



**BUREAU
VERITAS**

BUREAU VERITAS CONSUMER PRODUCTS SERVICES

CPSC FILING

Coolley

MARCH 2024

AGENDA

01

CERTIFICATES OF COMPLIANCE

02

WHAT IS EFILING?
CPSC PRODUCT REGISTRY

03

TIMELINE

04

INDUSTRY MISUNDERSTANDINGS

05

NEXT STEPS

06

ENFORCEMENT

07

FAQS

CERTIFICATES OF COMPLIANCE

I PART 1110—CERTIFICATES OF COMPLIANCE

I 1110.7 Who must certify finished products.

I (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*

I (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.

CERTIFICATES OF COMPLIANCE

| What are the rules regarding certificate availability?

| 1110.13 Certificate availability.

- | (a) Accompanying certificates. A certificate issued by a finished product certifier must accompany each finished product or finished product shipment.
- | (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.

CERTIFICATES OF COMPLIANCE

| **What are the legal responsibilities for the information in a certificate?**

- | 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.

| **What are some recordkeeping requirements for certificates of conformity?**

- | 1110.17 Recordkeeping requirements. (New)
- | For CPCs and component part certificates, certifiers must satisfy the recordkeeping provisions contained in §§ 1107.26, 1109.5(g), and 1109.5(j), as applicable. For GCCs, certifiers must maintain for at least five years from their creation the certificate and supporting test records.

CERTIFICATES OF COMPLIANCE

- | **What is the difference between certificates for component parts, for finished products, and for replacement parts of consumer products?**
 - | Component Parts: 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. 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, and are not to be eFiled.
 - | Replacement Parts: The SNPR definition explains that 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. 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.
 - | Finished Products: Only finished products subject to a regulation must be tested and certified.

CERTIFICATES OF COMPLIANCE

| 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.*

WHAT IS EFILING?

- | **Per CPSC:** ‘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’
- | **Translation for Importers: electronically filing your COC’s**
 - | It is NOT sending or emailing existing COC’s to CPSC/CBP
 - | It is digitizing the COC process by creating data elements for each COC required field and populating that in the CPSC Product Registry/CBP Automated Commercial Environment (ACE) platform

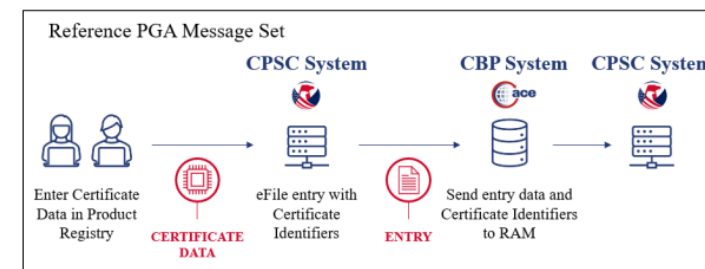
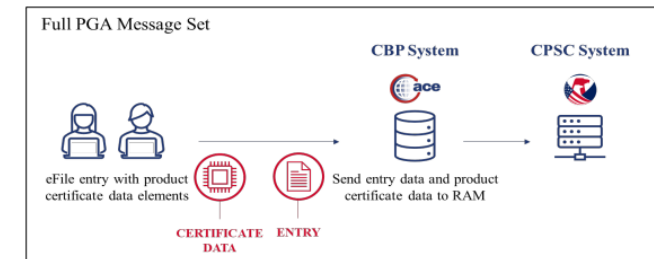
WHAT IS EFILING?

| 2 options for PGA message sets:

- | Full PGA message set- certificate data is entered by broker along with the required customs data directly into CBP ACE System each time a product is imported. ACE sends data to CPSC's Risk Assessment Methodology (RAM) system to target high risk products

*Note: this option is only valid if your broker has the data to file a full message set

- | Reference PGA message set- certificate data is entered into CPSC's Product Registry to create a 'Registry ID' consisting of a Certifier ID, Product ID and Version ID. These 3 elements are the 'reference' to be submitted by brokers into the ACE system each time a product is imported. ACE sends data to CPSC's RAM system to target high risk products



CPSC PRODUCT REGISTRY

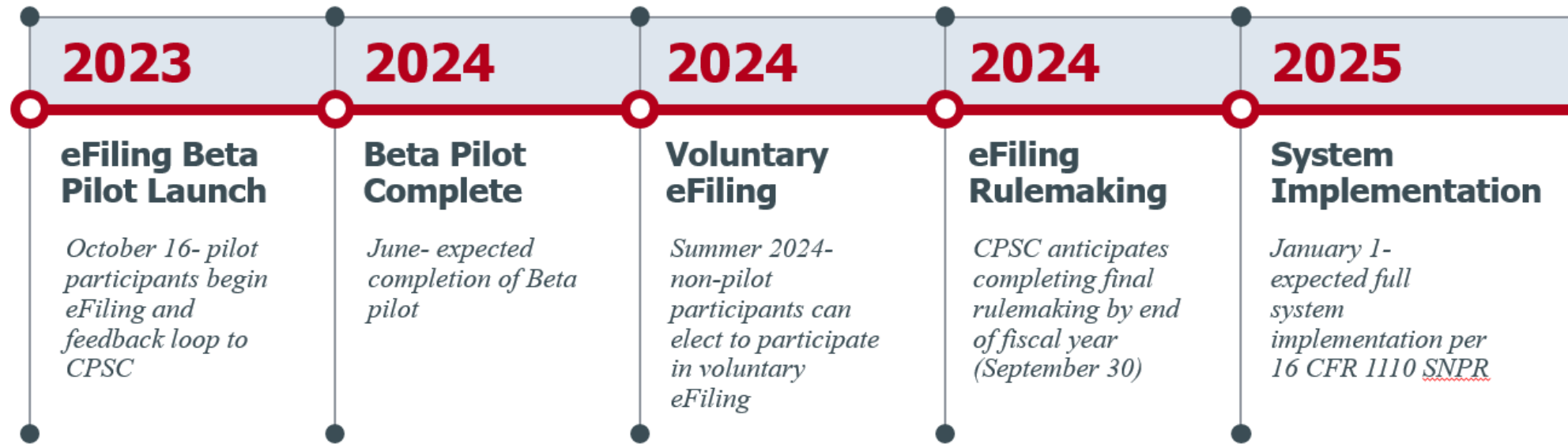
- | **Multiple options for entering data into the CPSC Product Registry:**
 - | Manual input- someone manually logs into the registry and manually inputs all data elements for each certificate one at a time for every product ID
 - | Batch upload- someone manually logs into the registry then imports a .csv file that is formatted using comma-separated value template to capture multiple certificates
 - | Application Programming Interface (API)- build an API connection to the registry that will allow instantaneous delivery of certificate data

CPSC PRODUCT REGISTRY

| How to choose an input method?

- | Manual input- recommended for those who only import a very small number of items
- | Batch upload- recommended for those who import a small number of items (a few dozen)
- | Application Programming Interface (API)- recommended for those who import a large amount of items (majority of US retailers fall into this option)

TIMELINE



TIMELINE

- | **CPSC plans to complete Beta pilot in June 2024**
- | **Voluntary eFiling begins summer 2024**
 - | CPSC will allow non-pilot participants to begin eFiling and test the system before full implementation in early 2025
- | **CPSC will continue system improvements through end of 2024 and importers participating in pilot can continue eFiling so they can ramp up 100% of their imports**

INDUSTRY MISUNDERSTANDINGS

- | **“Efiling is handled by my customs dept. so I don’t need to do anything on the QA/Compliance side.”**
 - | **False:** Both customs and QA/Compliance data is required.
- | **“I can just upload a PDF GCC certificate to the CPSC registry.”**
 - | **False:** Under the new guidelines the CPSC doesn’t offer a solution in their database to use any form (ie. PDF, MS Word) of an actual certificate. The registry requires that the data fields from the certificate be entered into the registry.”
- | **“I don’t sell toys, so I don’t have to worry about this.”**
 - | **False:** Certificates are required for all products under the CPSC that contain a rule, standard or ban.

INDUSTRY MISUNDERSTANDINGS

- | **“I don’t create my certificates today so there is no work on my part. I’ll just have whomever creates them send my data to the CPSC registry.”**
 - | **False:** Importers must create an account in the CSPC registry and give access to third parties to enter data. Importers will need manage their suppliers in the registry and certify all certificate data.
- | **“This is still in Beta Pilot phase, so I don’t need to do anything until DFR is issued”**
 - | **False:** The Beta pilot will end in June 2024. SNPR for 16 CRR 1110 suggested a 120 day implementation following issuance of DFR by EOY 2024 (note end of CPSC fiscal year is September). This puts the proposed effective date for eFiling at January 1, 2025. If you wait until September it will be too late !!

NEXT STEPS

- | **Start internal conversations with your import compliance/customs team**
 - | Bring in brokers to these discussions
 - | eFiling is a collaborative effort between product and customs compliance
- | **Digitize your data !!**
- | **Be sure you are managing your trade parties**
 - | If you do not have an ID (ie: factory ID) in your programs today, start now with implementing one
- | **Take advantage of the voluntary eFiling that will begin in summer 2024**

NEXT STEPS

Subscribe For Updates & CPSC eFiling Newsletter
CPSC will continue to share a ton of valuable information !!

www.cpsc.gov/eFiling



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How may I help you?



eFiling – CPSC’s Modern Approach for Filing Certificate Data

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NEXT STEPS



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eFiling Website:

[CPSC.gov/eFiling](https://www.cpsc.gov/eFiling)



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.
 - | “One Strike and You’re Out”
- | **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.

FAQS

| Who is responsible for eFiling?

| The importer is the responsible party.

| When will the Beta Pilot end?

| CPSC eFiling Beta Pilot is scheduled to conclude in June 2024, however voluntary eFiling will remain open for pilot participants after the pilot has ended.

| What is the product scope for eFiling?

| Any product that requires a COC (GCC or CPC) today will require eFiling. The scope of products is not changing. If you are unsure if your product requires a COC, please utilize the regulatory robot at <https://www.cpsc.gov/Business--Manufacturing/Regulatory-Robot/Safer-Products-Start-Here>

FAQS

- | **How do I setup an account if I want to participate in voluntary eFiling?**
 - | Submit an email request to eFilingSupport@cpssc.gov
- | **Will a soft copy of a COC still be required to be created?**
 - | Yes. 16 CFR 1110 SNPR does not eliminate the need for a soft copy.
- | **Why do I need to eFile?**
 - | This will become a mandatory requirement once final rule has been issued. Complying with the requirement will reduce an importer's risk score leading to seamless import of goods, reduces holds at the port, fewer targeted shipments and less cost associated with exams, holds, empty shelves, etc.

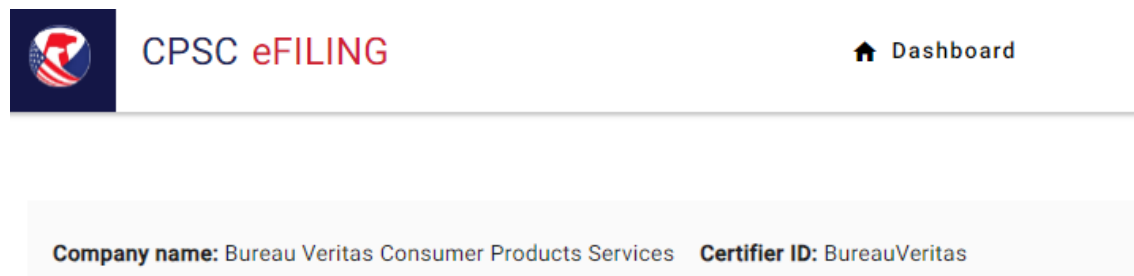
FAQS

| Can I still test products as a group or assortment?

| Yes. This will not change. Testing can still occur as a group to keep costs low, but when submitting to CPSC Product Registry, each unique item within the group will need to be submitted individually.

| What is my Certifier ID?

| This is an ID that the importer will determine when creating a registry account. This is a static ID that will not change. For example:



FAQS

| **What is my Product ID?**

| A unique identifier of each item being imported (ie: GTIN, Model #, Serial #, UPC, SKU, etc.)

| **What information is required for eFiling?**

| All fields required on a COC today will be required for eFiling in addition to citation codes, Laboratory IDs and factory contact (phone and email)

| **What is a citation code?**

| Each rule, ban, standard has a specific citation code associated with it for easy eFiling. A full list of citation and exemption codes can be found at: <https://www.cpsc.gov/eFiling-Document-Library>

Compliance can be complicated. BV can help !
If you have further questions or are looking to move forward on how BV can support your company with eFiling, we are happy to discuss our solution with you directly.

Please contact Bureau Veritas at info@us.bureauveritas.com



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