



The American Companies

"News Flash"

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CPSIA - Consumer Product Safety- Making the Certificates Available

The Consumer Product Safety Improvement Act 2008 mandates the availability of General Certificates of Conformity (GCC) for all imported product covered by any rule or regulation enforced by the Consumer Product Safety Commission (see <http://www.cpsc.gov/ABOUT/Cpsia/legislation.html> for a complete roster of all legislation that falls within CPSC authority). The original draft of the CPSIA called for the physical accompaniment of the hard-copy conformity certificate with the goods, to make them readily available to CPB or CPSC inspectors at the time of arrival, or to distributors and resellers, as mandated in the original draft. It was unclear how this would be accomplished. Recent revisions of the rules (November 2008), following a period of public commentary and Congressional review, modified that aspect of the rule, allowing for alternative methods of providing the Certificates, including electronic availability (web-sites). From the following, related FAQ web-site <http://www.cpsc.gov/ABOUT/Cpsia/faq/elecfaq.pdf> :

A) Under the rule issued by the Commission an electronic certificate is "accompanying" a shipment if the certificate is identified by a unique identifier and can be accessed via a World Wide Web URL or other electronic means, *provided the URL or other electronic means and the unique identifier are created in advance* and available with the shipment.

B) (In addition) certificates can also be transmitted electronically to a (Customs house) broker with other customs entry documents before a shipment arrives, so long as they are available to the (Consumer Product Safety) Commission or Customs and Border Protection staff if the product or shipment is inspected.

The American Companies is ready to assist the importer in making their GCC available to CPB and CPSC officials in the event of an inspection, but strongly recommend the use of the electronic approach, both to eliminate the coordination issues that inevitably arise in the paper environment, as well as to avoid possible new fees related to the management and follow-up required where hard-copy documents are used.

For the most recent (January 8, 2009) news release from CPSC regarding the new lead and phthalate standards, open <http://www.cpsc.gov/cpsc/pub/prere/109/09086.html>; in summary it states that . . . *under the new law (CPSIA), children's products with more than 600 ppm total lead cannot lawfully be sold in the United States on or after February 10, 2009, even if they were manufactured before that date. The total lead limit drops to 300 ppm on August 14, 2009.*

A complete timetable for implementation of new standards in regard to children's products containing lead is available at <http://www.cpsc.gov/ABOUT/Cpsia/faq/sec101ltime2.pdf>. The complete time-table for implementation of all new CPSIA safety standards, particularly those related to children's products, is available on line at <http://www.cpsc.gov/about/cpsia/rulemaking.pdf>

The Consumer Product Safety Improvement Act is one of several pieces of legislation introduced in 2008 that will impact the trade community and require higher levels of attention and compliance for both importers and brokers. The American Companies has released a series of News Alerts on these rules, and seeks to deliver important new developments as they become available. For questions relating to this legislation, contact Client Support Services, Customs Compliance, Jim Carroll, at 201-478-4682 (direct) or jamesc@shipamerican.com.

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