of test results. If selecting this entity, please provide the address in PG19 & PG20 and the contact information in PG21. The individual may be a position title.   |

**Note 2:**

Requirements and registration information for Small Batch Manufacturers can be found at the following URL: <https://www.cpsc.gov/Business--Manufacturing/Small-Business-Resources/Small-Batch-Manufacturers-and-Third-Party->

**Note 3:**

The current list of CPSC-Accepted Labs is published by CPSC at the following URL: <http://www.cpsc.gov/cgi-bin/LabSearch/Default.aspx>.

<sup>15</sup> The Entity Code "CE" is to be used for shipments where an entity other than the IOR is certifying the Certificate of Compliance data. This other entity could be the importer, manufacturer, or private labeler. If this Entity Code is not provided, CPSC will consider the IOR as certifying the Certificate of Compliance data.

<sup>16</sup> The Entity Role Code "NOL" is to be used in cases where a consumer product is subject to a CPSC rule, but testing to that rule is not required.

<sup>17</sup> If this Entity Code is not provided, CPSC will contact the IOR for the records of the test reports. The party can be a firm name or position title.



## Record Identifier PG20

This PGA input record provides additional data pertaining to Entity identification, such as Entity Address 2, Apartment/Suite, City, State, Country, and Zip/Postal Code. This record is used with the PG19 and is required when the PG19 Entity Role Code = CE, LAB, MF, or PK. PG60 may be used immediately after this record to provide additional information that did not fit within the character length of this record.

| <i>Record Identifier PG20 (Input)</i>      |                  |          |        |   |      |
|--|------------------|----------|--------|---|------|
| Data Element                               | Length/<br>Class | Position | Status | Description   | Note |
| Control Identifier                         | 2A               | 1-2      | M      | Must always equal PG.   |      |
| Record Type                                | 2N               | 3-4      | M      | Must always be 20.  |      |
| Entity Address 2                           | 32X              | 5-36     | O      | Address Line 2 for the Entity.  |      |
| Entity Apartment<br>Number/Suite<br>Number | 5X               | 37-41    | O      | Apartment/Suite number of the entity.   |      |
| Entity City                                | 21X              | 42-62    | C      | City of the entity.   |      |
| Entity<br>State/Province                   | 3AN              | 63-65    | C      | State/Province of the entity. See Appendix B in the ACE ABI CATAIR for valid codes. | 1    |
| Entity Country                             | 2A               | 66-67    | C      | ISO Country Code. See Appendix B in the ACE ABI CATAIR for valid codes.             |      |
| Entity Zip/Postal<br>Code                  | 9X               | 68-76    | C      | Zip/Postal Code of the entity.  | 2    |
| Filler                                     | 4X               | 77-80    | M      | Space fill.   |      |

### Note 1

Entity State/Province is mandatory if Country Code is the United States ("US"), Canada ("CA"), or Mexico ("MX"); otherwise, this data element is optional.

### Note 2

Entity Zip/Postal Code is mandatory if Country Code is United States ("US") or Canada ("CA"); otherwise, this data element is optional.



## Record Identifier PG21

This optional PGA input record provides data pertaining to Entity contact information, such as Telephone Number of the Entity and Email Address of the Entity. This record must be provided when the PG19 Entity Role Code = CE, LAB, MF, or PK. This record can be repeated in cases where multiples of these data elements need to be reported for a single Entity. (For example, for reporting two phone numbers or emails). PG60 may be used immediately after this record to provide additional information that did not fit within the character length of this record.

| <i>Record Identifier PG21 (Input)</i> |                  |          |        |   |      |
|---------------------------------------|------------------|----------|--------|---|------|
| Data Element                          | Length/<br>Class | Position | Status | Description   | Note |
| Control Identifier                    | 2A               | 1-2      | M      | Must always equal PG.                               |      |
| Record Type                           | 2N               | 3-4      | M      | Must always be 21.                                  |      |
| Individual Qualifier                  | 3AN              | 5-7      | N/A    | Not Applicable.                                     |      |
| Individual Name                       | 23X              | 8-30     | N/A    | Not Applicable.                                     |      |
| Telephone Number of the Entity        | 15X              | 31-45    | C      | Telephone number of the “CE,” “LAB,” “MF,” or “PK.” |      |
| Email Address for the Entity          | 35X              | 46-80    | C      | Email Address of the “CE,” “LAB,” “MF,” or “PK.”    |      |



## Record Identifier PG22

This is a mandatory PGA input record that indicates certification of the finished product(s) covered by this certificate, which is the responsibility of the certifying entity. CPSC will consider the IOR as the certifying entity. If that is not the case, then entity code “CE” for Certifying Entity should be provided in PG19.

| <b>Record Identifier PG22 (Input)</b>  |                          |                 |               |   |             |
|--|--------------------------|-----------------|---------------|---|-------------|
| <b>Data Element</b>  | <b>Length/<br/>Class</b> | <b>Position</b> | <b>Status</b> | <b>Description</b>  | <b>Note</b> |
| Control Identifier   | 2A                       | 1-2             | M             | Must always equal PG.   |             |
| Record Type  | 2N                       | 3-4             | M             | Must always be 22.  |             |
| Importers<br>Substantiating<br>Signed Document<br>/Signed Confirmation<br>Letter | 1A                       | 5               | N/A           | Not Applicable.   |             |
| Document Identifier  | 7AN                      | 6-12            | N/A           | Not Applicable.   |             |
| Conformance<br>Declaration   | 5X                       | 13-17           | N/A           | Not Applicable.   |             |
| Entity Role Code   | 3AN                      | 18-20           | N/A           | Not Applicable.   |             |
| Product Certificate<br>Indicator<br>(Declaration Code)                           | 4AN                      | 21-24           | M             | The certifying entity certifies that the finished product(s) covered by this certificate comply with the rules, bans, standards, and regulations stated herein, and that the information in this certificate is true and accurate to the best of my knowledge, information, and belief. The certifying entity understands and acknowledges that it is a United States federal crime to knowingly and willfully make any materially false, fictitious, or fraudulent statements, representations, or omissions, on this certificate.<br>"CPY" for "Yes," "CPN" for "No." |             |
| Declaration<br>Certification   | 1A                       | 25              | N/A           | Not Applicable.   |             |
| Date of Signature  | 8N                       | 26-33           | N/A           | Not Applicable.   |             |
| Invoice Number   | 17X                      | 34-50           | N/A           | Not Applicable.   |             |
| Compliance<br>Description  | 30X                      | 51-80           | N/A           | Not Applicable.   |             |



## Record Identifier PG25

This is an optional PGA input record for data pertaining to the Production Start Date of the Lot. The Lot Number is optional. This record is repeatable for multiple Lot Numbers.

| <b>Record Identifier PG25 (Input)</b> |                          |                 |               |  |             |
|---------------------------------------|--------------------------|-----------------|---------------|--|-------------|
| <b>Data Element</b>                   | <b>Length/<br/>Class</b> | <b>Position</b> | <b>Status</b> | <b>Description</b>   | <b>Note</b> |
| Control Identifier                    | 2A                       | 1-2             | M             | Must always equal PG.  |             |
| Record Type                           | 2N                       | 3-4             | M             | Must always be 25.   |             |
| Temperature Qualifier                 | 1A                       | 5               | N/A           | Not Applicable.  |             |
| Degree Type                           | 1A                       | 6               | N/A           | Not Applicable.  |             |
| Negative Number                       | 1A                       | 7               | N/A           | Not Applicable.  |             |
| Actual Temperature                    | 6N                       | 8-13            | N/A           | Not Applicable.  |             |
| Location of Temperature Recording     | 1A                       | 14              | N/A           | Not Applicable.  |             |
| Lot Number Qualifier                  | 1AN                      | 15              | O             | Code of the entity that assigned the Lot number.<br>1 = Manufacturer<br>2 = Seller   |             |
| Lot Number                            | 25X                      | 16-40           | C             | The lot number that the manufacturer or seller assigned to the product. If Lot Number Qualifier is selected, then the Lot Number is mandatory. |             |
| Production Start Date of the Lot      | 8N                       | 41-48           | O             | The date when the production for the Lot started. A numeric date in MMDDCCYY (month, day, century, year) format.                               |             |
| Production End Date of the Lot        | 8N                       | 49-56           | O             | The date when the production for the Lot ended. A numeric date in MMDDCCYY (month, day, century, year) format.                                 |             |
| PGA Line Value                        | 12N                      | 57-68           | N/A           | Not Applicable.  |             |
| PGA Unit Value                        | 12N                      | 69-80           | N/A           | Not Applicable.  |             |



## Record Identifier PG30

This is a mandatory PGA input record that provides data pertaining to the date of previous laboratory testing by entities identified by “ITL” or “LAB” in PG19. This record must be submitted before all PG19 lines. If multiple laboratories are provided, then the latest date of laboratory testing should be provided.

| <b>Record Identifier PG30 (Input)</b>  |                          |                 |               |   |             |
|--|--------------------------|-----------------|---------------|---|-------------|
| <b>Data Element</b>  | <b>Length/<br/>Class</b> | <b>Position</b> | <b>Status</b> | <b>Description</b>  | <b>Note</b> |
| Control Identifier   | 2A                       | 1-2             | M             | Must always equal PG.   |             |
| Record Type  | 2N                       | 3-4             | M             | Must always be 30.  |             |
| Inspection/<br>Laboratory Testing<br>Status  | 1A                       | 5               | M             | Must select:<br>L = lab testing previously performed.             |             |
| Date of<br>Previous Inspection/<br>Laboratory Testing  | 8N                       | 6-13            | M             | A numeric date in MMDDCCYY<br>(month, day, century, year) format. |             |
| Requested or<br>Scheduled Time of<br>Inspection; Time of<br>Previous<br>Inspection/Lab<br>Testing; Arrival<br>time | 4N                       | 14-17           | N/A           | Not Applicable  |             |
| Inspection or Arrival<br>Location Code   | 4AN                      | 18-21           | N/A           | Not Applicable  |             |
| Inspection or Arrival<br>Location  | 50X                      | 22-71           | N/A           | Not Applicable  |             |
| Filler   | 9X                       | 72-80           | M             | Space fill  |             |





## Record Identifier PG60

This is a mandatory PGA input record that provides data pertaining to the Citation Code for entities identified by “ITL,” “LAB,” or “NOL” in PG19. There should be a PG60 record for each consumer product safety rule under the CPSA, or similar rule, ban, standard, or regulation under any law enforced by the Commission, which the product has been certified to or exempted from. PG60 must follow PG21 for “LAB” and PG19 for “ITL” and “NOL.”

PG60 is also an optional PGA input record for data pertaining to a lab test report ID number or a URL to the lab test report. This record may be provided when “ITL” or “LAB” is provided as the PG19 Entity Role Code and should follow PG60 records for citations. This record can be repeated in cases where multiples of these data elements need to be reported for a single Entity. (When reporting a URL, the filer can omit “https://www.” from the URL to allow for more space.)

PG60 can be also used to provide additional information about data in the PG record that precedes it during the submission of a PGA record set. This record can follow a PG07, PG19, 20 or 21 record, and can only be used to provide the additional information noted by the additional reference qualifier code list. These codes are valid based on the designated parent record it appears immediately after. This record may be repeated.

| <b>Record Identifier PG60 (Input)</b> |                          |                 |               |  |             |
|---------------------------------------|--------------------------|-----------------|---------------|--|-------------|
| <b>Data Element</b>                   | <b>Length/<br/>Class</b> | <b>Position</b> | <b>Status</b> | <b>Description</b>   | <b>Note</b> |
| Control Identifier                    | 2A                       | 1-2             | M             | Must always equal PG.  |             |
| Record Type                           | 2N                       | 3-4             | M             | Must always be 60.   |             |
| Additional information qualifier code | 3AN                      | 5-7             | M             | Code indicating the type of additional information being provided.   | 1           |
| Additional Information                | 72X                      | 8-80            | M             | When “CIT” is used, state the consumer product safety rule under the CPSA, or similar rule, ban, standard, or regulation under any law enforced by the Commission, to which the product is being certified, using the Five-character Citation Code reference table.<br><br>When “CP1”, “CP2”, and/or “CP3” is used, provide as free form text, the lab test report ID, URL, and/or access key. | 2           |

**Note 1**

List of Additional Information Qualifier Codes only applicable to CPSC:

| <b>Code</b> | <b>Name</b> | <b>Definition</b>   |
|-------------|-------------|---|
| CIT         | Citation    | A consumer product safety rule under the CPSA, or similar rule, ban, standard, or regulation under any law enforced by the Commission |

List of Additional Information Qualifier Codes for lab test reports:

| <b>Code</b> | <b>Definition</b>                 |
|-------------|-----------------------------------|
| CP1         | Lab test report ID                |
| CP2         | Lab test report URL               |
| CP3         | Access key to lab test report URL |

List of Additional Information Qualifier Codes for overflow data:

| <b>Code</b> | <b>Definition</b>                       |
|-------------|---|
| AD1         | Entity address 1 overflow for PG19      |
| AD2         | Entity address 2 overflow for PG20      |
| AD3         | Entity address Line 3 for PG20          |
| AD4         | Entity address Line 4 for PG20          |
| AD5         | Entity address Line 5 for PG20          |
| ECI         | Entity city overflow for PG20           |
| ENA         | Entity name overflow for PG19           |
| TEL         | Telephone number overflow for PG21      |
| EMA         | Email overflow for PG21                 |
| INA         | Individual Name overflow for PG21       |
| TBN         | Trade name/brand name overflow for PG07 |
| PMN         | Product name overflow for PG07          |

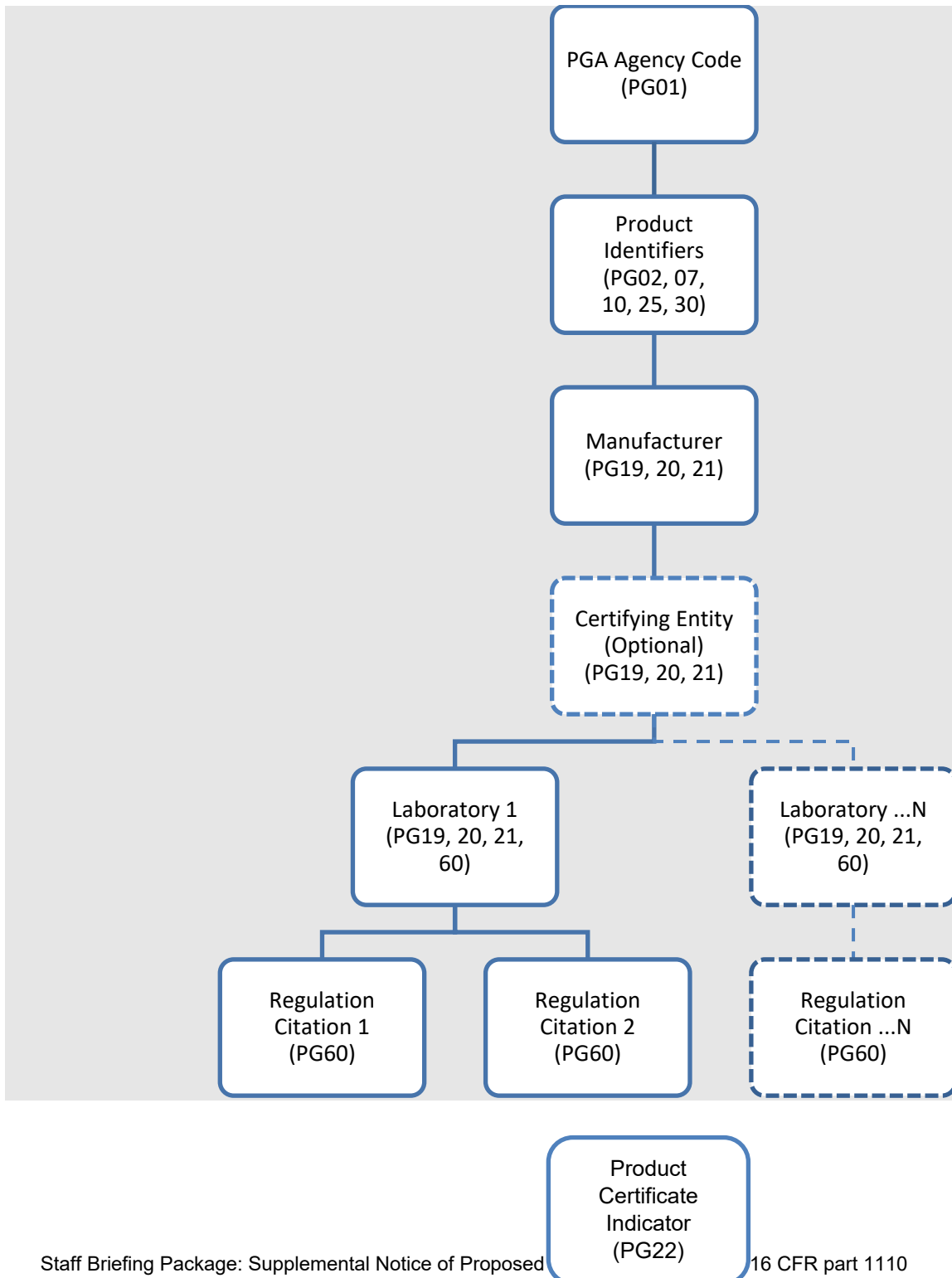
**Note 2:**

A list of Citation Codes will be made available at CPSC.gov.

### ***PGA Message Set Order***

The ordering of the records for the Full PGA Message Set will be used to denote a hierarchy of parent/child data elements. An illustration of that hierarchy follows:

***Figure 2: Full PGA Message Set Hierarchy***



Staff Briefing Package: Supplemental Notice of Proposed Rulemaking for Certificates of Compliance and to Implement eFiling | November 6, 2023 | cpsc.gov

An example of the PGA message order and groupings based on the above hierarchy illustration within the existing framework of CBP's PGA message design follows:

OI Commercial Description

PG01 PGA Line Number & PGA Agency Code

PG02 Item Type (Product) and Product Code Number

PG07 Product Identifiers (Product Name, Trade/Brand Name,  
Manufacture Date, Additional Product Identifiers)

PG10 Optional Product Identifiers (Color, Description, Style)

PG25 Lot Number and Production Start/End Dates

PG30 Lab Test Date

PG19 (MF) Manufacturer – Name

PG20 Manufacturer – Address

PG21 Manufacturer – Telephone Number & Email Address

PG19 (CE) Certifying Entity – Name

PG20 Certifying Entity –  
Address

PG21 Certifying Entity – Telephone Number & Email Address

PG19 (ITL) CPSC Accredited Lab – CPSC Lab ID

PG20 none

PG21

none

PG60

Citation 1

PG60 Citation 2

PG60 Optional Test Report URL or ID

PG19 (LAB) – Name

PG20 Lab Address

PG21 Lab Telephone Number &  
Email

PG60 Citation 3

PG60 Citation 4

PG60 Optional Test Report URL or ID

PG19 (NOL) No Lab Testing Required

PG20 None

PG21 None

PG60 Exemption Citation

PG60 None

PG19 (PK) Point of Contact – Name

PG20 Point of Contact – Address

PG21 Point of Contact – Telephone Number & Email Address

PG22 Product Certificate Indicator

## Appendix

Certain data elements in the CATAIR are fundamental to the CBP system design and are therefore mandatory for all PGAs. The following table identifies each data element in the Full PGA Message Set for Regulated Products and whether CBP or CPSC is the agency requiring the data.

| Message | Data Element  | Status | Description  |
|---------|---|--------|--|
| OI      | Commercial Description                                | M      | A clear description of the commercial line item in English. For example, BICYCLE HELMETS.  |
| PG01    | PGA Line Number                                       | M      | Number required by PGAs beginning with 001 within a CBP line and sequentially incremented on subsequent PG01 records, if applicable.   |
|         | Government Agency Code                                | M      | Code that identifies the PGA; "CPS" for CPSC.  |
|         | Government Agency Program Code                        | M      | CPSC is organized under a single program; "CPS" for CPSC   |
|         | Government Agency Processing Code                     | M      | "REF" to indicate this is a Reference PGA Message Set<br>"FCP" to indicate this is a Full PGA Message Set for Regulated Products with a Children's Product Certificate (CPC)<br>"FGC" to indicate this is a Full PGA Message Set for Regulated Products with a General Certificate of Conformity (GCC) |
|         | Globally Unique Product Identification Code Qualifier | C      | Code indicating the type of globally unique number used to identify the commercial product or commodity.   |
|         | Globally Unique Product Identification Code           | C      | If identifying a Unique Product Code Qualifier in the previous data element, then identify the Unique Product Code Number here.  |
|         | Intended Use Code                                     | O      | The code indicating the intended use base code of the product followed by the intended use subcode.  |
|         | Intended Use Description                              | C      | If "For Other Use" (980.000) code is used, then a free text description of the intended use is mandatory.  |
| PG02    | Item Type   | M      | Identifies whether the information provided is for a product or a component.<br>"P" = Product  |
|         | Product Code Qualifier                                | C      | Code identifying the type of Product Code being provided in the next data element.   |
|         | Product Code Number                                   | C      | If identifying a Product Code Qualifier in the previous data element, then identify the Product Code Number here.  |
| PG07    | Trade Name / Brand Name                               | O      | The brand name of the product.   |
|         | Product Name  | M      | The name of the product.   |

| Message | Data Element                                     | Status | Description  |
|---------|--|--------|--|
|         | Manufacture Month and Year                       | M      | The month and year the product was manufactured. The format is MMCCYY (month, century, year).  |
|         | Item Identity Number Qualifier                   | C      | A model number, style number, or other unique identifier of the product. The qualifier indicates the type of Item Identity Number that will follow.  |
|         | Item Identity Number                             | C      | If identifying the type of Item Identity Number Qualifier in the previous data element, then identify the model, style, or other unique identifier number here.  |
| PG10    | Commodity Characteristic Qualifier               | O      | A model color, description, or style of a product. The qualifier indicates the type of Commodity Characteristic Description that will follow.  |
|         | Commodity Characteristic Description             | C      | If identifying the type of Commodity Characteristic Qualifier in the previous data element, then provide a free text description of the product pertaining to that qualifier here.   |
| PG19    | Entity Role Code                                 | M      | Select an Entity Role Code.  |
|         | Entity Identification Code                       | C      | If Entity Role Code is "MF" and has a testing exemption as a Small Batch Manufacturer, then the code "SBM" should be provided.   |
|         | CPSC Lab ID (Entity Number)                      | C      | If Entity Role Code is "ITL," then it is mandatory to reference the CPSC Accepted Lab via the 4 digit Lab ID number.   |
|         | Entity Name                                      | C      | Name of the Entity.  |
|         | Entity Address 1                                 | C      | Address Line 1 for the Entity.   |
| PG20    | Entity Address 2                                 | O      | Address Line 2 for the Entity.   |
|         | Entity Apartment Number/Suite Number             | O      | Apartment/Suite number of the entity.  |
|         | Entity City                                      | C      | City of the entity.  |
|         | Entity State/Province                            | C      | State/Province of the entity. See Appendix B in the ACS ABI CATAIR for valid codes.  |
|         | Entity Country                                   | C      | ISO Country Code. See Appendix B in the ACS ABI CATAIR for valid codes.  |
|         | Entity Zip/Postal Code                           | C      | Zip/Postal Code of the entity.   |
| PG21    | Telephone Number of the Individual               | C      | Telephone Number of the Entity.  |
|         | Email Address or Fax Number for the Individual   | C      | Email Address of the Entity.   |
| PG22    | Product Certificate Indicator (Declaration Code) | M      | Indicate existence of a Certificate that meets the requirements of sections 14 and 17 of the CPSA, and 16 CFR part 1110 for the regulated finished product;<br>"CPY" for "Certificate Exists"<br>"CPN" for "No Certificate Exists" |
| PG25    | Lot Number Qualifier                             | O      | Code of the entity that assigned the Lot number.   |
|         | Lot Number                                       | O      | The lot number that the manufacturer/seller assigned to the product.   |
|         | Production Start date of the Lot                 | O      | The date when the production for the Lot started. A numeric date in MMDDCCYY (month, day, century, year) format.   |

| Message | Data Element                          | Status | Description   |
|---------|---------------------------------------|--------|---|
|         | Production End Date of the Lot        | O      | The date when the production for the Lot ended. A numeric date in MMDDCCYY (month, day, century, year) format.  |
| PG30    | Laboratory Testing Status             | M      | Must select: L = lab testing previously performed.  |
|         | Laboratory Testing Date               | M      | A numeric date in MMDDCCYY (month, day, century, year) format.  |
| PG60    | Citation Code Qualifier               | M      | Qualifier indicating that a Citation Code follows.  |
|         | Citation Code                         | M      | State the consumer product safety rule under the CPSA, or similar rule, ban, standard, or regulation under any law enforced by the Commission, to which the product is being certified using the 4-character reference table. |
|         | Lab Test Report Code Qualifier        | O      | Qualifier indicating that a test report ID, URL, or access code follows.  |
|         | Lab Test Report Code                  | O      | As free form text, provide the lab test report ID, URL, or access key.  |
|         | Additional information Code Qualifier | O      | Qualifier indicating that additional information for a PG07, 19, 20, or 21 record follows.  |
|         | Additional information                | O      | Additional information for a PG07, 19, 20, or 21 record.  |

## TAB C: Initial Regulatory Flexibility Analysis for Revisions to the Rule for Certificates of Compliance, 16 C.F.R. part 1110





# Memorandum

**TO:** Arthur Laciak, eFiling Program Specialist,  
Office of Import Surveillance

**DATE:** November 8, 2023

**THROUGH:** Alex Moscoso, Associate Executive Director,  
Directorate for Economic Analysis

Jose Tejeda, Division Director  
Directorate for Economic Analysis

**FROM:** Bretford Griffin, Economist,  
Directorate for Economic Analysis

**SUBJECT:** Initial Regulatory Flexibility Analysis for Revisions to the Rule for Certificates of Compliance, 16 C.F.R. part 1110

## I. Background

Whenever an agency publishes a notice of proposed rulemaking (NPR), Section 603 of the Regulatory Flexibility Act (RFA), 5 USC 601–612, requires agencies to prepare an initial regulatory flexibility analysis (IRFA) unless the head of the agency certifies that the proposed rule will not have a significant economic impact on a substantial number of small entities. The IRFA or a summary of it must be published in the *Federal Register* with the proposed rule. Under Section 603(b) of the RFA, each IRFA must address:

- a description of why action by the agency is being considered;
- a succinct statement of the objectives of, and legal basis for, the proposed rule;
- a description of and, where feasible, an estimate of the number of small entities to which the proposed rule will apply;
- a description of the projected reporting, recordkeeping, and other compliance requirements of the proposed rule, including an estimate of the classes of small entities which will be subject to the requirement and the type of professional skills necessary for preparation of the report or record; and
- an identification to the extent practicable, of all relevant Federal rules which may duplicate, overlap, or conflict with the proposed rule.

The IRFA must also describe any significant alternatives to the proposed rule considered by the agency that would accomplish the stated objectives and that minimize any significant economic impact on small entities.

### *A. Reasons for Agency Action*

The U.S. Consumer Product Safety Commission (CPSC or Commission) oversees consumer products and enforces compliance with consumer product safety rules. Section 14(a) and (g) of the Consumer Product Safety Act (CPSA) requires that manufacturers (including importers) test and certify compliance with consumer product safety rules, or any other similar, rule, ban, standard, or regulation required by any other statute enforced by the Commission. 15 U.S.C. § 2065(a) and (g). As part of this

statutory mandate, the Commission requires importers and U.S. domestic manufacturers to issue Certificates of Compliance (certificates) in the form of either a General Certificate of Conformity (GCC) for a non-children's product or a Children's Product Certificate (CPC) for a children's product. In 2008, shortly after passage of the Consumer Product Safety Improvement Act of 2008 (CPSIA) that expanded testing and certification requirements, CPSC implemented the certificate requirement in 16 C.F.R. part 1110 (Part 1110) and is now considering revisions to the rule. Staff's draft supplemental notice of proposed rulemaking (SNPR) would revise 16 CFR part 1110 to add definitions that align the rule with other testing and certification rules, clarify requirements for certificates, make certificate requirements consistent with statutory requirements in sections 14(a) and (g) of the CPSA, and add new requirements for recordkeeping and electronic filing (eFiling) of certificates for regulated, imported products with CBP at entry, or at entry summary, if both entry and entry summary are filed together.

### *B. Objectives and Legal Basis for the Rule*

The Commission requires importers and U.S. domestic manufacturers to issue certificates based on testing of consumer products, as provided in section 14 of the CPSA. The SNPR would implement section 14(g)(4) of the CPSA by requiring that importers of regulated, imported products eFile certificates with CBP at entry, or at entry summary, if both entry and entry summary are filed together. The draft SNPR would require importers of regulated products to eFile certificates, as provided in CPSC's CBP and Trade Automated Interface Requirements Implementation Guide (CATAIR), using CBP's Partner Government Agency (PGA) Message Set. All certificate data elements for imported consumer products can be eFiled with CBP each time a product is imported, using a Full PGA Message Set. Or, certificate data elements can be entered into CPSC's Product Registry, a repository for certificate data, before importing a product, and then a reference to the certificate data in the Product Registry can be eFiled with CBP using a Reference Message Set each time the product is imported thereafter. For domestic manufacturers, the draft SNPR would make no changes to the availability requirements in the existing 1110 rule.

The draft SNPR clarifies how certificates are required to accompany a finished product, who must certify a finished product, as well as the form, content, and availability requirements for certificates. The draft SNPR revises the certificate requirement for domestically manufactured products to require a private labeler to certify a privately labeled product, unless a domestic manufacturer certifies the product. Finally, the draft SNPR aligns recordkeeping requirements for all certificates by adding a five-year recordkeeping requirement for GCCs and supporting documents.

### *C. Small Entities to Which the Rule Will Apply*

The draft SNPR would apply to all importers, domestic manufacturers, and private labelers of privately labeled domestically manufactured products that import or distribute in commerce, regulated products and substances.<sup>18</sup> Appendix A to this memorandum provides the Small Business Administration (SBA) employer size thresholds by North American Industry Classification System (NAICS). Staff assesses that firms affected by the draft SNPR fall under numerous NAICS codes and Harmonized Tariff Schedule (HTS) codes.<sup>19</sup> Using these guidelines, staff estimates that as many as 43,061 small firms import regulated consumer products and will be required to eFile GCCs, while 211,148 would be

<sup>18</sup> The creation and record keeping of CPCs are covered under 16 C.F.R. part 1107 which among other requirements mandates that importers and domestic manufacturers of children's products issue a CPC affirming that the firm has met third party testing requirements: <https://www.ecfr.gov/current/title-16/chapter-II/subchapter-B/part-1107>.

<sup>19</sup> The full list of HTS codes can be found in the appendix of the PRA.

required to eFile CPCs.<sup>20</sup>

#### ***D. Compliance, Reporting, and Recordkeeping Requirements of Proposed Rule***

In accordance with Section 14 of the CPSA, importers and domestic manufacturers of general use products must issue a GCC for products subject to a CPSC rule, ban, standard, or regulation. GCCs must be based on a test of each product or a reasonable testing program and must accompany the product or product shipment. GCCs must be “furnished” to all distributors or retailers of the product and provided to CPSC and CBP upon request. Importers and domestic manufacturers currently must comply with 16 C.F.R. part 1110 concerning the content of the GCC, retention of the associated records, and any other applicable requirements. This rule does not create a new requirement to issue certificates that did not previously exist. This analysis considers the following new requirements of the draft SNPR:

- Additional Recordkeeping for GCCs
- Electronic filing (eFiling) of GCCs and CPCs for imported finished products

#### **Potential Impact on Small Entities**

One purpose of the IRFA is to evaluate the impact of a regulatory action on small entities and to determine whether that impact is economically significant. Although the SBA allows considerable flexibility in determining what is “economically significant,” staff typically uses one percent of gross revenue as the threshold for an economically significant impact. When staff cannot demonstrate that the impact is lower than one percent of gross revenue, staff prepares an IRFA.<sup>21</sup> The industries potentially impacted are those importers, private labelers, and domestic manufacturers of consumer products requiring a General Certificate of Conformity (GCC) or a Children’s Product Certificate (CPC).

The Rule imposes a new reporting burden on importers who must eFile certificates at the time of entry, or at entry summary, if both entry and entry summary are filed together.<sup>22</sup> The draft SNPR also imposes a minor additional recordkeeping burden on GCCs, which is the retention of records for no more than two additional years in most cases. To achieve compliance with the draft SNPR’s eFiling requirements, small importers of products requiring either a GCC or CPC could possibly incur costs from several activities including: (1) the costs of inputting and filing certificate information with CBP through a PGA Message Set; (2) the one-time conversion costs of updating technology; and (3) broker fees.

<sup>20</sup> Staff estimates the proportion of small firms using industry concentration data from the 2017 Economic Census (<https://data.census.gov/table?q=four+firm+concentration&n=N0600.00&tid=ECNSIZE2017.EC1700SIZECONCEN>). When a range of firm sizes (average employees) was given, staff used an average of the higher and lower number and compared that average against the SBA threshold for that NAICS. In cases where information on firm industry classification was not sufficient staff searched for other information on small businesses in the industry and finally input the average small business percent (85%) in cases where other information could not be found.

<sup>21</sup> The one percent of gross revenue threshold is cited as example criteria by the SBA and is commonly used by agencies in determining economic significance. For more information on the Regulatory Flexibility Act (see U.S. Small Business Administration, Office of Advocacy. *RFA In A Nutshell: A Condensed Guide To The Regulatory Flexibility Act*. June 2013, pp 7-9, available at <https://advocacy.sba.gov/wp-content/uploads/2019/07/The-RFA-in-a-Nutshell-2013-ed.pdf>)

<sup>22</sup> Domestically manufactured products or substances are required to be tested and certified before being distributed in commerce, which means “to sell in commerce, to introduce or deliver for introduction into commerce, or to hold for sale or distribution after introduction into commerce.” 15 U.S.C. § 2063(a); 15 U.S.C. § 2052(a)(8) Imported finished products or substances are required to be tested and certified before they are imported for consumption or warehousing. 15 U.S.C. § 2063(a).

## Investment in Technology

CPSC Staff conducted a pilot program (eFiling Alpha Pilot) in 2016 to develop a Product Registry for certificates and to test importers and brokers' ability to eFile certificates with CBP, receive the data into CPSC's RAM, and risk score the data. The Pilot required brokers to make changes to their software to accommodate the Pilot. Staff is unsure what changes, and the magnitude of changes, firms would choose to make to their technology to participate in the Pilot. However, CPSC does not expect small businesses to need to invest in technology due to the creation of CPSC's Product Registry. A small business only needs a laptop with a hard drive for storing records and an internet connection to enter certificates into the Product Registry. CPSC considers these usual and customary business expenses to which appending an eFiling and recordkeeping requirement should have a negligible impact. However, importers will need to eFile certificates with each importation of regulated consumer products.

The draft SNPR does not require that firms make changes to their technology to eFile. The Product Registry includes a web interface that allows users to manually enter certificate information. This obviates investment in technology. However, firms may choose to invest in technology to streamline the maintaining and eFiling of certificates. CPSC does not have information on precisely which firms would choose to invest in technology and which ones would not, however staff assumes that larger importers and manufacturers who import larger volumes of regulated consumer products would likely invest in technology to enable batch uploads of data into the Product Registry, or to create their own registries, while smaller importers would not. Therefore, staff cannot assess a technology investment cost for small importers as they neither have the incentive to invest nor does the draft SNPR require such investment.

### *eFiling for CBP Entry*

eFiling certificates at the time of filing CBP entry, or entry summary, if both entry and entry summary are filed together, only applies to importers. Importers regulated by a partner government agency must file information regarding the product(s) being imported with CBP. Often a broker facilitates the filing of entry, when entry is required. Accordingly, importers already have a time and cost burden to file data with CBP. The Product Registry facilitates the input and storage of certificate information that the draft SNPR would require to be filed using a PGA Message Set with entry. The draft SNPR does not require the use of the Product Registry, however, staff expects that the majority of small importers will use the Product Registry. We assume that 95 percent of importers will use the Product Registry, and this estimate holds for small importers. This assumption is based on experience gained during the eFiling Alpha Pilot and feedback from volunteers that will participate in the eFiling Beta Pilot. When using the Product Registry, the Reference PGA Message Set is a shortened set of data that only requires a few data elements, including the Unique ID for the certificate stored in CPSC's Product Registry each time the associated product is imported. Accordingly, if importers use the Product Registry and a Reference PGA Message Set at the time of entry, 95 percent of importers will bear an additional 20 second burden per Reference Message Set filed during entry, while five percent of importers will bear a one-minute burden per Full Message Set filed. The cost of eFiling is calculated based on the \$33.68 hourly cost of labor multiplied by the burden hours from eFiling.<sup>23</sup>

<sup>23</sup> The total burden hours associated with eFiling is estimated by summing up the total burden hours imposed on importers, as described above. The total monetary burden is estimated by multiplying the number of burden hours by the total compensation of \$33.68 per hour for the Office and Administrative Support Occupation in Good-producing industries as of March 2023.

## Broker fees

The incidence of broker fees only applies to importers. Many importers use import brokers to facilitate customs filings and reporting with the government. Staff does not expect the draft SNPR to change the number of firms who chose to use brokers. Brokers typically charge a fee for each entry line that is filed. Through discussions with importers and brokers, staff understands that this fee is greatly dependent on the number of entry lines filed, and the complexity of the PGA Message Set. The latter factor is greatly reduced by importers electing to use the Product Registry. By using the Product Registry, the importer can supply the Unique ID for each product certificate to the broker for use in eFiling a shorter, more streamlined Reference PGA Message Set, which links the product(s) being imported to the corresponding certificate(s) already maintained in the Product Registry.

## Estimating Small Business Percentages by NAICS

The Economic Census publishes general information on industries classified by NAICS code. This information includes categories of employment size and the number of establishments that fall within that category. One particular data publication, *ECN Core Statistics Economic Census: Establishment and Firm Size Statistics for the U.S.*, contains average employment size by five different concentration levels (by revenue): top 4 firms, top 8 firms, top 20 firms, top 50 firms, and all firms. Based on the data points for each NAICS and assuming that average employment size decrease as one goes from the largest firm to all firms, staff used a simple exponential function to predict at what number of firms average employment size would cross the SBA threshold.<sup>24</sup>

From this number staff computed the SBA percentage for that NAICS as the number of firms below that threshold divided by total firms within that NAICS. For example, CB Band Base Station Antennas may fall within NAICS code 334220 ("Radio and television broadcasting and wireless communications equipment manufacturing"). Using this method staff arrives at the solution that the 165 largest firms (in descending order of size) would have average employment that crossed the SBA threshold of 1250 employees. Thus, 165 firms out of 660 firms (25 percent) are above the SBA threshold meaning that the remaining 75 percent are small. Staff repeats this method for 25 NAICS codes most closely representing the industries covered by the Rule. Whenever a NAICS yielded a solution indicating 100 percent were small businesses or data was otherwise insufficient to get a good estimate, staff defaulted to an estimate of 85 percent SBA for that NAICS, which is roughly the average of the non-missing values. Staff assumes that small businesses will at most supply 10 percent of responses and that the proportion of importers that are small importers is the same as the proportion of domestic manufacturers that are small. The Commission welcomes comment on more precise estimates of percentages of small businesses belonging to a given NAICS, how many small firms covered by the Rule fall within that NAICS, and how many certificates these firms may create.

## Cost to small suppliers of non-children's products

Table 1 shows an estimated 43,061 small businesses<sup>25</sup> that will need to eFile GCCs with CBP and to

<sup>24</sup> This analysis uses the 2019 Small Business Administration (SBA) guidelines effective Aug 19, 2019. The SBA publishes size guideline with employment thresholds, below which a business would be classified as small. Threshold values vary by NAICS industry but are generally in the range of 500-1500 employees.

<sup>25</sup> The number of small businesses was estimated during the PRA Analysis. It was obtained by multiplying the estimated proportion of small businesses for a given NAICS product industry by the number of estimated firms for that industry. For an explanation of how firms were estimated for the PRA Analysis see TAB D – "Paperwork Reduction Act Burden Analysis for Proposed Revisions to 16 CFR Part 1110"

increase the period of time for recordkeeping for the certificates and supporting information. Staff estimates that the net cost of these additional burdens<sup>26</sup> on small suppliers of general use products is \$611,089. This means on average each small business will spend approximately \$14 ( $\$611,089/43,061 \approx \$14$ ) on the draft SNPR's new requirements. The new cost can be described as the cost of eFiling these certificates, with a small time cost of recordkeeping each certificate.

### **Cost to small suppliers of children's products**

Table 2 shows that an estimated 211,148 small businesses that will need to eFile CPCs with CBP. For an estimate of small businesses supplying children's products, see OMB-3041-0159: "Third Party Testing of Children's Products."<sup>27</sup> Staff estimates include 224,000 importers over 94 percent of which may be small businesses ( $224,000 \times 0.942623 \approx 211,148$ ). The total cost of the additional burden to eFile for small children's products suppliers is \$922,934. This means on average each small business will spend approximately \$4 ( $\$922,934/211,148 \approx \$4$ ) to comply with the draft SNPR. Note that the five-year recordkeeping requirement for children's products is already covered under 16 C.F.R. part 1107. Therefore, the additional burden that the draft SNPR imposes on small importers supplying children's products is that of eFiling. Except for the potential for some small private labelers to need to test and certify privately labeled children's products, domestic manufacturers will have no change in burden pursuant to the draft SNPR.

### **Net Impact on small businesses**

Staff does not expect the cost of the draft SNPR to have a significant impact on small businesses. As stated above, staff uses the threshold of "one percent of revenue" to estimate whether a given rule will have a significant impact on the small businesses it covers. Staff uses a fraction of firm revenue for the six-digit NAICS categories that classify these industries. Table 3 shows the average revenue for firms smaller than the largest 50 firms in a given NAICS.<sup>28</sup> Staff chose to use the revenue of firms smaller than the largest 50 firms because (1) this segment is more characteristic of smaller firms and (2) the estimate errs on the side of smaller firm revenue. When staff applies the one percent threshold to the average revenue of firms smaller than the top 50, the draft SNPR impact does not exceed the threshold. Instead, staff finds that the impact of the draft SNPR could be considered *de minimis* with respect to the 1 percent threshold. Several NAICS industries have an average revenue of slightly under \$1,000,000 for firms smaller than the top 50. However, the one percent threshold ( $\sim \$10,000$ ) is far greater than both the \$14 per firm impact of the draft SNPR's GCC requirements and the \$4 per firm impact of the draft SNPR's CPC requirements. Other consumer product industries not easily classified by a given set of NAICS (e.g., firms subject to the PPPA) are almost certain to have average revenues of which one percent is under the threshold. The revenue for a non-children's product firm would have to be less than \$1,400 per year for the firm to be significantly impacted while a children's product firm would need revenues less than \$4,000 per year.

We seek comment on the average annual revenues of small businesses within the impacted industries, as well as on alternative industry classifications that we should consider when classifying the relevant industry for SBA purposes.

<sup>26</sup> Additional Burden is defined as the difference between existing burden from statute and applicable rules and that of the proposed rule.

<sup>27</sup> [https://www.reginfo.gov/public/do/PRAViewDocument?ref\\_nbr=202207-3041-001](https://www.reginfo.gov/public/do/PRAViewDocument?ref_nbr=202207-3041-001)

<sup>28</sup> ECN Core Statistics Economic Census (2017): Establishment and Firm Size Statistics for the U.S. <https://www2.census.gov/programs-surveys/economic-census/data/2017/sector00/>



**Table 1. Certificates for Non-Children's Products (GCCs) produced by Small Businesses**

| Total Burden                           | Respondents | Frequency of Response | Responses | Response Time | Burden Hours | Cost per Burden Hour | Total Cost of Burden |
|--|-------------|-----------------------|-----------|---------------|--------------|----------------------|----------------------|
| Certificates                           | 43,061      | 2.8                   | 119,437   | 0.0833        | 9,953        | \$76.26              | \$759,025            |
| Disclosure                             | 43,061      | 2.8                   | 119,437   | 0.2500        | 29,859       | \$33.68              | \$1,005,664          |
| Recordkeeping                          | 43,061      | 2.8                   | 119,437   | 0.0208        | 2,488        | \$33.68              | \$83,805             |
| eFiling                                | 35,290      | 48.2                  | 1,700,043 | 0.0106        | 17,945       | \$33.68              | \$604,384            |
| Total                                  | 43,061      | 47.8                  | 2,058,356 | 0.0293        | 60,246       | \$40.71              | \$2,452,878          |
| <b>Additional Burden from the Rule</b> |             |                       |           |               |              |                      |                      |
| Total                                  | 43,061      | 39.5                  | 1,700,043 | 0.0107        | 18,144       | \$33.68              | \$611,089            |

**Table 2. Certificates for Children's Products (CPCs) produced by Small Businesses**

| Total Burden                           | Respondents | Frequency of Response | Responses | Response Time | Burden Hours | Cost per Burden Hour | Total Cost of Burden |
|--|-------------|-----------------------|-----------|---------------|--------------|----------------------|----------------------|
| eFiling                                | 211,148     | 12.3                  | 2,596,076 | 0.0106        | 27,403       | \$33.68              | \$922,934            |
| <b>Additional Burden from the Rule</b> |             |                       |           |               |              |                      |                      |
| Total                                  | 211,148     | 12.3                  | 2,596,076 | 0.0106        | 27,403       | \$33.68              | \$922,934            |

**Table 3: Average revenue for firms smaller than the top 50 by NAICS industry**

| Product  | 2017  |        |        |        | Average Revenue for Firms Smaller than Top 50 (thousands) |         |         |                   |               |
|--|-------|--------|--------|--------|---|---------|---------|-------------------|---------------|
|  | % SBA | NAICS1 | NAICS2 | NAICS3 | NAICS1  | NAICS2  | NAICS3  | Max NAICS Revenue | 1% of revenue |
| Matchbooks   | 97%   | 339999 | 325998 | .      | \$920   | \$8,491 | .       | \$8,491           | \$85          |
| Bicycle Helmets                                      | 83%   | 339113 | 339920 | .      | \$4,305   | \$1,979 | .       | \$4,305           | \$43          |
| CB Band Base Station Antennas                        | 75%   | 334220 | .      | .      | \$5,351   | .       | .       | \$5,351           | \$54          |
| Walk Behind Power Mowers                             | 95%   | 333112 | .      | .      | \$1,288   | .       | .       | \$1,288           | \$13          |
| Swimming Pool Slides                                 | 85%   | .      | .      | .      | .   | .       | .       | .                 | .             |
| Cellulose Insulation                                 | 37%   | 322219 | 322299 | .      | \$3,445   | \$4,127 | .       | \$4,127           | \$41          |
| Cigarette and Multipurpose Lighters                  | 97%   | 339999 | 325998 | .      | \$920   | \$8,491 | .       | \$8,491           | \$85          |
| Garage Door Openers                                  | 97%   | 332321 | 332710 | 335999 | \$5,069   | \$1,806 | \$4,220 | \$5,069           | \$51          |
| Furniture (paint & entrapment) Furniture (bunk beds) | 85%   | 337110 | 337121 | 337122 | \$1,115   | \$2,481 | \$771   | \$2,481           | \$25          |
| Furniture (bunk beds)                                | 85%   | 337124 | .      | .      | \$979   | .       | .       | \$979             | \$10          |

Staff Briefing Package: Supplemental Notice of Proposed Rulemaking to Revise 16 CFR part 1110  
for Certificates of Compliance and to Implement eFiling | November 8, 2023 | cpsc.gov

|                            |     |        |        |   |          |         |   |          |       |
|----------------------------|-----|--------|--------|---|----------|---------|---|----------|-------|
| Paints and Coatings        | 90% | 325211 | 325510 | . | \$18,334 | \$5,321 | . | \$18,334 | \$183 |
| ATVs                       | 95% | 336999 | .      | . | \$1,410  | .       | . | \$1,410  | \$14  |
| Pools and Spas (VGB Act)   | 85% | .      | .      | . | .        | .       | . | .        | .     |
| Fireworks Devices          | 90% | 325998 | .      | . | \$8,491  | .       | . | \$8,491  | \$85  |
| Bicycles                   | 95% | 336991 | .      | . | \$958    | .       | . | \$958    | \$10  |
| Carpets and Rugs           | 95% | 314110 | .      | . | \$1,800  | .       | . | \$1,800  | \$18  |
| Mattresses                 | 95% | 337910 | .      | . | \$3,400  | .       | . | \$3,400  | \$34  |
| Refrigerators              | 95% | 333415 | 335220 | . | \$9,159  | .       | . | \$9,159  | \$92  |
| Candles w/Metal Core Wicks | 66% | 325612 | .      | . | \$3,266  | .       | . | \$3,266  | \$33  |
| Refuse Bins                | 62% | 326199 | .      | . | \$12,445 | .       | . | \$12,445 | \$124 |

### *E. Federal Rules that May Duplicate, Overlap, or Conflict with the Proposed Rule*

At the time of this document, no other Federal rules duplicate, overlap, or conflict with the draft SNPR. One of the elements required to be filed under the CBP's rule (Importer Security Filing and Additional Carrier Requirements, or "10+2 rule") is the name and address of the manufacturer or supplier of the finished goods in the country or origin, although alternative forms of manufacturer identification, such as identification numbers, are also acceptable. This CBP element is similar to, but not identical to, the required information on date and place of manufacture required by certificates of compliance.

### *F. Alternatives for Reducing the Adverse Impact on Small Businesses*

Staff considered the two alternatives to the draft SNPR:

- (1) Making the eFiling of certificates at entry into a voluntary requirement, not mandatory; and
- (2) Require PDF submissions of certificates rather than eFiling certificates.

Alternative (1) to the proposed rule would be allowing, rather than requiring, certificates for imported products to be eFiled at entry. If this alternative were to be adopted, the certificate would still have to be available for examination upon request, as it is now. Allowing, instead of requiring, certificates to be eFiled at entry could reduce the burden on small businesses, but it would not enhance the Commission's ability to target shipments for examination by using the additional certificate data elements collected via eFiling and to verify the accuracy of certificates. This may result in maintaining the status quo, because few firms may choose to eFile certificates. As it is now, staff will continue to stop cargo for examination at ports based on existing information, instead of relying on more focused certificate data which staff expects to assist in stopping only cargo with an increased risk of potential substantial violation, which is an intended outcome of the draft SNPR.

Alternative (2) to the draft SNPR would be to require PDF submissions of certificates. For imported products, the importer could upload a PDF to CBP's Document Image System. Similar to alternative (1), this alternative would not enhance the Commission's ability to target shipments for examination by using the additional certificate data elements collected via eFiling. Not only are PDF files not useful for targeting, CBP is unlikely to allow the collection and maintenance of a large volume of PDFs in ACE, because PDF files requires a more storage space than data elements.



### *G. Conclusion*

CPSC staff concludes that the draft SNPR will not constitute a significant impact on a substantial number of small businesses. The additional burden imposed by the draft SNPR is small when compared to one percent of the revenue for a small firm typical of its industry. The draft SNPR does not change small firms' statutory obligations to certify that their products meet applicable safety standards. The draft SNPR adds a minor burden of an additional 2-years of recordkeeping for GCCs and adds a reporting burden for importers to eFile certificates with CBP using the PGA Message Set. These additional burdens add approximately \$1.5 million in paperwork cost to the industry, which is small when compared to the respective 43,000 and 211,000 suppliers of non-children's and children's products.

We request public comment on this IRFA. Small businesses that believe they would be affected by the draft SNPR are encouraged to submit comments. The comments should be specific and describe the potential impact, magnitude, and the industry in which the firm resides.

## Appendix

### Appendix A: NAICS codes used to estimate small businesses

| CFR                     | Product Categories         | NAICS2017 | NAICS Description  | SBA Threshold (employees) | Firms |
|-------------------------|----------------------------|-----------|--|---------------------------|-------|
| 16 CFR part 1303        | Paints and Coatings        | 325211    | Plastics material and resin manufacturing  | 1,250                     | 857   |
| 16 CFR part 1303        | Paints and Coatings        | 325510    | Paint and coating manufacturing  | 1,000                     | 1,006 |
| 16 CFR part 1420        | ATVs                       | 336999    | All other transportation equipment manufacturing   | 1,000                     | 394   |
| 16 CFR part 1512        | Bicycles                   | 336991    | Motorcycle, bicycle, and parts manufacturing   | 1,000                     | 427   |
| 16 CFR part 1630-1631   | Carpets and Rugs           | 314110    | Carpet and rug mills   | ,500                      | 205   |
| 16 CFR part 1632-1633   | Furniture                  | 337110    | Wood kitchen cabinet and countertop manufacturing  | 750                       | 5,904 |
| 16 CFR part 1632-1633   | Furniture                  | 337121    | Upholstered household furniture manufacturing  | 1,000                     | 970   |
| 16 CFR part 1632-1633   | Furniture                  | 337122    | Nonupholstered wood household furniture manufacturing  | 750                       | 2,012 |
| 16 CFR part 1632-1633   | Furniture                  | 337124    | Metal household furniture manufacturing  | 750                       | 262   |
| 16 CFR part 1632-1633   | Mattresses                 | 337910    | Mattress manufacturing   | 1,000                     | 331   |
| 16 CFR part 1750        | Refrigerators              | 333415    | Air-conditioning and warm air heating equipment and commercial and industrial refrigeration equipment manufacturing<br>Major household appliance manufacturing | 1,250                     | 709   |
| 16 CFR § 1500.17(a)(13) | Candles w/Metal Core Wicks | 325612    | Polish and other sanitation good manufacturing   | 750                       | 422   |
| 16 CFR § 1500.17(a)(13) | Candles w/Metal Core Wicks | 325620    | Toilet preparation manufacturing   | 1,250                     | 932   |
| 16 CFR part 1301        | Refuse Bins                | 326199    | All other plastics product manufacturing   | 750                       | 5,230 |

| CFR                                    | Product Categories                  | NAICS2017 | NAICS Description   | SBA Threshold (employees) | Firms  |
|--|-------------------------------------|-----------|---|---------------------------|--------|
| 16 CFR part 1202                       | Matchbooks                          | 325998    | All other miscellaneous chemical product and preparation manufacturing                | 500                       | 1,081  |
| 16 CFR part 1210-1212                  | Cigarette and Multipurpose Lighters | 325998    | All other miscellaneous chemical product and preparation manufacturing                | 500                       | 1,081  |
| 16 CFR part 1507-1500.17(3)-1500.17(8) | Fireworks Devices                   | 325998    | All other miscellaneous chemical product and preparation manufacturing                | 500                       | 1,081  |
| 16 CFR part 1202                       | Matchbooks                          | 339999    | All other miscellaneous manufacturing   | 500                       | 5,957  |
| 16 CFR part 1210-1212                  | Cigarette and Multipurpose Lighters | 339999    | All other miscellaneous manufacturing   | 500                       | 5,957  |
| 16 CFR §1500.17(a)(13)                 | Candles w/Metal Core Wicks          | 339999    | All other miscellaneous manufacturing   | 500                       | 5,957  |
| 16 CFR part 1203                       | Bicycle Helmets                     | 339113    | Surgical appliance and supplies manufacturing   | 750                       | 1,649  |
| 16 CFR part 1203                       | Bicycle Helmets                     | 339920    | Sporting and athletic goods manufacturing   | 750                       | 1,567  |
| 16 CFR part 1204                       | CB Band Base Station Antennas       | 334220    | Radio and television broadcasting and wireless communications equipment manufacturing | 1,250                     | 660    |
| 16 CFR part 1205                       | Walk Behind Power Mowers            | 333112    | Lawn and garden tractor and home lawn and garden equipment manufacturing              | 1,500                     | 148    |
| 16 CFR part 1209                       | Cellulose Insulation                | 322219    | Other paperboard container manufacturing  | 1,000                     | 175    |
| 16 CFR part 1209                       | Cellulose Insulation                | 322299    | All other converted paper product manufacturing                                       | 500                       | 384    |
| 16 CFR part 1211                       | Garage Door Openers                 | 332321    | Metal window and door manufacturing   | 750                       | 894    |
| 16 CFR part 1211                       | Garage Door Openers                 | 332710    | Machine shops   | 500                       | 17,937 |
| 16 CFR part 1211                       | Garage Door Openers                 | 335999    | All other miscellaneous electrical equipment and component manufacturing              | 500                       | 796    |

## TAB D –Paperwork Reduction Act Burden Analysis for Proposed Revisions to 16 CFR Part 1110



# Memorandum

**TO:** Arthur Laciak, eFiling Program Specialist,  
Office of Import Surveillance

**THROUGH:** Alex Moscoso, Associate Executive Director,  
Directorate for Economic Analysis

Jose Tejeda, Division Director  
Directorate for Economic Analysis

**FROM:** Bretford Griffin, Economist,  
Directorate for Economic Analysis

**DATE:** November 8, 2023

**SUBJECT:** Paperwork Reduction Act Burden Analysis for Proposed Revisions to 16 CFR Part 1110

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## I. Justification

*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 U.S. Consumer Product Safety Commission (CPSC or Commission) has jurisdiction over consumer products and other products and substances and enforces compliance with consumer product safety rules, and similar rules, bans, standards, and regulations under other CPSC statutes. Section 14 of the Consumer Product Safety Act (CPSA) requires manufacturers, including importers, and private labelers of privately labeled products, to issue Certificates of Compliance (certificates) in the form of either a General Certificate of Conformity (GCC) for a non-children's product or a Children's Product Certificate (CPC) for a children's product. 15 U.S.C. § 2063(a). Sections 14(a) and (g) of the CPSA sets forth the statutory requirements for certificates.<sup>1</sup> Section 14 was amended by the Consumer Product Safety Improvement Act of 2008 (CPSIA), which the Commission implemented in 16 C.F.R. part 1110 (part 1110 or the 1110 rule). Part 1110 adds specificity to sections 14(a) and (g)<sup>2</sup> regarding the content, form, and availability requirements for certificates, and allows electronic certificates.<sup>3</sup> The existing 1110 rule does not implement section 14(g)(4) of the CPSA that authorizes the Commission to implement, by rule, the electronic filing of certificates with U.S. Customs and Border Protection (CBP).<sup>4</sup>

In 2013, CPSC published a notice of proposed rulemaking (NPR) that would require electronic filing of certificates with CBP at the time of entry or entry summary, if both entry and entry summary are filed together (eFiling) (78 Fed. Reg. 28,080 (May 13, 2013)). The 2013 NPR has not been finalized. Instead, because of the ten year gap, and because IT solutions material to eFiling have been

<sup>1</sup> Section 14(a) sets the requirements for both general conformity certificates (GCCs) and children's product certificates (CPC) for products subject to a children's product safety rule. Section 14(g) sets forth the form, content, and availability requirements for certificates.

<sup>2</sup> Section 14(a)(1)(B) and (g)(1) of the CPSA describe 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 furnish the certificate to each distributor or retailer of the product, as well as to CPSC upon request.

<sup>3</sup> "Electronic certificates" are defined in the existing 1110 rule as a set of information available in, an accessible by, electronic means, such as an emailed certificate or a URL pointing to a certificate online.

<sup>4</sup> Section 14(g)(4) of the CPSA provides that "in 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."

implemented at CBP and CPSC since the 2013 NPR was published, staff recommends that the Commission issue a supplemental notice of proposed rulemaking (SNPR) to require eFiling of certificates for regulated, imported finished products, extend the minimum period for recordkeeping to five years for GCCs, and allow for the collection of additional data elements.

Currently, CPSC staff typically only requests required certificates for imported consumer products from an importer when a shipment has already been held at the port for examination. In such cases, importers must provide the certificates within 24 hours of the initial request, on paper or electronically (meaning via email or a URL). Certificates provided to CPSC on an ad hoc basis cannot be used to target shipments for exam. Staff's recommended draft SNPR requires importers to submit certificate data to CBP using a PGA Message Set at the time of entry, or at entry summary, if both entry and entry summary are filed together. Certificate data associated with each regulated product being imported would be filed through CBP's Automated Commercial Environment (ACE),<sup>5</sup> advancing the concept of a "Single Window",<sup>6</sup> and facilitating the electronic collection, processing, sharing, and review of trade data.

## Information to be collected

CPSC will collect data from General Certificates of Conformity (GCCs) and Children's Product Certificates (CPCs). Certificate data for imported products must be submitted to CPSC through CBP using a Full PGA Message Set or a Reference PGA Message Set. A Full PGA Message Set requires all data elements on a certificate to be eFiled with CBP at the time of entry. However, if importers enter certificate data elements in CPSC's Product Registry, at the time of entry importers and/or their brokers would only need to submit a streamlined Reference PGA Message Set that references the unique ID for certificate data previously recorded in the Product Registry. Certificates for domestically manufactured products must meet the content, form, and availability requirements in the draft SNPR, including being provided to CPSC immediately upon request, meaning within 24 hours of request. Certificates that meet these requirements will be deemed to "accompany" a product or product shipment, as required in the draft SNPR and in section 14(g)(1) of the CPSA.

Certificates must also be "furnished" to each distributor or retailer of the product.

CPSC may also request from certifiers, as defined in § 1110.2 of the draft SNPR, during a period of up to five years after the product is imported or distributed in commerce, certificates and records associated with the tests performed to support issuance of certificates.

*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.*

Certificates are required by statute as implemented by the Commission's rule. 15 U.S.C. § 2063(a) and (g); 16 C.F.R. part 1110. CPSC may request a certificate from a certifier, which under the draft SNPR can be an importer, private labeler, or a manufacturer, to verify compliance with the certificate requirement and with the underlying safety regulations for products subject to a consumer

<sup>5</sup> ACE is CBP's automated electronic system used to collect import and entry data. This system streamlines business processes and ensures cargo security and compliance with U.S. laws and regulations.

<sup>6</sup> In 2013, CPSC and CBP conducted an Alpha Pilot 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 enter a reference to a certificate through the PGA Message Set, rather than file all the certificate data for each entry at the time of import.

product safety rule or other safety rules under CPSC's purview. CPSC maintains lists of rules that require testing and certification.<sup>7</sup> All products subject to these rules must comply. Currently, CPSC does not maintain certificate information in a searchable database.<sup>8</sup>

The data elements required for each certificate are:

- (1) Identification of finished products covered by the certificate: at least one of the following must be provided: global trade item number (GTIN), model number, registered number, serial number, stock keeping number (SKU), universal product code (UPC), or alternate identifier, along with a sufficient description to match the finished product to the certificate.
- (2) List of certified rules: a list of each consumer product safety rule under the CPSA, or similar rule, ban, standard, or regulation under any law enforced by the Commission, to which the finished product is being certified.
- (3) Party certifying compliance: identification information about the party certifying compliance, including name, e-mail address, full mailing address, including the street address, and telephone number.
- (4) Recordholder identification: identification information about the individual who maintains records of test results and other relevant data on which the certificate is based; including name, e-mail address, full mailing address, and telephone number.
- (5) Date of manufacture: the date (month and year, at a minimum) when the finished product was manufactured, produced, or assembled.
- (6) Place of manufacture: the place where the finished product was manufactured, produced, or assembled including a manufacturer name, street address, city, state or province, country or administrative region, e-mail address, and telephone number.
- (7) Testing date: the most recent date when the finished product completed testing.
- (8) Testing place: the place where the finished product was tested, including the name of all parties, as well as third party conformity assessment bodies, on whose testing the certificate depends, a street address, city, state or province, country or administrative region, email address, and telephone number.
- (9) Attestation: an attestation certifying compliance with the cited rules.

Most of the data requirements for a certificate are already mandated by statute. The additional requirements attributable to the draft SNPR include additional specificity for product identification and contact information for certifiers, recordholders, and testing labs, and the attestation. Additionally, the draft SNPR expands the recordkeeping period for non-children's products from three years to five years in most cases,<sup>9</sup> and requires eFiling of all certificates for imported products. The changes in the generation and recordkeeping of certificates come from (1) gathering additional data elements when creating certificates, and (2) increasing record retention to five years for GCCs. The importer eFiling requirement is new for both children's and non-children's products.

<sup>7</sup> Children's product rules that require third party testing and certification are available on the CPSC's website at: [Rules Requiring Third-Party Testing and a Children's Product Certificate | CPSC.gov](https://www.cpsc.gov/Rule/Childrens-Product-Rules-That-Require-Third-Party-Testing-and-a-Childrens-Product-Certificate). Non-children's products that require testing and certification are available on CPSC's website at: [Rules Requiring a General Certificate of Conformity \(GCC\) | CPSC.gov](https://www.cpsc.gov/Rule/Rules-Requiring-a-General-Certificate-of-Conformity-GCC).

<sup>8</sup> The electronic submission of certificates and the collection of this information in a database will allow importers to reference products in the newly created database, the Product Registry.

<sup>9</sup> The draft SNPR increases the time for recordkeeping of GCCs from three to five years to match CBP's requirements and the recordkeeping requirements for CPCs.



The required eFiling of certificates for regulated, imported finished products would enable improved risk assessment and a more focused targeting of imported regulated consumer products, which may lead to a more efficient discovery of non-complying shipments that would prevent the sale of unsafe products, allow faster compliance examinations at the ports, and provide for fewer holds on compliant products.

*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.*

Importers would file certificate data elements electronically with CBP using a PGA Message Set.<sup>10</sup> Importers can provide the certificate data either prior to import through the Product Registry or at the time of import. If the certificate is not entered into the Product Registry before importation, importers will file certificate data elements in a Full PGA Message Set with support of their brokers, using their Automated Broker Interface (ABI). If the certificate has been entered into the Product Registry, importers would only need to provide their broker with a reference number to file a more streamlined Reference PGA Message Set, and each time the product is imported thereafter. Brokers may need to update their current ABI to receive certificate data from importers and transmit the data elements in a PGA Message Set (Full PGA Message Set or Reference PGA Message Set) to CBP.<sup>11</sup>

*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 and domestic manufacturers are already required to maintain certificate data described in item 2, with the exception of the attestation. If importers use the Product Registry, that data element is reduced to a check box. CPSC is not requesting duplication of the information. Instead, CPSC will be collecting certificate data electronically for all imported products, not only for shipments held for examination. None of the data requirements is duplicative.

*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.*

All small businesses importing or manufacturing products subject to a product safety rule are currently required to issue either GCCs or CPCs, maintain supporting documentation, including testing records for five years, and furnish the certificates to third parties. Importers would be required to eFile the GCC or CPC with CBP at entry through their brokers, and, if desired, use the Product Registry maintained by CPSC.<sup>12</sup> Staff estimates that 43,061 of the respondents requiring a GCC will be small businesses by the SBA definition. For children's products, staff estimates that 211,148 of the

<sup>10</sup> When receiving certificate data elements electronically for imported products at the time of entry, CPSC's RAM will receive the data from CBP electronically, and use algorithms to risk score entry lines for examination. Compliant importers can avoid potential delays because CPSC will focus on products with higher risk scores that are more likely to have a substantive violation.

<sup>11</sup> Brokers may increase their fees to cover the cost of software or other upgrades. However, for the purpose of this analysis, staff assumes the changes brought by the draft SNPR would not change the broker fees, because most of the required infrastructure is already in place. Additionally, staff did not include in the analysis any costs associated with required upgrades by the brokers; the analysis is focused on the direct burden to respondents, not their intermediaries.

<sup>12</sup> During the eFiling Alpha Pilot, staff found that the Product Registry reduced the burden and cost of eFiling when compared to filing the Full PGA Message Set at each entry.



respondents requiring a CPC will be small businesses.

*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 currently has authority to collect certificates, upon request, from importers and domestic manufacturers for regulated consumer products within CPSC's jurisdiction. Section 14(g)(4) of the CPSA also allows CPSC to require electronic filing of certificates for imported products up to 24 hours before importation. If CPSC did not electronically collect certificate data for imported products, it would have to continue with the current, less efficient process, and it would not have certificate data before importation to assist in expediting release of compliant trade and to focus enhanced targeting and enforcement on interdicting noncompliant consumer products and substances. Therefore, if the information were not collected, compliant products would have a higher likelihood of an examination and American consumers may experience decreased levels of safety.

*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.*

Section 14(a)(1) requires that each product that is imported for consumption or warehousing, or distributed in commerce, must be tested and certified as compliant with applicable rules, standards, bans, and regulations. Importers would eFile certificate data elements for each regulated product under CPSC's jurisdiction when a product is imported, which may occur at any time and with more frequency than quarterly. Importers would be required to eFile the GCC or CPC with CBP at entry, or entry summary, if both entry and entry summary are filed together, through their brokers, and, if desired, use the Product Registry maintained by CPSC to enter certificate data prior to filing entry. This rule imposes no requirements for product testing or for certificate preparation, which are all already required in other regulations.

*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 May 13, 2013, CPSC published in the *Federal Register* an NPR that would amend Part 1110 and require eFiling. 78 Fed. Reg. 28,080. CPSC received more than 500 comments from over 70 commenters, which are addressed in section III of the preamble of the draft SNPR. On June 10, 2022, CPSC published a *Federal Register* Notice, (87 Fed. Reg. 35,513), detailing an eFiling Beta Pilot and requesting volunteer participants. CPSC received one comment, which supported CPSC's efforts to conduct a Beta Pilot to test the eFiling system.

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

Respondents will not receive gifts or payments.

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

All data entered into and submitted through CBP's ACE system and CPSC's Product Registry is subject to the Trade Secrets Act (18 U.S.C. 1905) and is considered confidential business information, except as otherwise provided by law.

*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 information collection will not include questions of a sensitive nature.

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

The estimates in this section represent the total certificate-related burden for all CPSC product safety rules requiring a GCC,<sup>13</sup> and the eFiling burden for all imported children's rules requiring a CPC. For each of the GCC rules, CPSC staff estimates the total burden imposed on importers and domestic manufacturers by both the statute and the draft SNPR. The additional burden imposed specifically by the draft SNPR is presented separately for each GCC rule as the net burden of the SNPR. In the case of CPCs, the additional burden imposed by the draft SNPR on children's product importers is estimated for all children's rules combined.

We categorize the burden created by both the statute and the draft SNPR as follows:

- (1) Certificates: The burden associated with the creation of certificates (GCCs and CPCs). This can be considered a general recordkeeping burden.
- (2) Disclosure: The burden derived from disclosing certificate information and from furnishing the certificates to these third parties (distributors and retailers). This is considered a third party disclosure.
- (3) Recordkeeping: The burden associated with the initial storage and routine maintenance of records, including both records of the certificates and the supporting documentation, including testing documentation for a period of five years. This is considered a recordkeeping burden.
- (4) eFiling: The initial burden from electronically filing (eFiling) the certificates, using either the CPSC-maintained Product Registry or the systems provided by the brokers that support importers' activities; as well as the routine burden on importers submitting associated Full or Reference PGA Message Sets. This would be considered a reporting burden.

The additional burden imposed specifically by the draft SNPR includes:

- Additional recordkeeping: Increasing the recordkeeping period for GCCs from three to five years.
- Filing: eFiling GCC and CPC data for regulated, imported consumer products.

### *Methodology*

The Paperwork Reduction Act (PRA) requires that an Agency seeking OMB approval of an information collection request (ICR) explain the circumstances and purposes of the collection, solicit an OMB Control number, prepare a Supporting Statement that estimates the total time burden the ICR imposes on the general public, and explain the impact of the collection on small businesses. The total ICR annual time burden estimate should indicate the number of respondents, the frequency of responses, the time burden per response, and an explanation of how the total ICR annual time-related burden was estimated. An estimate of the total capital and operation and maintenance costs of an ICR

<sup>13</sup> There are a few exceptions, including a few recent rules for which the PRA burden associated with the issuance and recordkeeping of GCCs was submitted with the rule, or immediately after publication. This was, as a way of example, the case of the Adult Portable Bedrails Rule (APBR).

- unrelated to the burden hour costs - should also be estimated when appropriate.

Staff estimated the burden of this ICR (part 1110 as amended) starting from an analysis of burden estimates from previous ICRs (the ICRs from the 2013 part 1110 PRA and PRAs active 2021-2023). Staff considered the number of respondents and the number of responses included in the most recent of those ICRs to estimate frequency of responses (*i.e.* responses per respondent). In cases where there were no current PRA estimates (*e.g.* Ban on Lawn Darts), staff used historical responses per respondents. In cases where neither current nor historical estimates exist (*e.g.* Imitation Firearms), staff conducted internet searches for information on the number of firms and the number of responses (*i.e.* certificates that might be required to comply with the CPSA and part 1110 requirements).

To estimate the number of importer respondents by product category, staff obtained summary import data from U.S. Customs & Border Protection (CBP) Automated Commercial Environment (ACE) by Harmonized Tariff Schedule (HTS) code, determined the percent of products under each HTS code covered by a CPSC product safety rule, and collapsed the HTS level data by product category. Staff estimated the number of respondents as the average count of importers for each product category and the number of respondents as the sum of entry lines per product category.<sup>14</sup>

Staff then matched industries impacted by the ICRs to the 2017 NAICS codes and descriptions. Next, Staff gathered counts of the number of firms and establishments from the 2012 Economic Census and used them along with PRA estimates to calculate historical respondents per establishment. Staff then used similar information from the 2017 Economic Census to produce a more current average number of establishments per firm. These figures were rounded and adjusted for missing information. Finally, staff used County Business Patterns data to get current estimates of the number of establishments by NAICS code, and the number of employees per establishment for SBA analysis's purposes.<sup>15</sup>

#### *(a) Issuance of Certificates and Testing Records*

Section 14(a) of the CPSA, requires that every non-children's product manufacturer, importer,<sup>16</sup> and private labeler of products that bear a private label (certifiers), that is subject to a consumer product safety rule certify, based on a test of each product or a reasonable testing program, that such product complies with all applicable rules, bans, standards, or regulations enforced by the Commission. Therefore, certifiers of non-children's products subject to a product safety rule are required to create and maintain GCCs. Certifiers of children's products subject to a children's product safety rule are required to have their products tested by a CPSC-accepted third party laboratory, and certify compliance based on passing test results. Certifiers of children's products are required to maintain CPCs and supporting records for five years.<sup>17</sup> Regulated non-children's products are diverse. Thus, firms have significant flexibility regarding how certificates are issued and how the testing documents are prepared and maintained. Although each regulated product must have a GCC, the details of the testing program that generates the test results or other information upon which a GCC relies may vary

<sup>14</sup> Appendix Table A and Table B provide a summary table of import data by product and HTS codes per product.

<sup>15</sup> The Appendix to this memorandum contains a summary table of domestic manufacturer data by product and NAICS code.

<sup>16</sup> The CPSA defines "manufacturer" to include "importers." 15 U.S.C. § 2052(a)(11).

<sup>17</sup> The paperwork burden associated with Children's Product Certificates (CPC) was estimated for 16 C.F.R. part 1107. See this link for more information: <https://www.federalregister.gov/documents/2022/04/13/2022-07894/agency-information-collection-activities-proposed-collection-comment-request-third-party-testing-of>

greatly.<sup>18</sup>

Staff estimated the annual number of GCCs generated by domestic manufacturers and importers of each non-children product subject to a safety rule by multiplying the number of importers and domestic manufacturers by an estimate of the average number of certificates produced per type of firm each year. Staff estimated the average annual number of certificates produced by domestic manufacturers and importers as a function of the number of models requiring certification each year.<sup>19</sup>

Staff estimated the total time burden by multiplying the total number of certificates generated during the year by five minutes per certificate, where five minutes is staff's estimate of the average time it would take to create the records for a traditional certificate after testing is completed. The five-minute estimate includes the creation of both the certificate and the testing records themselves, but not the time required for product testing. Staff estimated the total monetary burden by multiplying the number of burden hours by the total compensation of \$76.26 per hour for Management, Business, and Financial Occupations in Good-producing industries as of March 2023.<sup>20</sup>

No net burden is associated with the issuance of certificates and testing records as a result of the implementation of the draft SNPR, because domestic manufacturers and importers are already required to issue certificates by statute.

*(b) Third party Disclosure*

Section 14(g)(3) of the CPSA, as amended by the CPSIA, requires that certificates subject to section 14(a) of the CPSA "...accompany the applicable product or shipment of products covered by the same certificate..." and that "a copy of the certificate . . . be furnished to each distributor or retailer of the product."<sup>21</sup>

The draft SNPR continues to allow flexibility in how to provide certificates to retailers or distributors, either in hard copy or electronically.<sup>22</sup> Staff assumes that manufacturers and importers will compile and maintain a directory of third parties that need to be provided with information disclosure about certificates. Then, as new certificates are generated, firms can send the certificate details to all third parties in these directories, either by email or traditional mail. Optionally, importers could furnish certificates by including paper copies of the certificates with each product shipment; provide a URL to an electronic version of the product certificate with the shipping container, shipping documentation, or

<sup>18</sup> For example, the criteria for meeting the requirements of 16 CFR part 1202, Safety Standard for Matchbooks, can likely be met out of a quality assurance or quality management program, in contrast to the specific testing program that is required in 16 CFR part 1209, Interim Safety Standard for Cellulose Insulation.

<sup>19</sup> Staff does not have a strong basis for estimating the burden based on specific records for each product or rule; but has used the opinion of subject matter experts to produce sensible estimates.

<sup>20</sup> U.S. Bureau of Labor Statistics, "Employer Costs for Employee Compensation," March 2023, Table 4. See the following link: [Employer Costs for Employee Compensation – March 2023 \(bls.gov\)](https://www.bls.gov/news.release/archives/cecw2303.pdf)

<sup>21</sup> Section 14(g)(3) also stipulates that upon request, the certificate shall also be furnished to the Commission or to the Commissioner of Customs.

<sup>22</sup> Section 1110.9 provides that, except for the certificate that is required to be filed with CBP for imported products in § 1110.13(a)(1), certificates may be provided in hard copy or electronically. Electronic certificates are acceptable if they are identified "prominently on the finished product, shipping carton, or invoice by a unique identifier, and they can be accessed via" the Internet or other electronic means. The draft SNPR further states that an electronic certificate must be available, on or before the date the finished product is distributed in commerce. In practice, "hard copy" certificates in the form of a paper certificate can physically accompany each shipment by being placed in a shipping container. Certifiers using electronic certificates can place a URL to access the certificate on the product via the Internet on a shipping carton or invoice. Typically, however, electronic certificates are emailed in PDF format when requested. Condensed formats for the URL such as a Quick Response Code ("QR code") can also be used to concisely display otherwise long web addresses on disclosure documents (certificates, labels, etc.).

other printed material; or email a PDF copy.

Staff's initial estimate of the third party reporting burden for non-children's products<sup>23</sup> is 15 minutes per product, per year. This includes the time it takes to maintain a directory of third parties or other means of distributing certificates to intended parties, creating emails and/or letters to distribute the information. Staff requests comment on the accuracy of its burden estimate.

Staff estimates the total time burden for third party disclosure by multiplying the total number of certificates generated during the year<sup>24</sup> by fifteen minutes per certificate. We estimate the total monetary burden by multiplying the number of burden hours by the total compensation of \$33.68 per hour for Office and Administrative Support Occupation in Goods-producing industries as of March of 2023.<sup>25</sup>

No net burden is associated with third party disclosure as a result of the implementation of the draft SNPR, because domestic manufacturers and importers are already required to do disclose certificates to retailers, distributors, and to CPSC by statute.

### *(c) Recordkeeping*

Section 16(b) of the CPSA requires that every importer and domestic manufacturer<sup>26</sup> of a product that is subject to a consumer product safety rule establish and maintain relevant records that include the certificates and other supporting documentation derived from a reasonable testing program, and provide those records to the Commission upon request. The draft SNPR requires firms to maintain certificates (GCCs and CPCs) and testing records for a period of five years.

Staff considers two main burden components associated with recordkeeping. The first component is the initial storage of physical or electronic certificates and testing records. The second component is the routine annual maintenance of the records stored either in physical boxes or electronic files,<sup>27</sup> which includes the potential provision of those records to the Commission upon request. Staff estimates that it takes an average of one minute per product per year to perform the initial storage of records, plus an average of three seconds per active record for the routine maintenance and the potential provision of records to CPSC.

Staff uses the annual number of certificates estimated in section (a) Issuance of Certificates and Testing Records, as the annual number of responses associated with initial storage of records. The number of responses for the routine annual maintenance is equivalent to the number of active records.

<sup>23</sup> The burden associated with the disclosure of CPC data to third parties is covered by the Rule for Third Party Testing of Children's Products (16 C.F.R. 1107; Third party Testing of Children's Products), and it is thus excluded from this information collection.

<sup>24</sup> The number of certificates estimated as discussed in the section "Issuance of Certificates and Testing Records" is used as the base for all other certificate-related burden estimates, including the burden for third party disclosure discussed in this section.

<sup>25</sup> U.S. Bureau of Labor Statistics, "Employer Costs for Employee Compensation," March 2023, Table 4. See the following link: [https://www.bls.gov/news.release/archives/eccec\\_06162023.pdf](https://www.bls.gov/news.release/archives/eccec_06162023.pdf)

<sup>26</sup> The CPSA mentions manufacturers, private labelers, and distributors. Part 1110.1(a) limits the number of entities required to provide certificates in accordance with section 14(a) of the CPSA, as amended, to importers and U.S. domestic manufacturers. Therefore, staff assumes that only domestic manufacturers and importers would perform recordkeeping functions.

<sup>27</sup> Physical records required the use of boxes and square feet of space, while electronic records required storage space on a server or computer. In either case, there is a monetary cost associated with recordkeeping that is not included in the burden estimates presented here. Staff burden estimates are exclusively focused on the time it takes to conduct the initial storage and the routine annual maintenance.



Staff estimated the number of active records by multiplying the annual number of certificates times the recordkeeping period.<sup>28</sup> The total time burden is then obtained in two steps: (1) the time burden for the initial storage is obtained by multiplying the annual number of certificates issued times one minute of initial recordkeeping per certificate, (2) the time burden for the routine annual maintenance is estimated by multiplying the number of active records by an average of three seconds of routine maintenance per year. The total time burden is the sum of these two components. Staff estimates the total monetary burden by multiplying the number of burden hours by the total compensation of \$33.68 per hour for Office and Administrative Support Occupation in Goods-producing industries as of March of 2023.<sup>29</sup>

The net burden associated with recordkeeping as a result of the implementation of the proposed rule results from an increase in the number of active records due to a longer recordkeeping period for GCCs and a subsequent increase in the total burden for routine annual records maintenance.

#### *(d) eFiling of Certificates*

Section 14(g)(4) of the CPSA provides that the Commission may, by rule and in consultation with CBP, provide for the electronic filing of certificates up to 24 hours before arrival of the imported product. Importers - directly or through their brokers - may file GCCs or CPCs in the Product Registry prior to product entry. If the GCC or CPC is entered in the Product Registry prior to entry, importers would only be required to submit a Reference PGA Message Set that links the imported products with the certificates previously recorded in the Product Registry. If the GCC or CPC is not in the Product Registry at the time of entry, importers will be required to eFile all the certificate data through their broker using a Full PGA Message Set that contains the certificate information.

The reporting burden for importers is primarily related to the number of times an importer must file the certificate information (either through a Full PGA Message Set or in the Product Registry) or a Reference PGA Message Set (a link to the Product Registry or a general reference to the certificate) with its broker, who will then file it with CBP.

The burden for importers to eFile certificate data depends on the filing method chosen, because Reference PGA Message Sets are substantially shorter, and less burdensome, than Full PGA Message Sets.<sup>30</sup> Staff estimates that eFiling a Full PGA Message Set (including all the information on the certificate) would take an average of one minute per certificate plus the additional five minutes to initially input a given certificate's data into the broker's database. This totals six minutes for the initial filing and then one minute per filing thereafter. The Reference PGA Message Set also takes five minutes for initial entry into the Product Registry but can be filed in twenty seconds thereafter.<sup>31</sup> To

<sup>28</sup> The active number of records is estimated with and without the rule. For GCCs the number of active records with the proposed rule is higher than without it, because the proposed rule extends the recordkeeping period from three to five years. For CPCs the number of active records with and without the rule is the same, since in both cases the recordkeeping period is five years.

<sup>29</sup> U.S. Bureau of Labor Statistics, "Employer Costs for Employee Compensation," March 2023, Table 4. See the following link: <https://www.bls.gov/news.release/pdf/eccec.pdf>

<sup>30</sup> Outside of the cost of possible additional brokerage fees, staff estimates that the labor cost of filing a Reference PGA Message Set is a fraction of the cost of filing a Full PGA Message Set. For this and other reasons, staff expects that the majority of respondents will choose to eFile using the Product Registry and Reference PGA Message Sets, instead of eFiling the entire certificate.

<sup>31</sup> CPSC created and maintains a Product Registry to store certificates and certificate data. In 2016, CPSC conducted an eFiling Alpha Pilot and found that eFiling via a Reference PGA Message Set with use of the Product Registry greatly reduced the eFiling burden when compared to filing a Full PGA Message Set. Staff estimates the burden per response for each Full PGA Message set filed to be one minute (not including the time it takes to enter the certificate information, about 5 minutes) while filing a less complex Reference PGA Message Set would only create a burden per response of approximately 20 seconds.

estimate the number of Full PGA Message Sets and Reference PGA Message Sets, staff assumed that one Full PGA Message Set will be generated per certificate,<sup>32</sup> while the number of Reference PGA Message Sets will be twenty times<sup>33</sup> the number of Full PGA Message Sets.<sup>34</sup> Staff estimated the total burden from eFiling on importers by multiplying the number of Full PGA Message Sets by an average of six minutes per filing, and the number of Reference PGA Message Sets by an average of twenty seconds per filing. Added up, these two totals represent the total burden on importers.

Staff estimated the total burden hours associated with eFiling by summing up the total burden hours imposed on importers, as described above. We estimated the total monetary burden by multiplying the number of burden hours by the total compensation of \$33.68 per hour for Office and Administrative Support Occupation in Goods-producing industries as of March of 2023.<sup>35</sup>

The following subsections present staff estimates of the burden from the statutory certificate requirements broken into GCCs and CPCs. Each of the GCC rule estimates are presented separately. The most relevant burden estimates to consider in each case is the net burden imposed by the draft SNPR.

## 1. Total Burden for General Certificates of Compliance (GCCs)

CPSC estimates that there may be 49,364 non-children's products firms subject to the draft SNPR. Staff expects these firms to create 1,333,952 certificates and spend 111,163 hours on their creation. These same firms must keep the records supporting the certificates for a period of five years. This burden comes to 27,791 hours. The firms must also furnish each certificate to retailers and distributors of the product upon request, thus we estimate an additional 0.25 hours (15 minute) burden for third party disclosure. This sums to 333,488 hours.

Staff estimates the number of responses for eFiling as 18,997,724 and estimates the eFiling burden as 200,532 hours. The aggregate burden associated with the draft SNPR for non-children's products suppliers is 672,973 hours and has a total cost of \$27,399,039. This number includes burden imposed by statute which the non-children's products suppliers would bear in absence of the draft SNPR. The net burden from the draft SNPR is 202,755 hours and the net cost is \$6,828,781. Table 1 shows that most of the statutory burden and most of the additional burden from the eFiling requirement in the draft SNPR is borne by importers of general use products requiring a GCC.

Staff expects that 82% percent of the firms subject to the draft SNPR will be importers with the

<sup>32</sup> In 16 C.F.R. part 1107 (OMB# 3031-0159) CPSC estimates that there are as many as 244,000 importers and domestic manufacturers of children's products that are subject to the third party testing requirements from accredited testing labs. The same firms must issue a CPC for each children product based on part 1107 requirements. The estimated number of distinct children products requiring certification annually is 1.5 million. This implies an average annual frequency of about 6 responses (certificates) per domestic manufacturer or importer.

<sup>33</sup> For importers of children's products, the CPC must also be filed with CBP at each import; on average 20 times per CPC per importer. Note that large suppliers subject to part 1107 may have to certify and thus eFile many more products annually but this is counterbalanced by many smaller suppliers who only certify and import several products per year or less.

The estimated total number of domestic manufacturers and importers that deal with products requiring a GCC is 49,364. The number of annual responses are 1.20 million, implying a frequency of about 24 responses (certificates) per domestic manufacturer or importer. Importers must eFile the GCC with CBP with each import; on average 20 times per GCC per importer. Like with children's products, larger importers are expected to more frequently file but smaller importers may only file a few times for a few products or less

<sup>34</sup> Staff expects that less than 10 percent of respondents would choose to submit Full PGA Message Sets. For the sake of accuracy, the ratio 20 to 1 implies that about 4.76 percent of all messages would be Full PGA Message Sets.

<sup>35</sup> U.S. Bureau of Labor Statistics, "Employer Costs for Employee Compensation," March 2023, Table 4. See the following link: [https://www.bls.gov/news.release/archives/ecec\\_06162023.pdf](https://www.bls.gov/news.release/archives/ecec_06162023.pdf)

remaining 18% percent as manufacturers. We estimate the statutory burden borne by importers as 536,950 hours (80%) and the expected burden to manufacturers as 136,023 hours (20%). The net burden from the draft SNPR is 202,115 hours for importers (99.7%) and 640 hours for manufacturers (0.3%). Next, we present the PRA burden for each product used to calculate these totals.

**Table 1: Total Burden on Non-Children Products Covered by 1110**

| Total Burden                              | Respondents | Frequency of Response | Responses  | Response Time | Burden Hours | Cost per Burden Hour | Total Cost of Burden |
|---|-------------|-----------------------|------------|---------------|--------------|----------------------|----------------------|
| Certificates                              | 49,364      | 27.0                  | 1,333,952  | 0.0833        | 111,163      | \$76.26              | \$8,477,268          |
| Disclosure                                | 49,364      | 27.0                  | 1,333,952  | 0.2500        | 333,488      | \$33.68              | \$11,231,879         |
| Recordkeeping                             | 49,364      | 27.0                  | 1,333,952  | 0.0208        | 27,791       | \$33.68              | \$935,990            |
| eFiling                                   | 40,665      | 467.2                 | 18,997,724 | 0.0106        | 200,532      | \$33.68              | \$6,753,902          |
| Total                                     | 49,364      | 465.9                 | 22,999,581 | 0.0293        | 672,973      | \$40.71              | \$27,399,039         |
| <b>Additional Burden from the Rule</b>    |             |                       |            |               |              |                      |                      |
| Total                                     | 49,364      | 384.9                 | 18,997,724 | 0.0107        | 202,755      | \$33.68              | \$6,828,781          |
| <b>Manufacturers</b>                      |             |                       |            |               |              |                      |                      |
| Certificates                              | 8,699       | 44.2                  | 384,066    | 0.0833        | 32,006       | \$76.26              | \$2,440,741          |
| Disclosure                                | 8,699       | 44.2                  | 384,066    | 0.2500        | 96,017       | \$33.68              | \$3,233,838          |
| Recordkeeping                             | 8,699       | 44.2                  | 384,066    | 0.0208        | 8,001        | \$33.68              | \$269,486            |
| eFiling                                   | 0           | 0.0                   | 0          | 0.0000        | 0            | \$0.00               | \$0                  |
| Total                                     | 8,699       | 132.5                 | 1,152,199  | 0.1181        | 136,023      | \$43.70              | \$5,944,065          |
| <b>Additional Burden to Manufacturers</b> |             |                       |            |               |              |                      |                      |
| Total                                     | 8,699       | 0.0                   | 0          | 0.0000        | 640          | \$33.68              | \$21,559             |
| <b>Importers</b>                          |             |                       |            |               |              |                      |                      |
| Certificates                              | 40,665      | 23.4                  | 949,886    | 0.0833        | 79,157       | \$76.26              | \$6,036,527          |
| Disclosure                                | 40,665      | 23.4                  | 949,886    | 0.2500        | 237,472      | \$33.68              | \$7,998,042          |
| Recordkeeping                             | 40,665      | 23.4                  | 949,886    | 0.0208        | 19,789       | \$33.68              | \$666,503            |
| eFiling                                   | 40,665      | 467.2                 | 18,997,724 | 0.0106        | 200,532      | \$33.68              | \$6,753,902          |
| Total                                     | 40,665      | 537.3                 | 21,847,382 | 0.0246        | 536,950      | \$39.96              | \$21,454,974         |
| <b>Additional Burden to Importers</b>     |             |                       |            |               |              |                      |                      |
| Total                                     | 40,665      | 467.2                 | 18,997,724 | 0.0106        | 202,115      | \$33.68              | \$6,807,222          |

### *All-Terrain Vehicles (ATVs) (16 CFR part 1420)*

The CPSIA mandated that the Commission adopt the voluntary standard for ATVs as a mandatory standard. The mandatory standard for ATVs is codified at 16 C.F.R. part 1420. No PRA submission has been made previously to OMB regarding part 1420 because that part does not contain specific recordkeeping or certification requirements. Pursuant to section 14(a)(1) of the CPSA, however, ATV manufacturers and private labelers are required to certify that their products meet the requirements of part 1420, based on a reasonable testing program or a test of each product. While ATV testing is likely to take a minimum of several hours and could take more than a day, documenting the results of testing will likely take less time.<sup>36</sup>

<sup>36</sup> In 2022 staff used data from "Power Products Marketing" and estimated that there were 5 manufacturers, 7 importers, and 8 distributors of ATVs who in turn are directly or indirectly owned by the other supplier. They produce 110 models. Staff updates this figure to include additional importers and responses that may be subject to a GCC. Note that most if not all of these additional estimated responses will be re-certifications of existing models, new or modified models, or items that are out of scope of the draft SNPR. As such the responses and burden estimates are likely over estimated.



Staff estimates that there are 46 firms in the All-Terrain Vehicles industry that are required to issue certificates. These firms may create 1,463 certificates, each one of which is a response. The burden hours from certificate creation comes to 122 hours. These same firms must keep the records supporting the certificates for a period of five years. This burden comes to 30 hours.

The firms must also furnish each certificate to retailers and distributors of the product upon request, thus we estimate an additional 0.25 hours (15 minutes) burden for third party disclosure. This sums to 366 hours.

Staff estimates that the number of responses for eFiling are 28,346 and the eFiling burden is 299 hours. The aggregate burden associated with the Rule for All-Terrain Vehicles is 817 hours and has a total cost of \$32,722. This number includes burden imposed by statute which the All-Terrain Vehicles industry would bear in absence of the Rule. The net burden from the draft SNPR is 302 hours and the net cost is \$10,160.

**Table 2: All-Terrain Vehicles**

| Total Burden                           | Respondents | Frequency of Response | Responses | Response Time | Burden Hours | Cost per Burden Hour | Total Cost of Burden |
|--|-------------|-----------------------|-----------|---------------|--------------|----------------------|----------------------|
| Certificates                           | 46          | 31.8                  | 1,463     | 0.0833        | 122          | \$76.26              | \$9,298              |
| Disclosure                             | 46          | 31.8                  | 1,463     | 0.2500        | 366          | \$33.68              | \$12,320             |
| Recordkeeping                          | 46          | 31.8                  | 1,463     | 0.0208        | 30           | \$33.68              | \$1,027              |
| eFiling                                | 41          | 691.4                 | 28,346    | 0.0106        | 299          | \$33.68              | \$10,077             |
| Total                                  | 46          | 711.6                 | 32,736    | 0.0250        | 817          | \$40.03              | \$32,722             |
| <b>Additional Burden from the Rule</b> |             |                       |           |               |              |                      |                      |
| Total                                  | 46          | 616.2                 | 28,346    | 0.0106        | 302          | \$33.68              | \$10,160             |

### *Architectural Glazing Materials (16 CFR part 1201)*

Glazing materials used in or intended for use in doors and storm doors (including combination doors), bathtub doors and enclosures, shower doors and enclosures, and patio type sliding glass doors, are subject to the safety standard for architectural glazing materials (16 C.F.R. part 1201). Part 1201 requires that manufacturers and private labelers of glazing materials certify their products in accordance with the requirements of section 14 of the CPSA. The Commission has previously submitted recordkeeping burden estimates to OMB. This analysis updates the burden estimate using previous estimates of the Glass Association of North America and adjusting for changes in similar industries.

Staff estimates that there are 1,092 firms in the Architectural Glazing Materials industry that are required to issue certificates. These firms may create 3,192 certificates each one of which is a response. The burden hours from certificate creation comes to 266 hours. These same firms must keep the records supporting the certificates for a period of five years. This burden comes to 66 hours.

The firms must also furnish each certificate to retailers and distributors of the product upon request, thus there is an additional 0.25 hours (15 minutes) burden for third party disclosure. This sums to 798 hours.

Staff estimates that the number of responses for eFiling are 15,840 and the eFiling burden is 167 hours. The aggregate burden associated with the draft SNPR for Architectural Glazing Materials is 1,298 hours and has a total cost of \$55,033. This number includes burden imposed by statute which the Architectural Glazing Materials industry would bear in absence of the draft SNPR. The net burden from the Rule is 173 hours and the net cost is \$5,810.

CPSC invites comment on the number of glazing materials manufacturers and the number of glazing materials importers.

**Table 3: Glazing Materials Burden Estimate**

| Total Burden                           | Respondents | Frequency of Response | Responses | Response Time | Burden Hours | Cost per Burden Hour | Total Cost of Burden |
|--|-------------|-----------------------|-----------|---------------|--------------|----------------------|----------------------|
| Certificates                           | 1,092       | 2.9                   | 3,192     | 0.0833        | 266          | \$76.26              | \$20,285             |
| Disclosure                             | 1,092       | 2.9                   | 3,192     | 0.2500        | 798          | \$33.68              | \$26,877             |
| Recordkeeping                          | 1,092       | 2.9                   | 3,192     | 0.0208        | 67           | \$33.68              | \$2,240              |
| eFiling                                | 792         | 20.0                  | 15,840    | 0.0106        | 167          | \$33.68              | \$5,631              |
| Total                                  | 1,092       | 23.3                  | 25,416    | 0.0511        | 1,298        | \$42.41              | \$55,033             |
| <b>Additional Burden from the Rule</b> |             |                       |           |               |              |                      |                      |
| Total                                  | 1,092       | 14.5                  | 15,840    | 0.0109        | 173          | \$33.68              | \$5,810              |

### *Bicycle Helmets (16 CFR part 1203)*

Bicycle helmets are subject to the safety standard for Bicycle Helmets (16 C.F.R. part 1203). CPSC had provided estimates of the recordkeeping burden to OMB in an earlier submission, which included records for a reasonable testing program, the requirement to place a certification label on bicycle helmets, and a three year minimum record retention period. A GCC that meets the requirements specified in section 14(g) of the CPSA and the draft SNPR is now additionally required.

Staff estimates that there are 662 firms in the Bicycle Helmets industry that are required to issue certificates. These firms may create 824 certificates, each one of which is a response. The burden hours from certificate creation comes to 69 hours. These same firms must keep the records supporting the certificates for a period of five years. This burden comes to 17 hours.

The firms must also furnish each certificate to retailers and distributors of the product upon request, thus there is an additional 0.25 hours (15 minutes) burden for third party disclosure. This sums to 206 hours.

Staff estimates that the number of responses for eFiling are 12,480 and the eFiling burden is 132 hours. The aggregate burden associated with the draft SNPR for Bicycle Helmets is 424 hours and has a total cost of \$17,190. This number includes burden imposed by statute which the Bicycle Helmets industry would bear in absence of the draft SNPR. The net burden from the draft SNPR is 133 hours and the net cost is \$4,483.

**Table 4: Bicycle Helmets Burden Estimate**

| Total Burden                           | Respondents | Frequency of Response | Responses | Response Time | Burden Hours | Cost per Burden Hour | Total Cost of Burden |
|--|-------------|-----------------------|-----------|---------------|--------------|----------------------|----------------------|
| Certificates                           | 662         | 1.2                   | 824       | 0.0833        | 69           | \$76.26              | \$5,237              |
| Disclosure                             | 662         | 1.2                   | 824       | 0.2500        | 206          | \$33.68              | \$6,938              |
| Recordkeeping                          | 662         | 1.2                   | 824       | 0.0208        | 17           | \$33.68              | \$578                |
| eFiling                                | 624         | 20.0                  | 12,480    | 0.0106        | 132          | \$33.68              | \$4,437              |
| Total                                  | 662         | 22.6                  | 14,952    | 0.0283        | 424          | \$40.58              | \$17,190             |
| <b>Additional Burden from the Rule</b> |             |                       |           |               |              |                      |                      |
| Total                                  | 662         | 18.9                  | 12,480    | 0.0107        | 133          | \$33.68              | \$4,483              |

### *Bicycles (16 CFR part 1512)*

Bicycles are subject to the requirements of the safety standard for bicycles, which is codified at 16 C.F.R. part 1512. Part 1512 sets forth test requirements for Bicycles and requires certain instructions and an on-product label, but that rule does not provide for specific recordkeeping requirements or a record-retention period. Therefore, no estimate of the recordkeeping burden has been submitted to OMB previously.

Staff estimates that there are 319 firms in the bicycle industry that are required to issue certificates. These firms may create 5,045 certificates, each one of which is a response. The burden hours from certificate creation comes to 420 hours. These same firms must keep the records supporting the certificates for a period of five years. This burden comes to 105 hours.

The firms must also furnish each certificate to retailers and distributors of the product upon request, thus there is an additional 0.25 hours (15 minutes) burden for third party disclosure. This sums to 1,261 hours.

Staff estimates that the number of responses for eFiling are 62,898 and the eFiling burden is 664 hours. The aggregate burden associated with the draft SNPR for Bicycles is 2,451 hours and has a total cost of \$100,439. This number includes burden imposed by statute which the Bicycles industry would bear in absence of the draft SNRP. The net burden from the draft SNPR is 672 hours and the net cost is \$22,644.

**Table 5: Bicycles**

| Total Burden                           | Respondents | Frequency of Response | Responses | Response Time | Burden Hours | Cost per Burden Hour | Total Cost of Burden |
|--|-------------|-----------------------|-----------|---------------|--------------|----------------------|----------------------|
| Certificates                           | 319         | 15.8                  | 5,045     | 0.0833        | 420          | \$76.26              | \$32,060             |
| Disclosure                             | 319         | 15.8                  | 5,045     | 0.2500        | 1,261        | \$33.68              | \$42,478             |
| Recordkeeping                          | 319         | 15.8                  | 5,045     | 0.0208        | 105          | \$33.68              | \$3,540              |
| eFiling                                | 194         | 324.2                 | 62,898    | 0.0106        | 664          | \$33.68              | \$22,361             |
| Total                                  | 319         | 244.6                 | 78,033    | 0.0314        | 2,451        | \$40.98              | \$100,439            |
| <b>Additional Burden from the Rule</b> |             |                       |           |               |              |                      |                      |
| Total                                  | 319         | 197.2                 | 62,898    | 0.0107        | 672          | \$33.68              | \$22,644             |

### *Button Cell and Coin Battery Packaging*

Section 2 of Reese's Law requires CPSC to promulgate a rule for button cell or coin batteries and consumer products that contain such batteries. CPSC provided a PRA analysis for consumer products that contain button cell or coin batteries, and battery package labeling, in the final rules to implement these Reese's Law requirements. However, the burden analysis did not include an assessment of the eFiling burden.<sup>37</sup>

Section 3 of Reese's Law requires "any button cell or coin battery sold, offered for sale, manufactured for sale, distributed in commerce, or imported into the United States, or included separately with a consumer product sold, offered for sale, manufactured for sale, distributed in commerce, or imported into the United States" to utilize packaging that meets the requirements of 16 CFR § 1700.15 (PPPA).

Testing to the special packaging requirements of the PPPA is not required to be conducted by a third party, CPSC-accepted laboratory. As a result, button cell or coin batteries that are packaged separately but included with a children's product do not need to be tested by a third party CPSC-accepted laboratory. Such products will be required to have a CPC for the overall children's product and a separate GCC for the battery package.<sup>38</sup>

Staff estimates that there are 176 firms in the Button Cell or Coin Battery Packaging industry that are required to issue certificates. These firms may create 8,888 certificates each one of which is a response. The burden hours from certificate creation comes to 741 hours. These same firms must keep the records supporting the certificates for a period of five years. This burden comes to 185 hours.

The firms must also furnish each certificate to retailers and distributors of the product upon request thus there is an additional 0.25 hours (15 minutes) burden for third party disclosure. This sums

<sup>37</sup> <https://www.cpsc.gov/s3fs-public/Reeses-Law-Implementation-Commission-Determination-Regarding-UL-4200A-2023-and-Draft-DFR-for-Button-Cell-or-Coin-Batteries-and-2-Draft-FR-to-Amend-Part-1263--Labeling-Requirements-for-Button-Cell-or-Coin-Batte.pdf?VersionId=PyTbnom1OemA3BWl9Z1IONzTlyqbcthW>.

<sup>38</sup> Note there are products that are exempt from the requirements of section 3 of Reese's Law due to the fact that they meet the requirements of the ANSI C18.3M standard. These products don't have to meet the special packaging requirement, but still need to be certified.

to 2,222 hours.

Staff estimates that the number of responses for eFiling are 150,480 and the eFiling burden is 1,588 hours. The aggregate burden associated with the draft SNPR for Button Cell or Coin Battery Packages is 4,736 hours and has a total cost of \$191,054. This number includes burden imposed by statute which the Button Cell or Coin Battery Packages industry would bear in absence of the draft SNPR. The net burden from the draft SNPR is 1,603 hours and the net cost is \$53,996.

**Table 6: Button Cell and Coin Battery**

| Total Burden                           | Respondents | Frequency of Response | Responses | Response Time | Burden Hours | Cost per Burden Hour | Total Cost of Burden |
|--|-------------|-----------------------|-----------|---------------|--------------|----------------------|----------------------|
| Certificates                           | 176         | 50.5                  | 8,888     | 0.0833        | 741          | \$76.26              | \$56,483             |
| Disclosure                             | 176         | 50.5                  | 8,888     | 0.2500        | 2,222        | \$33.68              | \$74,837             |
| Recordkeeping                          | 176         | 50.5                  | 8,888     | 0.0208        | 185          | \$33.68              | \$6,236              |
| eFiling                                | 132         | 1,140.0               | 150,480   | 0.0106        | 1,588        | \$33.68              | \$53,497             |
| Total                                  | 176         | 1,006.5               | 177,144   | 0.0267        | 4,736        | \$40.34              | \$191,054            |
| <b>Additional Burden from the Rule</b> |             |                       |           |               |              |                      |                      |
| Total                                  | 176         | 855.0                 | 150,480   | 0.0107        | 1,603        | \$33.68              | \$53,996             |

### *Carpets and Rugs (16 CFR parts 1630 and 1631)*

Carpets and Rugs are subject to flammability requirements codified at 16 C.F.R. parts 1630 and 1631. Parts 1630 and 1631 set forth testing and recordkeeping requirements, including a three year record retention period. However, the recordkeeping requirements apply to persons furnishing guaranties, not necessarily to manufacturers and private labelers. Although the existing OMB submission on these rules discusses the requirement to issue certificates, the burden estimate includes the burden associated with third party testing and certification of children's products only and does not consider certification of general use carpets and rugs. Accordingly, here staff provides an estimate for recordkeeping for a reasonable testing program and for creating the required GCC for non-children's carpets and rugs. Note, CPSC does not have information on what proportion on large versus small carpets and rug production that is subject to the draft SNPR, so staff assumes an even (50%) proportion.

### *Large Carpet and Rugs*

Staff estimates that there are 294 firms in the carpets and rugs (Large) industry that are required to issue certificates. These firms may create 12,525 certificates, each one of which is a response. The burden hours from certificate creation comes to 1,044 hours. These same firms must keep the records supporting the certificates for a period of five years. This burden comes to 261 hours.

The firms must also furnish each certificate to retailers and distributors of the product upon request, thus there is an additional 0.25 hours (15 minutes) burden for third party disclosure. This sums to 3,131 hours.

Staff estimates that the number of responses for eFiling are 49,008 and the eFiling burden is 517 hours. The aggregate burden associated with the draft SNPR for Carpets And Rugs (Large) is 4,953

hours and has a total cost of \$211,274. This number includes burden imposed by statute which the Carpets And Rugs (Large) industry would bear in absence of the draft SNPR. The net burden from the draft SNPR is 538 hours and the net cost is \$18,126.

**Table 7a: Large Carpets and Rugs**

| Total Burden                           | Respondents | Frequency of Response | Responses | Response Time | Burden Hours | Cost per Burden Hour | Total Cost of Burden |
|--|-------------|-----------------------|-----------|---------------|--------------|----------------------|----------------------|
| Certificates                           | 295         | 42.5                  | 12,525    | 0.0833        | 1,044        | \$76.26              | \$79,599             |
| Disclosure                             | 295         | 42.5                  | 12,525    | 0.2500        | 3,131        | \$33.68              | \$105,464            |
| Recordkeeping                          | 295         | 42.5                  | 12,525    | 0.0208        | 261          | \$33.68              | \$8,789              |
| eFiling                                | 93          | 527.0                 | 49,008    | 0.0106        | 517          | \$33.68              | \$17,423             |
| Total                                  | 295         | 294.0                 | 86,584    | 0.0572        | 4,953        | \$42.65              | \$211,274            |
| <b>Additional Burden from the Rule</b> |             |                       |           |               |              |                      |                      |
| Total                                  | 295         | 166.4                 | 49,008    | 0.0110        | 538          | \$33.68              | \$18,126             |

### Small Carpet and Rugs

Staff estimates that there are 294 firms in the Carpets And Rugs (Small) industry that are required to issue certificates. These firms may create 12,525 certificates each one of which is a response. The burden hours from certificate creation comes to 1,044 hours. These same firms must keep the records supporting the certificates for a period of five years. This burden comes to 261 hours.

The firms must also furnish each certificate to retailers and distributors of the product upon request thus there is an additional 0.25 hours (15 minutes) burden for third party disclosure. This sums to 3,131 hours.

Staff estimates that the number of responses for eFiling are 49,008 and the eFiling burden is 517 hours. The aggregate burden associated with the rule for carpets and rugs (Small) is 4,953 hours and has a total cost of \$211,274. This number includes burden imposed by statute which the carpets and rugs (Small) industry would bear in absence of the draft SNPR. The net burden from the draft SNPR is 538 hours and the net cost is \$18,126.

**Table 7b: Small Carpets and Rugs**

| Total Burden  | Respondents | Frequency of Response | Responses | Response Time | Burden Hours | Cost per Burden Hour | Total Cost of Burden |
|---------------|-------------|-----------------------|-----------|---------------|--------------|----------------------|----------------------|
| Certificates  | 295         | 42.5                  | 12,525    | 0.0833        | 1,044        | \$76.26              | \$79,599             |
| Disclosure    | 295         | 42.5                  | 12,525    | 0.2500        | 3,131        | \$33.68              | \$105,464            |
| Recordkeeping | 295         | 42.5                  | 12,525    | 0.0208        | 261          | \$33.68              | \$8,789              |
| eFiling       | 93          | 527.0                 | 49,008    | 0.0106        | 517          | \$33.68              | \$17,423             |
| Total         | 295         | 294.0                 | 86,584    | 0.0572        | 4,953        | \$42.65              | \$211,274            |



| <b>Additional Burden from the Rule</b> |     |       |        |        |     |         |          |
|--|-----|-------|--------|--------|-----|---------|----------|
| Total                                  | 295 | 166.4 | 49,008 | 0.0110 | 538 | \$33.68 | \$18,126 |

### *Omnidirectional Citizens Band Base Station Antennas (16 CFR part 1204)*

Omnidirectional Citizens Band (CB) Base Station Antennas are subject to a product safety standard that is intended to reduce electrocution hazards associated with the antennas (16 CFR part 1204). Part 1204 requires specific types of testing, certificates, and as of the current update requires certain records to be maintained for five years. An estimate of the burden for these requirements has previously been detailed in a submission to OMB. The content of the certificate required in part 1204, however, does not contain all of the information required by section 14(g) of the CPSA and the updated 1110 rule. Therefore, it is necessary to estimate the increased burden of creating GCCs with all of the required information.

Staff estimates that there are 548 firms in the CB Band Base Station Antennas industry that are required to issue certificates. These firms may create 640 certificates each one of which is a response. The burden hours from certificate creation comes to 53 hours. These same firms must keep the records supporting the certificates for a period of five years. This burden comes to 13 hours.

The firms must also furnish each certificate to retailers and distributors of the product upon request thus there is an additional 0.25 hours (15 minutes) burden for third party disclosure. This sums to 160 hours.

Staff estimates that the number of responses for eFiling are 12,594 and the eFiling burden is 133 hours. The aggregate burden associated with the draft SNPR for CB base station antennas is 359 hours and has a total cost of \$14,378. This number includes burden imposed by statute which the CB base station antennas industry would bear in absence of the draft SNPR. The net burden from the draft SNPR is 134 hours and the net cost is \$4,513.

**Table 8: CB Base Station Antennas**

| Total Burden                           | Respondents | Frequency of Response | Responses | Response Time | Burden Hours | Cost per Burden Hour | Total Cost of Burden |
|--|-------------|-----------------------|-----------|---------------|--------------|----------------------|----------------------|
| Certificates                           | 548         | 1.2                   | 640       | 0.0833        | 53           | \$76.26              | \$4,065              |
| Disclosure                             | 548         | 1.2                   | 640       | 0.2500        | 160          | \$33.68              | \$5,386              |
| Recordkeeping                          | 548         | 1.2                   | 640       | 0.0208        | 13           | \$33.68              | \$449                |
| eFiling                                | 538         | 23.4                  | 12,594    | 0.0106        | 133          | \$33.68              | \$4,477              |
| Total                                  | 548         | 26.5                  | 14,513    | 0.0248        | 359          | \$39.99              | \$14,378             |
| <b>Additional Burden from the Rule</b> |             |                       |           |               |              |                      |                      |
| Total                                  | 548         | 23.0                  | 12,594    | 0.0106        | 134          | \$33.68              | \$4,513              |

### *Cellulose Insulation (16 CFR part 1209)*

Cellulose Insulation is subject to the interim cellulose insulation standard (16 C.F.R. part 1209). Part 1209 includes comprehensive testing, recordkeeping, and certification requirements, including a 2-

year record retention period which is now updated to a five year requirement. The certification required in part 1209 is in the form of a label on the product, and includes the day, month, and year of production. For part 1209, staff estimates the burden of documenting test results from the testing program required in part 1209 and creating a GCC.

Staff updates prior information from the Cellulose Insulation Manufacturers Association (CIMA) to adjust for industry growth.<sup>39</sup> Because the on-product certificate requirement in part 1209 requires specification of the date, month, and year of manufacture, and because the testing interval required in part 1209 must be short enough to demonstrate compliance with the standard, testing and certification of cellulose insulation is likely to occur several times a year. Staff assumes that there will be 4 recordkeeping responses a year for each firm.

Staff estimates that there are 65 firms in the Cellulose Insulation industry that are required to issue certificates. These firms may create 260 certificates, each one of which is a response. The burden hours from certificate creation comes to 22 hours. These same firms must keep the records supporting the certificates for a period of five years. This burden comes to five hours.

The firms must also furnish each certificate to retailers and distributors of the product upon request, thus there is an additional 0.25 hours (15 minutes) burden for third party disclosure. This sums to 65 hours.

Staff estimates that there are no eFiling responses and the eFiling burden is 0 hours. The aggregate burden associated with the rule for cellulose insulation is 92 hours and has a total cost of \$4,024. This number includes burden imposed by statute which the cellulose insulation industry would bear in absence of the draft SNPR. The net burden from the draft SNPR is less than an hour and the net cost is \$15.

The Commission requests comments on the number of importers for cellulose insulation materials and the annual responses *i.e.* certificates that each firm must produce and the number.

**Table 9: Cellulose Insulation**

| Total Burden                           | Respondents | Frequency of Response | Responses | Response Time | Burden Hours | Cost per Burden Hour | Total Cost of Burden |
|--|-------------|-----------------------|-----------|---------------|--------------|----------------------|----------------------|
| Certificates                           | 65          | 4.0                   | 260       | 0.0833        | 22           | \$76.26              | \$1,652              |
| Disclosure                             | 65          | 4.0                   | 260       | 0.2500        | 65           | \$33.68              | \$2,189              |
| Recordkeeping                          | 65          | 4.0                   | 260       | 0.0208        | 5            | \$33.68              | \$182                |
| eFiling                                | 0           | 0.0                   | 0         | 0.0000        | 0            | \$0.00               | \$0                  |
| Total                                  | 65          | 12.0                  | 780       | 0.1181        | 92           | \$43.70              | \$4,024              |
| <b>Additional Burden from the Rule</b> |             |                       |           |               |              |                      |                      |
| Total                                  | 65          | 0.0                   | 0         | 0.0000        | 0            | \$33.68              | \$15                 |

<sup>39</sup> The 2013 NPR estimated 44 respondents and several responses per year. Staff takes this figure and adjusts for growth in NAICS industry. Staff has no additional information on importers.



*Cigarette Lighters (16 CFR part 1210) and Multipurpose Lighters  
(16 CFR part 1212)*

Cigarette lighters and multipurpose lighters are subject to the child-resistant requirements established by 16 C.F.R. parts 1210 and 1212, respectively. Parts 1210 and 1212 set forth comprehensive testing, certification, and recordkeeping requirements, including a three year minimum retention period which is now five years for the draft SNPR. Estimates of the recordkeeping burden for parts 1210 and 1212 have been submitted to OMB previously. Staff estimates the burden associated with creating a certificate containing the information required by section 14(g) of the CPSA and the draft SNPR.<sup>40</sup>

### Cigarette Lighters

Staff estimates that there are 98 firms in the cigarette lighters industry that are required to issue certificates. These firms may create 106 certificates each one of which is a response. The burden hours from certificate creation comes to 9 hours. These same firms must keep the records supporting the certificates for a period of five years. This burden comes to 2 hours.

The firms must also furnish each certificate to retailers and distributors of the product upon request thus there is an additional 0.25 hours (15 minutes) burden for third party disclosure. This sums to 27 hours.

Staff estimates that the number of responses for eFiling are 1,380 and the eFiling burden is 15 hours. The aggregate burden associated with the draft SNPR for cigarette lighters is 52 hours and has a total cost of \$2,139. This number includes burden imposed by statute which the cigarette lighters industry would bear in absence of the draft SNPR. The net burden from the draft SNPR is 15 hours and the net cost is \$497.

**Table 10a: Cigarette Lighters**

| Total Burden                           | Respondents | Frequency of Response | Responses | Response Time | Burden Hours | Cost per Burden Hour | Total Cost of Burden |
|--|-------------|-----------------------|-----------|---------------|--------------|----------------------|----------------------|
| Certificates                           | 98          | 1.1                   | 106       | 0.0833        | 9            | \$76.26              | \$677                |
| Disclosure                             | 98          | 1.1                   | 106       | 0.2500        | 27           | \$33.68              | \$897                |
| Recordkeeping                          | 98          | 1.1                   | 106       | 0.0208        | 2            | \$33.68              | \$75                 |
| eFiling                                | 69          | 20.0                  | 1,380     | 0.0106        | 15           | \$33.68              | \$491                |
| Total                                  | 98          | 17.3                  | 1,699     | 0.0308        | 52           | \$40.91              | \$2,139              |
| <b>Additional Burden from the Rule</b> |             |                       |           |               |              |                      |                      |
| Total                                  | 98          | 14.1                  | 1,380     | 0.0107        | 15           | \$33.68              | \$497                |

### Multipurpose Lighters

Staff estimates that there are 98 firms in the Multipurpose Lighters industry that are required to

<sup>40</sup> In 2021, CPSC updated OMB 3041- 0130 to reflect 145 importers of lighters where 62 may manufacturer or distribute multipurpose lighters. There are approximately 2 models per firm requiring certification.  
[https://www.reginfo.gov/public/do/PRAViewICR?ref\\_nbr=202010-3041-002](https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202010-3041-002)

issue certificates. These firms may create 127 certificates each one of which is a response. The burden hours from certificate creation comes to 11 hours. These same firms must keep the records supporting the certificates for a period of five years. This burden comes to 3 hours.

The firms must also furnish each certificate to retailers and distributors of the product upon request, thus there is an additional 0.25 hours (15 minutes) burden for third party disclosure. This sums to 32 hours.

Staff estimates that the number of responses for eFiling are 1,954 and the eFiling burden is 21 hours. The aggregate burden associated with the draft SNPR for Multipurpose Lighters is 65 hours and has a total cost of \$2,656. This number includes burden imposed by statute which the multipurpose lighters industry would bear in absence of the draft SNPR. The net burden from the draft SNPR is 21 hours and the net cost is \$702.

**Table 10b: Multipurpose Lighters**

| Total Burden                           | Respondents | Frequency of Response | Responses | Response Time | Burden Hours | Cost per Burden Hour | Total Cost of Burden |
|--|-------------|-----------------------|-----------|---------------|--------------|----------------------|----------------------|
| Certificates                           | 98          | 1.3                   | 127       | 0.0833        | 11           | \$76.26              | \$805                |
| Disclosure                             | 98          | 1.3                   | 127       | 0.2500        | 32           | \$33.68              | \$1,067              |
| Recordkeeping                          | 98          | 1.3                   | 127       | 0.0208        | 3            | \$33.68              | \$89                 |
| eFiling                                | 69          | 28.3                  | 1,954     | 0.0106        | 21           | \$33.68              | \$695                |
| Total                                  | 98          | 23.8                  | 2,334     | 0.0281        | 65           | \$40.54              | \$2,656              |
| <b>Additional Burden from the Rule</b> |             |                       |           |               |              |                      |                      |
| Total                                  | 98          | 19.9                  | 1,954     | 0.0107        | 21           | \$33.68              | \$702                |

### *Clothing Storage Units*

The STURDY law (15 U.S.C. § 2056f) directed CPSC to promulgate rulemaking for Clothing Storage Units (CSUs). This rule, 16 C.F.R. part 1261, requires CSUs that are not children's products to meet the certification requirements under section 14(a)(1) of the CPSA, codified in part 1110. The CSU requirements apply to clothing storage units manufactured after September 1, 2023.

Staff estimates that there are 21,000 firms in the CSU industry that are required to issue certificates. These firms may create 420,000 certificates, each one of which is a response. The burden hours from certificate creation comes to 35,000 hours. These same firms must keep the records supporting the certificates for a period of five years. This burden comes to 8,750 hours.

The firms must also furnish each certificate to retailers and distributors of the product upon request, thus there is an additional 0.25 hours (15 minutes) burden for third party disclosure. This sums to 105,000 hours.

Staff estimates that the number of responses for eFiling are 7,200,000 and the eFiling burden is 76,000 hours. The aggregate burden associated with the draft SNPR for CSUs is 224,750 hours and has a total cost of \$9,059,880. This number includes burden imposed by statute which the CSU industry would bear in absence of the draft SNPR. The net burden from the draft SNPR is 76,700

hours and the net cost is \$2,583,256.

**Table 11: Clothing Storage Units**

| Total Burden                           | Respondents | Frequency of Response | Responses | Response Time | Burden Hours | Cost per Burden Hour | Total Cost of Burden |
|--|-------------|-----------------------|-----------|---------------|--------------|----------------------|----------------------|
| Certificates                           | 21,000      | 20.0                  | 420,000   | 0.0833        | 35,000       | \$76.26              | \$2,669,100          |
| Disclosure                             | 21,000      | 20.0                  | 420,000   | 0.2500        | 105,000      | \$33.68              | \$3,536,400          |
| Recordkeeping                          | 21,000      | 20.0                  | 420,000   | 0.0208        | 8,750        | \$33.68              | \$294,700            |
| eFiling                                | 18,000      | 400.0                 | 7,200,000 | 0.0106        | 76,000       | \$33.68              | \$2,559,680          |
| Total                                  | 21,000      | 402.9                 | 8,460,000 | 0.0266        | 224,750      | \$40.31              | \$9,059,880          |
| <b>Additional Burden from the Rule</b> |             |                       |           |               |              |                      |                      |
| Total                                  | 21,000      | 342.9                 | 7,200,000 | 0.0107        | 76,700       | \$33.68              | \$2,583,256          |

### *Drywall*

The Drywall Safety Act of 2012 (DSA) Pub. L. No. 112-266, 126 Stat. 2437 (2013) mandates that drywall manufactured or imported on or after July 22, 2015 must be accompanied by a General Certificate of Conformity certifying compliance with the sulfur content limits of ASTM C1396-14a.

Staff estimates that there are 7 firms in the Drywall industry that are required to issue certificates. These firms may create 77 certificates, each one of which is a response. The burden hours from certificate creation comes to 6 hours. These same firms must keep the records supporting the certificates for a period of five years. This burden comes to 2 hours.

The firms must also furnish each certificate to retailers and distributors of the product upon request, thus there is an additional 0.25 hours (15 minutes) burden for third party disclosure. This sums to 19 hours.

Staff estimates that the number of responses for eFiling are 440 and the eFiling burden is five hours. The aggregate burden associated with the draft SNPR for drywall is 32 hours and has a total cost of \$1,348. This number includes burden imposed by statute which the drywall industry would bear in absence of the draft SNPR. The net burden from the draft SNPR is five hours and the net cost is \$161.

**Table 12: Drywall**

| Total Burden                           | Respondents | Frequency of Response | Responses | Response Time | Burden Hours | Cost per Burden Hour | Total Cost of Burden |
|--|-------------|-----------------------|-----------|---------------|--------------|----------------------|----------------------|
| Certificates                           | 7           | 11.0                  | 77        | 0.0833        | 6            | \$76.26              | \$489                |
| Disclosure                             | 7           | 11.0                  | 77        | 0.2500        | 19           | \$33.68              | \$648                |
| Recordkeeping                          | 7           | 11.0                  | 77        | 0.0208        | 2            | \$33.68              | \$54                 |
| eFiling                                | 2           | 220.0                 | 440       | 0.0106        | 5            | \$33.68              | \$156                |
| Total                                  | 7           | 95.9                  | 671       | 0.0476        | 32           | \$42.24              | \$1,348              |
| <b>Additional Burden from the Rule</b> |             |                       |           |               |              |                      |                      |
| Total                                  | 7           | 62.9                  | 440       | 0.0108        | 5            | \$33.68              | \$161                |

*Fireworks Devices (16 CFR part 1507; 16 CFR 1500.17(3) and 1500.17(8))*

Fireworks that are not banned are subject to requirements set forth in 16 C.F.R. part 1507 and sections 1500.17(3), and 1500.17(8). These fireworks provisions do not contain specific recordkeeping or certification requirements. Thus, the Commission has not provided a paperwork burden estimate to OMB previously. Here, we estimate the burden to document a reasonable testing program for fireworks and to create the required GCC.

Staff estimates that there are 132 firms in the fireworks industry that are required to issue certificates. These firms may create 2,354 certificates, each one of which is a response. The burden hours from certificate creation comes to 196 hours. These same firms must keep the records supporting the certificates for a period of five years. This burden comes to 49 hours.

The firms must also furnish each certificate to retailers and distributors of the product upon request, thus there is an additional 0.25 hours (15 minutes) burden for third party disclosure. This sums to 588 hours.

Staff estimates that the number of responses for eFiling are 47,076 and the eFiling burden is 497 hours. The aggregate burden associated with the draft SNPR for fireworks is 1,331 hours and has a total cost of \$53,165. This number includes burden imposed by statute which the fireworks industry would bear in absence of the draft SNPR. The net burden from the draft SNPR is 501 hours and the net cost is \$16,868.

**Table 13: Fireworks Devices**

| Total Burden  | Respondents | Frequency of Response | Responses | Response Time | Burden Hours | Cost per Burden Hour | Total Cost of Burden |
|---------------|-------------|-----------------------|-----------|---------------|--------------|----------------------|----------------------|
| Certificates  | 132         | 17.8                  | 2,354     | 0.0833        | 196          | \$76.26              | \$14,958             |
| Disclosure    | 132         | 17.8                  | 2,354     | 0.2500        | 588          | \$33.68              | \$19,819             |
| Recordkeeping | 132         | 17.8                  | 2,354     | 0.0208        | 49           | \$33.68              | \$1,652              |
| eFiling       | 132         | 356.6                 | 47,076    | 0.0106        | 497          | \$33.68              | \$16,736             |

|  |     |       |        |        |       |         |          |
|--|-----|-------|--------|--------|-------|---------|----------|
| Total                                  | 132 | 410.1 | 54,137 | 0.0246 | 1,331 | \$39.96 | \$53,165 |
| <b>Additional Burden from the Rule</b> |     |       |        |        |       |         |          |
| Total                                  | 132 | 356.6 | 47,076 | 0.0106 | 501   | \$33.68 | \$16,868 |

### *Residential Automatic Garage Door Openers (16 CFR part 1211)*

The automatic residential garage door opener standard (16 C.F.R. part 1211) contains guidance for a reasonable testing program, an on-product certificate requirement, and recordkeeping requirements, including a minimum three year record retention period for which the Rule is now requiring five years. The on-product certificate required by part 1211 does not contain all of the data elements required for a GCC in section 14(g) of the CPSA and the draft SNPR. An estimate of the recordkeeping burden of the rule has been provided to OMB previously.<sup>41</sup>

The Commission requests comment on the annual number of GCCs that each supplier of Garage Door Openers is required to issue.

Staff estimates that there are 8 firms in the Garage Door Openers industry that are required to issue certificates. These firms may create 8 certificates, each one of which is a response. The burden hours from certificate creation comes to 1 hour. These same firms must keep the records supporting the certificates for a period of five years. This burden comes to 0 hours.

The firms must also furnish each certificate to retailers and distributors of the product upon request, thus there is an additional 0.25 hours (15 minutes) burden for third party disclosure. This sums to 2 hours.

Staff does not estimate that there will be any eFiling responses for the Garage Door Openers industry, thus the burden is 0 hours. The aggregate burden associated with the draft SNPR for Garage Door Openers is 3 hours and has a total cost of \$132. This number includes burden imposed by statute which the Garage Door Openers industry would bear in absence of the draft SNPR. The net burden from the draft SNPR is less than an hour and the net cost is approximately \$0.

The Commission requests information on the number of manufacturers and importers of covered Automatic Garage Doors and the number of certificates they must produce annually.

**Table 14: Automatic Garage Door Openers**

| Total Burden  | Respondents | Frequency of Response | Responses | Response Time | Burden Hours | Cost per Burden Hour | Total Cost of Burden |
|---------------|-------------|-----------------------|-----------|---------------|--------------|----------------------|----------------------|
| Certificates  | 9           | 1.0                   | 9         | 0.0833        | 1            | \$76.26              | \$54                 |
| Disclosure    | 9           | 1.0                   | 9         | 0.2500        | 2            | \$33.68              | \$72                 |
| Recordkeeping | 9           | 1.0                   | 9         | 0.0208        | 0            | \$33.68              | \$6                  |
| eFiling       | 0           | 0.0                   | 0         | 0.0000        | 0            | \$0.00               | \$0                  |

<sup>41</sup> In 2022 Staff updated estimates for OMB-3041-0125 and counted 9 firms manufacturing automatic garage doors. Staff does not have good information on firms that may import automatic garage doors.  
[https://www.reginfo.gov/public/do/PRAViewICR?ref\\_nbr=202208-3041-003](https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202208-3041-003)

|  |   |     |    |        |   |         |       |
|--|---|-----|----|--------|---|---------|-------|
| Total                                  | 9 | 3.0 | 26 | 0.1181 | 3 | \$43.70 | \$132 |
| <b>Additional Burden from the Rule</b> |   |     |    |        |   |         |       |
| Total                                  | 9 | 0.0 | 0  | 0.0000 | 0 | \$33.68 | \$0   |

### *Ban of Lawn Darts (16 CFR part 1306)*

CPSC estimates the burden to document testing and to create a GCC for the ban on general use lawn darts in 16 C.F.R. part 1306. Staff does not estimate the burden for lawn darts intended for children, which are banned by 16 C.F.R. § 1500.18. Recordkeeping related to the creation of certificates for children's products is covered in the part 1107.

The purpose of part 1306 is to prohibit the sale of lawn darts that have been found to present an unreasonable risk of skull puncture injuries to children. The rule also states that "any lawn dart is a banned hazardous product." For purposes of these estimates, staff counts as lawn darts, products that appear to be intended to be used in a similar manner as the banned lawn darts in that they consist of an elongated projectile that can be thrown toward a target on the ground and that contact the ground tip first. Staff eliminates any product that appears to be primarily intended for children and does not include games such as horseshoes and ring toss. Staff estimates that the recordkeeping burden for recording test results and creating a GCC is about 1.5 hours per product.

Staff estimates that there are 2,363 firms in the Lawn Darts industry that are required to issue certificates. These firms may create 2,359 certificates each one of which is a response. The burden hours from certificate creation comes to 197 hours. These same firms must keep the records supporting the certificates for a period of five years. This burden comes to 49 hours.

The firms must also furnish each certificate to retailers and distributors of the product upon request, thus there is an additional 0.25 hours (15 minutes) burden for third party disclosure. This sums to 590 hours.

Staff estimates that the number of responses for eFiling are 47,060 and the eFiling burden is 497 hours. The aggregate burden associated with the draft SNPR for Lawn Darts is 1,332 hours and has a total cost of \$53,240. This number includes burden imposed by statute which the Lawn Darts industry would bear in absence of the draft SNPR. The net burden from the draft SNPR is 501 hours and the net cost is \$16,863.

**Table 15. Lawn Darts**

| Total Burden  | Respondents | Frequency of Response | Responses | Response Time | Burden Hours | Cost per Burden Hour | Total Cost of Burden |
|---------------|-------------|-----------------------|-----------|---------------|--------------|----------------------|----------------------|
| Certificates  | 2,363       | 1.0                   | 2,359     | 0.0833        | 197          | \$76.26              | \$14,991             |
| Disclosure    | 2,363       | 1.0                   | 2,359     | 0.2500        | 590          | \$33.68              | \$19,863             |
| Recordkeeping | 2,363       | 1.0                   | 2,359     | 0.0208        | 49           | \$33.68              | \$1,655              |
| eFiling       | 2,353       | 20.0                  | 47,060    | 0.0106        | 497          | \$33.68              | \$16,730             |
| Total         | 2,363       | 22.9                  | 54,137    | 0.0246        | 1,332        | \$39.96              | \$53,240             |

| <b>Additional Burden from the Rule</b> |       |      |        |        |     |         |          |
|--|-------|------|--------|--------|-----|---------|----------|
| Total                                  | 2,363 | 19.9 | 47,060 | 0.0106 | 501 | \$33.68 | \$16,863 |

### *Liquid nicotine packaging (CNPPA)*

Enacted in 2016, the Child Nicotine Poisoning Prevention Act (CNPPA) requires “any nicotine provided in a liquid nicotine container sold, offered for sale, manufactured for sale, distributed in commerce, or imported into the United States” to utilize a packaging that meets all of the requirements of 16 C.F.R. § 1700.15 (PPPA). See 15 U.S.C. § 1472a(a). The requirements of the CNPPA became effective on July 26, 2016, and means that any products manufactured, imported, or sold on or after July 26, 2016, must meet the requirements of the CNPPA.

Staff estimates that there are 1,112 firms in the liquid nicotine packaging (CNPPA) industry that are required to issue certificates. These firms may create 4,448 certificates, each one of which is a response. The burden hours from certificate creation comes to 371 hours. These same firms must keep the records supporting the certificates for a period of five years. This burden comes to 93 hours.

The firms must also furnish each certificate to retailers and distributors of the product upon request, thus there is an additional 0.25 hours (15 minutes) burden for third party disclosure. This sums to 1,112 hours.

Staff estimates that the number of responses for eFiling are 66,720 and the eFiling burden is 704 hours. The aggregate burden associated with the draft SNPR for CNPPA is 2,280 hours and has a total cost of \$92,560. This number includes burden imposed by statute which the CNPPA industry would bear in absence of the draft SNPR. The net burden from the draft SNPR is 712 hours and the net cost is \$23,969.

**Table 16: Liquid Nicotine Packaging**

| Total Burden                           | Respondents | Frequency of Response | Responses | Response Time | Burden Hours | Cost per Burden Hour | Total Cost of Burden |
|--|-------------|-----------------------|-----------|---------------|--------------|----------------------|----------------------|
| Certificates                           | 1,112       | 4.0                   | 4,448     | 0.0833        | 371          | \$76.26              | \$28,267             |
| Disclosure                             | 1,112       | 4.0                   | 4,448     | 0.2500        | 1,112        | \$33.68              | \$37,452             |
| Recordkeeping                          | 1,112       | 4.0                   | 4,448     | 0.0208        | 93           | \$33.68              | \$3,121              |
| eFiling                                | 834         | 80.0                  | 66,720    | 0.0106        | 704          | \$33.68              | \$23,720             |
| Total                                  | 1,112       | 72.0                  | 80,064    | 0.0285        | 2,280        | \$40.60              | \$92,560             |
| <b>Additional Burden from the Rule</b> |             |                       |           |               |              |                      |                      |
| Total                                  | 1,112       | 60.0                  | 66,720    | 0.0107        | 712          | \$33.68              | \$23,969             |

### *Magnets and Magnet Sets*

The CPSC published a final rule in the *Federal Register* (87 Fed. Reg. 57,756 (September 21, 2022)) that establishes a mandatory safety standard for magnets: Safety Standard for Magnets (16 C.F.R. part 1262). The requirements apply to all subject magnet products manufactured after October



21, 2022. Magnets subject to the rule are consumer products that are “designed, marketed, or intended to be used for entertainment, jewelry (including children’s jewelry), mental stimulation, stress relief, or a combination of these purposes,” with some exceptions stated in the rule. 16 C.F.R. § 1262.2(b). Testing for any subject magnet product must be conducted in accordance with the procedures outlined in sections 8.25.1 through 8.25.3 of ASTM F963-17.

Staff estimates that there are 38 firms in the Magnets industry that are required to issue certificates. These firms may create 570 certificates, each one of which is a response. The burden hours from certificate creation comes to 48 hours. These same firms must keep the records supporting the certificates for a period of five years. This burden comes to 12 hours.

The firms must also furnish each certificate to retailers and distributors of the product upon request, thus there is an additional 0.25 hours (15 minutes) burden for third party disclosure. This sums to 142 hours.

Staff estimates that the number of responses for eFiling are 4,200 and the eFiling burden is 44 hours. The aggregate burden associated with the draft SNPR for Magnets is 246 hours and has a total cost of \$10,315. This number includes burden imposed by statute which the Magnets industry would bear in absence of the draft SNPR. The net burden from the draft SNPR is 45 hours and the net cost is \$1,525.

**Table 17: Magnets and Magnet Sets**

| Total Burden                           | Respondents | Frequency of Response | Responses | Response Time | Burden Hours | Cost per Burden Hour | Total Cost of Burden |
|--|-------------|-----------------------|-----------|---------------|--------------|----------------------|----------------------|
| Certificates                           | 38          | 15.0                  | 570       | 0.0833        | 48           | \$76.26              | \$3,622              |
| Disclosure                             | 38          | 15.0                  | 570       | 0.2500        | 143          | \$33.68              | \$4,799              |
| Recordkeeping                          | 38          | 15.0                  | 570       | 0.0208        | 12           | \$33.68              | \$400                |
| eFiling                                | 14          | 300.0                 | 4,200     | 0.0106        | 44           | \$33.68              | \$1,493              |
| Total                                  | 38          | 155.5                 | 5,910     | 0.0417        | 246          | \$41.89              | \$10,315             |
| <b>Additional Burden from the Rule</b> |             |                       |           |               |              |                      |                      |
| Total                                  | 38          | 110.5                 | 4,200     | 0.0108        | 45           | \$33.68              | \$1,525              |

### *Matchbooks (16 CFR part 1202)*

Matchbooks are subject to the safety standard for matchbooks (16 C.F.R. part 1202). Although the Commission has submitted previously recordkeeping burden estimates to OMB, OMB approval of this collection of information expired in 1982.

Compliance with part 1202 can be determined by examining several samples of the product to ensure, for example, that the friction plate is on the outside back cover of the matchbook and that no match head is bridged, split or crumbling. Although the time spent keeping records of compliance for each batch or lot is probably low, multiple batches or lots of each product are likely manufactured annually.

Giving previous estimates of domestic matchbook manufacturers and adjusting for changes in the



industry, staff estimates that as many as six manufacturers operate in the United States.<sup>42</sup> Although the printed covers might include a wide variety of designs, depending upon the customers, matchbooks generally come in just a few sizes, such as 20 strike, 30 strike, or 40 strike. Staff assumes for purposes of this analysis that certification is based on the broader category of matchbook size, and not on each individual matchbook cover design.

Staff estimates that there are 77 firms in the Matchbooks industry that are required to issue certificates. These firms may create 89 certificates, each one of which is a response. The burden hours from certificate creation comes to 7 hours. These same firms must keep the records supporting the certificates for a period of five years. This burden comes to 2 hours.

The firms must also furnish each certificate to retailers and distributors of the product upon request, thus there is an additional 0.25 hours (15 minutes) burden for third party disclosure. This sums to 22 hours.

Staff estimates that the number of responses for eFiling are 1,420 and the eFiling burden is 15 hours. The aggregate burden associated with the draft SNPR for Matchbooks is 47 hours and has a total cost of \$1,882. This number includes burden imposed by statute which the Matchbooks industry would bear in absence of the draft SNPR. The net burden from the draft SNPR is 15 hours and the net cost is \$510.

**Table 18: Matchbooks Burden Estimate**

| Total Burden                           | Respondents | Frequency of Response | Responses | Response Time | Burden Hours | Cost per Burden Hour | Total Cost of Burden |
|--|-------------|-----------------------|-----------|---------------|--------------|----------------------|----------------------|
| Certificates                           | 77          | 1.2                   | 89        | 0.0833        | 7            | \$76.26              | \$566                |
| Disclosure                             | 77          | 1.2                   | 89        | 0.2500        | 22           | \$33.68              | \$749                |
| Recordkeeping                          | 77          | 1.2                   | 89        | 0.0208        | 2            | \$33.68              | \$62                 |
| eFiling                                | 71          | 20.0                  | 1,420     | 0.0106        | 15           | \$33.68              | \$505                |
| Total                                  | 77          | 21.9                  | 1,687     | 0.0276        | 47           | \$40.47              | \$1,882              |
| <b>Additional Burden from the Rule</b> |             |                       |           |               |              |                      |                      |
| Total                                  | 77          | 18.4                  | 1,420     | 0.0107        | 15           | \$33.68              | \$510                |

### *Mattresses (16 CFR parts 1632 and 1633)*

Mattresses are subject to two flammability standards: (1) a smoldering ignition resistance standard codified at 16 C.F.R. part 1632, and (2) an open-flame ignition resistance standard codified at 16 C.F.R. part 1633. Parts 1632 and 1633 have comprehensive testing and recordkeeping requirements, including a three year minimum record retention requirement which the draft SNPR updates to a five-year requirement. Part 1633 has an on-product certificate requirement. The Commission previously provided a burden estimate for the recordkeeping requirements in parts 1632 and 1633 to OMB. Accordingly, here CPSC estimates the burden associated with GCCs required by

<sup>42</sup> Information about the industry was originally obtained from a website called, "The Matchcover Vault," which is a site aimed at collectors of matchbook covers. The specific URL for the industry information is <http://matchpro.org/Matchindustryhistory.html> (accessed on 01/16/2013).

section 14(g) of the CPSA and the draft SNPR.

Note that staff assumes an equal proportion (50%) of the mattress industry consists of Mattresses/Mattress pads and that of Mattress Sets. Changes to this product proportion does not change the overall burden for the industry.

### Mattresses and Mattress Pads

Staff estimates that there are 664 firms in the Mattresses and Mattress Pads industry that are required to issue certificates. These firms may create 5,966 certificates, each one of which is a response. The burden hours from certificate creation comes to 497 hours. These same firms must keep the records supporting the certificates for a period of five years. This burden comes to 124 hours.

The firms must also furnish each certificate to retailers and distributors of the product upon request, thus there is an additional 0.25 hours (15 minutes) burden for third party disclosure. This sums to 1,491 hours.

Staff estimates that the number of responses for eFiling are 19,318 and the eFiling burden is 204 hours. The aggregate burden associated with the draft SNPR for Mattresses and Mattress Pads is 2,317 hours and has a total cost of \$99,200. This number includes burden imposed by statute which the Mattresses and Mattress Pads industry would bear in absence of the draft SNPR. The net burden from the draft SNPR is 214 hours and the net cost is \$7,203.

**Table 19a: Mattresses and Mattress Pads**

| Total Burden                           | Respondents | Frequency of Response | Responses | Response Time | Burden Hours | Cost per Burden Hour | Total Cost of Burden |
|--|-------------|-----------------------|-----------|---------------|--------------|----------------------|----------------------|
| Certificates                           | 664         | 9.0                   | 5,966     | 0.0833        | 497          | \$76.26              | \$37,913             |
| Disclosure                             | 664         | 9.0                   | 5,966     | 0.2500        | 1,491        | \$33.68              | \$50,233             |
| Recordkeeping                          | 664         | 9.0                   | 5,966     | 0.0208        | 124          | \$33.68              | \$4,186              |
| eFiling                                | 164         | 117.8                 | 19,318    | 0.0106        | 204          | \$33.68              | \$6,868              |
| Total                                  | 664         | 56.0                  | 37,216    | 0.0623        | 2,317        | \$42.82              | \$99,200             |
| <b>Additional Burden from the Rule</b> |             |                       |           |               |              |                      |                      |
| Total                                  | 664         | 29.1                  | 19,318    | 0.0111        | 214          | \$33.68              | \$7,203              |

### Mattress Sets

Staff estimates that there are 664 firms in the Mattresses and Mattress Sets industry that are required to issue certificates. These firms may create 5,966 certificates, each one of which is a response. The burden hours from certificate creation comes to 497 hours. These same firms must keep the records supporting the certificates for a period of five years. This burden comes to 124 hours.

The firms must also furnish each certificate to retailers and distributors of the product upon request, thus there is an additional 0.25 hours (15 minutes) burden for third party disclosure. This sums to 1,491 hours.

Staff estimates that the number of responses for eFiling are 19,318 and the eFiling burden is 204 hours. The aggregate burden associated with the draft SNPR for Mattresses and Mattress Sets is 2,317 hours and has a total cost of \$99,200. This number includes burden imposed by statute which the Mattresses and Mattress Sets industry would bear in absence of the draft SNPR. The net burden from the draft SNPR is 214 hours and the net cost is \$7,203.

**Table 19b: Mattress Sets**

| Total Burden                           | Respondents | Frequency of Response | Responses | Response Time | Burden Hours | Cost per Burden Hour | Total Cost of Burden |
|--|-------------|-----------------------|-----------|---------------|--------------|----------------------|----------------------|
| Certificates                           | 664         | 9.0                   | 5,966     | 0.0833        | 497          | \$76.26              | \$37,913             |
| Disclosure                             | 664         | 9.0                   | 5,966     | 0.2500        | 1,491        | \$33.68              | \$50,233             |
| Recordkeeping                          | 664         | 9.0                   | 5,966     | 0.0208        | 124          | \$33.68              | \$4,186              |
| eFiling                                | 164         | 117.8                 | 19,318    | 0.0106        | 204          | \$33.68              | \$6,868              |
| Total                                  | 664         | 56.0                  | 37,216    | 0.0623        | 2,317        | \$42.82              | \$99,200             |
| <b>Additional Burden from the Rule</b> |             |                       |           |               |              |                      |                      |
| Total                                  | 664         | 29.1                  | 19,318    | 0.0111        | 214          | \$33.68              | \$7,203              |

### *Candles with Metal Core Wicks (16 CFR § 1500.17(a)(13))*

Under the Federal Hazardous Substances Act (FHSA), candles with metal core wicks that contain lead content greater than 0.06 percent of the weight of the metal core are banned. (16 C.F.R. § 1500.17(a)(13)). The outer package or wrapper of candles and candle wicks subject to the ban, meaning candles with metal core wicks and metal-cored wicks sold separately, and shipping cartons, must be labeled “Conforms to 16 CFR 1500.17(a)(13).” When the regulation was initially proposed, the proposal contained requirements that would have obligated candle manufacturers and importers to test or maintain records of testing performed by the supplier of the metal cored wicks and to label each shipping container with a statement that the candles conformed to the regulation, including a means to identify the test results applicable to that shipment of candles. 67 Fed. Reg. 20,062, 20069 (Apr. 24, 2002). Certification and recordkeeping were dropped from the final rule, but section 14(a) of the CPSA requires testing and issuance of a GCC demonstrating conformance with the regulation. 68 Fed. Reg. 19,142 (Apr. 18, 2003); 15 U.S.C. § 2063(a). Accordingly, CPSC is submitting a burden analysis for § 1500.17(a)(13) as part of the draft SNPR.

Staff estimates that there are 3,616 firms in the Metal Candle Wicks industry that are required to issue certificates. These firms may create 62,616 certificates each one of which is a response. The burden hours from certificate creation comes to 5,218 hours. These same firms must keep the records supporting the certificates for a period of five years. This burden comes to 1,304 hours.

The firms must also furnish each certificate to retailers and distributors of the product upon request, thus there is an additional 0.25 hours (15 minutes) burden for third party disclosure. This sums to 15,654 hours.

Staff estimates that the number of responses for eFiling are 52,320 and the eFiling burden is 552 hours. The aggregate burden associated with the Rule for Metal Candle Wicks is 22,729 hours and

has a total cost of \$987,687. This number includes burden imposed by statute which the Metal Candle Wicks industry would bear in absence of the draft SNPR. The net burden from the draft SNPR is 657 hours and the net cost is \$22,115.

**Table 20: Candles with Metal Core Wicks**

| Total Burden                           | Respondents | Frequency of Response | Responses | Response Time | Burden Hours | Cost per Burden Hour | Total Cost of Burden |
|--|-------------|-----------------------|-----------|---------------|--------------|----------------------|----------------------|
| Certificates                           | 3,616       | 17.3                  | 62,616    | 0.0833        | 5,218        | \$76.26              | \$397,925            |
| Disclosure                             | 3,616       | 17.3                  | 62,616    | 0.2500        | 15,654       | \$33.68              | \$527,227            |
| Recordkeeping                          | 3,616       | 17.3                  | 62,616    | 0.0208        | 1,305        | \$33.68              | \$43,936             |
| eFiling                                | 2,616       | 20.0                  | 52,320    | 0.0106        | 552          | \$33.68              | \$18,600             |
| Total                                  | 3,616       | 66.4                  | 240,168   | 0.0946        | 22,729       | \$43.46              | \$987,687            |
| <b>Additional Burden from the Rule</b> |             |                       |           |               |              |                      |                      |
| Total                                  | 3,616       | 14.5                  | 52,320    | 0.0126        | 657          | \$33.68              | \$22,115             |

The estimates above assume that all manufacturers of candles use metal wicks in some of their products. To the extent that some manufacturers do not use metal core wicks at all, these estimates could be high. On the other hand, the estimates do not include any importers of candles. To the extent that importers of candles use metal-core wicks, the estimates above would be low. The Commission requests comment on the number of Candles with Metal Core Wicks manufacturers and importers subject to the draft SNPR. The Commission also requests comment on the number of certificates each firm must produce annually.

### *Consumer Paints and Coatings (16 CFR part 1303)*

In addition to paints and coatings applied to some furniture, paints and coatings for consumers' use are also subject to the 90 parts per million (ppm) lead limit (16 C.F.R. part 1303). Exemptions to the scope of the paint lead limit include: coatings that are not intended for consumer use, agricultural and industrial products, mirrors, some metal furniture with factory-applied coatings, and artist paints. Based on prior information available from the American Coatings Association (<https://www.paint.org/about-our-industry/types-of-coatings.html>), just over 50 percent of the paints, by value, would be subject to part 1303. Products subject to part 1303 include architectural coatings and aerosol coatings. Products that are not subject to part 1303 include industrial paints, marine paints, automotive paints, and industrial maintenance coatings.<sup>43</sup>

Staff estimates that there are 912 firms in the Paints And Similar Surface Coatings Containing Lead industry that are required to issue certificates. These firms may create 15,944 certificates, each one of which is a response. The burden hours from certificate creation comes to 1,329 hours. These same firms must keep the records supporting the certificates for a period of five years. This burden

<sup>43</sup> Technically, some industrial coatings might be subject to the limits on lead in paint in part 1303 if they are applied on a consumer product. However, in these cases it would be the product manufacturer (e.g., furniture or children's product manufacturer) that would be responsible for the certification.

comes to 332 hours.

The firms must also furnish each certificate to retailers and distributors of the product upon request, thus there is an additional 0.25 hours (15 minutes) burden for third party disclosure. This sums to 3,986 hours.

Staff estimates that the number of responses for eFiling are 154,543 and the eFiling burden is 1,631 hours. The aggregate burden associated with the draft SNPR for Paints And Similar Surface Coatings Containing Lead is 7,278 hours and has a total cost of \$301,695. This number includes burden imposed by statute which the Paints And Similar Surface Coatings Containing Lead industry would bear in absence of the draft SNPR. The net burden from the draft SNPR is 1,658 hours and the net cost is \$55,837.

**Table 21: Paint and Coatings**

| Total Burden                           | Respondents | Frequency of Response | Responses | Response Time | Burden Hours | Cost per Burden Hour | Total Cost of Burden |
|--|-------------|-----------------------|-----------|---------------|--------------|----------------------|----------------------|
| Certificates                           | 912         | 17.5                  | 15,944    | 0.0833        | 1,329        | \$76.26              | \$101,321            |
| Disclosure                             | 912         | 17.5                  | 15,944    | 0.2500        | 3,986        | \$33.68              | \$134,245            |
| Recordkeeping                          | 912         | 17.5                  | 15,944    | 0.0208        | 332          | \$33.68              | \$11,187             |
| eFiling                                | 812         | 190.3                 | 154,543   | 0.0106        | 1,631        | \$33.68              | \$54,942             |
| Total                                  | 912         | 221.9                 | 202,374   | 0.0360        | 7,278        | \$41.45              | \$301,695            |
| <b>Additional Burden from the Rule</b> |             |                       |           |               |              |                      |                      |
| Total                                  | 912         | 169.5                 | 154,543   | 0.0107        | 1,658        | \$33.68              | \$55,837             |

### *Ban of Artificial Emberizing Materials Containing Asbestos (16 CFR part 1305)*

Artificial emberizing materials are used in decorative gas fireplace systems to simulate the ashes and embers in wood-burning fireplaces. The use of respirable, free-form asbestos in these products is banned by 16 C.F.R. part 1305. Not banned are emberizing materials that consist of other materials, such as vermiculite, rock wool, mica, or synthetic fibers. The emberizing materials that are not banned must be certified as not containing respirable, free-form asbestos, based on a test of each product or on a reasonable testing program. We estimate that the recordkeeping burden for recording test results and creating GCCs is about 1.5 hours per product per year.

Staff estimates that there are 17 firms in the Artificial Emberizing Materials industry that are required to issue certificates. These firms may create 68 certificates, each one of which is a response. The burden hours from certificate creation comes to 6 hours. These same firms must keep the records supporting the certificates for a period of five years. This burden comes to 1 hour.

The firms must also furnish each certificate to retailers and distributors of the product upon request, thus there is an additional 0.25 hours (15 minutes) burden for third party disclosure. This sums to 17 hours.

Staff estimates that the number of responses for eFiling are 800 and the eFiling burden is 8

hours. The aggregate burden associated with the Rule for Artificial Emberizing Materials is 33 hours and has a total cost of \$1,337. This number includes burden imposed by statute which the Artificial Emberizing Materials industry would bear in absence of the draft SNPR. The net burden from the draft SNPR is 9 hours and the net cost is \$288.

**Table 22: Artificial Emberizing Materials**

| Total Burden                           | Respondents | Frequency of Response | Responses | Response Time | Burden Hours | Cost per Burden Hour | Total Cost of Burden |
|--|-------------|-----------------------|-----------|---------------|--------------|----------------------|----------------------|
| Certificates                           | 17          | 4.0                   | 68        | 0.0833        | 6            | \$76.26              | \$432                |
| Disclosure                             | 17          | 4.0                   | 68        | 0.2500        | 17           | \$33.68              | \$573                |
| Recordkeeping                          | 17          | 4.0                   | 68        | 0.0208        | 1            | \$33.68              | \$48                 |
| eFiling                                | 10          | 80.0                  | 800       | 0.0106        | 8            | \$33.68              | \$284                |
| Total                                  | 17          | 59.1                  | 1,004     | 0.0324        | 33           | \$41.10              | \$1,337              |
| <b>Additional Burden from the Rule</b> |             |                       |           |               |              |                      |                      |
| Total                                  | 17          | 47.1                  | 800       | 0.0107        | 9            | \$33.68              | \$288                |

*Ban of Patching Compounds Containing Respirable Free-Form Asbestos (16 CFR part 1304)*

Part 1304 bans any patching compounds to which asbestos has been added deliberately as an ingredient or contained in the final product as the result of knowingly using a raw material containing asbestos. "Patching compounds" are described as being mixtures of talc, pigments, clays, casein, ground marble, mica, or other similar materials, and a binding material. Patching compounds are used to cover, seal, or mask cracks, joints, holes, and similar openings in the trim, walls, and ceilings of building interiors. They are applied in a wet form, and after drying, are sanded to a smooth finish. They are commonly referred to as "spackling," "joint compounds," and "mud." In the past, asbestos was sometimes used as the binding material.

Part 1304 does not contain a test method. However, all certifiers of patching compounds intended for consumer use must certify that asbestos has not been added intentionally as an ingredient, and that the final product does not contain asbestos as the result of knowingly using a raw material containing asbestos.

Staff estimates that there are 899 firms in the Consumer Patching Compounds industry that are required to issue certificates. These firms may create 1,012 certificates, each one of which is a response. The burden hours from certificate creation comes to 84 hours. These same firms must keep the records supporting the certificates for a period of five years. This burden comes to 21 hours.

The firms must also furnish each certificate to retailers and distributors of the product upon request, thus there is an additional 0.25 hours (15 minutes) burden for third party disclosure. This sums to 253 hours.

Staff estimates that the number of responses for eFiling are 17,280 and the eFiling burden is 182 hours. The aggregate burden associated with the draft SNPR for Consumer Patching Compounds is 541 hours and has a total cost of \$21,806. This number includes burden imposed by statute which the



Consumer Patching Compounds industry would bear in absence of the draft SNPR. The net burden from the draft SNPR is 184 hours and the net cost is \$6,200.

**Table 23: Patching Compounds that may contain Asbestos**

| Total Burden                           | Respondents | Frequency of Response | Responses | Response Time | Burden Hours | Cost per Burden Hour | Total Cost of Burden |
|--|-------------|-----------------------|-----------|---------------|--------------|----------------------|----------------------|
| Certificates                           | 899         | 1.1                   | 1,012     | 0.0833        | 84           | \$76.26              | \$6,431              |
| Disclosure                             | 899         | 1.1                   | 1,012     | 0.2500        | 253          | \$33.68              | \$8,521              |
| Recordkeeping                          | 899         | 1.1                   | 1,012     | 0.0208        | 21           | \$33.68              | \$710                |
| eFiling                                | 864         | 20.0                  | 17,280    | 0.0106        | 182          | \$33.68              | \$6,143              |
| Total                                  | 899         | 22.6                  | 20,316    | 0.0266        | 541          | \$40.32              | \$21,806             |
| <b>Additional Burden from the Rule</b> |             |                       |           |               |              |                      |                      |
| Total                                  | 899         | 19.2                  | 17,280    | 0.0107        | 184          | \$33.68              | \$6,200              |

### *Furniture (16 CFR parts 1303 and 1213)*

General use furniture, which is furniture that is not designed or primarily intended for children 12 years of age or younger, is subject to the rule banning the use of lead paint in excess of 90 parts per million (ppm) (16 C.F.R. part 1303). General use bunk beds are also subject to a standard intended to reduce entrapment hazards (16 C.F.R. part 1213). Neither of these rules has explicit recordkeeping or certification requirements, and no recordkeeping burden estimates have previously been submitted to OMB. Furniture subject to parts 1303 and 1213 must be certified as compliant, based on a test of each product, or on a reasonable testing program pursuant to section 14(a)(1) of the CPSA.<sup>44</sup>

### *16 CFR part 1303 – painted furniture*

Staff estimates that there are 1,467 firms in the Furniture industry that are required to issue certificates for part 1303. These firms may create 332,608 certificates, each one of which is a response. The burden hours from certificate creation comes to 27,717 hours. These same firms must keep the records supporting the certificates for a period of five years. This burden comes to 6,929 hours.

The firms must also furnish each certificate to retailers and distributors of the product upon request, thus there is an additional 0.25 hours (15 minutes) burden for third party disclosure. This sums to 83,152 hours.

Staff estimates that the number of responses for eFiling are 5,402,165 and the eFiling burden is 57,023 hours. The aggregate burden associated with the draft SNPR for Furniture (part 1303) is 174,822 hours and has a total cost of \$7,068,197. This number includes burden imposed by statute which the Furniture (Paint & Entrapment) industry would bear in absence of the draft SNPR. The net burden from the draft SNPR is 57,577 hours and the net cost is \$1,939,200.

<sup>44</sup> The 2013 NPR estimated 125,000 total models of furniture requiring a certificate to comply with part 1303. Staff updates this figure to reflect industry growth. The 2013 NPR estimated 600 models of bunk beds. Staff updates this estimate to reflect numerous importers that may be subject to a certificate requirement.

**Table 24a: Furniture – Lead Paint**

| Total Burden                           | Respondents | Frequency of Response | Responses | Response Time | Burden Hours | Cost per Burden Hour | Total Cost of Burden |
|--|-------------|-----------------------|-----------|---------------|--------------|----------------------|----------------------|
| Certificates                           | 1,467       | 226.7                 | 332,608   | 0.0833        | 27,717       | \$76.26              | \$2,113,725          |
| Disclosure                             | 1,467       | 226.7                 | 332,608   | 0.2500        | 83,152       | \$33.68              | \$2,800,561          |
| Recordkeeping                          | 1,467       | 226.7                 | 332,608   | 0.0208        | 6,929        | \$33.68              | \$233,380            |
| eFiling                                | 1,092       | 4,947.0               | 5,402,165 | 0.0106        | 57,023       | \$33.68              | \$1,920,530          |
| Total                                  | 1,467       | 4,362.6               | 6,399,990 | 0.0273        | 174,822      | \$40.43              | \$7,068,197          |
| <b>Additional Burden from the Rule</b> |             |                       |           |               |              |                      |                      |
| Total                                  | 1,467       | 3,682.5               | 5,402,165 | 0.0107        | 57,577       | \$33.68              | \$1,939,200          |

**16 CFR part 1213 – Bunk beds**

Staff estimates that there are 2,126 firms in the Bunk Beds industry that are required to issue certificates. These firms may create 2,376 certificates, each one of which is a response. The burden hours from certificate creation comes to 198 hours. These same firms must keep the records supporting the certificates for a period of five years. This burden comes to 50 hours.

The firms must also furnish each certificate to retailers and distributors of the product upon request, thus there is an additional 0.25 hours (15 minutes) burden for third party disclosure. This sums to 594 hours.

Staff estimates that the number of responses for eFiling are 41,520 and the eFiling burden is 438 hours. The aggregate burden associated with the Rule for Bunk Beds is 1,280 hours and has a total cost of \$51,533. This number includes burden imposed by statute which the Bunk Beds industry would bear in absence of the draft SNPR. The net burden from the draft SNPR is 442 hours and the net cost is \$14,894.

**Table 24b: Furniture Entrapment (Bunk Beds)**

| Total Burden                           | Respondents | Frequency of Response | Responses | Response Time | Burden Hours | Cost per Burden Hour | Total Cost of Burden |
|--|-------------|-----------------------|-----------|---------------|--------------|----------------------|----------------------|
| Certificates                           | 2,126       | 1.1                   | 2,376     | 0.0833        | 198          | \$76.26              | \$15,099             |
| Disclosure                             | 2,126       | 1.1                   | 2,376     | 0.2500        | 594          | \$33.68              | \$20,006             |
| Recordkeeping                          | 2,126       | 1.1                   | 2,376     | 0.0208        | 50           | \$33.68              | \$1,667              |
| eFiling                                | 2,076       | 20.0                  | 41,520    | 0.0106        | 438          | \$33.68              | \$14,761             |
| Total                                  | 2,126       | 22.9                  | 48,648    | 0.0263        | 1,280        | \$40.27              | \$51,533             |
| <b>Additional Burden from the Rule</b> |             |                       |           |               |              |                      |                      |
| Total                                  | 2,126       | 19.5                  | 41,520    | 0.0107        | 442          | \$33.68              | \$14,894             |



CPSC invites comment on the number of manufacturers and importers issuing part 1213 GCCs for Bunk Beds as well as the number of annual GCCs each firm must issue.

### *Pools and Spas (16 CFR part 1450)*

All pool and spa drain covers must meet the requirements of the Virginia Graeme Baker Pool and Spa Safety Act (VGB Act), which is codified at 16 C.F.R. part 1450. The Commission has not previously estimated a recordkeeping burden associated with testing and certifying drain covers subject to part 1450. Accordingly, Staff estimates the burden to document a reasonable testing program for drain covers and to create the required GCC.

Staff estimates that there are 2,647 firms in the VGB Act industry that are required to issue certificates. These firms may create 2,771 certificates, each one of which is a response. The burden hours from certificate creation comes to 231 hours. These same firms must keep the records supporting the certificates for a period of five years. This burden comes to 58 hours.

The firms must also furnish each certificate to retailers and distributors of the product upon request, thus there is an additional 0.25 hours (15 minutes) burden for third party disclosure. This sums to 693 hours.

Staff estimates that the number of responses for eFiling are 52,700 and the eFiling burden is 556 hours. The aggregate burden associated with the draft SNPR for VGB Act is 1,538 hours and has a total cost of \$61,621. This number includes burden imposed by statute which the VGB Act industry would bear in absence of the draft SNPR. The net burden from the draft SNPR is 561 hours and the net cost is \$18,891.

**Table 25: Pool and Spa**

| Total Burden                           | Respondents | Frequency of Response | Responses | Response Time | Burden Hours | Cost per Burden Hour | Total Cost of Burden |
|--|-------------|-----------------------|-----------|---------------|--------------|----------------------|----------------------|
| Certificates                           | 2,647       | 1.0                   | 2,771     | 0.0833        | 231          | \$76.26              | \$17,610             |
| Disclosure                             | 2,647       | 1.0                   | 2,771     | 0.2500        | 693          | \$33.68              | \$23,332             |
| Recordkeeping                          | 2,647       | 1.0                   | 2,771     | 0.0208        | 58           | \$33.68              | \$1,944              |
| eFiling                                | 2,635       | 20.0                  | 52,700    | 0.0106        | 556          | \$33.68              | \$18,735             |
| Total                                  | 2,647       | 23.0                  | 61,013    | 0.0252        | 1,538        | \$40.07              | \$61,621             |
| <b>Additional Burden from the Rule</b> |             |                       |           |               |              |                      |                      |
| Total                                  | 2,647       | 19.9                  | 52,700    | 0.0106        | 561          | \$33.68              | \$18,891             |

### *Portable Fuel Containers*

The Portable Fuel Container Safety Act (PFCSA) requires the Commission to promulgate a final rule to require flame mitigation devices in portable fuel containers that impede the propagation of flame into the container. The PFCSA further provides that the Commission can instead determine that an existing voluntary standard for flame mitigation devices meets the intent of the PFCSA. The Commission determined that ASTM F3429/F3429M-20, ASTM F3326-21, and section 18 of UL 30:2022 meet the intent of PFSCA. 88 Fed. Reg. 2,206 (July 12, 2023). Pursuant to the PFCSA, voluntary

standards determined by the Commission to meet the intent of the PFSCA are considered a mandatory standard promulgated by the Commission, which are required to be tested and certified. 88 Fed. Reg. 2,210.

Staff estimates that there are 198 firms in the Portable Fuel Containers industry that are required to issue certificates. These firms may create 411 certificates, each one of which is a response. The burden hours from certificate creation comes to 34 hours. These same firms must keep the records supporting the certificates for a period of five years. This burden comes to 9 hours.

The firms must also furnish each certificate to retailers and distributors of the product upon request, thus there is an additional 0.25 hours (15 minutes) burden for third party disclosure. This sums to 103 hours.

Staff estimates that the number of responses for eFiling are 7,720 and the eFiling burden is 81 hours. The aggregate burden associated with the draft SNPR for Portable Fuel Containers is 227 hours and has a total cost of \$9,105. This number includes burden imposed by statute which the Portable Fuel Containers industry would bear in absence of the draft SNPR. The net burden from the draft SNPR is 82 hours and the net cost is \$2,768.

**Table 26. Portable Fuel Containers**

| Total Burden                           | Respondents | Frequency of Response | Responses | Response Time | Burden Hours | Cost per Burden Hour | Total Cost of Burden |
|--|-------------|-----------------------|-----------|---------------|--------------|----------------------|----------------------|
| Certificates                           | 198         | 2.1                   | 411       | 0.0833        | 34           | \$76.26              | \$2,612              |
| Disclosure                             | 198         | 2.1                   | 411       | 0.2500        | 103          | \$33.68              | \$3,461              |
| Recordkeeping                          | 198         | 2.1                   | 411       | 0.0208        | 9            | \$33.68              | \$288                |
| eFiling                                | 193         | 40.0                  | 7,720     | 0.0106        | 81           | \$33.68              | \$2,745              |
| Total                                  | 198         | 45.2                  | 8,953     | 0.0254        | 227          | \$40.10              | \$9,105              |
| <b>Additional Burden from the Rule</b> |             |                       |           |               |              |                      |                      |
| Total                                  | 198         | 39.0                  | 7,720     | 0.0106        | 82           | \$33.68              | \$2,768              |

### *Portable Gasoline, Kerosene, and Diesel Fuel Containers*

Enacted in 2008, the Children's Gasoline Burn Prevention Act (CGBPA) requires portable gasoline containers to conform to ASTM F2517. The Portable Fuel Container Safety Act of 2020 (PFCSA) amended the CGBPA to include portable containers of kerosene and diesel fuel. These requirements are codified at 16 C.F.R. part 1460. 16 C.F.R. § 1460.3 and states:

each portable gasoline container manufactured on or after December 22, 2022 for sale in the United States shall conform to the child-resistance requirements for closures on portable gasoline containers specified in sections 2 through 7 of ASTM F2517–22e1.

Staff estimates that there are 198 firms in the Portable Gasoline, Kerosene, Diesel Fuel Container industry that are required to issue certificates. These firms may create 411 certificates, each one of which is a response. The burden hours from certificate creation comes to 34 hours. These same firms must keep the records supporting the certificates for a period of five years. This burden comes to 9

hours.

The firms must also furnish each certificate to retailers and distributors of the product upon request, thus there is an additional 0.25 hours (15 minutes) burden for third party disclosure. This sums to 103 hours.

Staff estimates that the number of responses for eFiling are 7,720 and the eFiling burden is 81 hours. The aggregate burden associated with the draft SNPR for Portable Gasoline, Kerosene, Diesel Fuel Container is 227 hours and has a total cost of \$9,105. This number includes burden imposed by statute which the Portable Gasoline, Kerosene, Diesel Fuel Container industry would bear in absence of the draft SNPR. The net burden from the draft SNPR is 82 hours and the net cost is \$2,768.

**Table 27. Portable Gasoline, Kerosene, and Diesel Fuel Containers**

| Total Burden                           | Respondents | Frequency of Response | Responses | Response Time | Burden Hours | Cost per Burden Hour | Total Cost of Burden |
|--|-------------|-----------------------|-----------|---------------|--------------|----------------------|----------------------|
| Certificates                           | 198         | 2.1                   | 411       | 0.0833        | 34           | \$76.26              | \$2,612              |
| Disclosure                             | 198         | 2.1                   | 411       | 0.2500        | 103          | \$33.68              | \$3,461              |
| Recordkeeping                          | 198         | 2.1                   | 411       | 0.0208        | 9            | \$33.68              | \$288                |
| eFiling                                | 193         | 40.0                  | 7,720     | 0.0106        | 81           | \$33.68              | \$2,745              |
| Total                                  | 198         | 45.2                  | 8,953     | 0.0254        | 227          | \$40.10              | \$9,105              |
| <b>Additional Burden from the Rule</b> |             |                       |           |               |              |                      |                      |
| Total                                  | 198         | 39.0                  | 7,720     | 0.0106        | 82           | \$33.68              | \$2,768              |

### *Walk-Behind Power Lawn Mowers (16 CFR part 1205)*

Walk behind power lawn mowers are subject to the safety standard for walk-behind power lawn mowers (16 C.F.R. part 1205). Part 1205 prescribes certain testing and recordkeeping requirements, including records of a reasonable testing program and certificates which are on-product labels. Such labels do not require the same content information required by section 14(g) of the CPSA and the draft SNPR. Burden estimates for part 1205 have been submitted to OMB previously.<sup>45</sup> Thus, here we estimate only the increased burden of creating GCCs with all of the required information.

Staff estimates that there are 140 firms in the Power Mowers industry that are required to issue certificates. These firms may create 972 certificates, each one of which is a response. The burden hours from certificate creation comes to 81 hours. These same firms must keep the records supporting the certificates for a period of five years. This burden comes to 20 hours.

The firms must also furnish each certificate to retailers and distributors of the product upon request, thus there is an additional 0.25 hours (15 minutes) burden for third party disclosure. This sums to 243 hours.

Staff estimates that the number of responses for eFiling are 18,865 and the eFiling burden is 199

<sup>45</sup> Staff submitted estimates in 2022 for OMB-3041-0091 counts 29 firms. CPSC updates this figure and adds 111 importers possibly subject to part 1205. [https://www.reginfo.gov/public/do/PRAViewICR?ref\\_nbr=202208-3041-005](https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202208-3041-005)

hours. The aggregate burden associated with the draft SNPR for Power Mowers is 543 hours and has a total cost of \$21,754. This number includes burden imposed by statute which the Power Mowers industry would bear in absence of the draft SNPR. The net burden from the draft SNPR is 201 hours and the net cost is \$6,761.

**Table 28: Walk-Behind Power Lawn Mowers**

| Total Burden                           | Respondents | Frequency of Response | Responses | Response Time | Burden Hours | Cost per Burden Hour | Total Cost of Burden |
|--|-------------|-----------------------|-----------|---------------|--------------|----------------------|----------------------|
| Certificates                           | 140         | 6.9                   | 972       | 0.0833        | 81           | \$76.26              | \$6,179              |
| Disclosure                             | 140         | 6.9                   | 972       | 0.2500        | 243          | \$33.68              | \$8,186              |
| Recordkeeping                          | 140         | 6.9                   | 972       | 0.0208        | 20           | \$33.68              | \$682                |
| eFiling                                | 111         | 170.0                 | 18,865    | 0.0106        | 199          | \$33.68              | \$6,707              |
| Total                                  | 140         | 155.6                 | 21,782    | 0.0250        | 543          | \$40.03              | \$21,754             |
| <b>Additional Burden from the Rule</b> |             |                       |           |               |              |                      |                      |
| Total                                  | 140         | 134.8                 | 18,865    | 0.0106        | 201          | \$33.68              | \$6,761              |

### *Refrigerators (16 CFR part 1750)*

Refrigerators are subject to the Refrigerator Safety Act, which requires that household refrigerator doors be able to be opened from the inside, codified at 16 C.F.R. part 1750. Part 1750 contains a test procedure but does not contain specific recordkeeping or retention requirements. Regardless of the lack of specific recordkeeping requirements, most manufacturers likely keep records demonstrating compliance with part 1750. Because of the lack of recordkeeping requirements in part 1750, staff estimates the burden to record results of a reasonable testing program and to create a GCC.

The Commission issued an enforcement discretion in 2019 that will not enforce the requirement to issue a GCC for refrigerators if the product meets voluntary standards and displays an appropriate safety certification mark indicating compliance. Staff estimates that 95% of refrigerators will meet this voluntary standard, because the standard has been widely adopted by states and local jurisdictions. Therefore, the majority of refrigerators do not need to require a GCC.<sup>46</sup>

Staff estimates that there are 160 firms in the Refrigerator Doors industry that are required to issue certificates. These firms may create 325 certificates, each one of which is a response. The burden hours from certificate creation comes to 27 hours. These same firms must keep the records supporting the certificates for a period of five years. This burden comes to 7 hours.

The firms must also furnish each certificate to retailers and distributors of the product upon request, thus there is an additional 0.25 hours (15 minutes) burden for third party disclosure. This sums to 81 hours.

Staff estimates that the number of responses for eFiling are 3,710 and the eFiling burden is 39

<sup>46</sup> Statement of Policy on Enforcement Discretion Regarding General Conformity Certificates for the Requirements of the Refrigerator Safety Act. <https://www.federalregister.gov/documents/2019/08/02/2019-16517/statement-of-policy-on-enforcement-discretion-regarding-general-conformity-certificates-for-the>

hours. The aggregate burden associated with the draft SNPR for Refrigerator Doors is 154 hours and has a total cost of \$6,356. This number includes burden imposed by statute which the Refrigerator Doors industry would bear in absence of the draft SNPR. The net burden from the draft SNPR is 40 hours and the net cost is \$1,337.

**Table 29: Refrigerator Doors**

| Total Burden                           | Respondents | Frequency of Response | Responses | Response Time | Burden Hours | Cost per Burden Hour | Total Cost of Burden |
|--|-------------|-----------------------|-----------|---------------|--------------|----------------------|----------------------|
| Certificates                           | 160         | 2.0                   | 325       | 0.0833        | 27           | \$76.26              | \$2,068              |
| Disclosure                             | 160         | 2.0                   | 325       | 0.2500        | 81           | \$33.68              | \$2,740              |
| Recordkeeping                          | 160         | 2.0                   | 325       | 0.0208        | 7            | \$33.68              | \$228                |
| eFiling                                | 140         | 26.5                  | 3,710     | 0.0106        | 39           | \$33.68              | \$1,319              |
| Total                                  | 160         | 29.3                  | 4,686     | 0.0330        | 154          | \$41.16              | \$6,356              |
| <b>Additional Burden from the Rule</b> |             |                       |           |               |              |                      |                      |
| Total                                  | 160         | 23.2                  | 3,710     | 0.0107        | 40           | \$33.68              | \$1,337              |

*Ban of Unstable Refuse Bins (16 CFR part 1301)*

The rule banning unstable refuse bins (16 C.F.R. part 1301) applies to metal refuse bins having an internal volume of one cubic yard or greater, which are produced or distributed for the personal use of consumers for in or around a residence, school, in recreation, or otherwise. If such a bin will tip when tested according to the method described in the rule, it is banned. If it does not tip, it must be so certified, based upon a reasonable test program, or a test of each product. Although part 1301 contains test criteria, it does not contain specific recordkeeping provisions. The draft SNPR requires five years of recordkeeping. Accordingly, CPSC had not previously submitted a burden estimate to OMB regarding part 1301. A very small subset of refuse bins are not subject to the rule. CPSC staff was unable to find any metal refuse bin that met the criteria for exclusion from part 1301.

Staff estimates that there are 2,427 firms in the Refuse Bins industry that are required to issue certificates. These firms may create 2,765 certificates, each one of which is a response. The burden hours from certificate creation comes to 230 hours. These same firms must keep the records supporting the certificates for a period of five years. This burden comes to 58 hours.

The firms must also furnish each certificate to retailers and distributors of the product upon request, thus there is an additional 0.25 hours (15 minutes) burden for third party disclosure. This sums to 691 hours.

Staff estimates that the number of responses for eFiling are 48,140 and the eFiling burden is 508 hours. The aggregate burden associated with the draft SNPR for Refuse Bins is 1,487 hours and has a total cost of \$59,907. This number includes burden imposed by statute which the Refuse Bins industry would bear in absence of the draft SNPR. The net burden from the draft SNPR is 513 hours and the net cost is \$17,270.

**Table 30: Unstable Refuse Bins**

| Total Burden                           | Respondents | Frequency of Response | Responses | Response Time | Burden Hours | Cost per Burden Hour | Total Cost of Burden |
|--|-------------|-----------------------|-----------|---------------|--------------|----------------------|----------------------|
| Certificates                           | 2,427       | 1.1                   | 2,765     | 0.0833        | 230          | \$76.26              | \$17,572             |
| Disclosure                             | 2,427       | 1.1                   | 2,765     | 0.2500        | 691          | \$33.68              | \$23,281             |
| Recordkeeping                          | 2,427       | 1.1                   | 2,765     | 0.0208        | 58           | \$33.68              | \$1,940              |
| eFiling                                | 2,407       | 20.0                  | 48,140    | 0.0106        | 508          | \$33.68              | \$17,114             |
| Total                                  | 2,427       | 23.3                  | 56,435    | 0.0264        | 1,487        | \$40.28              | \$59,907             |
| <b>Additional Burden from the Rule</b> |             |                       |           |               |              |                      |                      |
| Total                                  | 2,427       | 19.8                  | 48,140    | 0.0107        | 513          | \$33.68              | \$17,270             |

*Poison Prevention Packaging Act (16 CFR part 1700)*

The Commission enforces the Poison Prevention Packaging Act (PPPA), which requires special packaging for some hazardous products to reduce the risk of children under five years of age from accidentally coming into contact with, or ingesting the product, but still allows seniors the ability to access their medication. The Commission has identified more than 30 products in part 1700 to be in special packaging. Products requiring special packaging include: all oral prescription drugs, oral prescription drugs that have been switched from requiring a prescription to being available for sale over-the-counter (OTC), many types of OTC drug products and preparations, some personal care products (including baby oil and many mouthwashes), and some hazardous household products (including many drain openers, furniture polishes, kindling and illuminating preparations, methanol, and kerosene). The full list of substances that require special packaging is codified at 16 C.F.R. § 1700.14.

The finished product certifier that must issue a GCC is the importer or the domestic party that packages a PPPA regulated substance in special packaging. Each distinct product subject to the PPPA must be covered by a GCC. For example, if a company sells a regulated OTC drug in four different types of special packaging, the company might require four different GCCs to cover each package type. A GCC is required for each type of child-resistant packaging. Child resistance and senior use effectiveness of each special package type must be established by testing with panels of children and adults according to the protocols codified at 16 C.F.R. § 1700.20, the results of which must be documented and support certificate production as estimated by the draft SNPR.

A regulatory summary of the PPPA on the CPSC's website that was prepared by Commission staff states:

The importer or the domestic party that packages a PPPA regulated substance in special packaging must issue the general conformity certificate. The child resistance and senior friendly testing data (also known as protocol data) obtained in accordance with the procedures described under 16 CFR 1700.20 may be used by the importer or domestic packager to support its certification. The packager can rely upon this data as the basis for the reasonable testing program. There is no expiration date on these tests and no requirement to retest so long as the tests adequately reflect the current packaging used.



<https://www.cpsc.gov/en/Regulations-Laws--Standards/Statutes/Poison-Prevention-Packaging-Act/>.

This means that a manufacturer of a PPPA-regulated product can rely on test data provided by the package manufacturer. Finished product certifiers that rely on another party's testing or certification to issue a finished product certificate must follow the Component Part Rule, 16 C.F.R. part 1109.

Furthermore, each package does not have to be retested at regular intervals. Testing will generally occur only when a change is made to an existing package that could affect its compliance or a new package is introduced. Sometimes the manufacturer or packager of the final product (*i.e.*, the drug or household substance) will conduct its own compliance testing to ensure that its products meet the requirements of the PPPA. Likewise, the GCCs might not need to be revised or reissued at regular intervals. Manufacturers of a product regulated under the PPPA may be able to rely upon the same GCC for a product until it changes the package or the certification or testing of the package changes.

Staff estimates that there are 1,310 firms in the PPPA industry that are required to issue certificates. These firms may create 220,535 certificates, each one of which is a response. The burden hours from certificate creation comes to 18,378 hours. These same firms must keep the records supporting the certificates for a period of five years. This burden comes to 4,594 hours.

The firms must also furnish each certificate to retailers and distributors of the product thus there is an additional 0.25 hours (15 minutes) burden for third party disclosure. This sums to 55,134 hours.

Staff estimates that the number of responses for eFiling are 1,410,691 and the eFiling burden is 14,891 hours. The aggregate burden associated with the draft SNPR for PPPA is 92,997 hours and has a total cost of \$3,914,656. This number includes burden imposed by statute which the PPPA industry would bear in absence of the draft SNPR. The net burden from the draft SNPR is 15,258 hours and the net cost is \$513,896.

**Table 31: Special Packaging (PPPA)**

| Total Burden                           | Respondents | Frequency of Response | Responses | Response Time | Burden Hours | Cost per Burden Hour | Total Cost of Burden |
|--|-------------|-----------------------|-----------|---------------|--------------|----------------------|----------------------|
| Certificates                           | 1,310       | 168.3                 | 220,535   | 0.0833        | 18,378       | \$76.26              | \$1,401,497          |
| Disclosure                             | 1,310       | 168.3                 | 220,535   | 0.2500        | 55,134       | \$33.68              | \$1,856,901          |
| Recordkeeping                          | 1,310       | 168.3                 | 220,535   | 0.0208        | 4,594        | \$33.68              | \$154,742            |
| eFiling                                | 310         | 4,550.6               | 1,410,691 | 0.0106        | 14,891       | \$33.68              | \$501,516            |
| Total                                  | 1,310       | 1,581.9               | 2,072,295 | 0.0449        | 92,997       | \$42.09              | \$3,914,656          |
| <b>Additional Burden from the Rule</b> |             |                       |           |               |              |                      |                      |
| Total                                  | 1,310       | 1,076.9               | 1,410,691 | 0.0108        | 15,258       | \$33.68              | \$513,896            |

The Commission requests information on the number of manufacturers and importers subject to Special Packaging PPPA requirements and the number of responses those firms must make annually.

### *Swimming Pool Slides (16 CFR part 1207)*

Swimming pool slides are subject to the safety standard for swimming pool slides (16 C.F.R. part 1207). Part 1207 includes requirements for testing swimming pools slides and for issuing a certificate

based on a reasonable testing program, but no record retention period is provided. The certificate required in the rule contains fewer data elements than required by section 14(g) of the CPSA and the 1110 rule. Staff estimates the burden for recording test results for a reasonable testing program on which the GCC relies and for creating a GCC.<sup>47</sup>

Staff estimates that there are 910 firms in the Swimming Pool Slides industry that are required to issue certificates. These firms may create 1,006 certificates, each one of which is a response. The burden hours from certificate creation comes to 84 hours. These same firms must keep the records supporting the certificates for a period of five years. This burden comes to 21 hours.

The firms must also furnish each certificate to retailers and distributors of the product upon request, thus there is an additional 0.25 hours (15 minutes) burden for third party disclosure. This sums to 252 hours.

Staff estimates that the number of responses for eFiling are 17,720 and the eFiling burden is 187 hours. The aggregate burden associated with the draft SNPR for Swimming Pool Slides is 543 hours and has a total cost of \$21,869. This number includes burden imposed by statute which the Swimming Pool Slides industry would bear in absence of the draft SNPR. The net burden from the draft SNPR is 189 hours and the net cost is \$6,356.

**Table 32: Swimming Pool Slides**

| Total Burden                           | Respondents | Frequency of Response | Responses | Response Time | Burden Hours | Cost per Burden Hour | Total Cost of Burden |
|--|-------------|-----------------------|-----------|---------------|--------------|----------------------|----------------------|
| Certificates                           | 910         | 1.1                   | 1,006     | 0.0833        | 84           | \$76.26              | \$6,393              |
| Disclosure                             | 910         | 1.1                   | 1,006     | 0.2500        | 252          | \$33.68              | \$8,471              |
| Recordkeeping                          | 910         | 1.1                   | 1,006     | 0.0208        | 21           | \$33.68              | \$706                |
| eFiling                                | 886         | 20.0                  | 17,720    | 0.0106        | 187          | \$33.68              | \$6,300              |
| Total                                  | 910         | 22.8                  | 20,738    | 0.0262        | 543          | \$40.25              | \$21,869             |
| <b>Additional Burden from the Rule</b> |             |                       |           |               |              |                      |                      |
| Total                                  | 910         | 19.5                  | 17,720    | 0.0107        | 189          | \$33.68              | \$6,356              |

### *Toy and Imitation Firearms*

The toy and imitation firearms rule, codified at 15 U.S.C. § 5001, prohibits any person to manufacture, enter into commerce, ship, transport, or receive any toy, look-alike, or imitation firearm unless such firearm contains, or has affixed to it, a marking approved by the CPSC, as provided in subsection (b). Subsection B exempts imitation firearms with distinctive marking or device and those with an exception, waiver, or adjustments.

Staff estimates that there are 1,429 firms in the Toy, Look-Alike, And Imitation Firearms industry

<sup>47</sup> The 2013 NPR estimated 110 total models. This figure is updated to include importers that may be subject to part 1207. Staff assumes each importer on average will have one product subject to 1107. The total responses may be an overestimation.



that are required to issue certificates. These firms may create 7,145 certificates, each one of which is a response. The burden hours from certificate creation comes to 595 hours. These same firms must keep the records supporting the certificates for a period of five years. This burden comes to 149 hours.

The firms must also furnish each certificate to retailers and distributors of the product upon request, thus there is an additional 0.25 hours (15 minutes) burden for third party disclosure. This sums to 1,786 hours.

Staff estimates that the number of responses for eFiling are 99,200 and the eFiling burden is 1,047 hours. The aggregate burden associated with the draft SNPR for Toy, Look-Alike, And Imitation Firearms is 3,578 hours and has a total cost of \$145,847. This number includes burden imposed by statute which the Toy, Look-Alike, And Imitation Firearms industry would bear in absence of the draft SNPR. The net burden from the draft SNPR is 1,059 hours and the net cost is \$35,668.

**Table 33: Toy and Imitation Firearms**

| Total Burden                           | Respondents | Frequency of Response | Responses | Response Time | Burden Hours | Cost per Burden Hour | Total Cost of Burden |
|--|-------------|-----------------------|-----------|---------------|--------------|----------------------|----------------------|
| Certificates                           | 1,429       | 5.0                   | 7,145     | 0.0833        | 595          | \$76.26              | \$45,406             |
| Disclosure                             | 1,429       | 5.0                   | 7,145     | 0.2500        | 1,786        | \$33.68              | \$60,161             |
| Recordkeeping                          | 1,429       | 5.0                   | 7,145     | 0.0208        | 149          | \$33.68              | \$5,013              |
| eFiling                                | 992         | 100.0                 | 99,200    | 0.0106        | 1,047        | \$33.68              | \$35,267             |
| Total                                  | 1,429       | 84.4                  | 120,635   | 0.0297        | 3,578        | \$40.77              | \$145,847            |
| <b>Additional Burden from the Rule</b> |             |                       |           |               |              |                      |                      |
| Total                                  | 1,429       | 69.4                  | 99,200    | 0.0107        | 1,059        | \$33.68              | \$35,668             |

### *Clothing and Apparel (16 CFR parts 1610 and 1611)*

Two standards apply to clothing and apparel that are intended to classify fabrics according to their burning rate and prohibit the introduction of dangerously flammable goods into commerce: (1) standard for the flammability of clothing textiles (16 C.F.R. part 1610), and (2) standard for the flammability of vinyl plastic film (16 C.F.R. part 1611). Parts 1610 and 1611 set forth test requirements and recordkeeping requirements for issuing guaranties, not certificates. Both rules contain a three year record retention period. Staff previously provided estimates of the recordkeeping burden for parts 1610 and 1611 to OMB. Although the certificate requirement in section 14 may be based on the testing required in the rules, creating a GCC is an additional recordkeeping burden. Here, staff estimates the time required to create the required GCC which includes an updated five-year record keeping requirement.

### *Flammability of clothing textiles*

Note that certain hats, gloves, footwear, and interlining fabrics are excluded from the scope of part 1610, as set forth in § 1610.1(c). No certificate is required for apparel that is not subject to part

1610 or, pursuant to a Commission enforcement discretion policy,<sup>48</sup> for adult wearing apparel that meets one of the exemptions in § 1610.1(d)(1) or § 1610.1(d)(2). Many fabrics are within the scope of part 1610, but are exempt from testing because they meet the standard based on construction and fabric weight, or fiber content, regardless of construction or fabric weight, as set forth in § 1610.1(d). Staff estimates that 70% of apparel meet one of the two exemptions. This estimate is based on staff's experience with reviewing adult wearing apparel for compliance.

Staff estimates that there are 862 firms in the Clothing and Apparel industry that are required to issue certificates. These firms may create 92,631 certificates, each one of which is a response. The burden hours from certificate creation comes to 7,719 hours. These same firms must keep the records supporting the certificates for a period of five years. This burden comes to 1,930 hours.

The firms must also furnish each certificate to retailers and distributors of the product upon request, thus there is an additional 0.25 hours (15 minutes) burden for third party disclosure. This sums to 23,158 hours.

Staff estimates that the number of responses for eFiling are 1,834,622 and the eFiling burden is 19,365 hours. The aggregate burden associated with the draft SNPR for Clothing and Apparel is 52,172 hours and has a total cost of \$2,085,849. This number includes burden imposed by statute which the Clothing and Apparel industry would bear in absence of the draft SNPR. The net burden from the draft SNPR is 19,520 hours and the net cost is \$657,428.

**Table 34a: Clothing and Apparel**

| Total Burden                           | Respondents | Frequency of Response | Responses | Response Time | Burden Hours | Cost per Burden Hour | Total Cost of Burden |
|--|-------------|-----------------------|-----------|---------------|--------------|----------------------|----------------------|
| Certificates                           | 862         | 107.5                 | 92,631    | 0.0833        | 7,719        | \$76.26              | \$588,671            |
| Disclosure                             | 862         | 107.5                 | 92,631    | 0.2500        | 23,158       | \$33.68              | \$779,954            |
| Recordkeeping                          | 862         | 107.5                 | 92,631    | 0.0208        | 1,930        | \$33.68              | \$64,996             |
| eFiling                                | 712         | 2,577.6               | 1,834,622 | 0.0106        | 19,365       | \$33.68              | \$652,229            |
| Total                                  | 862         | 2,451.4               | 2,112,515 | 0.0247        | 52,172       | \$39.98              | \$2,085,849          |
| <b>Additional Burden from the Rule</b> |             |                       |           |               |              |                      |                      |
| Total                                  | 862         | 2,128.9               | 1,834,622 | 0.0106        | 19,520       | \$33.68              | \$657,428            |

### Vinyl Plastic Film

The regulation for vinyl plastic film is codified in 16 C.F.R. part 1611.

Staff estimates that there are 287 firms in the Vinyl Plastic Film industry that are required to issue certificates. These firms may create 102,923 certificates, each one of which is a response. The burden hours from certificate creation comes to 8,577 hours. These same firms must keep the records

<sup>48</sup> In 2016, the Commission issued enforcement discretion stating that no certificate is required for adult wearing apparel that falls within one of the exemptions in 1610.1(d). <https://www.federalregister.gov/documents/2016/03/10/2016-04533/statement-of-policy-on-enforcement-discretion-regarding-general-conformity-certificates-for-adult>

supporting the certificates for a period of five years. This burden comes to 2,144 hours.

The firms must also furnish each certificate to retailers and distributors of the product upon request, thus there is an additional 0.25 hours (15 minutes) burden for third party disclosure. This sums to 25,731 hours.

Staff estimates that the number of responses for eFiling are 305,770 and the eFiling burden is 21,517 hours. The aggregate burden associated with the draft SNPR for Vinyl Plastic Film is 57,969 hours and has a total cost of \$2,317,610. This number includes burden imposed by statute which the Vinyl Plastic Film industry would bear in absence of the draft SNPR. The net burden from the draft SNPR is 21,689 hours and the net cost is \$730,476.

**Table 34b: Vinyl Plastic Film**

| Total Burden                           | Respondents | Frequency of Response | Responses | Response Time | Burden Hours | Cost per Burden Hour | Total Cost of Burden |
|--|-------------|-----------------------|-----------|---------------|--------------|----------------------|----------------------|
| Certificates                           | 287         | 358.3                 | 102,923   | 0.0833        | 8,577        | \$76.26              | \$654,078            |
| Disclosure                             | 287         | 358.3                 | 102,923   | 0.2500        | 25,731       | \$33.68              | \$866,615            |
| Recordkeeping                          | 287         | 358.3                 | 102,923   | 0.0208        | 2,144        | \$33.68              | \$72,218             |
| eFiling                                | 237         | 8,592.1               | 2,038,469 | 0.0106        | 21,517       | \$33.68              | \$724,698            |
| Total                                  | 287         | 8,171.4               | 2,347,239 | 0.0247        | 57,969       | \$39.98              | \$2,317,610          |
| <b>Additional Burden from the Rule</b> |             |                       |           |               |              |                      |                      |
| Total                                  | 287         | 7,096.5               | 2,038,469 | 0.0106        | 21,689       | \$33.68              | \$730,476            |

## 2. Total Burden for eFiling Children's Products Certificates (CPCs)

Section 14 of the CPSA requires third party testing of children's products that are subject to an applicable children's product safety rule to ensure compliance with such rule. Based on this testing, manufacturers, including importers, are required to certify compliance of their products to the applicable standards. The burden associated with certificate production, recordkeeping, and disclosure is already subject to an OMB control number, 3041-0159, for children's product testing, as set forth in 16 C.F.R. parts 1107 and 1109. The draft SNPR adds a certificate eFiling requirement for importers of children's products and estimates the reporting burden for this requirement.

CPSC estimates that there are 244,000 firms producing Children's Products. The only additional burden to Children's Products importers imposed by the draft SNPR is the burden to eFile regulated, imported products and substances. The estimated number of imported children's products subject to a children's product safety rule that would be required to eFile certificates is 27,540,984 and the eFile burden is estimated as 290,710 hours. This number only includes burden imposed by the draft SNPR, so the net burden from the draft SNPR is also 290,710, and the net cost of the draft SNPR (\$9,791,126) equals the total cost.

**Table 35: eFiling Childrens Product Certificates (CPC)**

| Total Burden                           | Respondents | Frequency of Response | Responses  | Response Time | Burden Hours | Cost per Burden Hour | Total Cost of Burden |
|--|-------------|-----------------------|------------|---------------|--------------|----------------------|----------------------|
| eFiling                                | 224,000     | 123.0                 | 27,540,984 | 0.0106        | 290,710      | \$33.68              | \$9,791,126          |
| <b>Additional Burden from the Rule</b> |             |                       |            |               |              |                      |                      |
| Total                                  | 224,000     | 123.0                 | 27,540,984 | 0.0106        | 290,710      | \$33.68              | \$9,791,126          |

*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).*

The PRA analysis assumes that any additional filing fees would be negligible. We request comment on filing fees that importers may bear from eFiling certificates with CBP using the Full or Reference PGA Message Set. CPSC notes that investing in technology may decrease the overall costs associated with managing certificate data, records, or entering products into the Product Registry or into a broker's database. Importers are not required to invest in this technology but larger firms with more resources at their disposal are likely to do so, provided that there is a positive return on such an investment. Staff researched costs of investing in an API to automate creating, sharing, and maintaining the supplier's product data. Staff found \$9,750 per firm choosing to invest to be a reasonable estimate.<sup>49</sup> This would bring the total cost of investment for larger firms to \$12,630. The Commission welcomes comments on current eFiling technology and the number of firms that may choose to invest in new technology due to the draft SNPR.

*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 \$1.2 Million, which includes 2,080 staff hours to manage the Program and \$1 Million in contracting costs.

This estimate is based in part on the annual salary for a mid-level salaried GS-13-5 employee in the Washington, DC metropolitan area (effective as of January 2023) which is \$61.03 per hour (<https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2023/DCB.pdf>). This represents 69.0 percent of total compensation (U.S. Bureau of Labor Statistics, "Employer Costs for Employee Compensation," March 2023, Table 2, percentage of wages and salaries for all civilian management, professional, and related employees:

<sup>49</sup> Staff conducted an internet search on the costs of building an API and found this article which explicitly lays out the component costs of different API use-cases. For an internal API built by in-house developers the initial cost range is \$7,500-\$12,000 with a monthly operating cost of \$130-\$350. Staff thinks that is appropriate given that firms with activity volumes justifying APIs likely have sufficient resources to develop them thus the midpoint of these figures are used. <https://medium.com/yourapi/how-much-does-it-cost-to-build-an-api-925b1bf90da9>

([https://www.bls.gov/news.release/archives/eccec\\_06162023.pdf](https://www.bls.gov/news.release/archives/eccec_06162023.pdf)). Adding an additional 31.0 percent for benefits brings the average annual compensation for a mid-level salaried GS-13 employee to \$88.45 per hour (\$61.03/0.69). Assuming that approximately 2,080 hours will be required annually, this results in an annual labor cost of \$183,976 (\$88.45 per hour × 2,080 hours = \$183,976) plus an annual contracting cost of \$1,000,000 in IT development for an annual cost to the government of \$1.2 million. Contracting costs are expected to decrease over time and will only be required for ongoing operations and maintenance.

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

Not applicable

*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.

*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

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

Not applicable

## Collections of Information Employing Statistical Methods.

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

## Appendix

*Table A: Import Data by Product*

| Product                                | Total             |                 | CPC                    |               | GCC                    |               |
|--|-------------------|-----------------|------------------------|---------------|------------------------|---------------|
|  | Total Respondents | Total Responses | Percent of Resp as CPC | CPC Responses | Percent of Resp as GCC | GCC Responses |
| Architectural Glazing Materials        | 792               | 11,717          | 0                      | 0             | 100                    | 11,717        |
| Artificial Emberizing Materials        | 16                | 5               | 0                      | 0             | 100                    | 5             |
| ATVs                                   | 41                | 37,795          | 25                     | 9,449         | 75                     | 28,346        |
| Baby Changing Products                 | 4,027             | 523,490         | 100                    | 523,490       | 0                      | 0             |
| Bassinets and Cradles                  | 76                | 2,299           | 100                    | 2,299         | 0                      | 0             |
| Bedside Sleepers                       | 230               | 75,979          | 100                    | 75,979        | 0                      | 0             |
| Bicycle Helmets                        | 624               | 16,300          | 50                     | 8,150         | 50                     | 8,150         |
| Bicycles                               | 194               | 125,796         | 50                     | 62,898        | 50                     | 62,898        |
| Bunk Beds - Furniture                  | 2,076             | 89,801          | 75                     | 67,351        | 25                     | 22,450        |
| Button Batteries                       | 57                | 523             | 0                      | 0             | 100                    | 523           |
| Candles with metal-cored wicks         | 2,616             | 27,843          | 0                      | 0             | 100                    | 27,843        |
| Carpets and Rugs                       | 186               | 261,374         | 25                     | 65,344        | 75                     | 196,031       |
| Carriages and Strollers                | 243               | 9,030           | 100                    | 9,030         | 0                      | 0             |
| CB Antennas                            | 538               | 12,594          | 0                      | 0             | 100                    | 12,594        |
| Cellulose Insulation                   | 5,764             | 46,511          | 0                      | 0             | 100                    | 46,511        |
| Children's folding chairs and stools   | 1,273             | 67,489          | 100                    | 67,489        | 0                      | 0             |
| Children's Sleepwear                   | 112               | 66,855          | 100                    | 66,855        | 0                      | 0             |
| Cigarette & Multipurpose Lighters      | 69                | 3,908           | 0                      | 0             | 100                    | 3,908         |
| Clacker Balls                          | 4,863             | 10,243          | 100                    | 10,243        | 0                      | 0             |
| Clothing Storage Units                 | 2,992             | 316,923         | 0                      | 0             | 100                    | 316,923       |
| Consumer Patching Compounds            | 864               | 13,101          | 0                      | 0             | 100                    | 13,101        |
| Crib mattresses                        | 154               | 8,294           | 100                    | 8,294         | 0                      | 0             |
| Cribs                                  | 81                | 14,206          | 100                    | 14,206        | 0                      | 0             |
| Dive Sticks and Other Similar Articles | 2,003             | 4,853           | 100                    | 4,853         | 0                      | 0             |
| Drywall                                | 68                | 35,134          | 0                      | 0             | 100                    | 35,134        |
| Electrically Operated Toys or Articles | 1,012             | 15,794          | 100                    | 15,794        | 0                      | 0             |
| Fireworks                              | 132               | 47,076          | 0                      | 0             | 100                    | 47,076        |
| Frame Child Carriers                   | 0                 | 0               | 100                    | 0             | 0                      | 0             |
| Furniture                              | 1,092             | 5,402,165       | 0                      | 0             | 100                    | 5,402,165     |
| Garage Door Openers                    | 3,451             | 10,533          | 0                      | 0             | 100                    | 10,533        |

Staff Briefing Package: Supplemental Notice of Proposed Rulemaking to Revise 16 CFR part 1110  
for Certificates of Compliance and to Implement eFiling | November 8, 2023 | cpsc.gov

- 153 -

|                                  |       |            |     |           |     |           |
|----------------------------------|-------|------------|-----|-----------|-----|-----------|
| Gates and enclosures             | 87    | 7,018      | 100 | 7,018     | 0   | 0         |
| Hand-Held Infant Carriers        | 0     | 0          | 100 | 0         | 0   | 0         |
| High chairs                      | 172   | 14,990     | 100 | 14,990    | 0   | 0         |
| Imitation Firearms               | 992   | 3,853      | 0   | 0         | 100 | 3,853     |
| Infant Bath Seats                | 73    | 507        | 100 | 507       | 0   | 0         |
| Infant Bath Tubs                 | 1,594 | 5,929      | 100 | 5,929     | 0   | 0         |
| Infant Bouncer Seats             | 82    | 5,224      | 100 | 5,224     | 0   | 0         |
| Infant Sleep Products            | 739   | 80,644     | 100 | 80,644    | 0   | 0         |
| Infant Swings                    | 95    | 1,388      | 100 | 1,388     | 0   | 0         |
| Infant Walkers                   | 33    | 3,183      | 100 | 3,183     | 0   | 0         |
| Lawn Darts                       | 2,353 | 4,704      | 0   | 0         | 100 | 4,704     |
| Liquid Nicotine Packaging        | 536   | 2,242      | 0   | 0         | 100 | 2,242     |
| Magnets                          | 908   | 34,846     | 0   | 0         | 100 | 34,846    |
| Matchbooks                       | 71    | 241        | 0   | 0         | 100 | 241       |
| Mattresses                       | 329   | 167,504    | 50  | 83,752    | 50  | 83,752    |
| Pacifiers                        | 146   | 4,166      | 100 | 4,166     | 0   | 0         |
| Paints                           | 812   | 154,543    | 0   | 0         | 100 | 154,543   |
| Play Yards                       | 71    | 3,400      | 100 | 3,400     | 0   | 0         |
| Pool and Spa drain covers        | 2,636 | 33,397     | 0   | 0         | 100 | 33,397    |
| Portable Bedrails                | 7,605 | 29,814     | 100 | 29,814    | 0   | 0         |
| Portable fuel containers         | 386   | 5,974      | 0   | 0         | 100 | 5,974     |
| Portable gas containers          | 386   | 5,974      | 0   | 0         | 100 | 5,974     |
| Portable hook-on chairs          | 564   | 5,328      | 0   | 0         | 100 | 5,328     |
| Power Mowers                     | 111   | 18,865     | 0   | 0         | 100 | 18,865    |
| Rattles                          | 592   | 7,939      | 100 | 7,939     | 0   | 0         |
| Refrigerator doors               | 140   | 74,190     | 0   | 0         | 100 | 74,190    |
| Refuse Bins                      | 2,407 | 2,717      | 0   | 0         | 100 | 2,717     |
| Sling Carriers                   | 0     | 0          | 100 | 0         | 0   | 0         |
| Soft Infant and Toddler Carriers | 0     | 0          | 100 | 0         | 0   | 0         |
| Special Packaging (PPPA)         | 310   | 1,410,691  | 0   | 0         | 100 | 1,410,691 |
| Stationary activity centers      | 37    | 3,093      | 100 | 3,093     | 0   | 0         |
| Swimming Pool Slides             | 886   | 4,184      | 0   | 0         | 100 | 4,184     |
| Toddler Beds                     | 76    | 1,839      | 100 | 1,839     | 0   | 0         |
| Toys                             | 1,926 | 1,349,066  | 100 | 1,349,066 | 0   | 0         |
| Vinyl Plastic Film               | 729   | 33,719     | 50  | 16,859    | 50  | 16,859    |
| Wearing Apparel                  | 220   | 16,290,891 | 50  | 8,145,446 | 50  | 8,145,446 |



*Table B: HTS Codes for Imported of Consumer Products and Substances*

| Product                              | HTS Codes  |
|--------------------------------------|--|
| Architectural Glazing Materials      | 3925200010, 4418214000, 4418294000, 7308301000, 7610100030   |
| Artificial Emberizing Materials      | 4401392000   |
| ATVs                                 | 8703210110, 8703210130, 8703800020, 8703800045   |
| Baby Changing Products               | 9403200050, 9403200090, 9403509080, 9403608081, 9403704015, 9403704031, 9403708015, 9403708031, 9403820015, 9403830015, 9403893010, 9403896015   |
| Bassinets and Cradles                | 9403200017, 9403509042, 9403704002, 9403708002, 9403820002, 9403830002, 9403896003   |
| Bedside Sleepers                     | 9403200017, 9403509045, 9403704003, 9403708003, 9403820002, 9403830002, 9403896003, 9403910010, 9403993010, 9403994010, 9403995010, 9403999015   |
| Bicycle Helmets                      | 6506103045, 6506103075, 6506106045, 6506106075   |
| Bicycles                             | 8712001510, 8712001520, 8712001550, 8712002500, 8712003500, 8712004400, 8712004800, 8712005000   |
| Bunk Beds - Furniture                | 9403200050, 9403509045, 9403704015, 9403708031, 9403820015, 9403830015, 9403893010, 9403896015   |
| Button Batteries                     | 8506100010, 8506401010, 8506500010, 8506600010, 8506800010   |
| Candles with metal-cored wicks       | 3406000000   |
| Carpets and Rugs                     | 5701101300, 5701101600, 5701104000, 5701109000, 5701901010, 5701901020, 5701901030, 5701901090, 5701902010, 5701902020, 5701902030, 5701902090, 5702101000, 5702109010, 5702109020, 5702109030, 5702109090, 5702201000, 5702202000, 5702311000, 5702312000, 5702321000, 5702322000, 5702391000, 5702392010, 5702392090, 5702411000, 5702412000, 5702421000, 5702422020, 5702422080, 5702491020, 5702491080, 5702491500, 5702492000, 5702502000, 5702504000, 5702505200, 5702505600, 5702505900, 5702912000, 5702913000, 5702914000, 5702921000, 5702929000, 5702990500, 5702991500, 5702992000, 5703102000, 5703108000, 5703291000, 5703292010, 5703292090, 5703391000, 5703392030, 5703392090, 5704100010, 5704100090, 5704200010, 5704200090, 5704900110, 5704900190, 5705001000, 5705002005, 5705002015, 5705002020, 5705002030, 5705002090 |
| Carriages and Strollers              | 8715000020   |
| CB Antennas                          | 8525601010, 8525601030, 8525601050, 8529104040   |
| Cellulose Insulation                 | 4823908680   |
| Children's folding chairs and stools | 9401614001, 9401616005, 9401696001, 9401698005, 9401710031, 9401790050, 9401802031, 9401804046   |
| Children's Sleepwear                 | 6107210020, 6107220015, 6107220025, 6107910030, 6107910090, 6107991030, 6107991090, 6107995013, 6108310020, 6108320015, 6108320025, 6108394000, 6108910040, 6108920040, 6108995015, 6109901047, 6109901075, 6111305015, 6207210020, 6207210040, 6207291000, 6207911000, 6207913010, 6207997010,  |



|  |  |
|--|--|
|  | 6207997020, 6207998510, 6208210030, 6208291000, 6208911020, 6208913020, 6208920020, 6208920040, 6208993010, 6208995010, 6209903015   |
| Cigarette & Multipurpose Lighters      | 9613100000   |
| Clacker Balls                          | 9505906000   |
| Clothing Storage Units                 | 9403200050, 9403504000, 9403604000, 9403608081, 9403704015, 9403708015, 9403820015, 9403830015, 9403893010, 9403896015   |
| Consumer Patching Compounds            | 3214100010   |
| Cribs (Full and Non-full Size)         | 9403200016, 9403509041, 9403704001, 9403708001, 9403820001, 9403830001, 9403896003   |
| Dive Sticks and Other Similar Articles | 9506290080   |
| Drywall                                | 6809110010   |
| Fireworks                              | 3604101000, 3604109010, 3604109050   |
| Furniture                              | 9401304000, 9401308010, 9401308030, 9401400000, 9401520000, 9401530000, 9401590000, 9401612010, 9401612030, 9401614001, 9401614011, 9401614031, 9401616001, 9401616005, 9401616011, 9401616031, 9401692010, 9401692030, 9401694010, 9401694030, 9401696001, 9401696011, 9401696031, 9401698001, 9401698005, 9401698011, 9401698031, 9401710001, 9401710005, 9401710006, 9401710007, 9401710008, 9401710011, 9401710031, 9401790001, 9401790002, 9401790003, 9401790004, 9401790006, 9401790011, 9401790015, 9401790025, 9401790035, 9401790046, 9401790050, 9401802001, 9401802005, 9401802011, 9401802031, 9401804001, 9401804004, 9401804006, 9401804015, 9401804026, 9401804035, 9401804046, 9401806021, 9401806023, 9401806024, 9401806025, 9401806028, 9401806030, 9403200011, 9403200016, 9403200017, 9403200035, 9403200040, 9403200050, 9403200075, 9403200078, 9403200081, 9403200090, 9403404000, 9403409040, 9403409060, 9403409080, 9403504000, 9403506000, 9403509041, 9403509042, 9403509045, 9403509080, 9403604000, 9403608010, 9403608040, 9403608081, 9403704001, 9403704002, 9403704003, 9403704015, 9403704031, 9403708001, 9403708002, 9403708003, 9403708015, 9403708031, 9403820001, 9403820002, 9403820015, 9403820030, 9403830001, 9403830002, 9403830015, 9403830030, 9403893010, 9403893020, 9403896003, 9403896015, 9403896020 |
| Frame Child Carriers                   | 6307909891   |
| Garage Door Openers                    | 8428900390   |
| Gates and enclosures                   | 3924905610, 4421919870, 4421999870, 7323999040, 9403200017, 9403608010, 9403704003, 9403708003, 9403820002, 9403830002, 9403896003, 9403910010, 9403993010, 9403994010, 9403995010, 9403999015   |

Staff Briefing Package: Supplemental Notice of Proposed Rulemaking to Revise 16 CFR part 1110  
for Certificates of Compliance and to Implement eFiling | November 8, 2023 | cpsc.gov

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|-----------------------------------|--|
| Hand-Held Infant Carriers         | 6307909891   |
| High chairs                       | 9401614001, 9401696001, 9401710001, 9401790001, 9401802001, 9401804001   |
| Imitation Firearms                | 9304002000, 9304004000, 9304006000   |
| Infant Bath Seats                 | 9401616005, 9401698005, 9401806025   |
| Infant Bath Tubs                  | 3922100000   |
| Infant Bouncer Seats              | 9401710006, 9401790003, 9401802001, 9401804001   |
| Infant Sleep Products             | 9403200017, 9403509045, 9403704015, 9403708015, 9403820002, 9403896003   |
| Infant Swings                     | 9401710007, 9401790004, 9401802001, 9401804001   |
| Infant Walkers                    | 9401710005, 9401790002   |
| Lawn Darts                        | 9504906000, 9504909080   |
| Liquid Nicotine Packaging         | 2404120500, 2404121000, 2404129000   |
| Magnets                           | 8505110010, 8505110030, 8505110050, 8505110070, 8505110090, 8505191000, 8505192000, 8505193000   |
| Matchbooks                        | 3605000030, 3605000060   |
| Mattresses                        | 3926907500, 3926907700, 6306404100, 6306404900, 9403200035, 9403200040, 9404210010, 9404210013, 9404210095, 9404291005, 9404291013, 9404291095, 9404291095, 9404299005, 9404299013, 9404299050, 9404299050, 9404299085, 9404299087, 9404299095, 9404299095 |
| Cigarette & Multipurpose Lighters | 9613200000, 9613801040, 9613801080   |
| Pacifiers                         | 3926901600   |
| Paints                            | 3208100000, 3208200000, 3208900000, 3209100000, 3209900000, 3210000000, 3213100000, 3213900000   |
| Play Yards                        | 9403200017, 9403608010, 9403704003, 9403708003, 9403820002, 9403830002, 9403896003, 9403910010, 9403993010, 9403994010, 9403995010, 9403999015   |
| Pool and Spa drain covers         | 9506995500, 9506996080   |
| Portable Bedrails                 | 9403200050   |
| Portable fuel containers          | 7311000030, 7311000060, 7311000090   |
| Portable gas containers           | 7311000030, 7311000060, 7311000090   |
| Portable hook-on chairs           | 9401614001, 9401614031, 9401696001, 9401696031, 9401710001, 9401790001, 9401802001, 9401804001   |
| Power Mowers                      | 8433110010, 8433190010, 8433190040, 8433190050   |
| Rattles                           | 9503000011, 9503000071   |
| Refrigerator doors                | 8418100010, 8418100020, 8418100030, 8418100045, 8418100055, 8418100065, 8418100075, 8418100090, 8418210010, 8418210020, 8418210030, 8418210090, 8418291000, 8418292000   |
| Refuse Bins                       | 7324900000   |
| Sling Carriers                    | 6307909891   |
| Soft Infant and Toddler Carriers  | 6307909891   |

Staff Briefing Package: Supplemental Notice of Proposed Rulemaking to Revise 16 CFR part 1110  
for Certificates of Compliance and to Implement eFiling | November 8, 2023 | cpsc.gov

- 157 -

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*Table C: Domestic Manufacturer Data by Product Category*

| CFR                        | Product Categories              | NAICS  | NAICS_Desc   | Respondents |
|----------------------------|---------------------------------|--------|--|-------------|
| 16 CFR part 1201           | Architectural Glazing Materials | 327211 | Flat Glass Manufacturing   | 19          |
| 16 CFR part 1201           | Architectural Glazing Materials | 321911 | Wood Window and Door Manufacturing   | 48          |
| 16 CFR part 1201           | Architectural Glazing Materials | 326199 | All Other Plastics Product Manufacturing: Doors and door frames, plastics, manufacturing   | 139         |
| 16 CFR part 1201           | Architectural Glazing Materials | 327215 | Glass Product Manufacturing Made of Purchased Glass  | 50          |
| 16 CFR part 1201           | Architectural Glazing Materials | 332321 | Metal Window and Door Manufacturing  | 45          |
| 16 CFR part 1305           | Artificial Emberizing Materials | 327999 | All Other Miscellaneous Nonmetallic Mineral Product Manufacturing: Asbestos products (except brake shoes and clutches) manufacturing | 7           |
| 16 CFR part 1420           | ATVs                            | 336999 | All other transportation equipment manufacturing: All-terrain vehicles (ATVs), wheeled or tracked, manufacturing                     | 5           |
| 16 CFR part 1203           | Bicycle Helmets                 | 339920 | Sporting and athletic goods manufacturing  | 38          |
| 16 CFR part 1512           | Bicycles                        | 336991 | Motorcycle, bicycle, and parts manufacturing: Bicycles and parts manufacturing   | 125         |
| 16 CFR part 1500.17(a)(13) | Candles w/Metal Core Wicks      | 339999 | All other miscellaneous manufacturing: candle manufacturing  | 1,000       |
| 16 CFR parts 1630 and 1631 | Carpets and Rugs                | 314110 | Carpet and rug mills   | 185         |
| 16 CFR parts 1630 and 1631 | Carpets and Rugs                | 314999 | All other miscellaneous textile product mills  | 219         |
| 16 CFR part 1204           | CB Band Base Station Antennas   | 334220 | Radio and television broadcasting and wireless communications  | 10          |

Staff Briefing Package: Supplemental Notice of Proposed Rulemaking to Revise 16 CFR part 1110  
for Certificates of Compliance and to Implement eFiling | November 8, 2023 | cpsc.gov

- 168 -

|  |                                |        |   |       |
|--|--------------------------------|--------|---|-------|
|  |                                |        | equipment manufacturing   |       |
| 16 CFR part 1209                                   | Cellulose Insulation           | 321219 | Reconstituted Wood Product Manufacturing  | 65    |
| 16 CFR part 1210 and 1212                          | Cigarette Lighters             | 339999 | All other miscellaneous manufacturing: Cigarette lighters (except precious metal) manufacturing             | 29    |
| 16 CFR part 1261                                   | Clothing Storage Units         | 337122 | Nonupholstered Wood Household Furniture Manufacturing   | 2,012 |
| 16 CFR part 1261                                   | Clothing Storage Units         | 337127 | Institutional Furniture Manufacturing   | 581   |
| 16 CFR part 1507; 16 CFR 1500.17(3) and 1500.17(8) | Fireworks Devices              | 325998 | All other miscellaneous chemical product and preparation manufacturing: Fireworks manufacturing             | -     |
| 16 CFR parts 1213                                  | Furniture (bunk beds)          | 337122 | Nonupholstered Wood Household Furniture Manufacturing   | 50    |
| 16 CFR part 1303                                   | Furniture (paint & entrapment) | 337122 | Nonupholstered Wood Household Furniture Manufacturing   | 201   |
| 16 CFR part 1303                                   | Furniture (paint & entrapment) | 337127 | Institutional Furniture Manufacturing   | 29    |
| 16 CFR part 1303                                   | Furniture (paint & entrapment) | 337121 | Upholstered Household Furniture Manufacturing   | 73    |
| 16 CFR part 1303                                   | Furniture (paint & entrapment) | 337211 | Wood Office Furniture Manufacturing   | 15    |
| 16 CFR part 1303                                   | Furniture (paint & entrapment) | 337212 | Custom Architectural Woodwork and Millwork Manufacturing  | 52    |
| 16 CFR part 1303                                   | Furniture (paint & entrapment) | 337214 | Office Furniture (except Wood) Manufacturing  | 5     |
| 16 CFR part 1211                                   | Garage Door Openers            | 335999 | All Other Miscellaneous Electrical Equipment and Component Manufacturing: Garage door openers manufacturing | 9     |
| 16 CFR part 1306                                   | Lawn Darts                     | 339920 | Sporting and Athletic Goods Manufacturing   | 10    |
| 15 USC sec 1472a                                   | Liquid Nicotine Packaging      | 325411 | Medicinal and Botanical Manufacturing: Nicotine and   | 278   |

Staff Briefing Package: Supplemental Notice of Proposed Rulemaking to Revise 16 CFR part 1110  
for Certificates of Compliance and to Implement eFiling | November 8, 2023 | cpsc.gov

- 169 -

|                            |                            |        |  |     |
|----------------------------|----------------------------|--------|--|-----|
|                            |                            |        | derivatives (i.e., basic chemicals) manufacturing  |     |
| 16 CFR part 1262           | Magnets                    | 327110 | Pottery, Ceramics, and Plumbing Fixture Manufacturing - Magnets, permanent, ceramic or ferrite, manufacturing  | 7   |
| 16 CFR part 1262           | Magnets                    | 332999 | All Other Miscellaneous Fabricated Metal Product Manufacturing - Magnets, permanent, metallic, manufacturing   | 18  |
| 16 CFR part 1202           | Matchbooks                 | 325998 | All other miscellaneous chemical product and preparation manufacturing: Matches and matchbook manufacturing  | 6   |
| 16 CFR parts 1632 and 1633 | Mattresses, Pads, and Sets | 337910 | Mattress manufacturing   | 314 |
| 16 CFR parts 1632 and 1633 | Mattresses, Pads, and Sets | 337121 | Upholstered Household Furniture Manufacturing  | 686 |
| 16 CFR part 1303           | Paints and Coatings        | 325510 | Paint and coating manufacturing  | 100 |
| 16 CFR part 1304           | Patching Compounds         | 327999 | All Other Miscellaneous Nonmetallic Mineral Product Manufacturing: Asbestos products (except brake shoes and clutches) manufacturing                                       | 10  |
| 16 CFR part 1460           | Portable gas containers    | 326199 | All Other Plastics Product Manufacturing   | 10  |
| 16 CFR part 1700           | PPPA                       | 324110 | Petroleum Refineries: Solvents made in petroleum refineries  | 16  |
| 16 CFR part 1700           | PPPA                       | 325180 | Other Basic Inorganic Chemical Manufacturing - Fuel propellants, solid inorganic, not specified elsewhere by process, manufacturing; Caustic soda (i.e., sodium hydroxide) | 94  |

Staff Briefing Package: Supplemental Notice of Proposed Rulemaking to Revise 16 CFR part 1110  
for Certificates of Compliance and to Implement eFiling | November 8, 2023 | cpsc.gov

- 170 -

|                  |                             |        |  |     |
|------------------|-----------------------------|--------|--|-----|
|                  |                             |        | manufacturing,<br>Potassium hydroxide<br>(i.e., caustic potash)<br>manufacturing   |     |
| 16 CFR part 1700 | PPPA                        | 325194 | Cyclic Crude,<br>Intermediate, and Gum<br>and Wood Chemical<br>Manufacturing:<br>Turpentine  | 13  |
| 16 CFR part 1700 | PPPA                        | 325199 | All Other Basic<br>Organic Chemical<br>Manufacturing: Fuel<br>propellants, solid<br>organic, not specified<br>elsewhere by process,<br>manufacturing                                 | 156 |
| 16 CFR part 1700 | PPPA                        | 325411 | Medicinal and<br>Botanical<br>Manufacturing: Dietary<br>supplements,<br>uncompounded,<br>manufacturing   | 115 |
| 16 CFR part 1700 | PPPA                        | 325412 | Pharmaceutical<br>Preparation<br>Manufacturing   | 262 |
| 16 CFR part 1700 | PPPA                        | 325612 | Polish and Other<br>Sanitation Good<br>Manufacturing   | 107 |
| 16 CFR part 1700 | PPPA                        | 325620 | Toilet Preparation<br>Manufacturing:<br>Mouthwashes (except<br>medicinal)<br>manufacturing;<br>Permanent wave<br>neutralizers  | 236 |
| 16 CFR part 1301 | Refuse Bins                 | 332439 | Other Metal Container<br>Manufacturing: Light<br>gauge metal garbage<br>cans manufacturing   | 20  |
| 16 CFR part 1207 | Swimming Pool<br>Slides     | 339920 | Sporting and athletic<br>goods manufacturing   | 24  |
| 16 CFR part 1205 | Walk Behind Power<br>Mowers | 333112 | Lawn and garden<br>tractor and home lawn<br>and garden equipment<br>manufacturing  | 29  |
| 16 CFR part 1611 | Vinyl Plastic Film          | 326113 | Unlaminated Plastics<br>Film and Sheet<br>(except Packaging)<br>Manufacturing - Vinyl<br>and vinyl copolymer<br>film and unlaminated<br>sheet (except<br>packaging)<br>manufacturing | 50  |

Staff Briefing Package: Supplemental Notice of Proposed Rulemaking to Revise 16 CFR part 1110  
for Certificates of Compliance and to Implement eFiling | November 8, 2023 | cpsc.gov

- 171 -



|                           |                       |        |   |    |
|---------------------------|-----------------------|--------|---|----|
| 16 CFR part 1611          | Clothing And Apparel  | 315110 | Hosiery and sock mills  | 1  |
| 16 CFR part 1611          | Clothing And Apparel  | 315190 | Other apparel knitting mills  | 2  |
| 16 CFR part 1611          | Clothing And Apparel  | 315210 | Cut and sew apparel contractors   | 72 |
| 16 CFR part 1611          | Clothing And Apparel  | 315220 | Men's and boys' cut and sew apparel manufacturing   | 13 |
| 16 CFR part 1611          | Clothing And Apparel  | 315240 | Women's, girls', and infants' cut and sew apparel manufacturing                                 | 34 |
| 16 CFR part 1611          | Clothing And Apparel  | 315280 | Other cut and sew apparel manufacturing   | 11 |
| 16 CFR part 1611          | Clothing And Apparel  | 315990 | Apparel accessories and other apparel manufacturing   | 17 |
| 16 CFR part 1210 and 1212 | Multipurpose Lighters | 339999 | All other miscellaneous manufacturing: Cigarette lighters (except precious metal) manufacturing | 29 |