



United States
Consumer Product Safety Commission

CPSC 1USG NOTIFICATION

“MAY PROCEED” CLOCK

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Previous State

- ▶ CPSC coordination was manual
 - ▶ Required phone calls and e-mails
 - ▶ Time-consuming and inefficient
- ▶ New improvements available in ACE
 - ▶ Section 222 b of CPSIA:

“(3) examine, in consultation with U.S. Customs and Border Protection, how to share information collected and retained by the Commission, including information in the database required under section 6A of the Consumer Product Safety Act, for the purpose of identifying shipments of consumer products in violation of section 17(a) of such Act (15 U.S.C. 2066(a)) or other import provisions enforced by the Commission”



Background

- ▶ *“As CBP continues to modernize ACE, CPSC has been integrating its Risk Assessment Methodology system, known as ITDS/RAM, with ACE to coordinate further 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.”*
 - ▶ *CPSC Guidance*



Project

- ▶ CPSC and CBP are modernizing the exchange of the messages to coordinate the exam process.
 - ▶ Products under Harmonized Tariff Schedule (HTS) codes whose product groupings are listed on guidance on our website – www.cpsc.gov/imports.
 - ▶ Automates the notification using ACE protocols.
 - ▶ Allows CPSC the necessary time to indicate that an examination is required.
 - ▶ May delay the notification of a 1 USG release for these products.
 - ▶ Does *not* impact the flow of goods through the border, unless CPSC determines that an intensive examination is required at the port.
- ▶ Messaging flow works within the existing CBP messaging structures.



Methods – Message Flow

- ▶ Filer receives an “Under Review” message from ACE signifying that CPSC is electronically reviewing that entry.
 - ▶ At the same time, CPSC will receive notification of an incoming product 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.
- ▶ If, after review, no such determination is made, a “May Proceed” will be sent by CPSC through ACE to the trade.



Methods

- ▶ The vast majority of shipments will receive a “May Proceed” message. They will be automated system-to-system messages.
- ▶ During their review, CPSC staff co-located at the ports, or in coordination with CBP, can signal an intent to examine through either a:
 - ▶ Hold Intact Notice, or
 - ▶ Intensive Exam Request.
- ▶ The type of request CPSC makes will depend upon, but is not limited to:
 - ▶ Possible past noncompliance with safety standards or regulations, or
 - ▶ Risk of injury a product poses to consumers.



Clock Principles – Review Time

- ▶ Known risks impacting review times:
 - ▶ Entities with a prior history of noncompliance, or
 - ▶ Entities without a compliance history with CPSC, and
 - ▶ Time of presentation of data to CBP.



Automated Clock

- ▶ “Accelerated” review is based upon when the Entry is available for review in CPSC systems.
- ▶ “Standard” review timeframe will primarily be based upon the Actual Arrival Date of the goods at the port. Additional evaluation is ongoing on the adequacy of the Arrival Date.
- ▶ The Estimated Date of Arrival (EDA) reported on an entry is compared to Entry Create Date in CPSC’s systems to calculate the number of Business Days.
- ▶ Business hours will be calibrated to Port of Entry code provided on the Entry;
 - ▶ Port of Entry is required.



Automated Clock

Mode of Transport	Entry is Filed with an Estimated Date of Arrival (EDA) and with a Compliant CPSC History	Entry is Filed 3 or more Business Days Before EDA from an Entity with Unknown or Poor CPSC Compliance History	Entry Filed Fewer than 3 Business Days Before EDA from an Entity with Unknown or Poor Compliance, or EDA Not Provided
Air and Truck	8 Business Hours after Entry is Filed	5 Minutes after Actual Arrival event message received	8 Business Hours after the latter of Actual Arrival or CPSC receiving the Entry
Ocean	16 Business Hours after Entry is Filed	5 Minutes after Actual Arrival event message received	16 Business Hours after the latter of Actual Arrival or CPSC receiving the Entry
Other	Not Subject to CPSC 1USG		



Rollout Status

- ▶ Rolled out to co-located ports nationwide as of March 22, 2021. This completes the commercial rollout. Other environments (e.g. ports and MOT) will be added as staff are available.
- ▶ Cover the product categories in our guidance - subject to change without prior notification. Recent drops include Power Cords and Batteries.
- ▶ CBP's Cargo Systems Messaging Service (CSMS) messaging will be used to notify trade with changes in the ACE Production environments involving this effort.
 - ▶ Six messages have been provided to date.
- ▶ Next project of the program is form sharing from CPSC to trade community. Expected in Fall 2021.



Frequently Asked Questions

- ▶ ***Is cargo free to continue to move through the port after the “Under Review” message is received but before the “May Proceed” is sent?*** Yes, cargo continues through the port unimpeded unless CPSC requests an “Intensive Exam” at the port and that request is granted by CBP, or if CBP or another PGA has reason to examine the cargo under their authority at the port.
- ▶ ***What messaging will trade receive from CPSC once 1USG Notification is implemented?*** Trade will initially receive an “Under Review” message if an entry is filed containing an HTS code of interest to CPSC (see website). In addition, if CPSC determines that an examination is needed, trade will receive an “Intensive Exam” or “Hold Intact” message.



Frequently Asked Questions

- ▶ ***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 examination to stop the cargo for CPSC purposes.
- ▶ ***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 proposed period outlined previously, a “May Proceed” notification will be sent automatically.



Frequently Asked Questions

- ▶ **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. If no additional requirements were placed by other agencies, this will trigger the 1USG Notification.
- ▶ **What defines CPSC Business Hours at the port?** CPSC participation at the ports to examine and enforce our statutes and regulations is limited to the operating hours of the Examination Stations where we work. To align to this reality, CPSC has adopted for this process a business clock of 8am to 4pm in the time zone our staff is working.



Frequently Asked Questions

- ▶ **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 timeframe, if CPSC has taken no action.
- ▶ **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 coordinate with CBP more effectively about potentially noncompliant products arriving in the United States and allow our investigators the opportunity to examine them at the port. In addition, CPSC can facilitate the flow of compliant products into the country more effectively.



Frequently Asked Questions

- ▶ ***How can trade participants learn more about this process?*** Information will be updated on our website: www.cpsc.gov/imports. Additionally, CPSC is managing a Customer Service Inbox supporting this transition and specific Entry related concerns at RAM-2way@cpsc.gov. The self-certification environment has been closed since January 2021. As new information becomes available, it will be posted through CSMS messages and brokerage news bulletins.



Contact Information

Thank You!

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