



The American Companies

"News Flash"

November 13, 2008

Consumer Products Safety Improvement Act 2008:

Important Modifications to the Certificate of Conformity Requirements

On Monday, November 13, the Consumer Product Safety Commission issued important revisions to the rules of the Consumer Product Safety Improvement Act (CPSIA) 2008, released in August and the subject of much comment from the Trade and within the government. In brief, the CPSIA called for both importers and manufacturers (or third party labelers), jointly or separately, to provide *certificates of conformity* on imported products, manufactured on or after November 12, and subject to any rule or regulation enforced by the CPSC; the certificate would cite the applicable rule(s), identify the manufacturer, attest that the specific product met the standards of the cited rule, among several other requirements; the certificates were to accompany the products and be physically available to Customs and / or CPSC officials in the case of examination. In the case of product intended for use by children (12 years or younger), the conformity claim on the certificate must be supported by the test results of an accredited, third party standards-testing entity; otherwise, the certificates would reference only a 'reasonable' self-testing approach.

In addition to certificate requirement, a number of safety standards were upgraded, particularly in the manufacture of products intended for children; most notably, lead content levels and phthalate use in plastic child care products. The new rule does not modify these standards; only the certificate requirements are addressed.

The new rule makes several modifications in the interest of 'streamlining' the certificate process and ensuring its successful and timely implementation: a) the manufacturer or third party labeler is no longer required to produce a certificate, only the importer; b) Customs and CPSC will accept the electronic availability of the certificates in place of the original 'physical' presence of the certificate with the goods (*); c) the certificate must exist before the goods arrive in the US; a way to verify the date of existence must be available; d) the informational content of the certificates have been simplified.

The certificates must now provide the following information: a) the product; b) the applicable regulation(s) covering the product; c) the importer's (or domestic manufacturer) name, address and phone numbers; d) the person responsible for maintaining the test results on which the claim of conformity is based, their full contact information, including e-mail address; e) date and location of manufacture (specific factory); f) the third party standards-testing company if such has been used to establish the product's conformity. Conformity certificates on products intended for children (12 years or younger) must still be based on the test results of third party, accredited standards-testing entities.

The importer or domestic manufacturer producing the certificate is legally responsible for its accuracy and completeness, as well as the timeliness of its electronic availability. The new rule recommends that a record (copy) of the certificate be maintained for at least three years.

For access to the text of the new rule, see <http://www.cpsc.gov/businfo/cfr111008.pdf>. American Companies continues to monitor developments on this important piece of legislation and will distribute key information. Call Jim Carroll, Corporate Compliance Manager to discuss in more detail: direct phone 201-478-4682 or jamesc@shipamerican.com.

()"CPSC staff believes that 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" Access <http://www.cpsc.gov/ABOUT/Cpsia/faq/faq.pdf>, see page 12.*

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