



Record of Commission Action  
Commissioners Voting by Ballot\*

Commissioners Voting:      Chair Alexander D. Hoehn-Saric  
   Commissioner Peter A. Feldman  
   Commissioner Richard Trumka Jr.  
   Commissioner Mary T. Boyle  
   Commissioner Douglas Dziak

ITEM:

Draft Final Rule to Revise 16 C.F.R. part 1110, Certificates of Compliance and to Implement eFiling of Certificates for Regulated, Imported Consumer Products (Briefing Plackage Dated November 22, 2024)

DECISION:

The Commission voted (3-0-2) to approve publication in the *Federal Register* of the draft Final Rule to revise 16 C.F.R. part 1110, with the following changes:

On page OS-17, in the paragraph titled “Effective Date”, strike “12 months after publication” and replace it with “18 months after publication.” Staff is directed to make all required conforming changes throughout the *Federal Register* notice and draft Final Rule to revise the effective date to 18 months after *Federal Register* publication for imported and domestically manufactured products other than those imported into a Foreign Trade Zone and subsequently entered for consumption or warehousing.

Chair Hoehn-Saric, Commissioners Feldman and Dziak voted to approve the draft final rule with the above specified changes.

Commissioners Trumka and Boyle voted to approve publication in the *Federal Register* of the draft Final Rule to revise 16 C.F.R. part 1110, as drafted.

The Commissioners issued respective statements regarding this matter (see attachments).

On December 11, 2024, the Commission agreed to convert this matter from a decisional to a ballot vote.

For the Commission:

Alberta E. Mills  
Secretary

\*Ballot vote due December 18, 2024

Chair Hoehn-Saric voted on December 18, 2024  
Commissioner Trumka voted on December 18, 2024  
Commissioner Feldman voted on December 17, 2024  
Commissioner Boyle voted on December 17, 2024  
Commissioner Dziak voted on December 18, 2024

Attachments: 1) Statement by Chair Hoehn-Saric  
2) Joint Statement by Commissioners Feldman and Dziak  
3) Statement by Commissioner Trumka  
4) Statement by Commissioner Boyle



UNITED STATES  
**CONSUMER PRODUCT SAFETY COMMISSION**  
4330 EAST WEST HIGHWAY  
BETHESDA, MD 20814

**CHAIR ALEXANDER D. HOEHN-SARIC**

**Statement of Chair Alexander Hoehn-Saric on  
Passage of Final Rule to Implement eFiling for Certificates of Compliance**

December 18, 2024

Today's bipartisan vote to approve the electronic filing (eFiling) of key information from certificates of compliance is one of the most consequential steps CPSC will take to modernize our screening process at ports of entry. With the passage of this rule, the Commission is sending a clear message that ensuring imported products are safe for all Americans, especially our kids, is a top priority.

The eFiling program will apply to all imported consumer products subject to a mandatory standard, including *de minimis* shipments. The program will require importers of regulated products to electronically file data from certificates of compliance with CPSC and will revise certain requirements for those certificates. eFiling will enable CPSC and Customs and Border Protection (CBP) to use this information to more efficiently target high-risk products being imported into the United States. That means fewer unsafe products coming into the country and into consumers homes.

The new rule will take effect 18 months from publication in the Federal Register with a 24-month effective date for consumer products imported from Foreign Trade Zones (FTZs). Feedback from industry through two pilot phases has been critical to informing this rule and ensuring that the eFiling requirements are workable for CPSC and for companies. Not only will eFiling enable CPSC to enhance its screening process, but it will also reduce risk scores and hold times for compliant product importers – allowing low-risk shipments to reach consumers more quickly and efficiently.

This rule will align CPSC's practices with those of our sister agencies, like CBP, at the border and allow for the safer trade of consumer goods. I sincerely thank CPSC's staff for their hard work, diligence, and commitment to developing this program.



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**STATEMENT OF COMMISSIONERS PETER A. FELDMAN AND DOUGLAS DZIAK  
SUPPORTING THE FINAL RULE ON ELECTRONIC FILING**

**DECEMBER 18, 2024**

*eFiling targets de minimis foreign e-commerce shipments that threaten American families*

Today the U.S. Consumer Product Safety Commission (CPSC) approved a final rule to implement electronic filing of certificate of compliance data at import. eFiling will improve CPSC's ability to target higher risk products for screening and interdiction. At the same time, it will reduce inspection delays and allow compliant products to clear the entry process more efficiently. This initiative is the result of more than a decade of work and study.

America faces a flood of foreign direct-to-consumer shipments, and the tide is rising. These e-commerce shipments often originate from countries that do not respect U.S. safety laws. At the same time, CPSC has a limited capacity to monitor the millions of small parcels that enter the U.S. marketplace duty free each day under the *de minimis* exemption. As the U.S.-China Economic and Security Review Commission [noted recently](#), many Chinese companies are able to sell unsafe goods directly in the U.S. market and are unlikely to ever be found out, let alone held accountable for the harm their products cause. eFiling helps to change that.

This rule does not create additional testing and certification burdens for firms. Importers already must provide testing certificates in paper format upon request. This new rule will bring the Commission's tracking and targeting system into the 21<sup>st</sup> century by requiring electronic filing of certificate data. In doing so, this rule will make it more difficult for foreign manufacturers who ignore existing testing and certification requirements to evade detection.

While we want to realize the full benefits of the new rule as soon as possible, we nevertheless recognize as a practical matter that many firms will need to overhaul their software and data management systems to transition to electronic filing. Rather than set unrealistic effective dates that could place the entire eFiling rule at risk (as we have seen in other [rulemakings](#)), we believe an 18-month deadline is reasonable based on numerous stakeholder meetings, comments in the rulemaking, and our discussions with agency staff.

We are pleased that our amendment to allow additional time to comply was adopted on a bipartisan basis. This will allow the Commission and industry to work through final punch list items in the system's development and ensure it works the way we expect it to, ultimately strengthening our ability to keep unsafe products out of American homes.

The views expressed in this statement are those of Commissioners Feldman and Dziak and do not necessarily reflect the views of the Commission.



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**STATEMENT OF  
COMMISSIONER RICH TRUMKA JR.**

**COMMISSIONER TRUMKA VOTES TO APPROVE EFILING RULE TO PROTECT  
AGAINST HAZARDOUS FOREIGN GOODS FLOODING OUR PORTS**

**December 18, 2024**

Today, I voted to approve CPSC’s final rule on eFiling and Certificates of Compliance (to be codified at 16 C.F.R. part 1110). Most goods found to violate American safety standards are coming from abroad, with a large concentration coming from China.<sup>1</sup> It’s CPSC’s job to stop them from reaching your homes, and this rule improves our ability to do that. The rule requires importers to electronically file the information necessary for CPSC to identify and seize products at the ports if they violate American laws and stop them from putting you or your families in danger.

Requiring foreign goods to come with advance-filed copies of testing and compliance information lets our staff better target shipments for inspection that might be hazardous, allowing them to stop and seize those shipments. Better targeting is also good for law-abiding companies because their goods are less likely to be stopped and delayed at the ports, allowing them faster shipping to their customers.

The rule also allows us to tackle the growing problem of the *de minimis* loophole—small dollar, direct-to-consumer shipments from China and elsewhere that evade normal reporting requirements. Right now, millions of *de minimis* shipments arrive in the US each day through this loophole. The eFiling rule finally gives us visibility as to what is in those shipments without having to open each one up. It will let us efficiently target those shipments for inspection.

This is a good rule that *will* save consumers’ lives and prevent injuries. While all five Commissioners voted to approve this important rule, a majority of the Commission has extended the effective date of this rule from 12 months to 18 months for most importers. While I respect

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<sup>1</sup> See CPSC, Violations, <https://www.cpsc.gov/Recalls/violations> (last accessed Dec. 17, 2024) (as of November 2024, out of 32,878 listed Notices of Violation issued by CPSC since 2009, 94% were issued against goods from abroad and 70% of all violations were issued against goods from China).

my fellow Commissioners and their votes to extend the effective date, I have concerns with delaying this rule beyond our staff's recommendation. Each day we delay will allow more hazardous foreign products that violate American laws to flood into American homes. And that can mean lives lost or children poisoned by lead toys. Delays benefit foreign manufacturers who are currently breaking the paper certificate law that has been on the books since 2008, and will harm American consumers and law-abiding companies. This rule is the culmination of ten years of hard work by CPSC Staff, U.S. Customs and Border Protection, and by companies who volunteered to beta test the eFiling system. After a decade of preparation to create this rule, I support the Commission acting as swiftly as possible to ensure public health and safety.

Faithfully,

Commissioner Richard L. Trumka Jr.

\*The views expressed in this statement are solely the views of Commissioner Trumka and do not necessarily reflect the views of the Commission.



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COMMISSIONER MARY T. BOYLE

**COMMISSIONER MARY T. BOYLE STATEMENT ON VOTE TO ISSUE  
FINAL E-FILING RULE  
DECEMBER 18, 2024**

Today, I voted to adopt a rule implementing electronic filing (“e-filing”) of Certificates of Compliance required for all products subject to a CPSC regulation. The rule is the culmination of more than a decade of staff work, extended study and testing, and stakeholder engagement. I commend CPSC staff for their hard work and tremendous dedication in bringing this rule to fruition, and I am pleased to support the staff package and recommendations.

It is important, though, to be clear about what this rule does and does not accomplish. Only a fraction of imported consumer products are subject to these new requirements. Consumers will need to remain vigilant about the products they purchase, particularly online.

What the e-filing rule DOES do: the rule leverages technological advances and an enhanced partnership with U.S. Customs and Border Protection (CBP) to improve targeting of noncompliant products before those products can gain entry into the United States and into the hands of unsuspecting consumers. Ideally, this should result in improved focus on higher-risk products, reduced inspection delays for compliant goods, and increased efficiencies for both industry and CPSC.

What the e-filing rule DOES NOT do: the e-filing rule simply does not address the vast majority of products that fall within CPSC’s jurisdiction. The fact of the matter is that most products consumers order online or buy at the mall are NOT subject to a specific CPSC rule and do not require the type of certificate of compliance covered by the e-filing rule. In fact, for the more than 15,000 product types subject to CPSC jurisdiction, fewer than 100 rules are in place that require a certificate of compliance.

To take just one example, defective lithium-ion batteries are known to cause fires in e-bikes, but there is currently no CPSC rule specifying the relevant safety requirements. Without such a rule, the new e-filing regime provides no greater assurance to a consumer ordering online that a faulty lithium-ion battery will be stopped at the ports. Indeed, this example demonstrates why a robust rulemaking agenda goes hand in hand with the aims of e-filing: the adoption of additional safety rules would add to the number of products that can be targeted before entry into

the United States.

To be sure, e-filing will enhance the agency's targeting of products for which regulations are already in place—toys and some durable infant products, for example. Sharpening our detection tools to identify noncompliant toys and infant products represents important progress in an ever-changing electronic global marketplace. But even for regulated products, this rule offers no guarantees. That is, the rule enhances the current targeting approach, but it does not preclude noncompliant products from entering the country. American consumers remain vulnerable to such dangerous products, particularly those sold through e-commerce sites.

Finally, we must be forthright about the budgetary context in which this rule is being adopted. To say the least, the agency is facing a challenging and uncertain funding environment. Adopting this rule is committing the agency to long term IT resource requirements that may be difficult to meet in the future. The short-term funding of the project with ARPA money is expiring, and the agency will need to tap a yet unidentified funding stream to sustain the effort going forward on a long-term basis. With this rule, the agency seeks to mitigate risk—which I fully support—but we are also taking on other risks—financial and programmatic—if we do not receive the funds necessary to sustain a sophisticated technology infrastructure or face sweeping cuts to other vital CPSC program areas to support the e-filing program.

The views in this statement are solely the views of Commissioner Mary T. Boyle and do not necessarily reflect the views of the Commission.