

Consumer Product Safety Commission Approves Test Program: Electronic Filing of Certificates of Compliance

August 14, 2015

This week the Consumer Product Safety Commission voted to approve a test program to assess the electronic filing of certificates of compliance at entry in coordination with U.S. Customs and Border Protection. With the idea of better coordination among partner government agencies to facilitate electronic data collection and sharing of import data, the CPSC endorsed the test program to begin sometime after July, 2016 and run for approximately six months.

Currently Section 14(a) of the Consumer Product Safety Act, as amended by section 102(b) of the Consumer Product Safety Improvement Act of 2008 requires manufacturers (including importers) and private labelers of regulated consumer products manufactured outside of the U.S. to test and certify such products are compliant with all regulations prior to importation. The CPSC also voted to extend the test program to certain products that do not currently require certificates, but are considered substantial product hazards. The products added are hand-supported hair dryers, extension cords, and seasonal and decorative lighting products.

The test program will assess two options for the electronic filing of the certificates at entry. An importer will have the option of either filing the data elements at time of entry or filing a reference to data stored in a registry maintained by CPSC. Use of the Data Registry is voluntary. Once in effect, CPSC will have targeting and enforcement data available for validation, risk assessment and admissibility determinations at entry. The goal is to review the data for earlier risk based admissibility decisions.

Notable and a change from the proposed rule on the test program is that the CPSC voted to require **five** data elements rather than the proposed **ten**. Those data elements are the following:

- Identification of the finished product
- Each consumer product safety rule to which the finished product has been certified
- Place where the finished product was manufactured including the name and address of the manufacturer
- Parties on whose testing the certificate depends
- A check box indicating that a required certificate currently exists for the finished product.

Should you have any questions, please do not hesitate to contact us.