United States
Consumer Product Safety Commission

CPSC Staff Workshop

Beta Pilot: eFiling Certificate of Compliance Data

Office of Import Surveillance Staff

Disclaimer: *This presentation was prepared by CPSC Staff and may not necessarily reflect the views of the Commission.*

Agenda

- eFiling Program Overview
- Current Certificate Requirements
- Risk Assessment Methodology (RAM) and Targeting Efforts
- eFiling Beta Pilot Overview
- Sessions for Public Comments and Questions
  - PGA Message Set Data Elements
  - Product Registry Features
  - HTS Codes, Disclaims, and Exemptions
  - *De minimis* and Direct-To-Consumer Shipments

United States
Consumer Product Safety Commission

eFiling Program Overview

Alpha Pilot and Certificate Study

Arthur Laciak
eFiling Program Specialist

Disclaimer: *This presentation was prepared by CPSC Staff and may not necessarily reflect the views of the Commission.*

What is eFiling?

eFiling is a CPSC initiative to enable importers of regulated consumer products to file electronically (eFile) with U.S. Customs and Border Protection (CBP) certain data elements from a certificate of compliance, via a Partner Government Agency (PGA) Message Set.

Why eFiling?

Currently, CPSC only asks for certificate data once a product has been identified for exam and, therefore, cannot use certificate data in its risk assessment and targeting in advance of a shipment arriving. Once rulemaking is completed, importers of regulated consumer products will electronically file certain certificate of compliance data elements with CPSC via the PGA Message Set at Entry, or at Entry Summary if both Entry and Entry Summary are filed together.

History

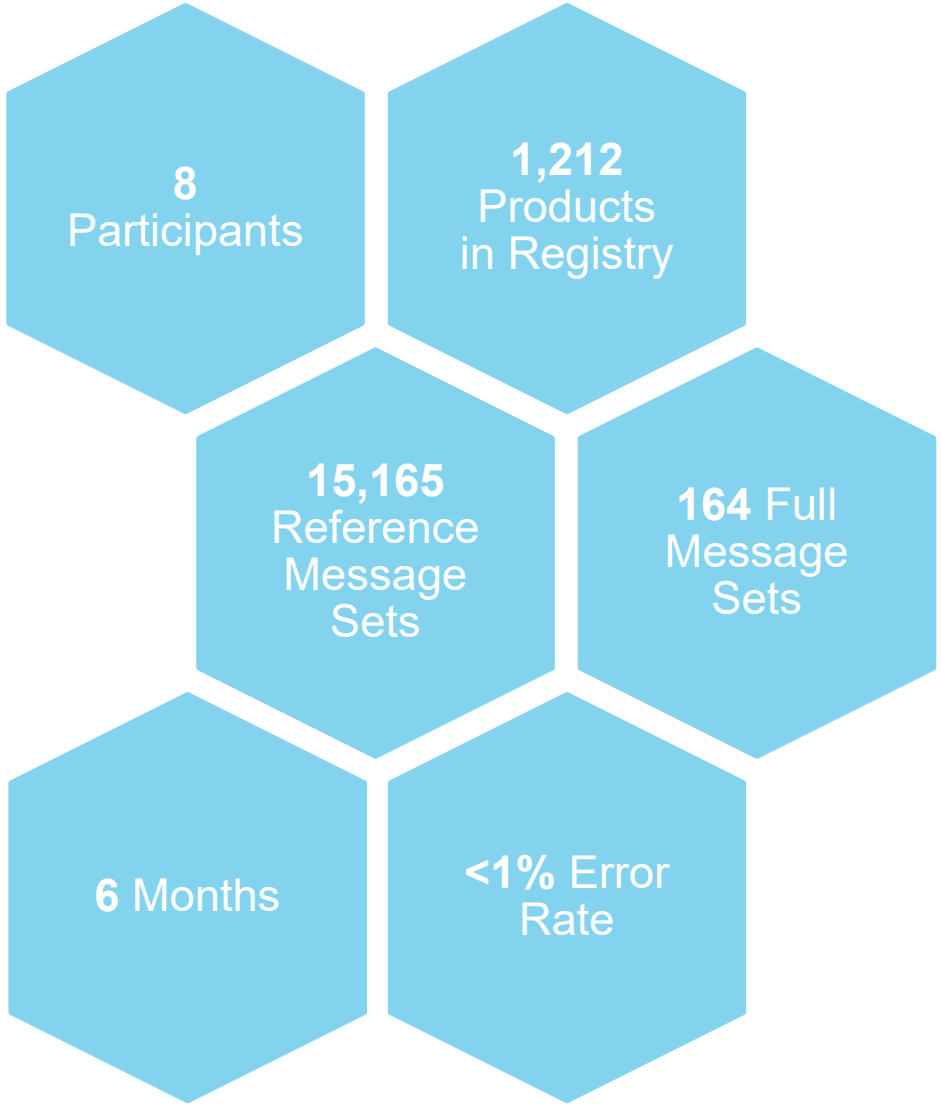
2008 CPSIA requires importers to test and certify children's and other general use products and provide certificates upon request (Codified under 16 CFR 1110).

2013 NPR published that would, among other things, require the electronic filing of certificates of compliance at the time of entry.

2016 Alpha Pilot conducted with eight participants that tested the PGA Message Set and Product Registry.

2017 Certificate Study analyzed risk potential of certificate data elements.

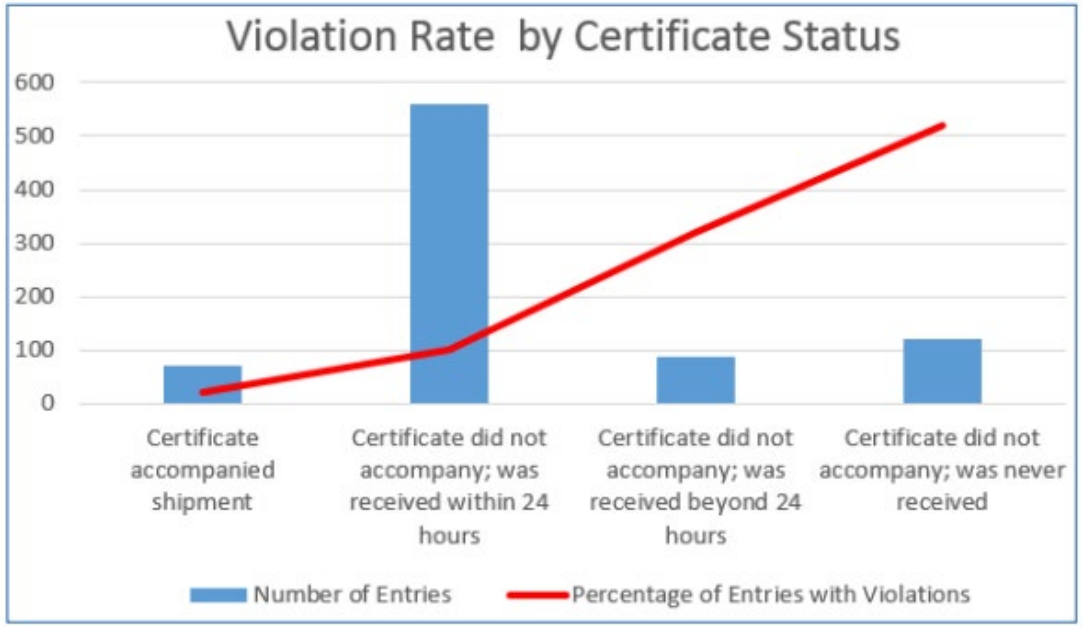
2020 Commission approves of Staff Briefing Package and Beta Pilot.

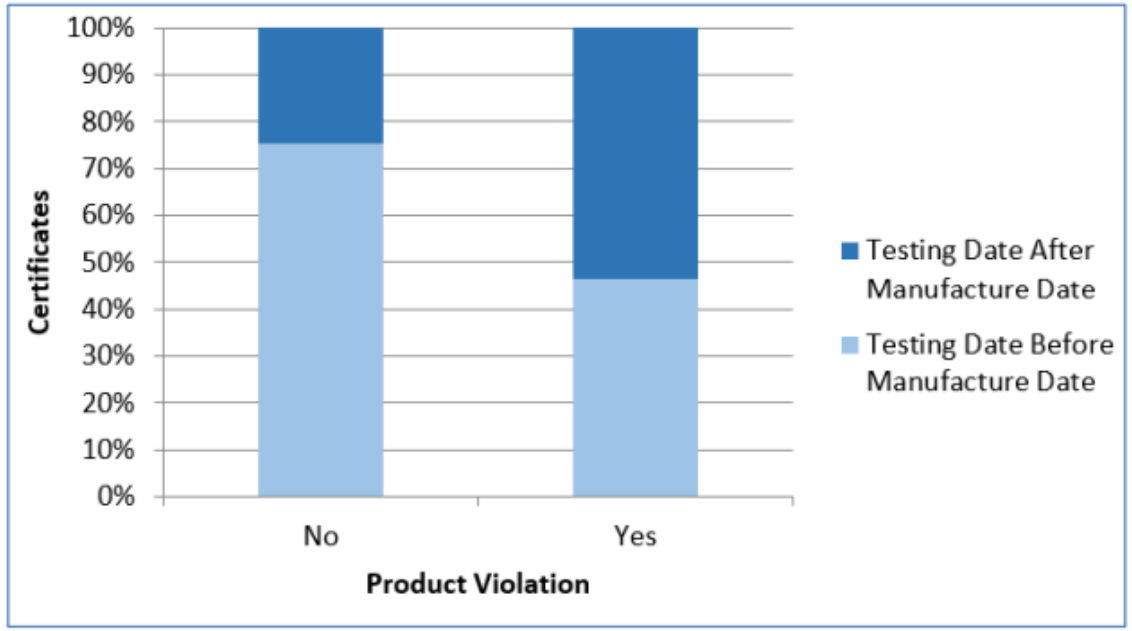


Alpha Pilot Results

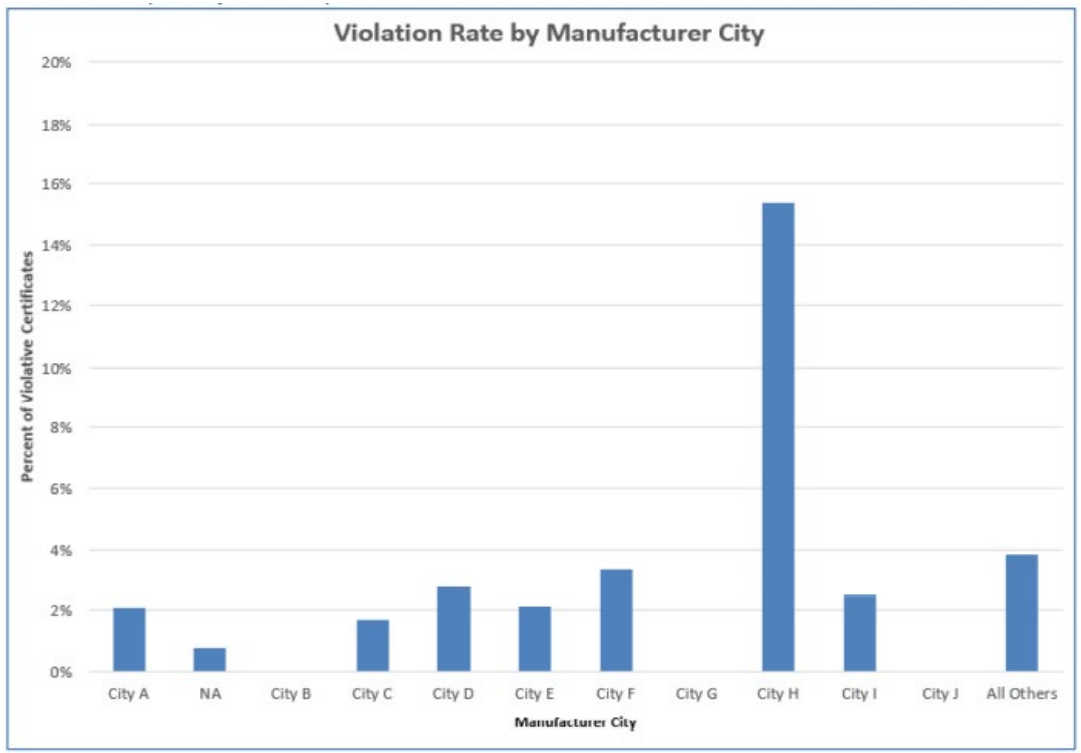
- Participants indicated required data was relatively easy to gather.
- Data successfully integrated into RAM.
- Product Registry reduced the burden and time of filing.

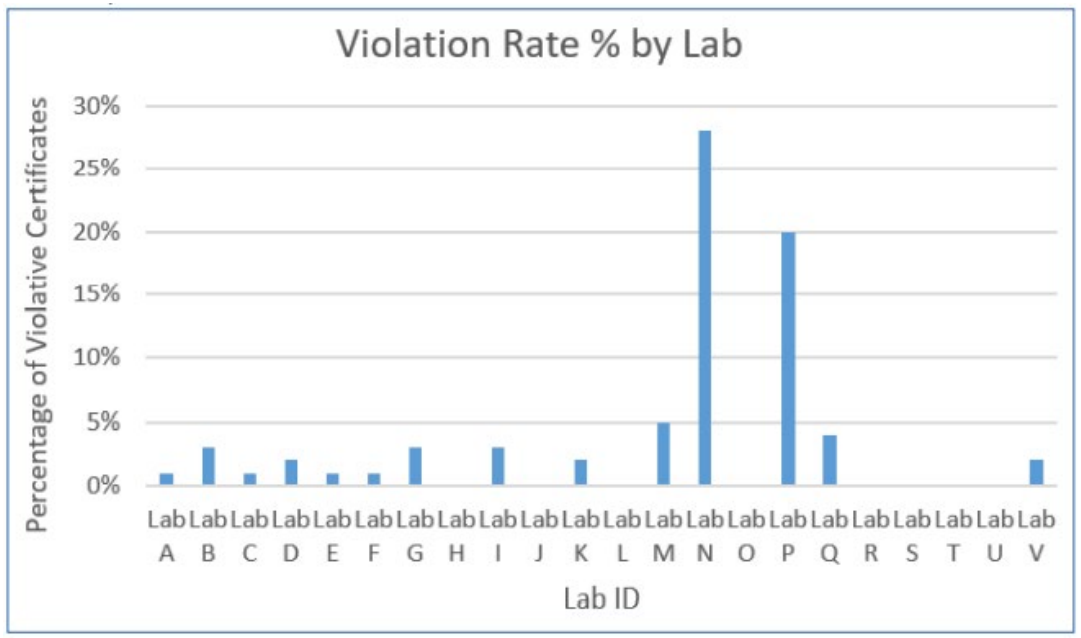
Certificate Study Results



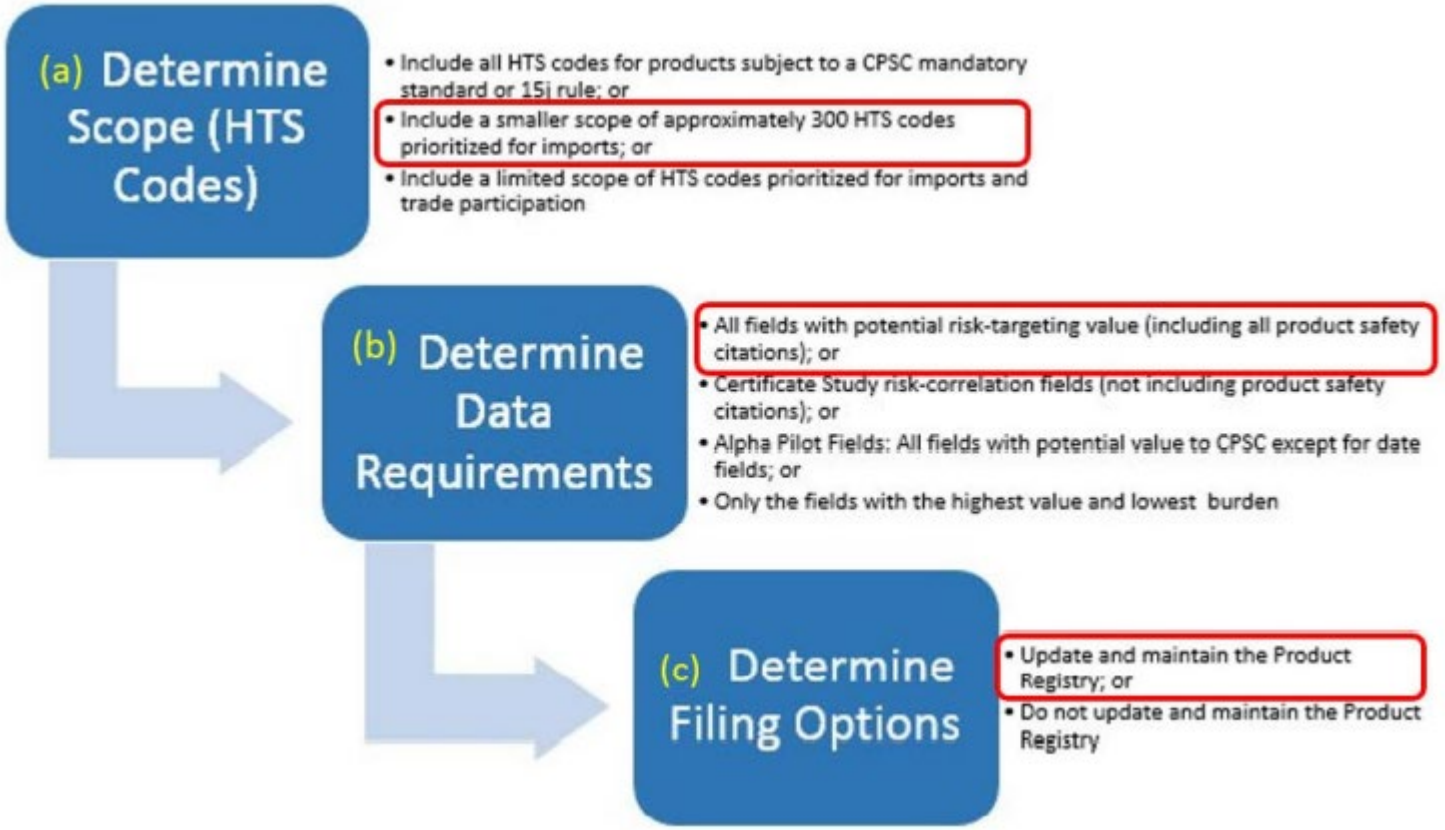


Certificate Study Results





Staff Briefing Package



United States
Consumer Product Safety Commission

Current Certificate Requirements

Kat Rickerson and Hector Romero
Compliance Investigators

Disclaimer: *This presentation was prepared by CPSC Staff and may not necessarily reflect the views of the Commission.*

What Must be Certified?

- Any product that is subject to a consumer product safety rule, ban, similar rule, standard, or regulation, and which is imported for consumption or warehousing, or distributed in commerce must be certified.
- Certification is the responsibility of the importer; however, importers and manufacturers should have a clear understanding of exactly which standards need to be met.
- Foreign manufacturers/suppliers should insist on a list of which mandatory and consensus standards apply.

Types of Certificates

- Children's Product Certificate (CPC) - the manufacturer or importer certifies that its children's product complies with all applicable children's product safety rules (bans, standards, similar rules, or regulations). https://www.cpsc.gov/Testing-Certification/Childrens-Product-Certificate-CPC

- General Certificate of Conformity (GCC) – the manufacturer or importer that its general use product (non-children's product) comply with all appliable consumer product safety rules. https://www.cpsc.gov/Business--Manufacturing/Testing-Certification/General-Certificate-of-Conformity-GCC

Certificates Must Include

- Identity of the exact product, and no others.
- Party certifying compliance - name, address, and phone number.
- Citation to each CPSC rule or regulation to which the product is being certified, any applicable standard, regulation, rule and/or ban.
- Date and place where the product was manufactured.
- Name of laboratory, along with place and date of testing.
- Contact information for person maintaining test records - name, address, email, and phone number.

Availability of Certificates

- Certificates must accompany each product or shipment of products covered by the same certificate.
- A copy of the certificate must be furnished to each distributor or retailer of the product (no requirement to provide to ultimate consumer).
- Not necessarily a paper copy.
- A copy of the certificate must be made available to the Commission and Customs upon request.

Third Party Testing

- For children’s products, certification is based on testing by an independent, third-party laboratory that CPSC has accepted to perform the specific tests for each applicable children's product safety rule. https://www.cpsc.gov/cgi-bin/labsearch/

- Any laboratory - an in-house or an external, third-party laboratory can perform the testing required for non-children’s products that require a General Certificate of Conformity.

Products Requiring a Children's Product Certificate

Children's Products:
- ASTM F-963
- Lead Paint
- Lead Content
- Small parts
- Phthalates (child care)

ATVs (Youth)
Activity Centers
Baby Changing Products
Bassinets and Cradles
Bedside Sleepers
Bicycles (Youth)
Bicycle Helmets (Youth)
Bouncer Seats
Booster Seats
Bunk Beds
Carpets and Rugs
Children's Furniture
Children's Folding Chairs and Stools
Clacker Balls
Clothing & General Wearing Apparel
Cribs
Dive Sticks
Electrically Operated Toys/Articles
Hand-held Infant Carriers
Highchairs
Frame Child Carriers
Gates and Enclosures
Infant Bath Seats
Infant Swings
Infant Walkers
Mattresses – Crib and Youth Size (open Flame)
Mattresses – Crib and Youth Size (smoldering)
Pacifiers
Paint and surface coatings
Play Yards
Portable Bed Rails
Portable Hook-On Chairs
Rattles
Sleepwear sizes 0-6X
Sleepwear sizes 7-14
Sling Carriers
Small Parts
Soft Infant and Toddler Carriers
Toddler Beds
Toys
Toys with Magnets
Wearing Apparel – Children's
Vinyl Plastic Film in Children's Apparel

Products Requiring a General Certificate of Conformity

Architectural Glazing
Artificial Emberizing Materials*
ATVs
Bicycles
Bicycle Helmets
Bunk Beds
Candles with Metal Wicks
Carpets and Rugs
CB Antennas
Cellulose Insulation
Cigarette Lighters
Contact Adhesives
Consumer Patching Compounds*
Drywall
Fireworks
Garage Door Openers
Inclined Infant Sleep Products*
Lawnmowers
Lawn Darts*
Matchbooks
Mattresses (open Flame)
Mattresses (smoldering)
Metal Candle Wicks*
Multi-purpose Lighters
Paint and Similar Surface Coatings*
Packaging Subject to the Poison Prevention Packaging Act
Portable Gas Containers
Pool and Spa Drain Covers
Refuse Bins*
Refrigerator Doors
Swimming Pool Slides
Vinyl Plastic Film
Wearing Apparel (Flammability)

*Products subject to ban
Updated 9/2/2022

https://cpsc.gov/Business--Manufacturing/Testing-Certification

CONSUMER PRODUCT SAFETY COMMISSION
UNITED STATES

United States
Consumer Product Safety Commission

Risk Assessment Methodology (RAM) and Targeting Efforts

John Blachère
International Trade Specialist

Disclaimer: *This presentation was prepared by CPSC Staff and may not necessarily reflect the views of the Commission.*

CPSIA §222

- Section 222 requires CPSC to:
  - Develop a Risk Assessment Methodology (RAM) for the identification of shipments of consumer products that are intended for import into the United States and likely to include consumer products that:
    (1) violate of health and safety rules,
    (2) are not accompanied by a certificate,
    (3) are imminently hazardous,
    (4) create a substantial product hazard, or
    (5) from a manufacturer in violation of recordkeeping requirements

CPSIA §222

- In developing the methodology:
  - Use U.S. Customs and Border Protection's (CBP) International Trade Data System (ITDS)
  - Make it part of the IT modernization plan
  - Evaluate how to share information with CBP involving risky shipments

Total Risk Management at Import

- Monitoring
  - Shipment activity by product, entity and port/region
  - Violation history/risk by product, entity and port/region
- Address risk in product areas and entities at import
  - Examples:
    - Limited complexity: ATVs
    - High complexity: Toys

Risk Assessment Program Components

- Intergovernmental Memoranda of Understanding and agreements
- Co-located personnel with CBP
- Integration with CBP data systems
- Other improvement projects
  - Product coding
  - Internal case and process monitoring

Commercial Targeting Analysis Center (CTAC)

- Created in 2009, CTAC is a fusion center of health and safety agencies hosted at CBP's Office of Trade in Washington, D.C.
  - 2 co-located staff
  - Access pre-arrival Manifest, Entry, Entry Summary and other CBP risk data
- Coordinates national targeting operations through CBP systems

Co-located Staff

- Work cooperatively at ports to examine shipments stopped by targeting operations or local selection
  - Chemical analysis – X-Ray Fluorescence and Phthalates
  - Mechanical analysis – Use/abuse and physical assessment
  - Document verification – Certification, tracking labels and registration cards
- Collect evidence and investigate locally

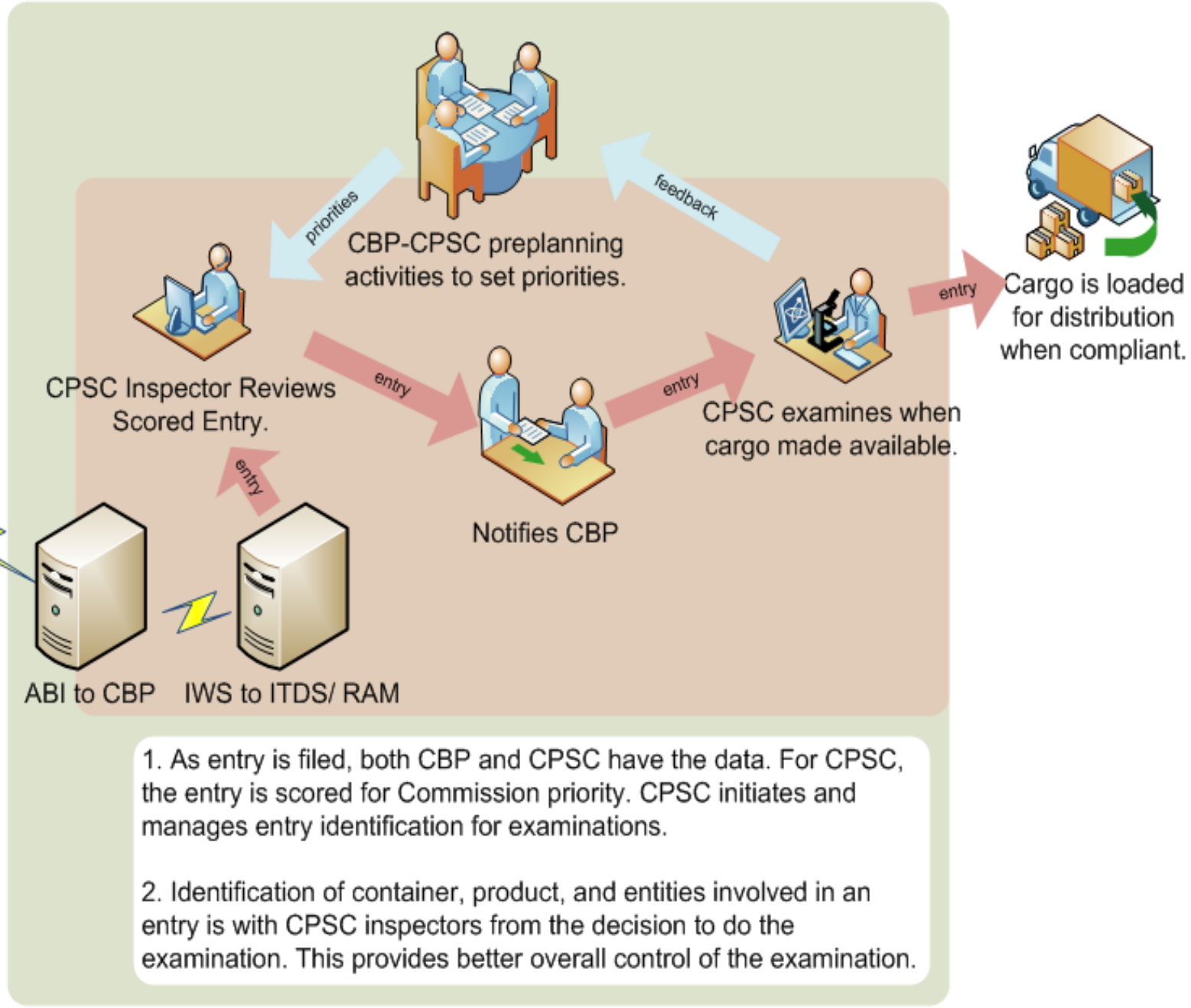
ITDS/RAM System

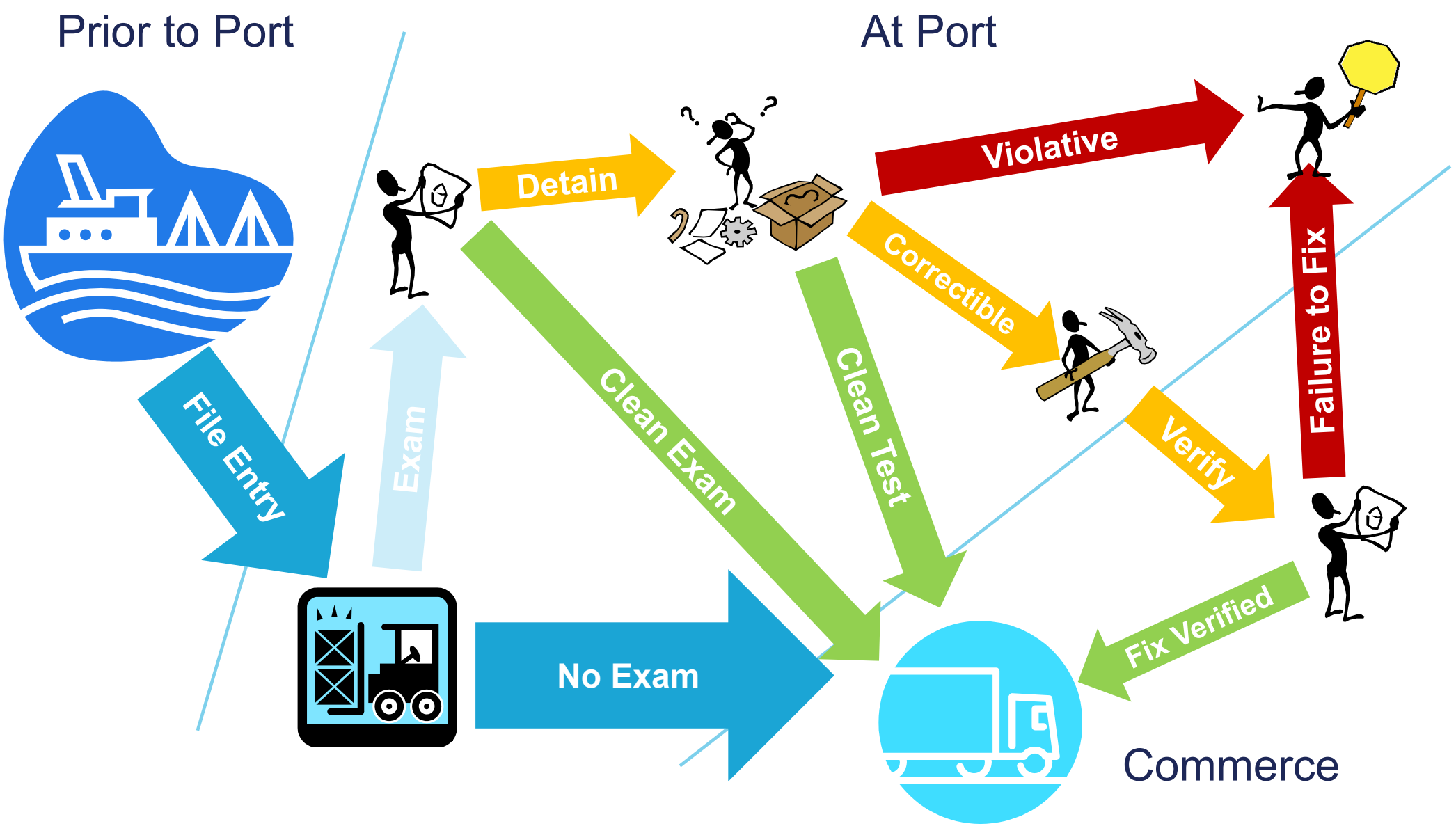
- Integrates available risk information to model and support Commission enforcement strategy involving product hazards at importation
- Potential sources of risk data include:
  - Shipment (CBP)
  - Case history (CPSC & CBP)
  - Screening history (CPSC)
  - Injury and death (CPSC)
  - Commercial information (Third Party)

ITDS/RAM System

- Statistical modeling assists management in the prioritization of projects and operations
- Risk-based standard reporting for product managers knowledge of importation patterns
- Graphical User Interface to manage screening and exams at ports of entry
- Systematic methodology to review and prioritize all shipments of potential interest to CPSC

Broker files 3461
to enter shipment




Prior to Port
At Port
File Entry
Exam
Detain
Clean Exam
Clean Test
Violative
Correctible
Failure to Fix
Verify
Fix Verified
No Exam
Commerce

United States
Consumer Product Safety Commission

eFiling Beta Pilot (CPSC's Message Set)

Overview and Discussion Questions

Arthur Laciak
eFiling Program Specialist

Disclaimer: *This presentation was prepared by CPSC Staff and may not necessarily reflect the views of the Commission.*

Agenda

- Overview of Beta Pilot
- PGA Message Set Data Elements
- Product Registry Features
- HTS Codes, Disclaims, and Exemptions
- *De minimis* and direct-to-consumer shipments

What is the Beta Pilot?

- CPSC will conduct a Beta Pilot test, in conjunction with CBP, scheduled to begin in **fall 2023**.
- The Beta Pilot test will include up to **50 volunteer participants**, allowing for **more entry lines** than the Alpha Pilot test and for CPSC to develop, test, and implement processes and procedures for an eFiling requirement for imported, regulated consumer products.

How will CPSC use the Beta Pilot results?

1. Scale-up IT systems to accept data for regulated consumer products.
2. Refine the required infrastructure for the real-time collection and use of data.
3. Develop internal and external procedures to supply, use, and maintain certificate data.
4. Inform rulemaking that will require and make permanent eFiling certificate data.

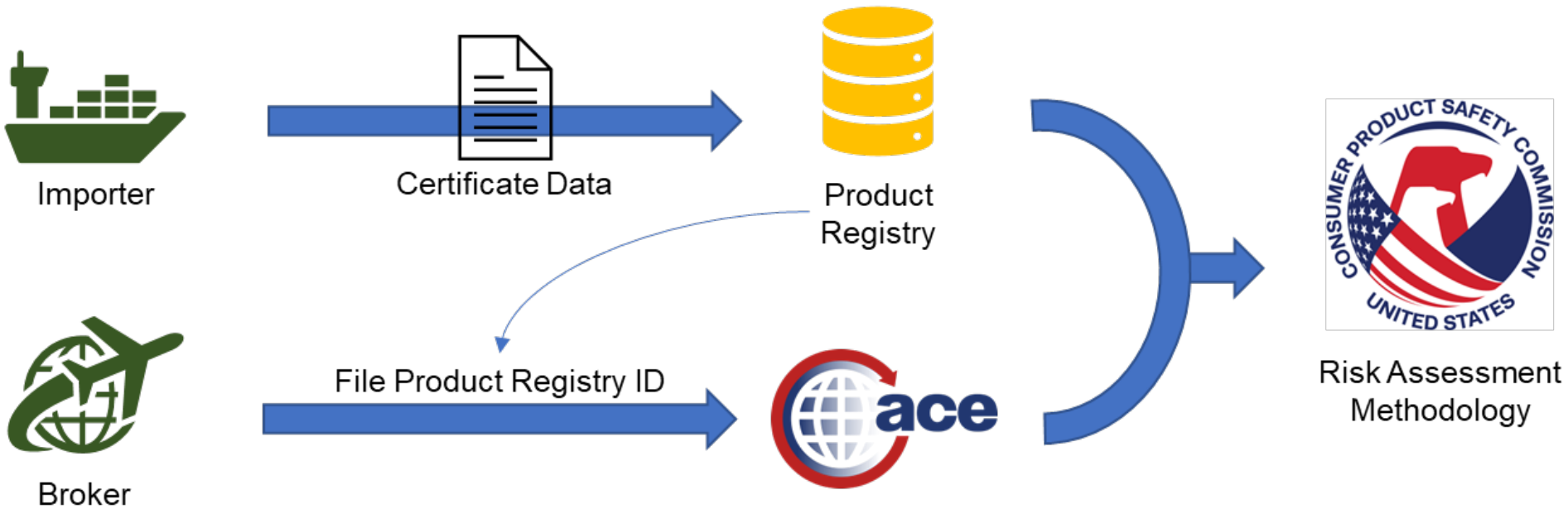
How will industry benefit?

CPSC expects industry to experience improvements in risk assessment, enforcement, and trade facilitation, because the agency will be better able to incorporate the presence or lack of a certificate, as well as the data elements provided, into CPSC's targeting algorithms. Risk scores will decrease for importers who electronically file valid data elements, resulting in fewer examinations of their cargo at the port.

Certificate data elements for eFiling

- Identification of the finished product
- Each consumer product safety rule to which the finished product has been certified
- Date when the finished product was manufactured
- Place where the finished product was manufactured, produced, or assembled
- Date when the finished product was most recently tested for compliance
- Parties on whose testing a certificate depend
- A check box indicating that a required certificate currently exists for the finished product

Option 1: Reference Message Set



Option 2: Full Message Set

Timeline

Fall 2022
Begin IT development

Winter 2022/23
Receive iterative feedback

Spring 2023
PGA Message Set development

Summer 2023
Testing and volunteer onboarding

Fall 2023
Begin Beta Pilot

Winter 2023/24
Receive iterative feedback

Spring 2024
End Beta Pilot

End of Year 2024
Finalize rulemaking

CATAIR

- Volunteer participants will have the opportunity to provide feedback on the CATAIR.
- CPSC staff will use the CATAIR and Business Rules from the Alpha Pilot as a starting point.
  - Copies will be distributed to volunteer participants, who are encouraged to review them and provide feedback.

PGA Message Set Development

November - February
Initial CATAIR draft

March - May
PGA Message Set and Software Development

June - August
Certification Environment Test

September
Production Environment Test

October
Beta Pilot Begins

Participation in the Beta Pilot

- Email your interest to eFilingPilot@cpsc.gov, including your Importer of Record number and products you primarily import.
- Brokers, software developers, and labs are able to participate, but ideally would do so in collaboration with an importer.
- CPSC is seeking a subset of 9 volunteers to participate in advising the IT development.

PGA Message Set
Data Elements

Identification of the finished product

- Unique ID
  - The ID is to be provided by the filer.
  - Options include GS1 Global Trade Item Number (GTIN), Universal Product Code (UPC), Stock Keeping Number (SKU), Model number, or other Item Identity Number.
    - If using GTIN, filers will still need to file the required certificate data.
- One product per eFiling certificate
  - Multiple models allowed as long as <u>all the certificate information remains the same</u>.

Identification of the finished product

- Product Description
  - The product description needs to be sufficient to match the product to the certificate, such as model name, color, description, and style.
  - This is to assist the CPSC Compliance Investigator in validating that the certificate accompanying the shipment is actually for the product.

Citation of CPSC statute

- Each consumer product safety rule to which the finished product has been certified.
- Standardized as a drop-down list in the Product Registry
  - Sub-sections for ASTM F963-17 citations will be required.
    - E.g.: ASTM F963-17 4.3.5.1 for Heavy Elements: Paint and Similar Surface Coating Materials
- CPSC staff will provide citation codes to be used for the Product Registry and the PGA Message Set.

Party certifying compliance

- The importer must certify compliance for products manufactured overseas.
  - The importer does not need to be located physically within the U.S.
  - The party certifying compliance is always legally responsible, even if a third-party testing laboratory, or another third party, helps draft the certificate.
- Party must respond to CPSC's request within 24 hours.

Contact info for individual maintaining records

- Required data are the individual's name, full address, phone, and email.
  - The importer does not need to be located physically within the U.S.
- The individual can be a position title and a generic email, but the individual must respond within 24 hours.

Date and place of manufacturing

- Date – only the month and year
  - For products manufactured over several days, only the start date is required.
- Place – identity of the manufacturer, including full address, phone, and email.

Date and place of lab testing

- Date – month, date, and year
  - For products tested over several days, only the last date is required.
- Place – identity of testing lab, including full address, phone, and email.
- For CPSC-accredited labs, only CPSC lab ID is required.
- CPSC staff will test having filers provide the web link to the lab test report (optional).

Checkbox

- A check box indicating that a required certificate currently exists for the finished product.
- This is an attestation done by the individual certifying compliance.

- What additional product identifiers should CPSC consider?
- Would you use GTIN as a product identifier?
- Would you be able to readily provide product description information (model name, color, description, and style)?
- Does the Product Registry address any issues importers may have with product certification?
- Would providing the URL to the lab test report be feasible?

Participation in the Beta Pilot

- Email your interest to eFilingPilot@cpsc.gov, including your Importer of Record number and products you primarily import.
- Brokers, software developers, and labs are able to participate, but ideally would do so in collaboration with an importer.
- CPSC is seeking a subset of 9 volunteers to participate in advising the IT development.

Product Registry Features

Accessing the Product Registry

- The Product Registry will be built and managed by CPSC.
- Importers opting to use the Product Registry will need to create a profile.
- Brokers and labs can be granted third-party access by the importer, in order to upload certificate data on their behalf.

Batch Uploads

- The Product Registry will have the ability to accept a spreadsheet of certificate data.
  - Reminder – one product per eFiling certificate.
  - Multiple models allowed as long as all the certificate information remains the same.

Versioning and Copying Controls

- Versioning will allow filers to update certificates and keep the Product Registry ID the same.
  - E.g.: update the manufacture or lab test date of the certificate.
  - The ID will have a suffix to indicate the certificate version.
- Copying will allow filers to copy existing certificate data to a new certificate with a new Product Registry ID.
  - Can be used to easily copy lab information and CPSC statutes for similar products.

- Would importers be in favor of third-party access for brokers and labs?
- Should other parties have third-party access?
- Would you use the batch upload feature?
- What would your requirements be for batch uploads?
- Would versioning and copying controls be useful for you?

HTS Codes, Disclaims, and Exemptions

HTS Codes and Flagging

- Approximately 300 HTS codes will be covered by the Beta Pilot.
- These HTS codes primarily include products that require a certificate of compliance.
- CPSC staff will publish the list of HTS codes prior to the Beta Pilot and these codes will be flagged at the time of Entry filing.

Disclaim Sets

- Certain products will be flagged at Entry, but do not require a certificate. In this scenario, a disclaimer will be required.
  - Product outside CPSC jurisdiction.
  - Product within CPSC jurisdiction, but not regulated.
  - Product within CPSC jurisdiction and regulated, but no certificate is required per Commission enforcement policy.

Exemptions

- For products that are exempt from a lab testing requirement, the filer would list "No lab testing required" in the Laboratory field of the PGA Message Set or the Product Registry.
- The filer would also cite the CPSC statute providing for the exemption.
  - E.g.: plain surface fabrics that weigh more than 2.6 oz per square yard are exempt from testing.

- Should CPSC consider other disclaim sets?
- How often do you have a lab testing exemption for your products?

Participation in the Beta Pilot

- Email your interest to eFilingPilot@cpsc.gov, including your Importer of Record number and products you primarily import.
- Brokers, software developers, and labs are able to participate, but ideally would do so in collaboration with an importer.
- CPSC is seeking a subset of 9 volunteers to participate in advising the IT development.

De Minimis and direct-to-consumer shipments

Certificate requirements

- CPSC statute does not have an exemption for *de minimis* shipments, which means that a certificate is still required for these shipments.
- Filers could either file under Entry Type 01 or 86.
  - ET 86 is currently voluntary, but it will allow the filer to provide PGA data and not pay a tariff to CBP.

CBP's Entry Type 86

- Automated a paper process, enabling the express community to electronically transmit data for low-value shipments (under $800) exempt from duties, taxes, and fees.
- Entry Type 86 enables the trade community to meet PGA requirements without filing an Entry Summary. This results in significant savings with merchandise process fees. It also eliminates the *de minimis* manual clearance process, which helps to speed up cargo release.

Party certifying compliance

- Current guidance is for the <u>importer to certify compliance</u>, but the importer is not always clear for *de minimis* shipments.
- CPSC is considering options for importers.
- Consumer is not to certify compliance.

- Will there be any difficulty filing under ET86?
- Does the Product Registry address any *de minimis* or D2C issues importers may have with product certification?

Participation in the Beta Pilot

- Email your interest to eFilingPilot@cpsc.gov, including your Importer of Record number and products you primarily import.
- Brokers, software developers, and labs are able to participate, but ideally would do so in collaboration with an importer.
- CPSC is seeking a subset of 9 volunteers to participate in advising the IT development.

Additional Comments

- The comment period for this workshop will remain open until November 11th, please submit your comment to https://www.regulations.gov/document/CPSC-2022-0020-0003.

THANK YOU!

www.cpsc.gov/eFiling
eFilingPilot@cpsc.gov

CPSC.gov USCPSC