

CPSC & E-Filing

CPSC & E-Filing: What You Need to Know



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CPSC & E-Filing: Who Must Certify/File

- PART 1110—CERTIFICATES OF COMPLIANCE

- 1110.7 Who must certify finished products.

- (a) Importers. Generally, a finished product manufactured outside of the United States must be accompanied by a certificate and the importer must issue the certificate. eFiling is required for each importer.

- 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

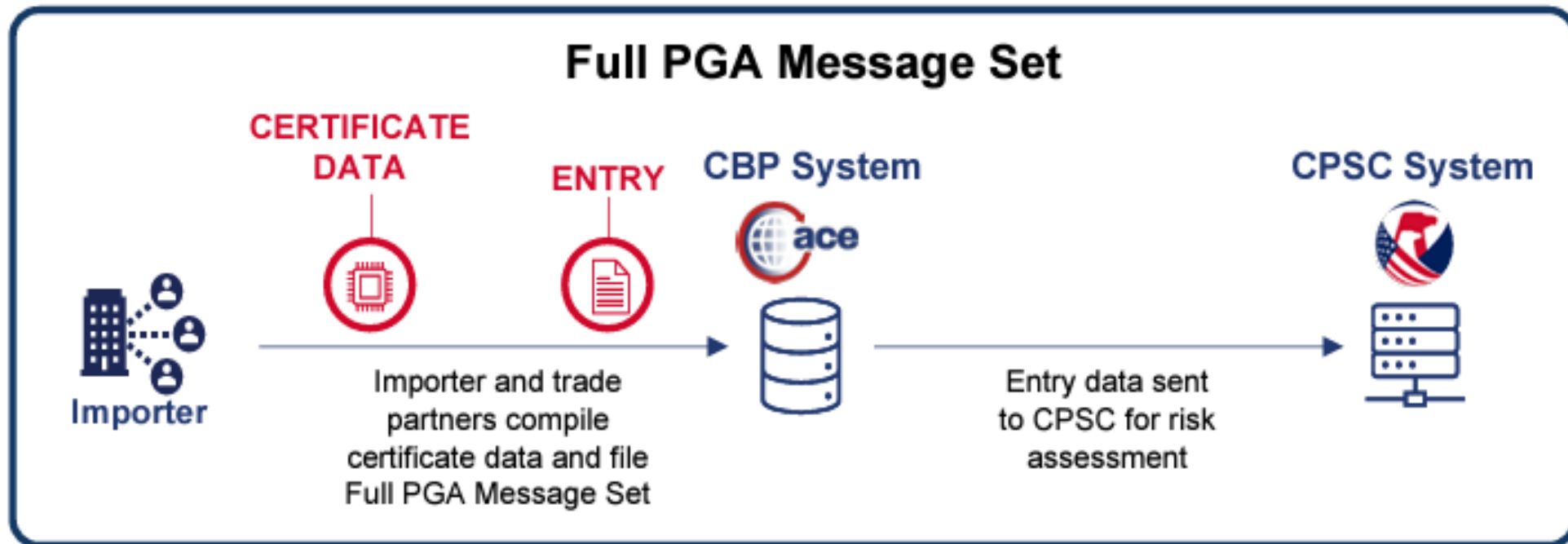
- (b) Domestic Manufacturers & Private Labelers. Do not have to eFile because the products are not imported. Generally, a finished product manufactured in the United States must be accompanied by a certificate, the manufacturer must issue a certificate that meets the requirements of this part. However, if a finished product manufactured in the United States is privately labeled, the private labeler must issue a certificate that meets the requirements, unless the manufacturer issues the certificate.

CPSC & E-Filing: What are the Required Data Points for E-Filing?

- What information is required for eFiling?
 - 1) Identify the finished product(s) covered by the certificate;
 - 2) state each consumer product safety rule to which the product is being certified;
 - 3) identify the party certifying compliance of the finished product(s);
 - 4) identify and provide contact information for the individual maintaining the certificate's records;
 - 5) provide the date and place where the finished product(s) were manufactured, produced, or assembled;
 - 6) provide the most recent date and places 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); and
 - 7) an attestation certifying the finished product(s) covered by the compliance certificate.

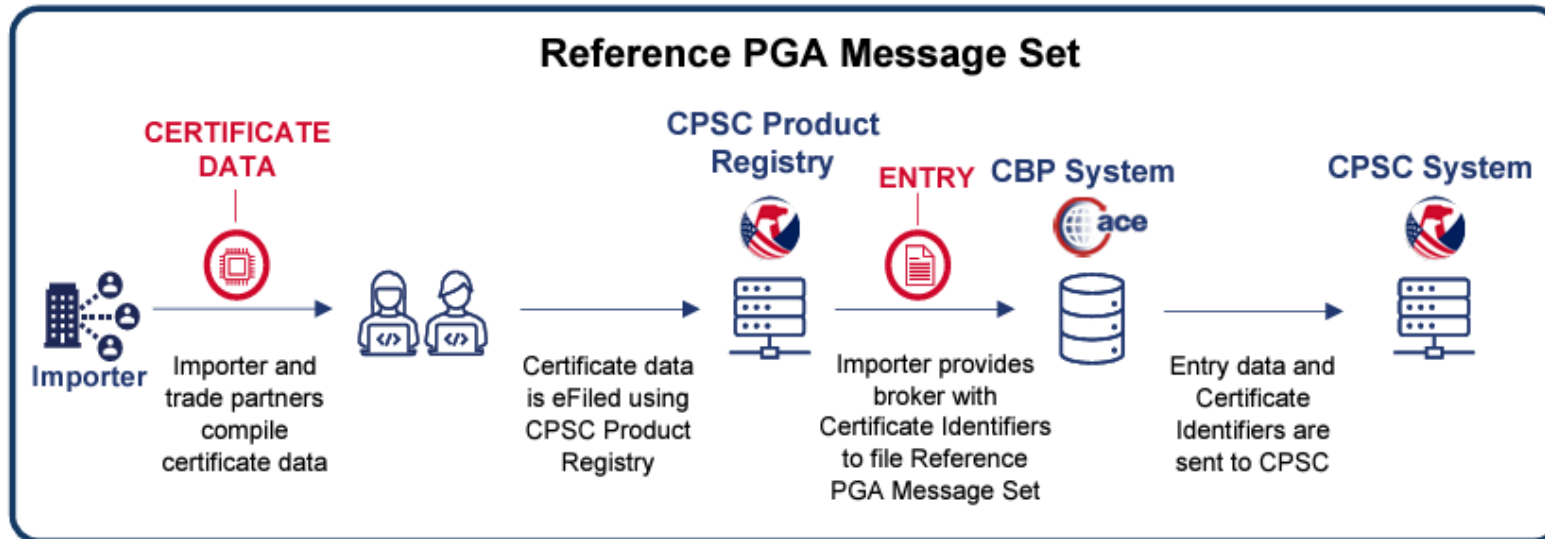
CPSC & E-Filing: Reference PGA Message Set (Option #2)

- **Full PGA Message Set:** The importer provides their broker with the full product certificate for the imported product and the broker files it in the CPSC PGA Message Set. This is recommended if the importer imports a *limited number* of regulated consumer products or *does not repeatedly import* the same product.



CPSC & E-Filing: Full PGA Message Set (Option #1)

- **Reference PGA Message Set:** The importer pre-enters the certificate data into the CPSC Product Registry (developed and maintained by CPSC) and then provides their broker with certificate identifiers to be filed in the PGA Message Set. The certificate identifiers are the Certifier ID, Product ID, and Version ID. This option is preferable if the importer *repeatedly imports* regulated consumer products covered by the same product certificates. By using the Product Registry, the importer can leverage manual or bulk upload features to file product certificate data in a streamlined and accelerated manner.



*There are manual input (small importers), batch upload (import a few dozen), and API (everyone else) options available for entering data into CPSC's product registry

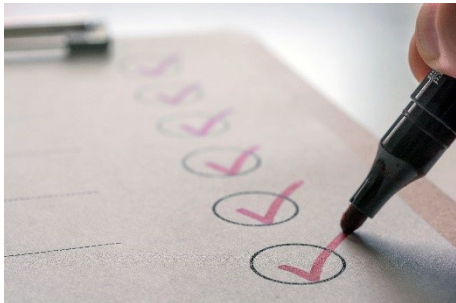
CPSC E-Filing: Disclaimers & Exclusions

— Other Questions | What is the difference between a testing exclusion and a disclaimer?

Use a testing exclusion code when a certificate is required for the product, but the product is not required to be tested to a specific performance requirement in a rule based on an exemption, exception, or determination in the underlying rule. More information can be found in the eFiling Beta Pilot Citation Testing Exclusion and Disclaim Guidance document found in the [eFiling Document Library](#). Use a disclaimer when no certificate is required for the product because the product is not within CPSC's jurisdiction; is not subject to a rule, ban, standard, or regulation that requires certification; or because the Commission has issued an enforcement discretion for the product (i.e., certain refrigerators and adult wearing apparel). Instead of filing a Full or Reference Message Set, a Disclaim Message Set is filed.

Exclusion Code

- (c) The following products are exempt from the scope of the ban established by part 1303 (no cautionary labeling is required):
 - (3) Metal furniture articles (but not metal children's furniture) bearing factory-applied (lead) coatings.



Disclaimer Code

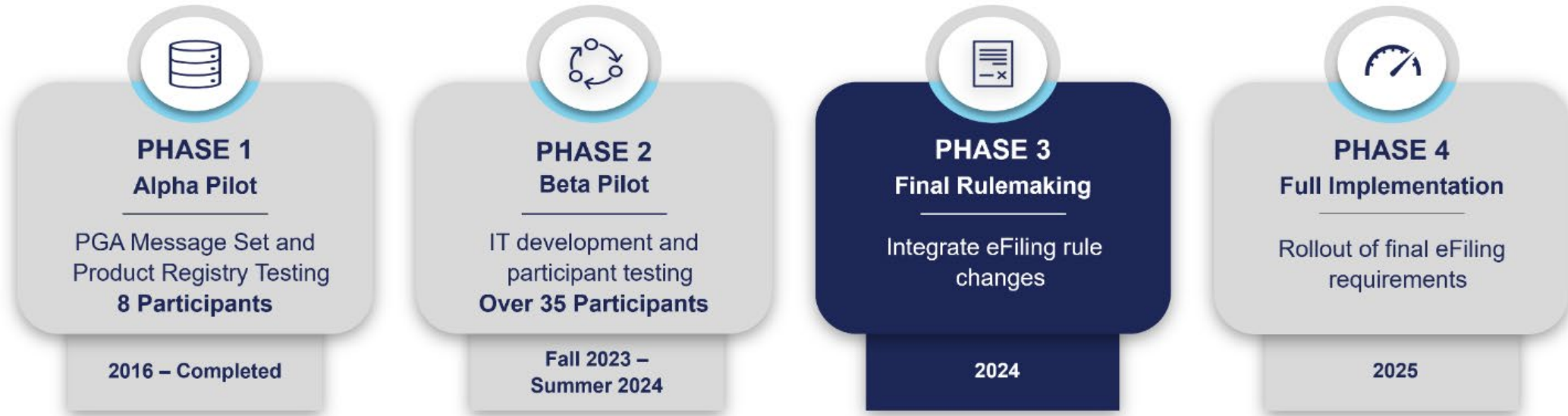
- (d) The following materials do not exceed the lead content limits under section 101(a) of the CPSIA provided that these materials have neither been treated or adulterated with the addition of materials that could result in the addition of lead into the product or material:
 - (4) Wood.
 - (5) Paper and similar materials made from wood or other cellulosic fiber, including, but not limited to, paperboard, linerboard and medium, and coatings on such paper which become part of the substrate.
 - (6) CMYK process printing inks (excluding spot colors, other inks that are not used in CMYK process, inks that do not become part of the substrate under [16 CFR part 1303](#), and inks used in after-treatment applications, including screen prints, transfers, decals, or other prints).

CPSC E-Filing: Enforcement

- What does CPSC staff consider when there is inaccurate information in a certificate?
 - Currently, before issuing a violation, CPSC staff considers whether any inaccurate information on the certificate was deliberate, or inadvertently erroneous.
 - CPSC at the Ports: “One Strike and You’re Out” (enforcement discretion fades after first violation)
- What are some ways in which CPSC may penalize firms for noncompliant certificates?
 - 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.



CPSC & E-Filing: Timing



Mandatory Standards Summary Table

Items by Major Categories	FY 2024 Request	FY 2024 Op Plan
CPSIA, as amended by Pub. L. No. 112-28, and including Section 104 of the CPSIA		
eFiling	FR	NPR/FR

CPSC's Fiscal Year Ends on September 30, 2024

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.⁷

CPSC & E-Filing: Getting Ready



FEDERAL REGISTER
The Daily Journal of the United States Government



 Notice

Electronic Filing of Certificate of Compliance Data: Announcement of Expansion of PGA Message Set Test and Request for Additional Participants

A Notice by the Consumer Product Safety Commission on 06/04/2024



SUMMARY:

The U.S. Consumer Product Safety Commission (CPSC), in consultation with U.S. Customs and Border Protection (CBP), announce their joint intent to expand the current Partner Government Agency (PGA) Message Set test (Beta Pilot) to include up to 2,000 additional participants. This expansion would allow importers of regulated consumer products to voluntarily participate in the test by electronically submitting (eFiling) data from a certificate of compliance for up to three additional years, or until an effective date of a final rule requiring eFiling. Beta Pilot test participants will eFile certificate data to the CBP-authorized Electronic Data Interchange (EDI) system known as the Automated Commercial Environment (ACE). CPSC also seeks comment on the revised burden estimates for this expanded collection of information.

Staff anticipates that eFiling full implementation will occur in or around 2025. We have received questions about whether the Beta Pilot has been extended for three years based on the recent Federal Register Notice regarding expansion of the Beta Pilot (89 FR 47922 (June 4, 2024)). Please note that CPSC staff is referring to this “expansion of the Beta Pilot” as the “eFiling voluntary stage.” The three-year period stated in the Federal Register Notice in connection to the Beta Pilot refers to the Information Collection Control Number that must be approved by the Office of Management and Budget (OMB); three years is the default length of time that any Information Collection by a government agency lasts, and must be renewed if the Information Collection is on-going after that period, as required by the Paperwork Reduction Act. It is not the planned life of the Beta Pilot.

CPSC has begun accepting registration requests for the eFiling voluntary stage to generate a waitlist. Staff highly recommends that importers reach out as soon as possible to initiate their request to gain access to the Product Registry.

To receive an invitation to establish a Business Account in the Product Registry, importers can email eFilingSupport@cpsc.gov with:

1. **Company Name**
2. **Initial Business Account Administrator’s Name**
3. **Initial Business Account Administrator’s Email**
4. **Importer of Record Number(s)**
5. **Broker Filer Code(s)**
6. **Type of Products Imported**

CPSC & E-Filing: Advocate Now

CPSC will continue to gather feedback from Beta Pilot participants through feedback sessions, survey distribution, and continued testing. Development and integration efforts in the front and back-end systems are ongoing to prepare eFiling system functionality, resilience, and capacity for full implementation. While the eFiling Beta Pilot formally ends in June 2024, Pilot participants will have the option to transition to a voluntary participation stage to allow for continued system testing and improvement.

CPSC staff is on track to deliver a Final Rule package to the Commissioners this year. Staff is currently developing a final rule package for Commission consideration, and reviewing and considering the public comments submitted in response to the [eFiling Supplemental Notice of Proposed Rulemaking \(SNPR\)](#).



United States
Consumer Product Safety Commission

Staff Briefing Package

CPSC Plan to Create an eFiling Program for Imported Consumer Products

September 23, 2020

C. Initiate Rulemaking

After completing the Beta Pilot, staff would analyze the results based on staff and participant feedback, and make recommendations to the Commission on rulemaking options. Generally, staff anticipates recommending rulemaking to require that certain importers of regulated consumer products electronically file targeting/enforcement data at the time of entry, in the form of a PGA Message Set in CBP’s ACE system.¹⁰

Questions?

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