

## CPSC Participation in 1USG Notification Messaging at Import

### Background for CBP's Trade Support Network

Monday, July 29, 2019

**Purpose:** This document describes the U.S. Consumer Product Safety Commission's (CPSC's) participation in One U.S. Government Notification Messaging at Import (1 USG NM). The document also details the coordination process CPSC is implementing to assist U.S. Customs and Border Protection's (CBP's) review of compliant products entering US Commerce. For products defined by certain HTS codes (listed below), CPSC will initially notify trade<sup>1</sup> via ACE using an "UNDER REVIEW" message signifying that CPSC has been notified of incoming products of interest. If, after review, CPSC determines that a shipment requires examination, either at the port or at the importer's premises, trade will receive additional messaging through ACE. This additional notification will augment current CPSC practices, by automating the notification using ACE, and allowing CPSC the necessary time to indicate that an examination is required.<sup>2</sup> Although the CPSC review will delay the notification of a 1USG release for products of interest, it will *not* impact the flow of goods through the border, unless CPSC determines that an intensive exam is required.

**Methodology:** As CBP continues to modernize ACE, CPSC has been integrating its Risk Assessment Methodology system, known as ITDS/RAM, with ACE to further coordinate efforts with CBP and the trade community regarding examination and disposition results. This represents the culmination of 2 years of work with CBP to achieve the first phase, *Hold Request and Conditional Release Coordination*.

Using established messaging under PG coordination, known as "Event Messaging," CPSC will notify CBP of the need to examine cargo at the border more effectively. Generating the 1USG release message will be impacted by CPSC who will risk-assess and signal the intent to examine certain shipments. This delay from CPSC is triggered when BOTH the actual arrival notice and entry filing through ACE are recorded. The length of the delay differs, based upon the reported Mode of Transport. CPSC will manage a process clock within ITDS/RAM, which starts at entry filing *and* actual arrival notification, and ends either:

- 20 business hours later in the Ocean environment; or
- 8 business hours later in all other Modes where CPSC is active.

During their review, CPSC staff co-located at the ports, or in coordination with CBP, signals an intent to examine through a:

- Hold Intact Request, or
- Intensive Exam Request.

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<sup>1</sup> Trade is denoted here as the importing community; whether the importer, broker or express carrier is the primary agent managing the importation.

<sup>2</sup> This process does not supersede CPSC's domestic investigatory authority to review shipments of products once they enter the country. It is possible for a "May Proceed" message to be issued through ACE with a subsequent CPSC manual notification after 1USG NM review, indicating that CPSC will examine products at the importer's premises.

The type of requests CPSC will make to trade will depend on several factors, including, but not limited to possible non-compliance with safety standards, the risk of injury a product poses to consumers, and addressability at import.

The process change is expected to be rolled out to ports nationwide, starting late fall 2019, and it will cover the product categories below (subject to change without prior notification). A GovDelivery message will be sent to trade with the dates that the change will be in the Certification and Production environments.

- Children’s Products:
  - Art Sets
  - Toys
  - Pacifiers and Rattles
  - Backpacks and school supplies
  - Clothing:
    - Sleepwear
    - Outerwear
    - Infant articles
  - Imitation Jewelry
  - Cribs
  - Other durable furniture
  - Safety gates
- Fireworks
- Liquid Nicotine
- Drywall
- Mattresses
- Bicycle Helmets
- Generators
- Batteries
- Hair Dryers
- Power Cords
- Bicycles and other electric powered cycles
- Baby Carriages
- Holiday Lights
- Lighters
- Rugs

### **Frequently Asked Questions<sup>3</sup>:**

1. *What messaging will trade receive from CPSC once this is implemented?* Trade will initially receive an “UNDER REVIEW” message if an entry is filed containing an HTS code of interest to CPSC (see list above). Currently, trade does not receive messaging from a PGA, unless that PGA’s data are submitted. In addition, if CPSC determines that an exam is needed at the port, trade will receive an “INTENSIVE” message.

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<sup>3</sup> Questions and Answers will be updated periodically to maintain utility to the trading community.

2. *Will my shipment be stopped automatically at the border if it has goods covered by those HTS codes?* No. This messaging alone will not stop cargo. CPSC must request that CBP place an intensive hold to stop the cargo for CPSC purposes.
3. *How long will it take CPSC to review the entry data and complete their review? How much time is this adding to the processing of my entry?* After receiving the entry information, CPSC intends to review the data immediately and provide the disposition back to trade, usually via a “May Proceed” message. If CPSC does not complete its review within the period outlined above (8 or 20 business hours, based on mode of transport), a “May Proceed” notification will be sent automatically.
4. *What happens if CPSC does not respond in a timely fashion?* When the stated timeframe expires without further action, CPSC systems will automatically send a “May Proceed” message to ACE, which will trigger the 1USG Notification, if no additional requirements were placed by other agencies.
5. *Will this review happen 24/7, 365 days of the year?* CPSC staff reviews the data during business hours. A “May Proceed” message will be issued automatically after the established 8/20 business hour timeframe, if CPSC has taken no action to ensure no unintended delays.
6. *Why must CPSC make this change?* The change is intended to facilitate real-time, transparent communications among all parties. By automating requests through ACE, CPSC can more effectively coordinate with CBP on potential high-risk products arriving in the U.S. and allow our investigators the opportunity to examine them at the port. In addition, CPSC can more effectively facilitate the flow of compliant products into the country.