

CPSC Participation in 1USG Notification Messaging at Import

Update for CBP's Trade Support Network

Orig.: July 29, 2019

Update: April 9, 2020

Purpose: This document updates the public on the U.S. Consumer Product Safety Commission's (CPSC's) participation in One U.S. Government Notification Messaging at Import (1USG). The document also details the coordination process CPSC is implementing to assist U.S. Customs and Border Protection's (CBP) review of compliant products entering U.S. commerce. For products defined by certain Harmonized Tariff Schedule (HTS) codes (product groupings are listed below), trade¹ will receive an "UNDER REVIEW" message signifying that CPSC needs to review that entry. At the same time, CPSC will receive notification of an incoming product of interest. If, after review, CPSC determines that a shipment requires examination, either at the port, or at the importer's premises, trade will receive additional messaging through the Automated Commercial Environment (ACE). This additional notification will augment current CPSC practices, by automating the notification using ACE, and allowing CPSC the necessary time to indicate that an examination is required.² Although the CPSC's review may delay the notification of a 1USG release for products of interest, it will *not* impact the flow of goods through the border, unless CPSC determines that an intensive examination is required.

Methodology: As CBP continues to modernize ACE, CPSC has been integrating its Risk Assessment Methodology system, known as ITDS/RAM, with ACE to coordinate further efforts with CBP and the trade community regarding examination and disposition results. This represents the culmination of 2 years of work with CBP to achieve the first phase, *Hold Request and Conditional Release Coordination*.

Using established messaging under Participating Government Agency coordination, known as "Event Messaging," CPSC will notify CBP more effectively of the need to examine cargo at the border. CPSC will now participate in the 1USG messaging, and thus, may impact its timing to trade. CPSC messaging to CBP is triggered when BOTH the actual arrival notice and entry filing through ACE are received by CPSC. The timing of the triggering differs, based upon the Mode of Transport. The initial concept will use a process clock within ITDS/RAM, which starts at entry filing *and* actual arrival notification, and ends either:

- 20 business hours later, in the ocean environment; or
- 8 business hours later, in all other modes where CPSC is active.

These timeframes are subject to change during our discussions and testing with CBP and the trade.

¹ Trade is denoted here as the importing community, whether the importer, broker, or express carrier is the primary agent managing the importation.

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

The vast majority of messages will facilitate trade using 'May Proceed' messages sent between systems. But, during their review, CPSC staff co-located at the ports, or in coordination with CBP, signals an intent to examine through a:

- Hold Intact Request, or
- Intensive Exam Request.

The type of requests CPSC will make to trade will depend on several factors, including, but not limited to, possible non-compliance with safety standards or regulations and the risk of injury a product poses to consumers.

The process change is expected to be rolled out to ports nationwide, starting May 2020, and will cover the product categories below (subject to change without prior notification). CBP's Cargo Systems Messaging Service (CSMS) messaging will be used to notify trade with the dates that the change will be in the ACE Certification and Production environments.

- Children's Products:
 - Art Sets
 - Toys
 - Pacifiers and Rattles
 - Backpacks and School Supplies
 - Clothing:
 - Sleepwear
 - Outerwear
 - Infant articles
 - Imitation Jewelry
 - Cribs
 - Other Durable Furniture
 - Safety Gates
- Fireworks
- Liquid Nicotine
- Drywall
- Mattresses
- Bicycle Helmets
- Generators
- Batteries
- Hair Dryers
- Power Cords
- Bicycles and other electric-powered cycles
- Baby Carriages
- Holiday Lights
- Lighters
- Rugs
- Pellet Stoves
- Scarves
- Potentially Flammable Adult Clothing Articles

Frequently Asked Questions³:

1. ***What messaging will trade receive from CPSC once 1USG Notification is implemented?***
Trade will initially receive an “UNDER REVIEW” message if an entry is filed containing an HTS code of interest to CPSC (see list above). Currently, trade does not receive messaging from a PGA, unless that PGA’s data are submitted. In addition, if CPSC determines that an examination is needed at the port, trade will receive an “INTENSIVE EXAM” message.
2. ***Will my shipment be stopped automatically at the border if it has goods covered by those HTS codes?*** No. This messaging alone will not stop cargo. CPSC must request that CBP place an intensive examination to stop the cargo for CPSC purposes.
3. ***How long will it take CPSC to review the entry data and complete their review? How much time is this adding to the processing of my entry?*** After receiving the entry information, CPSC intends to review the data immediately and provide the disposition back to trade, usually via a “May Proceed” message. If CPSC does not complete its review within the proposed period outlined above (8 or 20 business hours, based on mode of transport), a “May Proceed” notification will be sent automatically.
4. ***What happens if CPSC does not respond in a timely fashion?*** When the stated timeframe expires without further action, CPSC systems will automatically send a “May Proceed” message to ACE, which will trigger the 1USG Notification, if no additional requirements were placed by other agencies.
5. ***Will this review happen 24/7, 365 days of the year?*** CPSC staff reviews the data during business hours. A “May Proceed” message will be issued automatically after the established 8 or 20 business hour timeframe, if CPSC has taken no action.
6. ***Why must CPSC make this change?*** The change is intended to facilitate real-time, transparent communications among all parties. By automating requests through ACE, CPSC can more effectively coordinate with CBP on potentially non-compliant products arriving in the United States and allow our investigators the opportunity to examine them at the port. In addition, CPSC can facilitate more effectively the flow of compliant products into the country.
7. ***How can trade participants prepare for this new process?*** CPSC is currently working with CBP and select trade participants to evaluate the technical implementation. The CBP certification environment is expected to be available to a broader trade audience starting in the summer of 2020, for evaluation of the messaging process and how it will impact your service provider. More information will be available in the coming weeks via CSMS.
8. ***What defines CPSC Business Hours at the port?*** CPSC participation at the ports to examine and enforce our statutes and regulations is limited to the operating hours of the Examination Stations where we work. To align to this reality, CPSC has adopted for this process a business clock of 8am to 4pm in the time zone our staff are working.

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