CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1110

[CPSC Docket No. 2013–0017]

Certificates of Compliance

AGENCY: Consumer Product Safety Commission.

ACTION: Final rule.

SUMMARY: In consultation with U.S. Customs and Border Protection (CBP), the U.S. Consumer Product Safety Commission (Commission or CPSC) issues this final rule (the Final Rule) to revise the agency's regulation for Certificates of Compliance (certificates). The Final Rule aligns CPSC's current certificates rule with other CPSC rules on testing and certification, and implements, for importation of products and substances regulated by CPSC, electronic filing of certificates (eFiling) with CBP.

DATES: For all CPSC regulated consumer products and substances subject to the Final Rule and required to be certified, except for products and substances imported into a foreign trade zone (FTZ) and subsequently entered for consumption or warehousing, the Final Rule is effective on July 8, 2026. For CPSC regulated products and substances entered from an FTZ for consumption or warehousing, the Final Rule is effective on January 8, 2027.

FOR FURTHER INFORMATION CONTACT: Kat Rickerson, eFiling Program Specialist, U.S. Consumer Product Safety Commission, 4330 East-West Highway, Bethesda, MD 20814; telephone 240–429–4257; email: *eFilingsupport@cpsc.gov*.

SUPPLEMENTARY INFORMATION: The Commission is issuing a final rule to revise the requirements for certificates of compliance (certificates) (the Final Rule) in 16 CFR part 1110 (part 1110 or the 1110 rule). The Final Rule applies to importers, domestic manufacturers, and private labelers who are required to issue certificates for consumer products and substances [1] regulated by CPSC that are imported for consumption or warehousing into the United States or are distributed in commerce in the United States. The Commission promulgated the existing part 1110 for certificates in 2008. The existing rule tracks the statutory requirements for certificates in section 14 of the Consumer Product Safety Act (CPSA), designates importers as the certifier for imported products and manufacturers as the certifier for domestically manufactured products, and allows for ''electronic'' certificates to satisfy the requirement that a certificate ''accompany'' the product or shipment of products, meaning a URL to access the certificate or a PDF file. 73 FR 68328 (Nov. 18, 2008); 15 U.S.C. 2063(a), (g).

In 2013, the Commission issued a notice of proposed rulemaking (NPR) to revise part 1110 to align with rules for testing children's products under 16 CFR part 1107 (part 1107 or the 1107 rule) and component part testing under 16 CFR part 1109 (part 1109 or the 1109 rule). 78 FR 28080 (May 13, 2013) (2013 NPR). Consistent with section 222 of the Consumer Product Safety Improvement Act of 2008 (CPSIA), which requires the Commission develop a Risk Assessment Methodology (RAM) to identify imported products likely to include consumer products in violation of section 17(a) of the Consumer Product Safety Act (15 U.S.C. 2066(a)) or other import provisions enforced by the Commission, for imported consumer products, the 2013 NPR also proposed to require eFiling of certificates with CBP at the time of filing the CBP entry, or the time of filing the entry and entry summary, if both are filed together.[2] 15 U.S.C. 2063(g)(4).

Currently, CPSC collects certificates only after staff identifies a shipment for examination; certificate data are not generally collected and therefore cannot be used effectively to target shipments for examination. The purpose of eFiling is to allow CPSC to use data from a certificate to assess the health and safety risk of consumer products when they are being imported into the United States, and to better focus CPSC's resources for examinations and holds at the ports on products that are more likely to be non-complaint, while reducing inspection delays for compliant products. The RAM processes data, including entry data and soon certificate data as well, using algorithms to increase or decrease RAM risk scores for each product shipment. Risk scores assist port staff in their assessment of incoming shipments and in interdicting non-compliant consumer products. Using certificate data for more precise targeting will maximize examination efficiency for stakeholders and staff; help CPSC to keep hazardous, violative products out of consumer's hands; and reduce burden on industry by reducing inspection delays for compliant products.

Since 2013, the Commission has undertaken a series of projects to advance implementation of an eFiling requirement, including conducting an eFiling Alpha Pilot, a Certificate Study, and an eFiling Beta Pilot. In December 2020, the Commission approved a multi-year plan to implement an eFiling program at CPSC.[3] Moreover, since 2013, CBP has completed development and implementation of the Automated Commercial Environment (ACE), which is the system through which the U.S. government has implemented the ''single window,'' the primary system for processing trade-related import and export data required by government agencies. The transition away from paper-based procedures results in faster, more streamlined processes for both government and industry. Specifically, CBP developed the Partner Government Agency (PGA) Message Set as a way for U.S. government agencies to electronically collect additional import-related data. The eFiling Alpha and Beta Pilots were conducted in conjunction with CBP and tested use of CPSC's PGA Message Sets.

On December 8, 2023, the Commission published a supplemental notice of proposed rulemaking (SNPR) proposing to revise part 1110 to, among other things: revise terminology to incorporate concepts that had been introduced in the 1107 and 1109 rules but not yet included in part 1110; broaden the definition of ''importer'' in part 1110 to address commenters'

[1] Section 14(a) of the CPSA requires that manufacturers, including importers, and private labelers issue certificates for all consumer products subject to a consumer product safety rule under the CPSA, or a similar rule, ban, standard, or regulation under any other law enforced by the Commission, that are imported for consumption or warehousing or distributed in commerce. 15 U.S.C. 2052(a)(11)–(12); 15 U.S.C. 2063(a)(1). In this Final Rule, all consumer products and substances subject to a CPSC rule, ban, standard, or regulation required to be certified under section 14(a) of the CPSA are referred to as ''consumer products'' or ''products.''

[2] CBP regulations define ''entry'' as the documentation or data required to secure the release of imported merchandise from CBP custody, or the act of filing that documentation. *See* 19 CFR 141.0a(a). CBP regulations define an ''entry summary'' as any other documentation or data necessary for CBP to assess duties, collect statistics on imported merchandise, and determine whether other requirements of law or regulation have been met. *See* 19 CFR 141.0a(b). An entry can be made as either a 2-Step or 1-Step process. As a 2-Step process, an entry is filed initially and an entry summary is filed within 10 days of entry filing. As a 1-Step process, an entry summary is filed which serves as both the entry and entry summary filing. *See e.g.,* 19 CFR 141.68(b). Consequently, using the term ''entry'' encompasses both processes, irrespective of whether the entry/CBP Form 3461 is filed for a 2-Step or a 1-Step entry process where the entry summary/CBP Form 7501 serves as the entry.

[3] The 2020 staff briefing package to implement an eFiling program at CPSC is available at: *https://www.cpsc.gov/s3fs-public/CPSC-Plan-to-Create-an-eFiling-Program-for-Imported-Consumer-Products.pdf*. The record of commission action is available at: *https://www.cpsc.gov/s3fs-public/RCA-CPSC-Plan-to-Create-an-eFiling-Program-for-Imported-Consumer-Products.pdf*.

消费品安全委员会

16 CFR 第1110部分

[CPSC 案卷编号 2013-0017]

合规证书

机构： 消费品安全委员会。

行动： 最终规则。

摘要： 美国消费品安全委员会(委员会或 CPSC)经与美国海关与边境保护局(CBP)协商，发布本最终规则(本最终规则)，以修订本机构关于合规证书(证书)的法规。本最终规则使 CPSC 现行证书规则与 CPSC 其他关于检测和认证的规则保持一致，并针对 CPSC 监管的产品和物质的进口，实施向 CBP 电子申报证书(电子申报)。

日期： 对于受最终规则约束且要求认证的所有CPSC(美国消费品安全委员会)受监管消费品和物质，除进口至对外贸易区(FTZ)并随后报关用于消费或仓储的产品和物质外，最终规则自2026年7月8日起生效。对于从对外贸易区报关用于消费或仓储的CPSC受监管产品和物质，最终规则自2027年1月8日起生效。

如需了解更多信息，请联系： Kat Rickerson，电子申报项目专员，美国消费品安全委员会，4330 East-West Highway, Bethesda, MD 20814；电话 240-429-4257；电子邮件：*eFilingsupport@cpsc.gov*。

补充信息： 该委员会发布最终规则，以修订 16 CFR 第 1110 部分(第 1110 部分或 1110 规则)中关于合规证书(证书)的要求。本最终规则适用于须为进口至美国用于消费或仓储或在美国商业中分销的、由 CPSC 监管的消费品和物质[1]签发证书的进口商、国内制造商和自有品牌商。

[1] 《消费品安全法》(CPSA)第14(a)条规定，制造商(包括进口商)和自有品牌商须为所有受CPSA项下消费品安全规则或委员会执行的任何其他法律项下类似规则、禁令、标准或法规约束、且为消费或仓储目的进口或在商业中分销的消费品出具证书。15 U.S.C.2052(a)(11)-(12);15 U.S.C.2063(a)(1)。在本最终规则中，所有受CPSC规则、禁令、标准或法规约束且须依据CPSA第14(a)条进行认证的消费品和物质，均称为"消费品"或"产品"。

在美国商业中流通。委员会于2008年颁布了现行的第1110部分以规范合规证书。现行规则遵循《消费品安全法》(CPSA)第14条关于合规证书的法定要求，

《消费品安全法》(CPSA)规定进口商为进口产品的认证人、制造商为国内制造产品的认证人，并允许以"电子"证书满足证书"随附"产品或产品装运的要求，即访问证书的URL或PDF文件。73 FR 68328(2008年11月18日);15 U.S.C.2063(a)、(g)。

2013年，委员会发布拟议规则制定通知(NPR)，修订第1110部分，以与16 CFR第1107部分(第1107部分或1107规则)下的儿童产品检测规则及16 CFR第1109部分(第1109部分或1109规则)下的零部件检测规则保持一致。78 FR 28080(2013年5月13日)(2013年NPR)。根据《2008年消费品安全改进法》(CPSIA)第222条的要求，委员会应制定风险评估方法(RAM)，以识别可能包含违反《消费品安全法》第17(a)条(15 U.S.C.2066(a))或委员会执行的其他进口规定的消费品的进口产品；对于进口消费品，2013年NPR还提议要求在提交CBP报关时，或在同时提交报关单和报关单汇总时，向CBP电子申报证书。[2] 15 U.S.C.2063(g)(4)。

目前，CPSC仅在工作人员确定某批装运需接受检查后才收集合规证书；合规证书数据通常不被收集，因此无法有效用于锁定需检查的装运。电子申报的目的是使CPSC能够在消费品正在进口至美国，并更好地将CPSC在口岸的检查和扣留资源集中于更可能不合规的产品，同时减少合规产品的检查延误。RAM使用算法处理数据，包括报关数据以及即将纳入的证书数据，以提高或降低每批产品的RAM风险评分。风险评分协助口岸工作人员评估 incoming 货物并拦截不合规消费品。使用证书数据进行更精准的定位将最大化利益相关方和工作人员的检查效率；帮助CPSC将危险、违规产品排除在消费者之外；并通过减少合规产品的检查延误减轻行业负担。

自2013年以来，委员会已开展了一系列项目以推进电子申报要求的实施，包括开展电子申报Alpha试点、证书研究以及电子申报Beta试点。2020年12月，委员会批准了一项在CPSC实施电子申报计划的多年度方案。[3]此外，自2013年以来，CBP已完成自动化商业环境系统(ACE)的开发与实施，美国政府通过该系统落实"单一窗口"，即处理政府机构所需贸易相关进出口数据的主要系统。摆脱纸质程序后，政府和业界的流程都变得更快、更精简。具体而言，CBP开发了政府参与机构(PGA)报文集，作为美国政府机构以电子方式收集额外进口相关数据的一种方式。电子申报Alpha和Beta试点是与CBP联合开展的，测试了CPSC的PGA报文集的使用。

2023年12月8日，委员会发布了一份补充拟议规则制定通知(SNPR)，提议修订第1110部分，其中包括：修订术语以纳入第1107部分和第1109部分规则中已引入但尚未纳入第1110部分的概念；扩大第1110部分中"进口商"的定义以回应评论者的

[2] CBP法规将"报关"定义为确保进口货物从CBP监管下放行所需的文件或数据，或提交该文件的行为。参见 19 CFR 141.0a(a)。CBP法规将"报关单汇总"定义为CBP评估关税、收集进口货物统计数据以及确定是否满足其他法律或法规要求所需的任何其他文件或数据。参见 19 CFR 141.0a(b)。报关可作为两步流程或一步流程进行。作为两步流程，首先提交报关，然后在报关提交后10天内提交报关单汇总。作为一步流程，提交报关单汇总，该汇总同时作为报关和报关单汇总的提交。例如，参见 19 CFR 141.68(b)。因此，使用"报关"一词涵盖两种流程，无论报关/CBP表格3461是为两步报关流程提交的，还是在报关单汇总/CBP表格7501作为报关的一步报关流程中提交的。

[3] CPSC实施电子申报计划的2020年工作人员简报材料见：*https:// www.cpsc.gov/s3fs-public/CPSC-Plan-to-Create-an- eFiling-Program-for-Imported-Consumer-Products.pdf*。委员会行动记录见：*https://www.cpsc.gov/s3fs-public/RCA- CPSC-Plan-to-Create-an-eFiling-Program-for- Imported-Consumer-Products.pdf*。

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concerns about the product certifier having control over and knowledge of the goods; allow private labelers to test and certify products; and implement eFiling for imported consumer products regulated by CPSC. 88 FR 85760 (SNPR).

The Commission received 47 comments on the SNPR, addressed in section IV of this preamble, and is now finalizing the rule to revise part 1110, with clarifications and modifications in response to commenters' concerns.[4 5] The Final Rule specifies the entities that must issue certificates for finished products, including domestically manufactured and imported products, in accordance with section 14(a) of the CPSA, as amended, 15 U.S.C. 2063(a); specifies certificate content, form, and availability requirements in section 14 of the CPSA; requires importers to eFile certificate data with CBP for imported finished products that must be certified; and clarifies which provisions of part 1110 apply to voluntary component part certificates.

I. Statutory Authority

Section 102 of the Consumer Product Safety Improvement Act (CPSIA) amended section 14(a) of the CPSA to expand requirements for certificates of compliance. 15 U.S.C. 2063(a). As amended, section 14(a) of the CPSA requires that manufacturers and private labelers issue certificates for all consumer products subject to a consumer product safety rule under the CPSA, or a similar rule, ban, standard, or regulation under any other law enforced by the Commission, that are imported for consumption or warehousing or distributed in commerce. 15 U.S.C. 2052(a)(11)–(12); 15 U.S.C. 2063(a)(1). The CPSA defines the term ''manufacturer'' as ''any person who manufactures or imports a consumer product.'' 15 U.S.C. 2052(a)(11). Thus, certificates must be issued by a manufacturer, importer, or private labeler. When a product has more than one manufacturer, including an importer, or private labeler, the Commission may by rule designate one or more of such entities as the certifier and exempt the others. 15 U.S.C. 2063(a)(4).

Certificates for children's products (Children's Product Certificates or CPCs) must be based on testing performed by a third party conformity assessment body whose accreditation to perform such testing has been accepted by the Commission. 15 U.S.C. 2063(a)(2); 16 CFR part 1107. Certificates for non-children's products (General Certificates of Conformity or GCCs) must be based on a test of each product or a reasonable testing program. 15 U.S.C. 2063(a)(1)(A). Section 14(a)(1)(B) of the CPSA requires that certificates specify each rule, ban, standard, or regulation applicable to the product. 15 U.S.C. 2063(a)(1)(B).

Section 14(g) of the CPSA contains additional requirements for the form, content, and availability of certificates. 15 U.S.C. 2063(g). Section 14(g)(1) requires that each certificate must identify the manufacturer (including importer) or private labeler issuing the certificate, as well as any third party conformity assessment body on whose testing the certificate depends. 15 U.S.C. 2063(g)(1). At a minimum, certificates must include the date and place of manufacture; the date and place where the product was tested; each party's name, full mailing address, and telephone number; and contact information for the individual responsible for maintaining records of test results. *Id.* Section 14(g)(2) requires that every certificate be legible and that all contents be in English; contents can additionally be in another language. 15 U.S.C. 2063(g)(2).

Certificates must accompany the applicable product or shipment of products covered by the certificate, and a copy of the certificate must be furnished to each distributor or retailer of the product. Upon request, the manufacturer (including importer) or private labeler issuing the certificate must provide a copy of the certificate to the Commission. 15 U.S.C. 2063(g)(3). Finally, section 14(g)(4) of the CPSA states that in consultation with the Commissioner of Customs, CPSC may, by rule, provide for the electronic filing of certificates up to 24 hours before arrival of an imported product. Upon request, the manufacturer (including importer) or private labeler issuing the certificate must provide a copy of such certificate to the Commission and to CBP. 15 U.S.C. 2063(g)(4).

In addition to the statutory authority to require certificates for regulated products, as outlined in sections 14(a) and (g) of the CPSA, the Commission has general authority to implement testing and certification requirements pursuant to section 3 of the CPSIA, which provides that ''the Commission may issue regulations, as necessary, to implement this Act and the amendments made by this Act.'' Notes to 15 U.S.C. 2051 (citing Pub. L. 110–314, 3, Aug. 14, 2008, 122 Stat. 3017).

II. Background on Certificates and eFiling

Section II of the SNPR provided a detailed background on the existing 1110 rule, the 2013 NPR to revise the 1110 rule, CPSC's risk assessment and targeting efforts for imported consumer products, and CPSC's eFiling-related projects since the 2013 NPR. 88 FR 85760, 85761–63. In this section of the preamble, we summarize the same information and additionally describe the 2023 SNPR.

A. The 1110 Rule

As stated in section I of this preamble, the CPSIA expanded section 14 of the CPSA to require testing and certification of consumer products subject to a consumer product safety rule, or to a similar rule, ban, standard, or regulation under any other act enforced by the Commission. 15 U.S.C. 2063(a)(1). The existing 1110 rule tracks the statutory requirements in section 14, allows for certificates in paper, electronic (URL), and PDF formats, and states that this initial rule is ''streamlined, at least in its initial phase.'' 73 FR 68328 (Nov. 18, 2008). The existing rule was not expected to be permanent. As the Commission explained when adopting the rule, ''with time CPSIA's expanded certification requirements will become more routine, and [CPSC] then would consider whether this rule needs to be revised based on actual experience.'' 73 FR 68328. The existing 1110 rule does not implement the authority in section 14(g)(4) of the CPSA to require eFiling of certificates for imported products. 15 U.S.C. 2063(g)(4).

B. The 2013 Notice of Proposed Rulemaking

In 2011, as required by section 222 of the CPSIA, CPSC launched a pilot targeting system to test the effectiveness of CPSC's RAM. The purpose of the RAM is to support identification and interception of shipments containing potentially hazardous products. The pilot RAM system used a rules-based approach and aggregate-scoring models to highlight potential risks, patterns, and targets. 15 U.S.C. 2066 Note. By 2012, staff had worked to refine the RAM and had begun to grapple with the rise of internet-based companies selling

[4] On December 18, 2024, the Commission voted (3–0–2) to publish the Final Rule, with all five Commissioners voting to approve the rule; and a majority voting to approve the rule with an amendment extending the general implementation date from 12 months to 18 months. All Commissioners issued a statement in connection with their vote. The Record of Commission Action and Commissioner statements are available at: *https://www.cpsc.gov/s3fs-public/RCA-Final-Rule-to-Implement-eFiling-for-Certificates-of-Compliance.pdf?VersionId=JN7iuAdHGzooHBnXpuU7xZB4aX4Dkada.*

[5] The information in this Final Rule is also based on Staff's November 15, 2024 Memorandum: Draft Final Rule to Revise 16 CFR part 1110 for Certificates of Compliance and to Implement eFiling of Certificates for Regulated, Imported Consumer Products (Staff's Final Rule Memo).

对产品认证机构的担忧
对.....拥有控制权和了解
商品；允许自有品牌商进行检测
并对产品进行认证；以及实施
进口消费品的电子申报
受CPSC监管。88 FR 85760(SNPR)。

委员会收到47
对SNPR的评论，在
本序言第IV节，并且现在
定稿修订第1110部分的规则，
附有澄清和修改，在
对评论者关切的回应。[45]最终规则明确了以下实体：

必须为成品签发证书
产品，包括国内
制造和进口产品，
依据.....第14(a)条
CPSA(修订版),15 U.S.C. 2063(a);
规定了证书内容、格式和
第14条中的可用性要求
《消费品安全法》的；要求进口商电子申报
就须认证的进口成品向CBP(美国海关与边境保护
局)提交合规证书数据；并澄清第1110部分哪些条
款适用于自愿性零部件合规证书。

I. 法定授权 《消费品安全法》第102条

《消费品安全改进法》（CPSIA）
修订了《消费品安全法》第14(a)条以
扩大证书要求
合规。15 U.S.C. 2063(a)。正如
经修订，《消费品安全法》第14(a)条
要求制造商和自有品牌
标签商为所有
受以下约束的消费品
消费品安全规则，依据
CPSA或类似规则、禁令、标准，
或任何其他法律下的法规
由委员会执行，即
进口用于消费或
仓储或分销于
商业。15 U.S.C. 2052(a)(11)–(12)；
15 U.S.C.2063(a)(1)。《消费品安全法》界定
“制造商”一词指“任何人
谁制造或进口
消费品。”15 U.S.C.
2052(a)(11)。因此，证书必须
由制造商、进口商或
自有品牌商签发。当产品
如果涉及多个制造商，包括
进口商或自有品牌商，
委员会可通过规则指定一个
或此类实体中的一个或多个作为认证方
并豁免其他方。15 U.S.C.
2063(a)(4)。

儿童产品证书(Children's Product Certificates，简称 CPCs)
必须基于由.....执行的测试
第三方合格评定
其认证以执行
此类测试已被
委员会。15 U.S.C.2063(a)(2);16 CFR 第 1107 部分。非
儿童产品(通用证书
合格证书或GCC）必须基于
对每个产品进行测试或进行合理
测试项目。15 U.S.C.2063(a)(1)(A)。
《消费品安全法》第14(a)(1)(B)条要求
该证书须列明每项规则、禁令、
标准或适用于该
产品。15 U.S.C. 2063(a)(1)(B)。

CPSA第14(g)条对合规证书的形式、内容和可
获得性作出了附加要求。15 U.S.C.2063(g)。
第14(g)(1)条要求每份合规证书必须标明制造商
(包括

进口商）或自有品牌商签发
证书，以及任何第三方
合格评定机构，其
测试证书取决于。15 U.S.C.
2063(g)(1)。至少，证书
必须包括日期和地点
制造；日期和地点
产品被检测；各方的
名称、完整邮寄地址和
电话号码；以及联系
个人的信息
负责维护以下记录：
测试结果。同上第14(g)(2)条要求
每份证书应清晰可读，且
所有内容须为英文；内容可以
另外以另一种语言提供。15
U.S .C. 2063(g)(2)。

适用产品或装运的
证书所涵盖的产品，以及
证书副本必须
提供给每个分销商或零售商
产品的。应要求，
制造商（包括进口商）或
证书必须随附于

签发合规证书的私营标签商必须向委员会提供合
规证书副本。15 U.S.C.2063(g)(3)。最后，CPSA
第14(g)(4)条规定，经与
海关专员，CPSC可，
根据规则，规定电子申报
证书最多提前24小时
进口产品的到达。在
请求，制造商（包括
进口商）或自有品牌商签发
证书必须提供此类
证书提交给委员会以及
CBP。15 U.S.C. 2063(g)(4)。

除法定授权外
要求受监管
产品的证书，如第14(a)节所述
和CPSA的(g)款，委员会
拥有实施的一般权力
测试和认证要求
依据《消费品安全改进法》第3条，
其中规定“委员会
可发布必要的法规，以
实施本法及本法所作修正案。”说明

至15 U.S.C. 2051（引用Pub. L. 110–
314, 3, 2008年8月14日， 122 Stat. 3017).

II. 证书背景与
电子申报

SNPR 第 II 节提供了
关于现有.....的详细背景
1110规则，2013年NPR修订
1110规则，CPSC的风险评估及
针对进口消费品的执法工作
产品，以及CPSC与电子申报相关的
自2013年拟议规则制定通知以来的项目。88 FR
85760, 85761-63。在本节
序言中，我们总结了相同
信息，并另外描述2023年SNPR。

A. 第*1110*条规则

如本前言第I节所述，CPSIA扩展了第14条

CPSA要求进行测试和认证
受制于以下规定的消费品
消费品安全规则，或向
类似规则、禁令、标准或法规
根据委员会执行的任何其他法案
委员会。15 U.S.C. 2063(a)(1)。
现行1110规则遵循法定
第14条中的要求，允许
证书以纸质、电子（URL）、
和PDF格式签发证书，并声明该
初步规则“得到了简化，至少在其
初始阶段。”73 FR 68328（11月18日，
2008）。现有规则并非
预期为永久性的。随着
委员会在通过时解释
该规则，“随着时间CPSIA扩大的
认证要求将变得
更常规，而[CPSC]随后会
考虑该规则是否需要
根据实际经验修订。”73
FR 68328。现有1110规则确实
未实施第条中的授权
CPSA第14(g)(4)条要求电子申报
进口产品证书。15
U.S .C. 2063(g)(4)。

B. *2013*年拟议规则制定通知 2011年，按照第222条的要求

CPSIA，CPSC启动了一个试点
针对系统测试有效性
CPSC的RAM。该目的
RAM用于支持识别和
拦截含有
潜在危险产品。该
试点RAM系统使用了基于规则的
方法和聚合评分模型
以突出潜在风险、模式和目标。15
U.S.C.2066 注。由
2012年，员工已努力完善
RAM并已开始应对
基于互联网的公司销售

[4] 2024年12月18日，委员会投票
(3-0-2) 以发布最终规则，所有五位
委员投票通过该规则；以及一名
多数投票通过该规则，并附有一项
延长一般实施的修订
日期从12个月到18个月。所有
委员们就此事发表了相关声明
与他们的投票。委员会行动记录
委员声明可在以下网址查阅：
https://www.cpsc.gov/s3fs-public/RCA-Final-Rule-
实施合规证书电子备案
合规.pdf?VersionId=
JN7iuAdHGzooHBnXpuU7xZB4aX4Dkada。

[5] 本最终规则中的信息同样基于
关于工作人员2024年11月15日备忘录：草案
修订16 CFR第1110部分的最终规则，用于
合规证书及实施
受监管进口证书的电子申报
消费品(工作人员最终规则备忘录)。

consumer products (eCommerce) and direct-to-consumer shipments, which made CPSC's interdiction of non-compliant products more challenging. To address those concerns, and to be able to use certificate data for targeting and enforcement of CPSC's rules at the ports, CPSC proposed in the 2013 NPR to implement eFiling of certificates with CBP for regulated, imported products, pursuant to section 14(g)(4) of the CPSA. The 2013 NPR also sought to revise part 1110 to integrate the rule into the testing and certification regime contemplated in then-new parts 1107 and 1109.[6] CPSC received over 500 comments from more than 70 commenters on the 2013 NPR.

C. CPSC's Risk Assessment and Targeting Efforts for Imported Consumer Products

In 2017, CPSC transitioned to the RAM 2.0 system, which assesses more data within CPSC's jurisdiction than the pilot RAM and uses analytic and performance reports to aid staff in modifying and fine-tuning risk assessment and targeting rules to select shipments for examination. CPSC's RAM currently receives an electronic feed of import entry data collected by CBP.[7] The RAM is optimized to ingest CBP's data and uses algorithms to identify potentially noncompliant consumer product shipments for CPSC's inspection. However, the data ingested by the RAM are collected by CBP for its enforcement and tariff purposes, which do not always align with CPSC's risk assessment purposes. Moreover, CPSC's current import enforcement methodology is labor-intensive and lacks an efficient means of using product-specific data to identify potentially non-compliant products.

Currently, CPSC collects certificates only after staff identifies a shipment for examination; certificate data are not generally collected and therefore cannot be used to target shipments for examination. CPSC port staff identifies shipments for examination, requesting that CBP place a shipment on hold and transport the goods to an examination station for CPSC inspection. An examination hold creates a delay that costs CPSC and businesses time and money; thus, importers and CPSC have a common interest in reducing examinations of compliant products and focusing instead on examinations of products that are likely to be violative. Using certificate data for more precise targeting will maximize examination efficiency for stakeholders and staff; keep hazardous, violative products out of consumer's hands; and reduce burden by not delaying compliant products and not holding up shipments at the port while waiting to receive a certificate.

Using certificate data can also improve CPSC's ability to target low-value shipments accorded a duty exemption under 19 U.S.C. 1321(a)(2)(C), which are commonly referred to as *de minimis* shipments. CPSC's port staff are currently unable to pinpoint with a high degree of certainty potentially non-compliant and hazardous products in such low-value shipments. *De minimis* shipments may currently be entered under either the ''release from manifest'' process,[8] or the ACE Entry Type 86 Test (ET86). Of these, only the latter is capable of transmitting the PGA Message Set [9] data required to effect release of CPSC regulated merchandise.[10] The Final Rule requires *de minimis* shipments containing finished products regulated by CPSC to file CPSC's PGA Message Set via an entry type capable of transmitting this message set, which is currently limited to ET86. Accordingly, importers may now use ET86 for *de minimis* shipments to append the required CPSC PGA Message Set. Once the Final Rule is effective, CPSC's RAM can receive CBP's entry data and CPSC's PGA Message Set containing certificate data elements for risk scoring. Using product-specific certificate information will provide CPSC with greater insights into all imported products, including *de minimis* shipments. Millions of *de minimis* shipments enter the United States daily; although not all of these shipments contain CPSC regulated finished products, the ability to use algorithms to assess certificate data and identify higher-risk shipments, even those of low value that occur frequently, would enhance CPSC's ability to focus limited resources to identify and interdict higher risk shipments.

Additionally, CBP does not collect entry data for products imported into the United States via international mail; thus, these shipments cannot relay the PGA Message Set required for products regulated by CPSC. However, CPSC staff inspect mail shipments; lack of product-related data can lead to CPSC inspections of compliant products that delay their release. Although CBP is unable to process any certificate data collected for international mail shipments via ACE,[11] the Final Rule requires a modified eFiling requirement for international mail. Importers using international mail to import consumer products regulated by CPSC must enter certificate data into the Product Registry before arrival of the shipment in the United States, so that staff can analyze this data and work with CBP to target mail shipments for examination.

D. CPSC eFiling Related Projects Since the 2013 NPR

Since publication of the 2013 NPR, CPSC has implemented RAM 2.0 and CBP has implemented ACE and developed the PGA Message Set. In 2016 and 2017, CPSC conducted an eFiling Alpha Pilot, in coordination with CBP, involving eight volunteer participants who successfully eFiled a limited set of targeting/enforcement data for regulated products. Also in 2017, CPSC conducted a Certificate Study to assess CPSC's ability to use certificates and the information on them for risk assessment and targeting of regulated, imported consumer products. In December 2020, the Commission

[6] The 1107 rule sets forth requirements for children's product testing and certification, including when and how products must be tested and certified, and recordkeeping requirements. The 1109 rule sets forth conditions and requirements for component part testing and certification for both children's and non-children's products. Both rules introduced new concepts and terminology related to certificates that are not present in the existing part 1110 rule published in 2008.

[7] Currently, CPSC's RAM system is limited to data collected and provided by CBP and does not contain CPSC-specific information that would help enhance risk assessment. eFiling certificate data for imported consumer products will allow the RAM to use this data to further improve CPSC's ability to target noncompliant consumer products for examination at the ports.

[8] Merchandise for which a duty exemption is claimed under 19 U.S.C. 1321(a)(2)(C) may be entered by presenting the bill of lading or a manifest listing each bill of lading. This type of informal entry is termed the ''release from manifest'' process. Generally, such shipments are released from CBP custody based on the information provided on the manifest or bill of lading. 89 FR 2630, 2631–2632 (Jan. 16, 2024).

[9] CBP created the PGA Message Set to collect from importers additional agency-related import data for partner government agencies and to allow importers to transmit the data elements to ACE at time of entry or entry summary. CPSC created two PGA Message Sets: the Full Message Set and Reference Message Set. When using a Full Message Set, importers will provide all certificate data in the form of data elements. When using a Reference Message Set, importers will provide a reference ID to certificate data entered into CPSC's Product Registry. The Product Registry is a certificate database created and maintained by CPSC. Importers can enter or upload certificate data for regulated consumer products that can be referenced in a short PGA Message Set each time the product is imported without having to re-enter the same certificate data elements.

[10] Shipments that have PGA data reporting requirements, or require the payment of any duties, fees, or taxes may not use the ''release from manifest'' process. 89 FR 2630, 2632.

[11] ACE is CBP's system through which the U.S. government has implemented the ''single window,'' the primary system for processing all trade-related import and export data required by government agencies. The ''single window'' transitions away from paper-based procedures to provide government and industry faster, more streamlined processes.

消费品(电子商务)和直接面向消费者的货物，这使得CPSC(美国消费品安全委员会)拦截不合规产品更具挑战性。为解决这些问题，并能够利用证书数据在口岸对CPSC规则的执行进行目标锁定和执法，CPSC在2013年NPR中提议，依据CPSA第14(g)(4)条，对受监管的进口产品与CBP(美国海关与边境保护局)实施证书电子申报。2013年NPR还寻求修订第1110部分，将该规则纳入当时新制定的第1107部分和第1109部分所设想的测试与认证制度。[6]CPSC就2013年NPR收到了来自70多名评论者的500多条评论。*C.CPSC*的风险评估与

针对进口消费品的定向执法措施

2017年，CPSC过渡到RAM 2.0系统，该系统评估CPSC管辖范围内的更多数据，并使用分析和绩效报告帮助工作人员修改和微调风险评估与目标锁定规则，以选取货物进行检查。CPSC的RAM目前接收CBP收集的进口报关数据的电子推送。[7]RAM经过优化以摄取CBP的数据，并使用算法识别可能不合规的消费品货物以供CPSC检查。然而，RAM摄取的数据是CBP为其执法和关税目的而收集的，这些目的并不总是与CPSC的风险评估目的相一致。此外，CPSC当前的进口执法方法劳动强度大，缺乏利用产品特定数据识别可能不合规产品的有效手段。

目前，CPSC 仅在工作人员确定某批货物需接受检查后才收集合规证书；证书数据通常不被收集，因此无法用于锁定需接受检查的货物。CPSC 口岸工作人员确定需接受检查的货物，并请求由CBP将货物置于扣留状态并运送至检查站供CPSC检查。检查扣留会造成延误，使CPSC和企业耗费时间和金钱；因此，进口商和CPSC有着共同利益，即减少对合规产品的检查，转而侧重于对可能违规产品的检查。利用证书数据进行更精准的目标锁定将最大化利益相关方和工作人员的检查效率；使危险、违规产品不落入消费者手中；并通过不延误合规产品、不在口岸扣留货物等待收到证书来减轻负担。

使用证书数据也可以提高CPSC对依据19 U.S.C.1321(a)(2)(C)享有关税豁免的低价值货物(通常称为最低限额货物)进行目标锁定的能力。CPSC口岸工作人员目前无法高度确定地在此类低价值货物中 pinpoint 可能不合规和危险的产品。最低限额货物目前可通过"舱单放行"流程[8]或ACE报关类型86测试(ET86)报关。其中，只有后者能够传输实现CPSC受监管商品放行所需的PGA(政府参与机构)报文集[9]数据。[10]最终规则要求含有CPSC受监管制成品的最低限额货物通过能够传输该报文集的报关类型(目前仅限于ET86)申报CPSC的PGA报文集。因此，进口商现在可对最低限额货物附加所需的 CPSC 政府参与机构(PGA)报文集。最终规则生效后，CPSC 的风险评估模型(RAM)可接收 CBP 的报关数据以及包含证书数据要素的 CPSC 政府参与机构(PGA)报文集，用于风险评分。使用针对具体产品的证书信息将使 CPSC 能够更深入地了解所有进口产品，包括最低限额货物。每日有数百万件最低限额货物进入美国；尽管并非所有这些货物都包含 CPSC 监管的成品，但利用算法评估证书数据并识别高风险货物(即使是频繁发生的低价值货物)的能力，将增强 CPSC 集中有限资源以识别和拦截高风险货物的能力。

此外，海关与边境保护局(CBP)不收集通过国际邮件进口至美国的产品的报关数据；因此，这些货物无法传送 CPSC 监管产品所需的 PGA 报文集。然而，CPSC 工作人员会对邮件货物进行检查；缺乏产品相关数据可能导致 CPSC 对合规产品进行检查，从而延误其放行。尽管 CBP 无法通过 ACE 处理为国际邮件货物收集的任何证书数据，[11]最终规则要求对国际邮件采用修改后的电子申报要求。使用国际邮件进口 CPSC 监管消费品的进口商必须在货物抵达美国之前将证书数据录入产品登记库，以便工作人员分析该数据并与 CBP 合作锁定邮件货物进行检查。

*D.自2013年NPR以来CPSC*电子申报相关项目

自2013年NPR发布以来，CPSC 已实施 RAM 2.0,CBP 已实施 ACE 并开发了 PGA 报文集。2016 年和 2017 年，CPSC 与 CBP 协调开展了电子申报 Alpha 试点，涉及八名自愿参与者，他们成功地对受监管产品的有限一组目标定位/执法数据进行了电子申报。同样在 2017 年，CPSC 开展了一项证书研究，以评估 CPSC 利用证书及其所载信息对受监管的进口消费品进行风险评估和目标定位的能力。2020 年 12 月，委员会

6 第 1107 条规则规定了儿童产品测试与认证的要求，包括产品必须接受测试与认证的时间和方式，以及记录保存要求。第 1109 条规则规定了儿童产品和非儿童产品的零部件测试与认证的条件和要求。这两项规则均引入了与合规证书相关的新概念和新术语，而这些概念和术语在 2008 年发布的现行第 1110 部分规则中并不存在。

7 目前，CPSC 的 RAM 系统仅限于 CBP 收集和提供的数据，不包含有助于加强风险评估的 CPSC 特定信息。对进口消费品合规证书数据进行电子申报，将使 RAM 能够利用这些数据，进一步提高 CPSC 锁定不合规消费品并在口岸实施检查的能力。

8 依据 19 U.S.C.1321(a)(2)(C) 主张关税豁免的货物，可通过提交提单或列明每份提单的舱单办理报关。此类非正式报关称为"舱单放行"程序。一般而言，此类货物依据舱单或提单上提供的信息由 CBP(美国海关与边境保护局)监管放行。89 FR 2630, 2631-2632(2024 年 1 月 16 日)。

9 CBP 创建了 PGA 报文集，用于向进口商收集合作伙伴政府机构所需的其他机构相关进口数据，并允许进口商在报关或报关单汇总时向 ACE 传输数据元素。CPSC 创建了两个 PGA 报文集：完整报文集和引用报文集。使用完整报文集时，进口商将以数据元素形式提供所有证书数据。使用引用报文集时，进口商将提供指向已录入CPSC产品登记库的证书数据的引用ID。产品登记库是由CPSC创建和维护的证书数据库。进口商可录入或上传受监管消费品的证书数据，每次进口该产品时可在简短的PGA报文集中引用，而无需重新录入相同的证书数据元素。

10 具有 PGA 数据报告要求，或需要支付任何关税、费用或税费的货物，不得使用"舱单放行"程序。89 FR 2630, 2632。

11 ACE 是 CBP 的系统，美国政府通过该系统实施了"单一窗口"，这是处理政府机构所需的所有贸易相关进出口数据的主要系统。"单一窗口"摆脱了纸质流程，为政府和业界提供更快捷、更精简的流程。

approved a multi-year plan to implement an eFiling program at CPSC.[12] Following this eFiling plan, CPSC began an eFiling Beta Pilot in the fall of 2023 with 37 participants.[13] Section II of the SNPR contains a detailed description of each of these initiatives. 88 FR 85760, 85762–63. Most recently, on June 4, 2024, CPSC announced an expansion of the Beta Pilot to include up to an additional 2,000 participants, to further test the eFiling IT infrastructure and to allow more importers to prepare for full implementation of an eFiling requirement.[14]

To minimize burden on industry, CPSC developed an eFiling System through the Alpha and Beta Pilots that allows importers to enter certificate data through two means: Full PGA Message Set or Reference PGA Message Set using the Product Registry.[15] When using the Full PGA Message Set, the importer submits all certificate data elements via ACE. When using the Reference PGA Message Set, the importer enters all certificate data elements into CPSC's Product Registry prior to filing entry with CBP, and then submits a unique reference identifier (ID) via ACE as part of their entry filing.[16] The CBP and Trade Automated Interface Requirement (CATAIR), which details the technical requirements to file each of CPSC's PGA Message Sets in ACE, is available in the eFiling document library maintained on CPSC's website at *https://www.cpsc.gov/eFiling-Document-Library*.

The Product Registry allows importers, or their designees, to enter the certificate data elements via a user interface, batch upload, and/or Application Programing Interface (API) upload. The user interface is a step-by-step process in which the importer submits one certificate at a time. The batch upload feature allows importers to submit multiple certificates using a Comma-Separated Value (CSV) template. The API upload feature allows importers to build an API connection via the Product Registry and their data systems to directly enter certificates.

Additionally, the Product Registry provides multiple features to optimize the importer's interaction. Each importer has a Business Account in the Product Registry through which individual users representing the importer can view all certificates submitted into the Product Registry associated with the importer. An importer can also provide other third parties, such as a broker or testing laboratory, with different levels of permission to submit certificate data into the Product Registry on their behalf. The most recent user guide for the Product Registry is attached as Tab A to Staff's Final Rule Memo and is also available in the eFiling document library maintained on CPSC's website at *https://www.cpsc.gov/eFiling-Document-Library*. Updates to the Product Registry user guide and other eFiling-related guidance documents will continue to be placed in this document library.

E. Supplemental Notice of Proposed Rulemaking

On December 8, 2023, CPSC published an SNPR that modified the 2013 NPR based on comments on the 2013 NPR, lessons learned, and participant feedback from the Alpha Pilot and the Certificate Study, as well as feedback during preparation of the Beta Pilot. 88 FR 85760. The SNPR proposed to revise the 1110 rule to clarify certificate requirements for all regulated products. Among other changes, the SNPR added 13 new definitions to incorporate concepts used in the 1107 and 1109 rules and to clarify the requirements of part 1110; broadened the definition of ''importer'' in part 1110 to include any entity CBP allows to be an importer under the Tariff Act; addressed which party is responsible for certifying imported and domestically manufactured products; clarified the certificate format; provided additional detail to the required data elements; required that each certificate describe a single product; specified that the 1110 rule applies to *de minimis* shipments, international mail shipments, and to products entered for consumption or warehousing from an FTZ; clarified the legal responsibility for certificate information; and expanded the record retention period for GCCs to five years.

III. Overview of the Final Rule

The Commission is finalizing the rule largely as proposed in the SNPR. For clarity, the Final Rule contains minor grammar and syntax revisions that do not change the substance of the rule. Based on the comments, one of the biggest changes to the Final Rule is the effective date, extended from the proposed 120 days after publication in the **Federal Register**, to 18 months for all imported and domestically manufactured products (other than those imported into an FTZ and subsequently entered for consumption or warehousing, for which the effective date will be 24 months after publication). Additionally, throughout the Final Rule, we use the term ''finished product certificate'' or ''finished product certifier'' to clarify that the requirement to certify regulated products attaches to finished products and not to component parts, and the obligation to certify regulated finished products rests with a finished product certifier, as set forth in the rule. Using these terms consistently throughout the regulation text addresses several comments received on the SNPR demonstrating confusion regarding which party has the obligation to certify and which products must be accompanied by a certificate. The Final Rule also modifies the definition of ''importer'' to address commenters' concerns, and to ensure that a party eligible to make entry for imported, regulated consumer products is legally responsible for CPSC's certificate requirements. Finally, the Final Rule clarifies the party that is legally responsible for information on a finished product certificate and the requirements for component part certificates.

In this section of the preamble, we briefly describe the primary modifications and clarifications made in the Final Rule based on comments received on the SNPR and experience and feedback on the eFiling Beta Pilot. Section V of this preamble contains a more detailed explanation of the requirements in the Final Rule.

A. Effective Date

As explained in section VI of this preamble, the effective date is extended from the proposed 120 days. For all consumer products regulated by CPSC subject to the Final Rule and required to be certified, except for products imported into an FTZ and subsequently entered for consumption or

[12] The 2020 staff briefing package to implement an eFiling program at CPSC is available at: *https://cpsc.gov/s3fs-public/CPSC-Plan-to-Create-an-eFiling-Program-for-Imported-Consumer-Products.pdf?BYXOLX2gJmF4NaAN1LCMmqiXRISuaRkr=*. The record of commission action is available at: *https://www.cpsc.gov/s3fs-public/RCA-CPSC-Plan-to-Create-an-eFiling-Program-for-Imported-Consumer-Products.pdf*.

[13] 87 FR 35513 (June 10, 2022).

[14] 89 FR 47922 (June 4, 2024).

[15] The eFiling system collectively refers to the PGA Message Set and Product Registry and process of filing certificate data. Finished product certifiers (meaning importers, manufacturers, or private labelers) are responsible for the certificate data submitted, but brokers or other designated parties can upload data and certify products on behalf of a finished product certifier. *See* 16 CFR part 1109 and § 1110.15 of this Final Rule.

[16] Other trade parties, such as brokers and laboratories, may enter certificate data into the Product Registry on behalf of a finished product certifier, if given permission to do so in the Product Registry.

批准了一项多年计划以
在以下机构实施电子申报程序：
CPSC。[12]按照本电子申报计划，
CPSC启动了电子申报Beta试点，在
2023年秋季，共有37名参与者。[13]
SNPR的第II节包含
对每一项的详细描述
举措。88 FR 85760, 85762-63。
最近，于2024年6月4日，CPSC（美国消费品安全委员会
宣布扩大Beta
试点项目，以纳入最多额外
2,000名参与者，以进一步测试
电子申报IT基础设施，并允许
更多进口商为全面
实施电子申报
requirement.[14]
为尽量减轻行业负担，
CPSC开发了电子申报系统
通过Alpha和Beta试点项目
允许进口商录入证书数据
通过两种方式：完整PGA消息
使用以下方式设置或引用 PGA 报文集：
产品注册表。[15]当使用
向 CBP 提交所有证书数据元素，然后通过 ACE 提交唯一的电子申报相关指导文件，将引用标识符(ID)作为其中一部分
ACE。使用参考 PGA 时
消息集，进口商输入所有
将证书数据元素纳入CPSC的
产品注册表在提交入境申报之前
与 CBP 合作，然后通过 ACE 提交唯一的电子申报相关指导文件将引用标识符(ID)作为其中一部分
其入境申报。[16] CBP与
(CATAIR)，其中详述了技术
贸易自动化接口要求
向美国消费品安全委员会(CSPC)提交其各项 PGA
电子申报文件集，
CPSC 网站*https://www.cpsc.gov/*
电子备案文件库。
产品注册表允许
进口商或其指定人，以录入
通过用户提供证书数据元素
接口、批量上传和/或
应用程序编程接口(API)
upload。用户界面是一个分步式
进口商参与的逐步流程
一次提交一份证书。该

12 2020年工作人员简报材料包，用于实施
cpsc.gov/s3fs-public/CPSC-创建一项的计划，
进口消费品电子申报计划
Products.pdf?BYXOLX2gJmF4NaAN1LCMmqiXRI
SuaRkr=。委员会行动的记录是
可在以下网址获取：*https://www.cpsc.gov/s3fs-public/RCA-CPSC* 计划为以下事项创建电子申报程序：
进口消费品.*pdf*。

13 87 FR 35513（2022年6月10日）。

14 89 FR 47922（2024年6月4日）。

15 电子申报系统统称指
PGA 消息集与产品注册及流程
关于提交证书数据。成品认证人要素；要求每份证书
(指进口商、制造商或私人
贴标方)负责证书数据
可以代表其上传数据并认证产品
成品本章关规则第 1109 部分
实验室可将证书数据录入
代表成品的产品注册表
认证人，如果在产品中获得许可
登记库。

批量上传功能允许进口商
使用多个证书提交
逗号分隔值(CSV)
模板。API上传功能允许
进口商建立API连接
通过产品登记库及其数据
直接录入证书的系统。
此外，产品注册表
提供多项功能以优化
进口商的交互。每个
进口商在
产品登记库中拥有一个商业账户，通过该账户
代表
进口商可以查看所有证书
提交到产品登记库的
与进口商相关联。一个
进口商也可以提供其他第三
当事方，例如报关代理人或测试
实验室，具有不同级别的
提交证书数据的许可
进入产品登记库，在其
代表。最新的用户指南为
产品注册表作为附录附上
可在电子提交文件中获取
https://www.cpsc.gov/eFiling-
美国消费品安全委员会(CPSC)网站上维护的库，网址为
文档库。更新至
产品注册表用户指南及其他
继续保留在本文件中
E. 补充拟议通知
库。

发布了一份SNPR，修改了
2013年NPR基于对
2013年NPR的经验教训及
来自Alpha的参与者反馈
试点以及证书研究也是如此
在编制……期间作为反馈
Beta试点。88 FR 85760。SNPR
建议将1110规则修订为
澄清所有相关方对证书的要求
受监管产品。除其他事项外
changes,SNPR 新增了 13 条新定义，以纳入所
使用的概念
扩大了“进口商”的定义
在part 1110中纳入任何CBP实体
允许成为进口商，根据
关税法；讨论了哪一方是
负责认证进口和
国内制造的产品；澄清了证书格式；对所需数据
提供了更多细节
描述单一产品；明确 1110 规则适用于最低限额
货物、国际邮件
消费或仓储，从
FTZ；明确了法律责任
证书信息；并扩展
一般合格证书（GCC）的记录保存期限至
五年。

III. 最终规则概述

委员会正在最终确定该规则
基本如SNPR中所提议。对于
明确起见，最终规则包含轻微的
语法和句法修订，这些
不改变规则的实质内容。
根据评论，其中一项
最终规则的最大变化之一是
生效日期，从
提议在发布后120天
《联邦公报》
所有进口和国内
制造的产品（除
那些进口到FTZ并
随后报关用于消费
或仓储，其生效
日期将为24个月后
发布）。此外，在整个
最终规则中，我们使用该术语
“成品证书”或
“成品认证人”，以澄清对受监管产品进行认证的
要求附属于成品而非零部件，且对受监管成品
进行认证的义务由成品认证人承担，如规则所
规定。在法规文本中一致使用这些术语，回应
了就 SNPR 收到的若干意见，这些意见表明存
在以下方面的混淆：
哪一方有义务进行认证
以及哪些产品必须随附证书。最终
规则还修改了以下定义
“进口商”以回应评论者的
关切，并确保一方
有资格为进口的受监管消费品办理报关的一方
依法对CPSC的认证要求承担责任。最后，最
终规则明确了对手工艺品证书(finished
product certificate)所载信息承担法律责任的当
事方，以及零部件证书(component part
certificates)的相关要求。
简要描述主要的
在其中所做的修改和澄清
基于评论的最终规则
就SNPR收到的意见和经验
以及关于电子申报Beta试点的反馈。
本序言第五部分包含
对最终规则中各项要求的更详细解释。

A. 生效日期

如本文件第VI节所述
序言中，生效日期延长
从提议的120天起。对于所有
受CPSC监管的消费品
受最终规则约束并被要求
获得认证，但产品除外
进口至对外贸易区并随后
为消费或

warehousing,[17] the Final Rule is effective 18 months after publication of the Final Rule in the **Federal Register**. The 18-month effective date applies to regulated consumer products subject to the Final Rule that are imported, as well as to those that are domestically manufactured. For CPSC regulated products imported into an FTZ and subsequently entered for consumption or warehousing, the Final Rule is effective 24 months after publication of the Final Rule in the **Federal Register**.

B. Definitions (§ 1110.3)

Definitions in the Final Rule contain the following changes from the SNPR:

Component part certificate—Clarifies that component part certificates are voluntary.

Consignee—Clarifies that this definition is only for the purposes of this rule and simplifies the definition to mean a party who takes custody or delivery of imported finished products for which CPSC certificate data are required. The definition informs that a consignee may be held legally responsible by CPSC for the required certificate data as set forth in § 1110.15. Although a consignee will not necessarily be eligible to enter certificate data into ACE, CPSC may hold the consignee legally responsible for CPSC's certificate data as the importer.

eFile—Modifies the defined term from ''eFiled certificate'' to ''eFile'' because the term ''eFiled certificate'' is not used in the rule, but the term ''eFile'' or ''eFiled'' is used nine times throughout the regulation. The definition of ''eFile'' is consistent with the SNPR definition of ''eFiled certificate.''

Finished product—Removes the phrase ''replacement parts'' and clarifies the three requirements that define a ''finished product'': (1) the product is imported for consumption or warehousing, or distributed in commerce; (2) the product is subject to a consumer product safety rule under the CPSA, or similar rule, ban, standard, or regulation under any other law enforced by the Commission; *and* (3) the product is packaged, sold, or held for sale to, or use by, consumers.

Finished product certifier—For clarity, adds the statutory requirement that a finished product certifier must be a manufacturer, importer, or private labeler.

Importer—Clarifies that for purposes of this rule, the importer is the Importer of Record (IOR) eligible to make entry for imported finished products under the Tariff Act of 1930, as amended (19 U.S.C. 1484(a)(2)(B)), who may be an owner, purchaser, or authorized customs broker. This modification is consistent with the 2013 NPR and comments stating that the SNPR proposal to broaden the importer definition was too broad and created confusion about which party is required to certify imported products. Pursuant to CBP's statute, entry documentation must be transmitted by the owner or purchaser of the merchandise or, when appropriately designated by the owner, purchaser, or consignee of the merchandise, a person holding a valid license under 19 U.S.C. 1641. The IOR must be a party eligible to file such entry documentation. 19 U.S.C. 1484(a)(2)(B). A valid license under 19 U.S.C. 1641 means a customs broker licensed to conduct customs business. 19 U.S.C. 1641(a). Accordingly, the Final Rule places responsibility to issue a finished product certificate for imported products on the IOR, and the definition tracks the parties eligible to be an IOR in the Tariff Act, as amended.

However, to address additional comments stating that an IOR authorized to make entry for a shipment, such as a broker, may not have sufficient knowledge of the consumer products to be held responsible for testing and certification, the definition of ''importer'' in the Final Rule provides that an authorized broker may identify the owner, purchaser, or consignee of the finished products who authorized the customs broker to make entry, as the party responsible for compliance with CPSC certificate requirements, as part of the certificate data filed in CPSC's PGA Message Set. Accordingly, a broker may identify the party responsible for certification by filing CPSC's required PGA Message Set in ACE, and the Message Set should identify the finished product certifier as part of the certificate data required in § 1110.11(a)(3) of this Final Rule. This owner, purchaser, or consignee that authorized a broker to file entry is the party that CPSC would expect to have sufficient knowledge of the products being imported and understand that such finished products must now comply with U.S. laws and regulations, including compliance with CPSC's testing and certification requirements.[18]

Additionally, the Final Rule clarifies that for finished products imported by mail, or for which a *de minimis* duty exemption under 19 U.S.C. 1321(a)(2)(C) is claimed, the importer for purposes of CPSC's certificate requirements is a party eligible to make entry for the finished products pursuant to CBP statutes and regulations, who may be an owner, purchaser, consignee, or authorized customs broker.[19] Because a consumer could fall within the definition of a purchaser or consignee, the definition of ''importer'' continues to state, as proposed, that for purposes of this rule, CPSC will not typically consider a consumer purchasing or receiving products for personal use or enjoyment to be the importer responsible for certification.

Manufacturer—For clarity, restates the statutory definition of ''manufacturer'' in the regulatory text.

Owner or purchaser—Clarifies that this definition is only for the purposes of this rule and simplifies the definition to mean a party who has a financial interest in imported finished products for which CPSC certificate data are required, including the actual owner of the merchandise. The definition informs that an owner or purchaser of the imported finished products may be held legally responsible by CPSC for the required certificate data as set forth in § 1110.15. This definition does not signify which party is eligible to enter certificate data into ACE but informs the owner or purchaser that CPSC may hold them legally responsible for CPSC's certificate data as the importer.

Private labeler—For clarity, restates the statutory definition of ''private labeler'' in the regulatory text.

Product Registry—Places the responsibility to submit data into the Product Registry on the finished product certifier, meaning the importer that is required to issue the finished product certificate, as specified in § 1110.7(a), and who is also required to eFile the certificate data as set forth in § 1110.13(a)(1).[20]

C. Certificate Content (§ 1110.11)

Requirements for certificate content in the Final Rule contain the following changes from the SNPR proposal:

Individual maintaining records § 1110.11(a)(4)—Moves the bulleted list summarizing required testing and certification records to the recordkeeping requirement in § 1110.17, because the data element in

[17] Entry type 06 is used to enter for consumption consumer products withdrawn from an FTZ for entry for consumption.

[18] We note that the party that CPSC holds legally responsible for certificate data does not signify that this party is responsible for submitting such data into ACE, given that this party is not necessarily an IOR or other party eligible to make entry under CBP statutes and regulations.

[19] *Id.*

[20] Pursuant to § 1110.15, a finished product certifier can rely on other parties to maintain records, test, certify products, or enter data into the Product Registry, but remains legally responsible for the validity, accuracy, completeness, and availability of finished product certificates.

仓储，[17]最终规则自《**联邦公报**》公布之日起18个月后生效。18个月的生效日期适用于受最终规则约束的进口受监管消费品，也适用于国内制造的此类产品。对于进口至对外贸易区并随后申报用于消费或仓储的CPSC监管产品，最终规则自《**联邦公报**》公布之日起24个月后生效。*B.*定义*(1110.3)*

最终规则中的定义与SNPR相比包含以下变更：

零部件证书--明确零部件证书为自愿性质。

收货人--澄清此

该定义仅适用于本规则，并将其简化为指接收或提取需要CPSC证书数据的进口成品的一方。该定义表明，收货人可能依据1110.15的规定就所需证书数据对CPSC承担法律责任。尽管收货人不一定具备在ACE中录入证书数据的资格，CPSC仍可将其作为进口商，要求其对CPSC的证书数据承担法律责任。

eFile--将定义术语从"eFiled certificate"修改为"eFile"，因为规则中未使用"eFiled certificate"一词，而"eFile"或"eFiled"在整个法规中出现九次。"eFile"的定义与SNPR中"eFiled certificate"的定义一致。

成品--删除"替换零件"一语，并明确界定"成品"的三项要求：(1) 该产品系为消费或仓储而进口，或在商业中分销；(2) 该产品受CPSA项下的消费品安全规则约束，或受委员会执行的任何其他法律项下的类似规则、禁令、标准或法规约束；以及(3) 该产品被包装、销售或持有以供销售给消费者或供消费者使用。

成品认证人--为明确起见，增加法定要求，即成品认证人必须是制造商、进口商或自有品牌商。

进口商--明确就本规则而言，进口商系指有资格办理报关的登记进口商(IOR)。

[17] 报关类型06用于将从自贸区提取的消费品报关进入消费。

用于进口成品，依据 | 邮件，或适用小额免税关税的
1930年关税法(经修订)(19 | 19 U.S.C.1321(a)(2)(C) 下的豁免
U.S.C.1484(a)(2)(B))，其可能是
如果提出主张，则就所有人、购买人或授权而言的进口商
报关代理。本修改是 | 美国消费品安全委员会(CPSC)的证书要求是
与2013年NPR一致，并且 | 有资格进行入境申报的一方
评论指出，SNPR | 根据CBP，成品
法规和规章，谁可以作为扩大进口商的提案
定义过于宽泛并造成了 | 所有人、购买人、收货人或
授权报关代理人。[19]由于对哪一方被要求
以认证进口产品。据此 | 消费者可能属于
购买者或收货人的定义，至CBP的法规、入境文件 | 在本规则中,CPSC通常不会
"进口商"的定义继续必须由所有者或
购买人，或收货人
如提议所述，对于目的购买方或当
由所有者适当指定， | 在本规则中，CPSC通常不会
19 U.S.C. 1641项下许可证。IOR | 考虑消费者购买或
用于个人使用或商品而接收产品，持有有效 | 法定定义
1484(a)(2)(B)。根据19 | 享有作为进口商的权利
负责认证存在混淆。必须是符合资格提交此类制造商--为明确起见，重述报关文件的一方。19 U.S.C.
19 U.S.C.1641(a)。因此， | 法定定义
成品证书，用于
法规文本中的"制造商"。U.S.C.1641系指获许可所有人或购买人--明确从事报关业务的报关代理人。
该定义仅适用于以下目的
本规则的并简化了定义最终规则将签发责任
评论指出，个IOR
然而，为解决额外的 | 指具有经济利益的当事方
对进口制成品、进口产品在进口商记录(IOR)上的权益，以及
CPSC(美国消费品安全委员会)证书数据所针对的、定义所追踪的合格当事方
供持有的消费品
需要，包括经修订的《关税法》中作为IOR的实际所有者。
托运方，例如经纪人，不得 | 商品。该定义告知
规则规定，经授权的报关代理 | 所有者或购买者
进口成品可被扣留，授权为以下目的办理入境：
可识别所有者、购买者或 | 由CPSC承担法律责任的
所需证书数据，如其中所述，具备足够的了解
条目，作为负责方 | 1110.15. 本定义不
表明哪一方有资格办理报关负责检测与认证，
证书数据录入ACE，但告知最终规则中"进口商"的定义
向CPSC的PGA报文集提交的数据。 | CPSC 可追究的所有人或购买人
因此，报关代理可识别 | 使他们对CPSC的
提交CPSC要求的PGA报文集
证书数据中另述的商。成品的收货人，其自有品牌商--为明确起见，重述授权报关代理人办理
在ACE中，且消息集应 | "私人"的法定定义
法规文本中的"品牌商"。符合CPSC证书产品登记库--将要求，作为证书
1110.11(a)(3) 本最终规则。此 | 向.....提交数据的责任
成品上的产品注册
产品认证人，指负责以下认证的进口方：
对产品有充分的了解 | 是签发成品所必需的
产品证书，如所规定
1110.7(a)，且其亦须将成品认证人识别为
按第部分规定录入证书数据证书数据中要求包含的
包括遵守CPSC的 | 1110.13(a)(1).20
C.合规证书内容*(1110.11)*
此外，最终规则澄清了
报关代理人办理报关的所有人、购买人或收货人，即为CPSC预期负有
对于进口的成品，
最终规则包含以下内容
相较SNPR提案的变更：正在进口并理解保存记录的个人此类成品现在必须
1110.11(a)(4)--将项目符号列表符合美国法律法规、
总结所需的测试和
认证记录移至检测与认证要求。[18]
1110.17 中的记录保存要求，
因为其中的数据元素

[19] 同上

§ 1110.11(a)(4) requires a name and contact information for the recordkeeper; thus, the list of potential records is more appropriately defined in the Final Rule's recordkeeping requirement.

Attestations § 1110.11(a)(7)—Clarifies that although all certificates require an attestation, the written attestation only applies to certificates provided in hard copy or electronic formats, because eFiled certificates already address the attestation requirement through the Product Registry (Reference Message Set) and a data element in the Full Message Set.

Duplicative testing not required § 1110.11(d)—Clarifies that the rule's provision on duplicative testing is intended to prevent test laboratories from conducting the same third party test multiple times on the same sample when the same test is required by overlapping rules.

D. Legal Responsibility of Finished Product Certifiers (§ 1110.15)

This provision modifies the heading proposed in the SNPR, changing the description from ''Legal responsibility for certificate information'' to ''Legal responsibility of finished product certifiers.'' This modification better reflects the content of § 1110.15, which is broader than just the information on a certificate and includes requirements for finished product certifiers when they rely on other parties to maintain records, or to submit data into the Product Registry, test, or certify.

E. Recordkeeping Requirements (§ 1110.17)

The Final Rule simplifies the presentation of the recordkeeping requirements for all finished product certificates by stating that required records must be maintained for five years from the date of creation, as proposed, and moves the bulleted recordkeeping requirements previously contained in § 1110.11(a)(4) to this section of the rule.

F. Disclaimer Message Sets

The SNPR proposed to require Disclaimer Message Sets in § 1110.13(a)(1) by referencing CPSC's PGA Message Set requirements in CPSC's CATAIR. As explained in section IV.F of this preamble, as a matter of policy and to reduce burden, CPSC will not require importers to file a Disclaimer Message Set with CBP for products that do not require a certificate. Accordingly, a Disclaimer Message Set is not required when: (1) the imported product is not within CPSC's jurisdiction; (2) the imported product is within CPSC's jurisdiction, but no rule, ban, standard, or regulation requiring a certificate applies; (3) the imported product is a component of a consumer product that is not packaged, sold, or held for sale to, or for use by, consumers, but rather the part will be used in further assembly or manufacturing in the United States; or (4) the imported product is subject to an enforcement discretion and no certificate is required. Commission staff have updated the CPSC's CATAIR accordingly.

IV. Response to Comments

This section of the preamble summarizes and responds to the 47 comments received on the SNPR by topic. Table 1 contains a key to the acronyms used to describe each commenter.

TABLE 1—COMMENTER KEY [21]

84	Comverex, LLC (Comverex)	108 ...	National Foreign Trade Council and U.S. Chamber of Commerce (NFTC & USCC)
85	Tractor Supply Company (TSC)	109 ...	The Boppy Company, LLC (Boppy)
86	Tractor Supply Company (TSC)	110 ...	Newell Brands Inc. (Newell)
87	Tractor Supply Company (TSC)	111 ...	American Apparel & Footwear Association (AAFA)
88	Comverex, LLC (Comverex)	112 ...	PeopleForBikes Coalition (PeopleForBikes)
89	Comverex, LLC (Comverex)	113 ...	The National Association of Manufacturers (NAM)
90	Galaxy Fireworks, Inc. (Galaxy)	114 ...	Retail Industry Leaders Association (RILA)
91	Comverex, LLC (Comverex)	115 ...	Law Offices of Steven W Hansen (Hansen)
92	Bureau Veritas (BV)	116 ...	Lighter Association (LA)
93	Alta Cycling Group, LLC (Alta)	117 ...	Comverex, LLC (Comverex)
94	American Fireworks Standards Laboratory (AFSL)	118 ...	Writing Instrument Manufacturer's Association (WIMA)
95	National Fireworks Association (NFA)	119 ...	Promotional Products Association International (PPAI)
96	National Association of Foreign-Trade Zones (NAFTZ)	121 ...	National Association of Foreign-Trade Zones (NAFTZ)
97	Toy Association (TA)	122 ...	National Customs Brokers and Forwarders Association of America, Inc. (NCBFAA)
98	Informational Technology Industry Council (ITI)	123 ...	IKEA
99	Juvenile Products Manufacturers Association (JPMA)	124 ...	IKEA
100 ...	Outdoor Power Equipment Institute, Inc. (OPEI)	125 ...	Informational Technology Industry Council (ITI)
101 ...	American Pyrotechnics Association (APA)	126 ...	Retail Industry Leaders Association (RILA)
102, ..	Ingram Enterprises, Inc. DBA Fireworks	127 ...	National Association of Foreign-Trade Zones (NAFTZ)
120 ...	Over America and Affiliated Companies (FOA) (Comment 120 identical)		
103 ...	Consumer Technology Association (CTA)	128 ...	National Association of Foreign-Trade Zones (NAFTZ)
104 ...	UL Solutions (ULS)	129 ...	National Fireworks Association (NFA)
105 ...	American Promotional Events, Inc. d/b/a TNT Fireworks (APE)	130 ...	IKEA
106 ...	Window Covering Manufacturers Association (WCMA)	131 ...	Express Association of America (EAA)
107 ...	Winco Fireworks International LLC (WFI)		

A. Procedural Comments

Comment 1: Several commenters (Galaxy (90), JPMA (99), NAM (113), RILA (114), and NCBFAA (122)) argue that the SNPR was proposed prematurely, because CPSC assertedly did not benefit from outcomes and feedback from Beta Pilot participants;

[21] The commenter key is based on the document ID that was assigned to the comment upon submission to the **Federal Register** docket of the SNPR. Several commenters submitted comments in separate submissions and were assigned multiple IDs. Acronyms and abbreviations for easier reference of each commenter are in parentheses. Comments on the SNPR begin with comment number 84.

1110.11(a)(4) 要求提供名称和
的联系信息
记录保存者；因此，潜在清单
记录在以下方面定义得更为恰当：
最终规则的记录保存
要求。

证明*1110.11(a) (7)* - 澄清
尽管所有证书均要求提供
attestation，仅指书面 attestation
适用于以硬
或以副本或电子格式，因为
已电子提交的证书已经解决了
通过以下方式满足证明要求：
产品注册表(参考消息)
Set)以及 Full 中的一个数据元素
消息集。

无需重复检测
1110.11(d) - 澄清该规则的
关于重复测试的规定是
旨在防止检测实验室
进行相同的第三方
在同一份样品上多次测试
当同一测试被要求由
重叠规则。

D. 成品认证人的法律责任*(1110.15)*本条款修改了标题
在SNPR中提出，改变
法律责任说明
对"证书信息"修改为"法律

84.....Comverex有限责任公司(Comverex)
85.....拖拉机供应公司(TSC)
86.....拖拉机供应公司(TSC)
87.....拖拉机供应公司(TSC)
88.....Comverex有限责任公司(Comverex)
89.....Comverex有限责任公司(Comverex)
90.....银河烟花公司(Galaxy)
91.....Comverex有限责任公司(Comverex)
92.....必维国际检验集团(BV)
93 ..... Alta Cycling Group， LLC (Alta)
94. ....美国烟花标准实验室(AFSL)
95.....全国烟花协会(NFA)
96.....全国对外贸易区协会(NAFTZ)
97. ....玩具协会(TA)
98.....信息技术产业委员会(ITI)
99.....青少年产品制造商协会(JPMA)
100 ... 户外动力设备协会 (OPEI)
101...美国烟火协会(APA)
102,..英格拉姆企业公司 DBA烟花
120...美国及关联地区
公司(FOA)(第120号意见，内容相同)
103...消费技术协会(CTA)
104 ... UL Solutions (ULS)
105...美国促销活动公司，以 TNT Fireworks 名义经营(APE)
106. ..窗帘制造商协会(WCMA)
107 ... Winco Fireworks International LLC (WFI)

成品责任
认证人。"该修改更好地反映了1110.15的内容，其范围不仅限于证书上的信息，还包括成品认证人在依赖其他方保存记录、或向产品登记库提交数据、检测或认证时的要求。*E.*记录保存要求

(1110.17)
最终规则简化了
通过规定所需记录必须自创建之日起保存五年(如拟议规定)，陈述了所有成品证书的记录保存要求，并将此前载于1110.11(a)(4) 的带项目符号的记录保存要求移至规则本节。

F. 免责声明信息集 SNPR 提议要求

第1110.13(a)(1)条中的免责声明信息集，通过引用CPSC的CATAIR中CPSC的政府参与机构(PGA)信息集要求。如本序言第IV.F节所述，作为政策事项并为减轻负担，CPSC不会要求进口商申报
向CBP（美国海关与边境保护局）提交免责声明信息集，用于
不需要
证书的产品。因此，免责声明
信息集在以下情况下不需要：(1)
进口产品不属于CPSC管辖范围；(2) 进口产品属于CPSC管辖范围，但无任何规则、禁令、标准或法规
要求提供证书；(3) 该
进口产品是
未包装的消费品组件，
销售、持有待售给或供其使用，
消费者，而是该部件将
用于进一步组装或
在美国制造；或
(4) 该进口产品受制于一项
执法自由裁量权，且无
需要证书。委员会工作人员
已更新CPSC（美国消费品安全委员会）的CATAIR
相应更新。

表 1--评论者索引[21]

108 ...	全国对外贸易委员会和美国商会--merce(NFTC与USCC)
109 ...	博皮公司有限责任公司（Boppy）
110 ...	纽威尔品牌公司(Newell)
111 ...	美国服装与鞋类协会(AAFA)
112 ...	PeopleForBikes联盟(PeopleForBikes)
113 ...	美国全国制造商协会(NAM)
114 ...	零售行业领袖协会(RILA)
115 ...	Steven W Hansen律师事务所（Hansen）
116 ...	打火机协会（LA）
117 ...	Comverex有限责任公司(Comverex)
118 ...	书写工具制造商协会（WIMA）
119 ...	国际促销产品协会(PPAI)
121 ...	全国对外贸易区协会(NAFTZ)
122 ...	美国全国报关行与货运代理协会 America， Inc.（NCBFAA）
123 ...	宜家
124 ...	
125 ...	信息技术产业委员会（ITI）
126 ...	零售行业领袖协会(RILA)
127 ...	全国对外贸易区协会(NAFTZ)
128 ...	全国对外贸易区协会(NAFTZ)
129 ...	全国烟花协会（NFA）
130 ...	宜家
131 ...	美国快递协会（EAA）

IV.对评论的回应

序言的这一部分
总结并回应了收到的47
关于SNPR的评论，按
主题分类。表1包含用于描述每位
评论者的缩略语
对照表。

A. 程序性意见

评论7.若干评论者
（Galaxy（90）、JPMA（99）、NAM（113）、RILA(114)和NCBFAA(122)主张
该SNPR已被提议
过早，因为据称CPSC
未受益于Beta Pilot参与者的成果和反馈；

21 评论者密钥基于该文档
分配给该评论的ID在
提交至《联邦公报》案卷的
过早,因为据称CPSC
SNPR。若干评论者提交了评论，见
分别提交并被分配了多个
IDs。为便于使用而采用的缩略语和缩写
各评论者的引用出处列于括号内。对SNPR的评论从第84号评论开始。

these commenters noted general concern about the impact of eFiling.

Response 1: When drafting the SNPR, CPSC benefited from the outcomes and feedback from comments to the 2013 NPR, the Alpha Pilot conducted in 2016, the Certificate Study conducted in 2017, preparation and development for the Beta Pilot in 2023, and the initial months of the Beta Pilot. Furthermore, CPSC is drawing upon outcomes and feedback from the Beta Pilot participants in the Final Rule, specifically with respect to consideration of the effective date of the Final Rule and finalizing the eFiling burden analysis in sections VII and VIII of this preamble. Finally, while the Beta Pilot tests the mechanics of eFiling and practical considerations, it does not impact the Final Rule's basic requirement to eFile certificates.

Comment 2: Hansen (115) states that the bicycle industry has not received sufficient information about the eFiling proposal, and that the SNPR was sudden, considering the 10-year lapse between the NPR and the SNPR. Hansen complains that no company from the bicycle industry is participating in the Beta Pilot and that it will take many months to set up testing laboratories around the world and hire people to manage the new data requirements.

Response 2: Because more than 10 years have passed since the NPR was published in 2013, the Commission issued the SNPR to provide additional opportunity for notice and comment and to describe proposed requirements for the revisions to part 1110 based on the Commission's efforts since 2013 to advance eFiling. The SNPR recounts such efforts, including the Alpha Pilot in 2016 and a Certificate Study in 2017. 88 FR 85760, 85762–62. The Commission voted in December 2020 to approve staff's recommended four-phased approach to create an eFiling program at CPSC [22] and began recruiting for the Beta Pilot on June 10, 2022 (87 FR 35513). CPSC conducted the Beta Pilot with 37 participants from October 2023 to June 2024. Most recently, CPSC announced expansion of the Beta Pilot test on June 4, 2024 (89 FR 47922). CPSC has also conducted extensive outreach via public events, such as a workshop held on October 13, 2022 (87 FR 48162 (Aug. 8, 2022)), and communication with a variety of trade organizations.[23] CPSC provided industry with a wealth of information about the Beta Pilot and eFiling and provided numerous notices and opportunities for bicycle importers to participate; bicycle importers can still participate in the expanded Beta Pilot. Lastly, the Final Rule requires eFiling of certificates that bicycle importers are already responsible for creating and maintaining; the Final Rule does not add new testing-related data requirements for certificates and does not require the bicycle industry to set up additional testing laboratories or change their testing processes.

B. Effective Date

Comment 3: Many commenters (TSC (87), BV (92), Alta (93), TA (97), ITI (98), JPMA (99), OPEI (100), WCMA (106), NFTC & USCC (108), Newell (110), AAFA (111), NAM (113), RILA (114, 126), Hansen (115), LA (116), Comverex (117), NAFTZ (127), EAA (131), and IKEA (123, 130)) argue that an effective date of 120 days after publication of the Final Rule, as proposed, is inadequate and recommend a longer implementation period, ranging from six to 24 months. The NCBFAA (122) expresses concern about slow participation by importers and potential system bugs in development.[24] The TA (97) specifically recommends a staggered phase-in period once the effective date has elapsed. Commenters argue that an extended implementation period would allow industry to implement the new changes, including organizing resources, hiring data personnel, integrating internal technological systems, onboarding to the eFiling system, reviewing existing compliance programs, developing internal procedures, and completing additional legal agreements between parties to assign certification responsibilities.

The AAFA (111) states that an interim manual entry process, which CPSC did not propose, is not feasible for most importers, because it would require significant staff time. Commenters recommend that CPSC host additional workshops and training. IKEA (123, 130) claims that to secure a stable and resilient supply chain, message sets need to be ready at least three months prior to import, suppliers require four months to update their systems, each new product requires at least 6 months to mitigate any deviations from eFiling requirements, and one month to correct errors in the data flow. IKEA (130) asserts that eFiling requires many months of preparation with suppliers, vendors, and brokers, recommending a 24-month effective date and a phased approach to implementation. NAFTZ (127) and EAA (131) recommend an effective date of at least one year or longer.

Response 3: Based on CPSC's experience with Beta Pilot, the Commission agrees with the commenters that additional time is warranted for importers and their trade partners to prepare for full implementation of eFiling. Accordingly, the Final Rule provides an effective date of 18 months after publication of the Final Rule, as described in section VI of the preamble, to implement eFiling for all entry types except products entered for consumption or warehousing from an FTZ, which will have a 24-month effective date. This timeline is based on comments received on the SNPR and feedback from Beta Pilot participants and their trade partners. CPSC will also consider hosting additional workshops and trainings before and during implementation of the eFiling requirement and will update guidance materials as needed on CPSC's eFiling document library, available at *https://cpsc.gov/eFiling-Document-Library*. Finally, to allow importers and the Commission time to test and plan for full implementation of eFiling, the Commission is expanding the Beta Pilot test to include up to 2,000 additional participants, as described in a June 4, 2024, **Federal Register** notice. 89 FR 47922. Importers can apply to participate in the expanded Beta Pilot as stated in this notice. *Id.*

Comment 4: WCMA (106) alleges that the 120-day implementation period in the SNPR conflicts with the American National Standards Institute (ANSI)/ WCMA 2022 custom window covering safety standard (effective June 1, 2024) and the approaching conclusion of the Reese's Law discretionary enforcement period (on March 19, 2024). WCMA (106) states that the window covering industry will have to adapt to new compliance requirements, while being unfamiliar with the eFiling system.

[22] Record of Commission Action available at: *https://www.cpsc.gov/s3fs-public/RCA-CPSC-Plan-to-Create-an-eFiling-Program-for-Imported-Consumer-Products.pdf*.

[23] Section XI of the October 30, 2024: Staff Briefing Memorandum: Draft Final Rule to Revise 16 CFR part 1110 for Certificates of Compliance and to Implement eFiling (Final Rule SBP), contains a list of staff outreach and engagement efforts since 2013 regarding CPSC's eFiling initiative. This list demonstrates at least 121 staff engagements on eFiling in the last 3 years.

[24] During the Beta Pilot, between October 16, 2023 and June 30, 2024, the eFiling support team provided real-time support using the Beta Pilot Support Mailbox. The support team responded to 287 Tier 1 (basic troubleshooting, policy, and process) incidents and 153 Tier 2 (advanced technical issues) incidents with an average resolution time of 21 hours. CPSC expects to have a fully staffed service desk to assist with the expanded Beta Pilot. Additionally, during the Beta Pilot CPSC reviewed and assessed participant feedback, analyzed their needs to adjust the eFiling program, and implemented changes where needed. CPSC will continue to incorporate participant feedback throughout the eFiling voluntary stage.

这些评论者指出了普遍性
对电子申报影响的担忧。

回复 *1:*在起草SNPR时，
CPSC 受益于相关成果，并且
对2013年评论的反馈
NPR，在.....中进行的Alpha试点
2016年，在
最后，最终规则要求进行2017年的电子申报，筹备与开发工作包括：
2023年的Beta试点，以及最初的
Beta试点项目的数月期间。此外，
美国消费品安全委员会(CPSC)正借鉴相关成果并
来自Beta试点的反馈
最终规则的参与方，
特别是关于
增加额外检测实验室或考虑生效日期
最终规则并最终确定电子申报

本序言第VII节和第VIII节中的负担分析。最后，尽管Beta 评论*3:*许多评论者(TSC试点测试电子申报的机制及(87)、BV(92)、Alta(93)、TA(97)、ITI(98)、实际考虑因素，但并未JPMA(99)、OPEI(100)、WCMA(106)、

评论*2:* Hansen(115)指出
[illegible]子申报证书的基本要求。AAFA(111)、NAM(113)、RILA(114、
关于电子申报的充分信息
提案，且SNPR为
在NPR与SNPR之间。Hansen
[illegible]日期，考虑到10年的失效期
自行车行业正在参与
贝塔试点，并且这将需要许多
[illegible]的月数

回复 *2:*因为超过 10
自NPR发布以来已过去数年
于2013年发布，委员会
发布SNPR以提供额外的
[illegible]人员来应对开发中的系统缺陷。[24]
并描述拟议要求
针对第1110部分的修订，基于
委员会自2013年以来的努力
推进电子申报。SNPR叙述了
此类努力，包括Alpha试点
2016年的以及2017年的证书研究。
88 FR 85760, 85762–62。该
委员会于2020年12月投票决定
批准工作人员建议的四项
分阶段实施电子申报方案。AAFA(111) 指出，一项
在CPSC [22]的项目，并开始招募
针对2022年6月10日的Beta试点（87
FR 35513)。CPSC进行了Beta
与37名参与者于10月进行的试点
2023年至2024年6月。最近，CPSC
宣布扩大Beta试点
2024年6月4日测试(89 FR 47922)。CPSC还进行了广泛的

通过公开活动开展外联，例如在 Beta 试点期间，10 月 16 日至
研讨会于2022年10月13日举行（87
FR 48162(2022年8月8日)），以及
与各种贸易
组织。[23] CPSC 提供了

为行业提供了丰富的信息
关于Beta Pilot和电子申报以及
提供了大量通知和
自行车进口商的机会
参与；自行车进口商仍可
参与扩展的Beta试点。
自行车进口商所持的证书

已负责创建和
维持；最终规则不
添加与测试相关的新数据
对证书的要求以及
不需要自行车行业设定
改变其测试流程。

*B.*生效日期

NFTC & USCC（108）、Newell（110）、
126）、Hansen（115）、LA（116）、Comverex
(117)、NAFTZ(127)、EAA(131)以及
宜家(123, 130)认为，有效的

最终规则如提议所述并不充分
并建议更长的
[illegible]
至24个月。NCBFAA(122)
[illegible]
[illegible]
[illegible]

Response 4: The Commission published 16 CFR part 1263 on September 21, 2023 (88 FR 65274; 88 FR 65296) to implement Reese's Law, 15 U.S.C. 2056e, which required the Commission to issue a rule providing performance and labeling requirements for consumer products that contain button cell or coin batteries, to eliminate or adequately reduce the risk of injury associated with children 6 years old and younger ingesting these batteries. 15 U.S.C. 2056e(a)(1). Some motorized window coverings contain button cell or coin batteries.

The effective date of this Final Rule, as revised, will occur about one and a half years after the effective date of Reese's Law requirements for consumer products containing button or coin cell batteries. As of September 2024, testing and certification of consumer products containing button cell or coin batteries has been in effect for six months. Accordingly, the 18-month effective date of the Final Rule will provide window covering manufacturers and importers with sufficient time to comply with testing, certification, and eFiling requirements.

Comment 5: Comverex (84) expresses concern about the proposed 120-day effective date, believing that test data that is typically valid for 365 days would need to be reconducted in 245 days (365 days − 120 days = 245 days) to allow test laboratories to automate test data submission into the Product Registry. Comverex states that a 120-day effective date would require testing to be obtained up to 245 days in advance of publication of the Final Rule, potentially requiring importers to reconduct testing or to coordinate obtaining the necessary data from previously issued test reports.

Response 5: Certificate data entered into the Product Registry are the responsibility of the importer, who can allow a testing laboratory to submit test data into the Product Registry on their behalf. The decision to rely on a testing laboratory for data entry is at the discretion of the importer. The premise of Comverex's concern, that test data must be entered at the time of testing, is incorrect; in fact, importers or their trade partners can enter test data into the Product Registry at any time before importation of the product, including testing conducted before the effective date of the Final Rule. Based on comments and the experience of Beta Pilot participants, the Final Rule now has a 18-month effective date, which also obviates Comverex's concern. Note that if an importer participates in the expanded Beta Pilot, the importer can begin submitting certificate data into the Product Registry before the effective date of the Final Rule.

C. Section 1110.3 Definitions

Comment 6: Several commenters (Alta (93), TA (97), Newell (110), PeopleForBikes (112), and Hansen (115)) oppose expanding the definition of a ''finished product'' in § 1110.3 to include replacement parts. These commenters argue that replacement parts are effectively covered by certification for the full finished product and are not tracked independently, so it would be burdensome to create and track certificates for replacement parts. Furthermore, a change to any replacement part would be considered a ''material change'' and trigger retesting under an existing regulation. Lastly, commenters state that component parts are imported in bulk and the importer has no way of knowing whether the parts are intended for domestic assembly, repair shops, or retail customers. Commenters state that this differs from parts sold with the intent that they may be assembled to create some larger item or ensemble, like doll accessories for toys.

Additionally, PeopleForBikes (112) and Hansen (115) write that CPSC's example that a handlebar sold as a replacement part requires a certificate is incorrect, because 16 CFR part 1512 (part 1512) is a complete product standard and the handlebar must meet the requirements in part 1512 after assembly into complete bicycles. PeopleForBikes (112) notes that in response to comment 63 on the 2013 NPR, CPSC indicated that parts of a bicycle could be tested and certified. The commenter states that CPSC provided as an example replacement handbrakes, which the commenter asserts cannot be tested individually, but are covered under 16 CFR 1512.5. Hansen (115) states that importers will not know whether a part, such as handlebars, will be used on a child's bike or not, and requests documentation that CPSC has previously stated that replacement bicycle parts must be tested to part 1512.

JPMA (99) and NAM (113) claim the proposed rule does not clearly define ''component parts'' and ''component part certificates.'' These commenters state that CPSC should clarify that certification is only required for component or replacement parts if they are sold as fully independent, finished, packaged consumer products subject to a specific applicable regulation. The OPEI (100) seeks clarity as to whether replacement shields for power mowers (as defined in 16 CFR part 1205.3) require separate testing and certificates if sold to consumers as replacement parts.

Response 6: In the Final Rule, CPSC amends the definition of ''finished product'' and adds guidance in sections V.B and V.C of this preamble to clarify when a part of a consumer product is considered a finished product. As defined in 16 CFR part 1109 and this revised part 1110, a ''component part'' is not, by definition, a finished product that requires certification. A component of a consumer product only requires testing and certification if the part itself is: (1) packaged, sold, or held for sale to, or use by, consumers (in which case it is a finished product); (2) regulated by the Commission, meaning the part is specifically regulated and not regulated as a subsection of a final product standard; and (3) imported for consumption or warehousing or distributed into commerce. To be a finished product, components must be sold independently, packaged for a consumer, or intended for use *by a consumer.*

CPSC incorrectly stated in the SNPR that bicycle handbrakes sold separately would require a certificate. The commenter is correct that 16 CFR part 1512, as applied to non-children's products, is a finished product standard and the individual components are tested as part of the finished product. Imported replacement parts for bicycles, power mowers, or any non-children's product covered by a finished product regulation are not subject to the eFiling requirement unless a regulation applies to the part, as sold. However, a part of a children's product that is sold separately to consumers may be subject to third party testing for CPSC rules such as lead content, lead in paint, or small parts. Lastly, per 16 CFR part 1109, a certifier can use component part testing and certification to certify a finished product, where applicable.

Comment 7: Several commenters (JPMA (99), NFTC & USCC (108), AAFA (111), NAM (113), and RILA (114)) disagree with the proposed expanded definition of ''importer'' and urge using ''importer of record (IOR),'' as proposed in the 2013 NPR. Commenters claim that the industry is already familiar with the definition of IOR and the expanded definition will add complexity and ambiguity to who is responsible for eFiling certificate data. Commenters argue that multiple entities may be held responsible, or that retailers may be improperly authorized to certify products. JPMA (99) and NAM (113) assert that the definition of ''importer'' cannot be changed, because it is already legislatively defined, and the SNPR is contrary to the plain language of the

答复 *4:*委员会于16 CFR part 1263发布2023年9月21日(88 FR 65274;88 FR 65296)，以实施《Reese法案》，U.S.C.2056e，该条要求委员会发布规则，规定含有纽扣电池或硬币电池的消费品的性能和标签要求，以消除或充分降低6岁及以下儿童吞食此类电池相关的伤害风险。

U.S.C.2056e(a)(1)。部分电动窗帘含有纽扣电池或硬币电池。

经修订的本最终规则的生效日期，将发生在《Reese法案》关于含纽扣电池或硬币电池的消费品的要求生效日期之后约一年半。截至2024年9月，含纽扣电池或硬币电池的消费品的测试与认证已实施六个月。因此，本最终规则18个月的生效日期将为窗帘制造商和进口商提供充足时间，以符合测试、认证和电子申报要求。

评论 *5:* Comverex(84) 对拟议的生效日期，认为通常有效期为365天的检测数据将需要重新进行天(365天 ¥ 120天 = 245天)，以便检测实验室将检测数据自动提交至产品登记库。Comverex表示，120天的生效日期将要求在最终规则公布前最多提前245天获取检测，这可能要求进口商重新进行检测或协调从先前出具的检测报告中获取必要数据。

答复*5:*录入产品登记库的证书数据由进口商负责，进口商可允许检测实验室代表其向产品登记库提交测试数据。是否依赖检测实验室进行数据录入由进口商自由裁量决定。Comverex担忧的前提，即测试数据必须在测试时录入，是不正确的；事实上，进口商或其贸易伙伴可在产品进口前的任何时间将测试数据录入产品登记库，包括在本最终规则生效日期之前进行的测试。基于评论和Beta试点参与者的经验，本最终规则现规定18个月的生效日期，这也消除了Comverex的担忧。请注意，如果进口商参与扩大的Beta试点，进口商可开始将证书数据提交至在最终规则生效日期之前的产品注册表。

C. 第*1110.3*条定义评论*6:*若干评论者(Alta (93) ，TA (97) ，Newell (110) ，PeopleForBikes(112)和Hansen(115))反对将1110.3中"成品"的定义扩大至包含替换零件。这些评论者主张，替换零件实际上已被完整成品的认证所涵盖，且未被独立追踪，因此为替换零件创建和追踪证书将造成负担。此外，对任何替换零件的更改将被视为"重大变更"，并触发现有法规下的重新测试。最后，评论者指出，零部件是批量进口的，进口商无法得知这些零件是用于国内组装、维修店还是零售客户。评论者指出，这与以可能被组装以形成某种较大物品或组合件(如玩具的玩偶配件)的意图销售的零件不同。此外，PeopleForBikes(112)和Hansen(115)写道，CPSC关于作为替换零件销售的自行车车把需要证书的示例是不正确的，因为16 CFR part 1512(part 1512)是一项完整产品标准，车把在组装成完整自行车后必须符合part 1512的要求。PeopleForBikes(112)指出，针对2013年NPR的第63号评论，CPSC表示自行车的零件可以进行测试和认证。该评论者称，CPSC提供的示例是替换手刹，该评论者主张手刹无法单独测试，但受16 CFR 1512.5涵盖。Hansen(115)指出，进口商不会知道某个零件(如车把)是否将用于儿童自行车，并要求提供CPSC此前曾表示替换自行车零件必须按part 1512进行测试的文件记录。JPMA(99)和NAM(113)声称，拟议规则未明确界定"零部件"和"零部件证书"。这些评论者指出，CPSC应澄清，仅当零部件或替换零件作为完全独立、成品化、包装好的消费品销售且受特定适用法规约束时，才需要认证。OPEI(100)寻求澄清动力割草机的替换防护罩(如16 CFR part 1205.3所定义)是否需要单独的测试和证书如果作为替换零件销售给消费者。答复6：在本最终规则中，CPSC修订了"成品"的定义，并在本序言第五.B节和第五.C节中增加指引，以澄清消费品的零件何时被视为成品。如16 CFR part 1109和经修订的本part 1110所定义，"零部件"按定义不属于需要认证的成品。消费品的部件仅在以下情况下才需要测试和认证：该零件本身(1)被包装、销售或为销售给消费者或供消费者使用而持有(在此情况下即为成品);(2)受委员会监管，即该零件受到专门监管，而非作为最终产品标准的子节受到监管；以及(3)为消费或仓储而进口或分销进入商业流通。要成为成品，部件必须独立销售、为消费者包装或意图供消费者使用。CPSC在SNPR中错误地表述单独销售的自行车手刹需要证书。评论者正确地指出，16 CFR part 1512在适用于非儿童产品时是一项成品标准，各个部件作为成品的一部分进行测试。进口的自行车、动力割草机或受成品法规涵盖的任何非儿童产品的替换零件，除非有法规适用于该零件(按其销售状态)，否则不受电子申报要求约束。但是，单独销售给消费者的儿童产品零件可能需遵守CPSC规则(如铅含量、油漆中的铅或小零件)的第三方测试要求。最后，根据16 CFR part 1109，认证者在适用情况下可使用零部件测试和认证来认证成品。

评论7:若干评论者(JPMA(99)、NFTC & USCC(108)、AAFA(111)、NAM(113) 和 RILA(114)) 不同意拟议扩大的"进口商"定义，并敦促采用 2013 年 NPR 中拟议的"登记进口商(IOR)"。评论者称，业界已熟悉 IOR 的定义，扩大定义将增加谁负责电子申报认证数据的复杂性和模糊性。评论者认为，可能由多个实体承担责任，或者零售商可能被不当授权对产品进行认证。JPMA(99) 和 NAM(113) 主张，"进口商"的定义不能更改，因为它已由立法界定，而 SNPR 与以下文字的平义相悖：

CPSA that specifies manufacturers as the required certifier.

Response 7: The 2013 NPR proposed to define ''importer'' as the ''importer of record as defined under the Tariff Act of 1930 (19 U.S.C. 1484(a)(2)(B))'' 78 FR 28080, 28107. The 2023 SNPR proposed to broaden the definition to include the importer of record, consignee, or owner, purchaser, or party that has a financial interest in the product or substance being offered for import and effectively caused the product or substance to be imported into the United States. 88 FR 85760, 85789. For the Final Rule, the Commission agrees with the commenters that identifying a specific party responsible for certifying imported, finished products helps to clarify the party responsible for complying with CPSC's certificate requirements and ensures that certificate data is eFiled at entry. Accordingly, the Final Rule clarifies that, as proposed in the 2013 NPR and consistent with the SNPR and the comments received, for purposes of this rule, the ''importer'' means the importer of record (IOR) eligible to make entry for imported finished products under the Tariff Act of 1930, as amended (19 U.S.C. 1484(a)(2)(B)), who may be an owner, purchaser, or authorized customs broker.

The Final Rule also addresses the concerns of commenters stating that an IOR authorized to make entry for a shipment, such as a broker, may not have sufficient knowledge of the consumer products to be held responsible for testing and certification. Accordingly, the definition of ''importer'' in the Final Rule provides that an authorized broker may identify the owner, purchaser, or consignee of the finished products who authorized the customs broker to make entry, as the party responsible for compliance with CPSC certificate requirements. A broker would identify such party by eFiling certificate data using CPSC's PGA Message Set, which will identify the finished product certifier responsible for product certification, as required in § 1110.11(a)(3).

If identified as the finished product certifier in the PGA Message Set data, the owner, purchaser, or consignee that authorized the broker to file entry is the party that CPSC would expect to have sufficient knowledge of the finished products being imported and understand that such products must now comply with U.S. laws and regulations, including compliance with CPSC's testing and certification requirements. We note that the party that CPSC holds legally responsible for certificate data does not mean that this party is responsible for submitting such data into ACE, because this party may not be the IOR for the shipment or be another party eligible to make entry under CBP statutes and regulations.

Thus, the Final Rule definition of ''importer'' is consistent with the parties identified in the NPR and the SNPR and addresses commenters concerns by requiring the IOR to comply with CPSC's certificate requirements, but allowing an IOR who is an authorized broker to identify the owner, purchaser, or consignee of the finished products who authorized the customs broker to make entry, as the party responsible for compliance with CPSC certificate requirements. However, for finished products regulated by CPSC that are required to be accompanied by a certificate, if an authorized customs broker fails to submit a PGA Message Set containing CPSC's certificate data elements to identify the owner, purchaser, or consignee responsible for product certification,[25] CPSC can hold such a broker legally responsible for certificate data as set forth in § 1110.15.[26] Practically speaking, a broker will receive from the owner, purchaser, or consignee authorizing entry, either the Unique ID for the Reference PGA Message Set, linking certificate data in the Product Registry with the shipment, or all certificate data elements for submitting the Full PGA Message Set at entry.

The Final Rule also clarifies, for purposes of this rule, the importer who is legally responsible for CPSC's certificate data for finished products that must be accompanied by a certificate that are imported by mail, or for which a *de minimis* duty exemption under 19 U.S.C. 1321(a)(2)(C) is claimed. These shipments do not have an IOR. The ''importer'' definition in the Final Rule specifies that for finished products imported by mail, or for which a *de minimis* duty exemption under 19 U.S.C. 1321(a)(2)(C) is claimed, the importer for purposes of CPSC's certificate requirement is a party eligible to make entry for the merchandise pursuant to CBP statutes and regulations, who may be an owner, purchaser, consignee, or authorized customs broker. The Final Rule defines ''owner or purchaser'' and ''consignee'' consistent with the SNPR but simplified. An authorized broker may identify the owner, purchaser, or consignee that authorized entry as the finished product certifier in a PGA Message Set for a *de minimis* shipment as well. Because a consumer could fall within the definition of a purchaser or consignee, the definition of ''importer'' continues to state, as proposed, that for purposes of this rule, CPSC will not typically consider a consumer purchasing or receiving products for personal use or enjoyment to be the importer responsible for certification.

The assertion by JPMA (99) and NAM (113) that the plain language of the CPSA specifies a manufacturer as the required certifier is incorrect and comes 16 years after the CPSC first required importers to certify imported consumer products in the existing 1110 rule, effective November 18, 2008. 73 FR 68328. Section 3(a)(11) of CPSA defines a manufacturer as ''any person who manufactures or imports a consumer product.'' The CPSA does not define ''importer,'' and, pursuant to the implementing authority in section 3 of the CPSIA, CPSC has the authority to define ''importer'' for the purposes of this rule, and to effectuate the statutory authority to require electronic filing of certificates in section 14(g)(4) of the CPSA. Moreover, CPSC has the authority to designate the certifier pursuant to section 14(a)(4) of the CPSA, which states that when a product has more than one manufacturer or private labeler, the Commission may by rule designate one or more of such entities as the certifier and exempt the others. 15 U.S.C. 2063(a)(4).

Accordingly, the Commission's 1107 and 1109 rules both rely on the requirement for importers to certify imported consumer products, and these rules have been effective since 2013 and 2011, respectively. 76 FR 69482 (November 8, 2011) (finalizing part 1107); 76 FR 69546 (November 8, 2011) (finalizing part 1109). To address importer concerns, for more than 13 years part 1109 has allowed importers, or any finished product certifier, to rely on another party's testing or certification, such as a manufacturer's, to issue their own finished product certificate, provided the finished product certifier meets the requirements in part 1109.

Comment 8: The NFTC and USCC (108) are concerned that the proposed definition of ''importer'' would result in a ''diffusion of responsibility'' across all parties in the transaction of the shipment, resulting in confusion. These commenters propose that the IOR must eFile the certificate, but another

[25] Section 1110.11(a)(3) of the Final Rule requires that the certificate identify the finished product certifier that is certifying compliance of the finished product(s), as set forth in § 1110.7, including the party's name, street address, city, state or province, country or administrative region, electronic mail (email) address, and telephone number.

[26] A licensed customs broker is required to exercise responsible supervision and control over the customs business that it conducts. 19 U.S.C. 1641(b)(4).

CPSA将制造商指定为
所需的认证人。
回应 *7:* 2013 年 NPR 提议
将"importer"定义为"进口商，即
《关税法》所定义的记录
1930年（19 U.S.C. 1484(a)(2)(B))" 78 FR
28080、28107。2023年SNPR提议
将定义扩大到包括
登记进口商、收货人或所有人，
购买者，或对该产品或物质拥有财务
利益的当事方
被提供进口并有效
导致该产品或物质被
进口到美国。88 FR
85760, 85789。关于最终规则，
委员会同意
评论者认为，识别特定
负责认证的当事方
进口，成品有助于
明确负责
遵守CPSC的证书
要求并确保
证书数据在报关时通过电子申报提交。
因此，最终规则澄清了
即如2013年NPR和
与SNPR及
所收到的评论一致，就本
规则中，"进口商"指进口商
记录进口商（IOR）有资格报关
进口的成品根据
1930年关税法（经修订）（19
美国法典第1484(a)(2)(B)条），其可能是
所有者、购买方或授权
报关代理人。
最终规则还涉及
评论者提出的关切，即
IOR授权报关
托运方，例如经纪人，不得
对.....有充分的了解
消费品须被
负责测试和认证。
因此，.....的定义
最终规则中的"进口商"规定
授权经纪人可以识别
所有人、购买人或收货人
授权.....的成品
报关代理人进行报关，因为
负责合规的一方
CPSC证书要求。经纪人
将通过电子申报识别该方
使用CPSC的PGA的证书数据
消息集，其将识别
成品认证人负责
产品认证，如
1110.11(a)(3)。
如被认定为成品
认证人，在PGA消息集数据中，
所有人、购买人或收货人，
授权经纪人提交入境申报的是
CPSC预期其对所进口成品拥有充分知识的一
方
理解此类产品必须
现在符合美国法律和
法规，包括遵守
CPSC的测试与认证
requirements。我们注意到，该方
CPSC在法律上对其负责
证书数据并不意味着这
当事方负责提交此类
数据录入ACE，因为该当事方可能
不得作为该批货物的进口记录人(IOR)，也不得
另一有资格进行报关的当事方
根据CBP法规和规章。

"进口商"与当事方一致
NPR和SNPR中确定的以及
通过以下方式回应评论者的关切
要求登记进口商遵守
CPSC的证书要求，但
允许作为授权方的登记进口商
报关代理人以识别所有人、购买者、
或成品收货人
授权报关代理人
因此，最终规则对
符合CPSC证书
要求。然而，对于成品
受CPSC监管的产品
要求随附
证书，如果授权报关
代理人未能提交PGA消息
包含CPSC证书数据的集合
用于识别所有者的要素，
负责的购买方或收货人
产品认证，[25] CPSC可认定
此类报关代理人依法负责
证书数据，如
1110.15. [26]实际上，一个
报关代理人将从所有者、
购买方或收货人授权
报关，要么是
参考PGA消息集，链接
产品登记库中的证书数据
随货物一同提供，或所有证书数据
提交完整PGA的要素
报关时的消息集。
最终规则还阐明，对于
本规则的目的，进口商
对CPSC的.....负有法律责任
成品的证书数据
必须附有
由邮寄进口的证书，或
其可享受*de minimis*关税豁免
根据19 U.S.C. 1321(a)(2)(C) 是
所声称的。这些货物没有
一个IOR。其中"importer"的定义在
最终规则规定，对于成品
通过邮寄进口的产品，或
a *de minimis*关税豁免依据 19
U.S.C. 1321(a)(2)(C)被主张，该
进口商，以便CPSC的
证书要求是适格当事方
办理该商品的报关
依据CBP法规和
法规，其可以是所有者，
购买人、收货人或授权
报关代理人。最终规则定义了
"所有人或购买人"和"收货人"

[25] 最终规则第1110.11(a)(3)条要求证书标明成品，如第1110.7条所规定，包括
证明成品合规的认证方
当事方名称、街道地址、城市、州或省，
国家或行政区、电子邮件
（电子邮箱）地址和电话号码。

[26] 持牌报关代理人须对其所从事的报关业务负责。19 U.S.C. 1641(b)(4)。

与SNPR一致，但
简化。授权报关代理人可以
识别所有者、购买者或
授权报关的收货人作为
政府参与机构（PGA）中的成品认证人
针对微量货物的信息集
也是如此。因为消费者可能落入
在购买者或
收货人，"进口商"的定义
继续如提议所述，指出对于
就本规则而言，CPSC不会
通常认为消费品
为个人使用或享用而购买或接收产品
个人使用或享用为
负责认证的进口商。
JPMA(99)和NAM的断言
(113) 该条款的平实语言
CPSA将制造商指定为
所需认证人信息有误且涉及
CPSC首次要求16年后
进口商对进口消费品进行认证
现有1110规则中的产品，
自2008年11月18日起生效。73 FR
68328. CPSA第3(a)(11)条定义
制造商定义为"任何
制造或进口消费品
产品。"CPSA未定义
"进口商"，并且，依据
第3条的实施授权
CPSIA，CPSC有权
为以下目的定义"进口商"
本规则，并落实法定
要求以电子方式提交的权限
第14(g)(4)条中的证书
CPSA。此外，CPSC 已
指定认证人的权力
依据第14(a)(4)条
CPSA，其中规定，当产品
拥有多个制造商或
自有品牌商，委员会可通过
规则指定一个或多个此类
实体作为认证人并豁免
其他方。15 U.S.C. 2063(a)(4)。

和1109规则均依赖于
进口商认证的要求
进口消费品，而这些
规则自2013年起生效，且
分别为2011年。76 FR 69482
（2011年11月8日）（最终确定部分
1107); 76 FR 69546（2011年11月8日）
（最终确定第1109部分）。为解决
进口商的关切，超过13
年来第1109部分一直允许进口商、
或任何成品认证人依赖
依赖另一方的检测或
认证，例如制造商的、
签发其自己的成品
证书，前提是成品
产品认证人符合第1109部分的要求。

评论 *8:*全国对外贸易委员会和美国商会
(108)担心拟议的
"进口商"的定义将导致
一种"责任分散"贯穿所有
交易中的各方
货物，从而造成混乱。这些
评论者建议IOR必须
电子申报证书，但另一

specified entity could prepare the certificate, which could either be (1) an entity that by mutual agreement is responsible for preparing the certificate, or (2) in the absence of agreement, a hierarchy of entities within the proposed definition of ''importer.'' Commenters state that in this case, if the IOR does not have the requisite knowledge to prepare the certificate, another specified entity with direct knowledge of the facts underlying the certificate could be responsible for its preparation.

The NCBFAA (122) questions why the definition of ''importer'' specifically highlights customs brokers, because they are already subsumed in the definition of IOR. They argue that this adds confusion, because the customs broker will rarely assume legal responsibility for certification. The NCBFAA (122) urges CPSC to make it clear that a customs broker or other non-beneficial owner will never be the responsible importer by default merely due to their role in the import process, and to distinguish those roles.

Response 8: As described in response to comment 7 and in section V.B of this preamble, the Final Rule revises the definition of ''importer'' proposed in the SNPR, agreeing in part with the commenters. The NFTC and USCC (108) request that CPSC identify the IOR as the importer but allow for another specified party to be responsible in case the IOR does not have the requisite knowledge to prepare the certificate. As stated in response to comment 7, the Final Rule specifies that the IOR is the importer responsible for certification of a finished product. However, if the IOR is an authorized customs broker, the broker may identify the owner, purchaser, or consignee that authorized entry, as the party responsible for CPSC's certificate requirements, as part of the eFiled certificate data. If the required certificate data is not eFiled, CPSC can hold the broker legally responsible as set forth in § 1110.15.

The revised definition limits confusion by specifying the IOR as the importer, while also addressing broker concerns about not having sufficient detailed knowledge about the consumer products being imported to issue a certificate, by allowing the broker to specify the owner, purchaser, or consignee that authorized the broker to make entry. Use of the Product Registry will aid brokers in obtaining the requisite certificate information for eFiling. Practically speaking, a broker can identify the finished product certifier responsible for certification either by ensuring complete certificate data is filed in a Full Message Set, including the required ''certifying entity'' in § 1110.11(a)(3), or when stating the ''certifier ID'' for the Reference Message Set.

Comment 9: The TA (97) claims that the proposed importer definition does not adequately fulfill CPSC's stated intention to include products that are ''imported as a mail shipment.''

Response 9: As proposed in the SNPR, § 1110.13(a)(1) of the Final Rule requires that mail shipments containing finished products that are required to be accompanied by a certificate submit the finished product certificate data elements required in § 1110.11 into CPSC's Product Registry before arrival of the shipment in the United States. Mail shipments do not have an IOR. Accordingly, in response to the TA (97), CPSC adds a clarifying sentence to the definition of ''importer'' stating that for the purposes of this rule, the importer for purposes of CPSC's certificate requirements is a party eligible to make entry for the finished products pursuant to CBP statutes and regulations, who may be an owner, purchaser, consignee, or authorized customs broker.

Comment 10: The PPAI (119) disagrees with the proposed ''importer'' definition and claims that the proposed new definition will render distributors primarily responsible for certification, instead of the suppliers as it is today. The PPAI (119) states that the proposed rule would require distributors to retest the same product for individual orders, causing problems for companies with multiple ''operating as'' or ''dba'' designations, and uncertainty when a customs broker is involved.

Response 10: The Final Rule does not disrupt CPSC's current testing and certification requirements. As is currently the case, importers are the finished product certifiers that must certify imported finished products. However, since 2011, importers have been able to rely on a supplier's testing or certification to issue their own finished product certificates, as allowed by 16 CFR part 1109. The Product Registry aids in this process by allowing an importer to give a supplier permission to upload certificate data into the Product Registry, and to certify such data, on their behalf. However, as set forth in § 1110.15, the importer, who is the defined finished product certifier in § 1110.7, remains legally responsible for the information in a finished product certificate, including its validity, accuracy, completeness, and availability.

D. Section 1110.5 Products Required To Be Certified

Comment 11: ULS (104) supports CPSC's focus on products required to be certified and the content of the certificates to be eFiled. Specifically, ULS (104) agrees with the proposed language for § 1110.5 and CPSC's efforts to make this process as efficient as possible for users by listing the applicable rules in the eFiling system.

Response 11: CPSC retains the proposed § 1110.5 in the Final Rule.

Comment 12: JPMA (99) agrees with the proposed § 1110.5 clarification that certificates are only required for finished products. However, JPMA (99) also writes that proposed § 1110.5 requires greater definition to reflect that the manufacturing of finished products may involve multiple productions of identical products or variations unique to different customers that rely upon baseline certificates.

Response 12: Finished product certifiers may rely on applicable component part test reports, certification of component parts of consumer products, or finished product testing or certification procured or issued by another party, per 16 CFR part 1109. However, the finished product certifier must still issue its own certificate, either based on their own testing, or by relying on the underlying test reports and certificates from other parties, such as a manufacturer. As described in response to comment 11, the Product Registry aids in this process by allowing an importer to give their trade partners the ability to upload and certify data on their behalf.

E. Section 1110.7 Who Must Certify Products

Comment 13: Two commenters (AAFA (111) and RILA (114)) prefer the language in § 1110.7 of the existing 1110 rule, which requires importers and domestic manufacturers to issue certificates for imported and domestically manufactured products, respectively. The commenters argue that these entities are better suited for compliance than a private labeler, because importers and domestic manufacturers are most knowledgeable of the product design and manufacturing process, including sourcing of materials, rather than the private labeler, even if the private labeler has influence on the product. Commenters further claim that CPSC provided no indication that the existing certification process is not effectively protecting consumers and that the proposed change would improve safety. RILA (114) raises concerns regarding the

指定实体可编制证书，该实体可以是(1) 经相互协议负责编制证书的实体，或(2) 在无协议的情况下，拟议的"进口商"定义内的实体层级。

评论者指出，在此情况下，如果进口记录人(IOR)不具备编制证书所需的知识，则对证书所依据事实有直接了解的另一指定实体可负责编制证书。

NCBFAA(122) 质疑为何"进口商"的定义特别强调报关代理人，因为他们已被纳入 IOR 的定义中。他们主张，这增加了混乱，因为报关代理人很少承担认证的法律责任。NCBFAA(122) 敦促 CPSC 明确，报关代理人或其他非受益所有人绝不会仅因其在进口过程中的角色而默认成为责任进口商，并区分这些角色。

回应 *8:*如对评论 7 的回应及本序言第 V.B 节所述，最终规则修订了 SNPR 中拟议的"进口商"定义，部分同意评论者的意见。NFTC 和 USCC(108) 要求 CPSC 将 IOR 确定为进口商，但允许在 IOR 不具备编制证书所需知识的情况下由另一指定方负责。如对评论 7 的回应所述，最终规则规定 IOR 是负责成品认证的进口商。但是，如果 IOR 是授权报关代理人，该代理人可指定授权报关的所有人、购买人或收货人作为负责CPSC的证书要求，作为电子申报证书数据的一部分。如果所需证书数据未以电子方式申报，CPSC可依据第1110.15条追究报关代理人的法律责任。

修订后的定义通过将 IOR 指定为进口商来限制混乱，同时通过允许报关代理人指定授权其报关的所有人、购买人或收货人，解决了报关代理人对其没有足够详细的进口消费品知识以签发证书的担忧。使用产品登记库将有助于报关代理人获取电子申报所需的证书信息。实际上，报关代理人可以通过确保完整的证书数据以完整消息集提交，来识别负责认证的成品认证人，包括第1110.11(a)(3)条中要求的"认证实体"，或在为参考信息集注明"认证人ID"时。

评论*9:*TA(97)声称，拟议的进口商定义未能充分实现CPSC所述将"以邮件方式进口"的产品纳入其中的意图。

回应 *9:*如 SNPR 中所提议，最终规则 1110.11 所要求的成品证书数据元素提交至 CPSC 的产品登记库。邮件货物没有 IOR。因此，针对 TA(97),CPSC 在"进口商"定义中增加了一句澄清性语句，指出就本规则而言，CPSC 证书要求所指的进口商是依据 CBP 法规和规章有资格为成品报关的一方，其可以是所有人、购买人、收货人或授权报关代理人。

评论*10:*PPAI(119)不同意拟议的"进口商"定义，并声称拟议的新定义将使分销商而非像目前那样由供应商承担认证的主要责任。PPAI(119) 表示，拟议规则将要求分销商针对各个订单对同一产品重新检测，给拥有多个"经营名称"或"dba"名称的公司造成问题，并在涉及报关代理人时带来不确定性。

回应*10:*最终规则不改变CPSC现行的检测和认证要求。与目前情况一样，进口商是成品认证人，必须对进口成品进行认证。然而，自2011年以来，进口商可以依据供应商的检测或认证来出具自己的成品证书，此为16 CFR part 1109所允许。产品登记库通过允许进口商授权供应商代表其将证书数据上传至产品登记库并对该等数据进行认证，协助这一过程。然而，如第1110.15条所规定，作为第1110.7条所定义的成品认证人，进口商仍对成品证书中的信息承担法律责任，包括其有效性、准确性、完整性和可获得性。

D. 第*1110.5*条需要认证的产品评论*11:*ULS(104)支持CPSC将重点放在需要认证的产品以及电子申报证书的内容上。具体而言，ULS(104)同意第1110.5条的拟议措辞，并赞同CPSC通过在电子申报系统中列出适用规则，使该流程对用户尽可能高效的努力。回应*11:*CPSC在最终规则中保留拟议的第1110.5条。评论*12:*JPMA(99)同意拟议的第1110.5条澄清，即仅对成品要求证书。然而，JPMA(99)还写道，拟议的第1110.5条需要更明确的定义，以反映成品的制造可能涉及同一产品的多次生产或针对不同客户的独特变体，而这些依赖于基准证书。回应*12:*成品认证方可以依据适用的零部件检测报告、消费品零部件的认证，或由另一方采购或签发的成品检测或认证，依据16 CFR part 1109。然而，成品认证方仍必须签发自己的证书，无论是基于其自身的检测，还是依据来自其他方(如制造商)的底层检测报告和证书。如对评论11的回应所述，产品登记库通过允许进口商授权其贸易伙伴代表其上传和认证数据，协助了这一流程。

E. 第 *1110.7* 条谁必须对产品进行认证评论*13:*两位评论者

（AAFA（111）和RILA（114））倾向于现有1110规则第1110.7条中的措辞，该条要求进口商和国内制造商分别对进口产品和国内制造产品出具证书。评论者认为，这些实体比自有品牌商更适合承担合规责任，因为进口商和国内制造商最了解产品设计和制造过程，包括材料采购，而自有品牌商即使对产品有影响力也不具备这种了解。评论者还声称，CPSC没有提供任何迹象表明现有认证流程未能有效保护消费者，也没有表明拟议变更会提高安全性。RILA（114）对以下方面提出了担忧：

statement in the SNPR that ''CPSC can enforce the certificate requirement against an importer or a private labeler, even if neither firm is the entity submitting the required certificate data'' (88 FR 85790), because the current allocation of responsibility amongst domestic manufacturers and importers appropriately ensures the products are certified prior to entering commerce.

Three commenters (TA (97), JPMA (99), and NAM (113)) do not support the requirement that each importer is responsible for submitting certificate information for imported products. Instead, these commenters assert that responsibility should fall on the product manufacturer or private labeler, unless unavailable, in which case the importer of record would be reasonably expected to certify. The TA (97) asserts that CPSC is not recognizing the real-world supply chain, where multiple importers may source from the same independent manufacturer, who would ultimately be responsible for product compliance. JPMA (99) cites the CPSA that ''every manufacturer [. . .] shall issue a certificate.'' JPMA (99) and NAM (113) further request that the rule clearly state that downstream customers of manufacturers and private labelers may rely on such certificates without having to independently file duplicative certificates. JPMA (99) believes that certification should be permitted from a corporate representative.

Response 13: Pursuant to section 3(a)(11) of the CPSA, the term ''manufacturer'' means ''any person who manufactures or imports a consumer product.'' To address commenter confusion, the Final Rule restates this statutory definition in § 1110.3. Based on this definition, importers have been responsible for certifying imported products since promulgation of the original part 1110 rule in 2008. 73 FR 68328, 68331 (Nov. 18, 2008). CPSC understands that manufacturers supply products to different importers. Accordingly, since 2011, under 16 CFR part 1109, importers have been able to rely upon testing and certification conducted by another party, including a manufacturer or private labeler, to issue their own product certificates. 76 FR 69546, 69580 (Nov. 8, 2011). Therefore, as explained in section V.D of this preamble, CPSC maintains the existing requirements, and as re-proposed in the SNPR, that the importer be responsible for certifying imported products. Importers are in the best position to certify imported consumer products because importers know when a consumer product is imported into the United States and must comply with U.S. laws and regulations, and importers are responsible for ensuring that imported products comply with all applicable requirements. We note that CPSC generally holds responsible for certification the party responsible for importation, and not an individual representing a certifying party.

For imported privately labeled products, a private labeler can certify a product if the private labeler falls within the definition of ''importer,'' as defined in § 1110.3. For privately labeled domestically manufactured products, the private labeler either must certify the products, or ensure that the manufacturer has certified the products. Based on commenters' apparent confusion regarding when a product is privately labeled, § 1110.3 of the Final Rule restates the statutory definition of ''private labeler,'' to reiterate that a privately labeled product has no manufacturer information on the product or packaging. In that case, neither consumers nor CPSC know whether any other party, besides the private labeler, is responsible for manufacturing or distributing the product. CPSC appropriately places testing and certifying requirements on the private labeler in this scenario. However, when a manufacturer's name is on the product or packaging, the product is not privately labeled, and the manufacturer is responsible for certifying.

Lastly, we reiterate that pursuant to 16 CFR part 1109, any party responsible for testing and certification can rely on component part test reports, finished product test reports, certification of component parts of consumer products, or finished product certifications that are procured or issued by another party, such as a manufacturer or private labeler. However, the finished product certifier, such as an importer, must still issue their own certificate. As described in response to comment 11, for importers, the Product Registry aids in this process by allowing an importer to give their trade partners the ability to upload and certify data on their behalf. However, the importer remains legally responsible for the certificate as stated in § 1110.15.

F. Section 1110.9 Certificate Language and Format

Comment 14: JPMA (99) agrees with § 1110.9 of the existing rule, which provides that certificates may be in hard copy or electronic form and must be provided in English, but may also be provided in any other language. JPMA (99) disagrees with proposed format requirements for electronic certificates in § 1110.9(c), stating that a unique identifier that can be accessed online via an URL or other electronic means be identified prominently because the product packaging is already often cluttered.

Response 14: Section 1110.9(c) regarding electronic certificates only applies to domestically manufactured products, not to imported products where eFiling is required. The SNPR did not propose to require that the unique identifier be provided only on consumer packaging. Rather, the SNPR proposed that a unique identifier be identified prominently on the finished product, shipping carton, or invoice. The requirement for a unique identifier that is available via a URL or other electronic means is not a new concept; this option has been in the existing part 1110 since 2008. The Commission maintains § 1110.9(c) of the SNPR in the Final Rule, because the proposal provides three options for certifiers, stating that ''an electronic certificate meets the [availability] requirements of § 1110.13(b) and (c) if it is identified prominently on the finished product, shipping carton, or invoice by a unique identifier. . . .'' Hard copy certificates, such as PDF and paper certificates, remain an option for domestically manufactured products pursuant to § 1110.9(b).

Comment 15: JPMA (99) requests that CPSC affirmatively allow for password protection in § 1110.9 to maintain the confidentiality of proprietary competitively sensitive information.

Response 15: The SNPR proposed to allow for password protection of certificates in § 1110.9(c), which primarily applies to electronic certificates for domestically manufactured products. CPSC maintains this allowance in the Final Rule, stating ''[i]f the electronic certificate is password protected, the password must be provided at the same time as the certificate when requested by CPSC or CBP.''

G. Section 1110.11 Certificate Content

Comment 16: JPMA (99) argues that the unique ID and description required in the SNPR should be permissible and not mandatory, because eFiling should be optional.

Response 16: The Final Rule requires eFiling for imported products that are regulated by CPSC. This is necessary to achieve the objectives of eFiling, including enabling more effective targeting of violative imported products. The Final Rule also maintains the proposal in § 1110.11(a)(1) for the unique ID and product description for all certificates, for domestic and imported products, so that CPSC can better track certificates and match them

SNPR中的陈述，即"CPSC可对进口商或自有品牌商强制执行证书要求，即使两家公司均非提交所需证书数据的实体"(88 FR 85790)，因为目前在国内制造商和进口商之间的责任分配适当确保了产品在进入商业流通前获得认证。

三位评论者(TA(97)、JPMA和NAM(113))不支持每个进口商负责提交进口产品证书信息的要求。相反，这些评论者主张该责任应落在产品制造商或自有品牌商身上，除非其无法承担，在此情况下，登记进口商可合理地被期望进行认证。TA(97)主张CPSC没有认识到现实供应链，即多个进口商可能从同一独立制造商采购，而该制造商最终将对产品合规负责。JPMA(99)援引CPSA称"每个制造商[...]应签发证书。"JPMA(99)和NAM(113)进一步要求规则明确规定，制造商和自有品牌商的下游客户可以依赖此类证书，而无需独立提交重复的证书。JPMA(99)认为应允许由公司代表进行认证。回应*13*:依据CPSA第3(a)(11)条，"制造商"一词指"任何制造或进口消费品的人"。为解决评论者的困惑，最终规则在第1110.3条中重述了这一定义。基于这一定义，自2008年原第1110部分规则颁布以来，进口商一直负责对进口产品进行认证。73 FR 68328, 68331(2008年11月18日)。CPSC理解制造商向不同进口商供应产品。因此，自2011年以来，根据16 CFR part 1109，进口商可以依据另一方(包括制造商或自有品牌商)进行的检测和认证来签发自己的产品证书。76 FR 69546, 69580(2011年11月8日)。因此，如本序言第V.D节所述，CPSC维持现有要求，并如SNPR中重新提议的那样，由进口商负责对进口产品进行认证。进口商最有能力对进口消费品进行认证，因为进口商知道消费品何时进口到美国且必须遵守美国法律法规，并且

(99)

通过URL或其他电子方式，进口产品符合所有进口商有责任确保

适用要求。我们注意到

已显著标明，因为产品包装通常已经

杂乱。

CPSC 通常要求负责报关的一方对认证承担责任，而非要求仅代表认证方的个人承担责任。第 1110.9(c) 条仅适用于国内制造的产品，不适用于进口产品；对于进口的贴牌产品，若要求电子申报，只要贴牌商符合1110.3 所定义的"进口商"定义，贴牌商即可对产品进行认证。SNPR 并未提议要求仅在消费品包装上提供唯一标识符。相反，SNPR 提议应标识唯一标识符；对于国内制造的贴牌产品，贴牌商必须

证明产品合规，或确保

显著地标注在成品、运输纸箱或发票上。该

对唯一标识符的要求，即

制造商已对产品作出认证。可通过 URL 或其他电子方式获取。关于产品何时被贴牌，基于评论者明显的意见，这并非新概念；该选项在最终规则第 1110.3 条中自现有第 1110 部分以来一直存在，该条重述了法定定义。

"自有品牌商"，再次强调

2008. 委员会维持

最终规则中SNPR的1110.9(c)

规则，因为该提案提供了

贴牌产品不涉及认证人的三种选择，其声明涉及产品或包装。在此情况下，制造商信息载于

消费者和CPSC都不知道

除以下主体外，是否还有其他方：

"电子证书满足[可用性]要求

1110.13(b) 和 (c)，如果已识别

显著地标注在成品上，

贴牌商，负责运输纸箱或发票，通过唯一产品标识。CPSC 适当地将制造或分销该标识的责任....." 硬拷贝证书、检测和认证要求归于

本场景中的自有品牌商。

然而，当制造商的名称

在商品或包装上，该

例如PDF和纸质证书，

继续作为国内的一个选项

根据.....制造的消费品

1110.9(b)。

产品未贴牌，且评论 15:JPMA(99)请求制造商负责，CPSC 明确允许通过密码进行认证。

最后，我们重申，依据

1110.9 中的保护以维持

专有信息的保密性

产品测试报告，认证

16 CFR 第 1109 部分，任何负责竞争性敏感信息的当事方均可依赖检测和认证。回复 15:SNPR 提议

依赖组件检测报告、成品

消费品的组件部件，

或成品认证，该认证

允许对以下内容进行密码保护：

1110.9(c)中的证书，其

主要适用于电子

用于国内的证书

由另一方采购或签发，即制成品。CPSC 在最终规则中维持该允许，指出"如果电子证书受密码保护，密码必须由成品认证人(如进口商)仍须自行签发其证书。如所述

通过允许进口商在此过程中

与.....同时提供

在回复评论 11 时，对于 CPSC 或进口商要求的证书，产品登记库有助于

CBP。"

在1110.15中。

G. 第 *1110.11* 条证书内容

使其贸易伙伴能够代表其上传和认证数据。评论 *16*:JPMA(99)主张，然而，进口商在法律上仍对SNPR 中所述要求的唯一 ID 和描述负责，应允许且

F.

并非强制性，因为电子申报应

是可选的。

第 *1110.9* 条证书语言回复 *16*:最终规则要求和格式评论 *14*:JPMA(99)同意实现电子申报的目标，规定证书可采用硬拷贝，现有规则第 1110.9 条，其

(99) 不同意拟议格式

对受美国消费品安全委员会(CPSC)监管的进口产品进行电子申报。这对于

包括实现更有效的

针对违规进口产品的目标。以英文提供，但也可采用副本或电子形式，且必须

在1110.9(c)中，声明一个唯一

可在网上访问的标识符

最终规则还保留了1110.11(a)(1) 中关于以下内容的提案：

以任何其他语言提供。JPMA 唯一 ID 和产品描述，用于电子证书要求

所有证书，无论国内还是

进口产品，以便CPSC能够

to consumer products, including certificates received in person, through email, through the Product Registry, and through the RAM (Full PGA Message Set).

Comment 17: The AAFA (111) states that the product descriptions on customs documents, which are for clarity of Harmonized Tariff Schedule (HTS) codes, may not match the descriptions on certificates.

Response 17: CPSC recognizes that the product descriptions on customs documents and certificates may not match. HTS codes can be very broad and capture many different products under one code. For this reason, the SNPR proposed that certificates contain ''a sufficient description to match the finished product to the certificate.'' This requirement, as finalized in this rule, allows staff to determine whether the attached certificate describes the product being examined.

Comment 18: The WCMA (106) writes that custom cordless window coverings historically have not been subject to CPSC rules that require testing and certification, and therefore have not been assigned unique identification codes. To comply with this SNPR and the Reese's Law Direct Final Rule (88 FR 65274 (Sept. 21, 2023)), WCMA states, the window covering industry will need to invest significant resources in upgrading software systems and manufacturing processes to permanently affix or imprint a new unique product identifier.

Response 18: Window covering requirements in 16 CFR part 1120 do not require testing and certification, however, window coverings that contain a button cell or coin battery are required to meet 16 CFR part 1263, which requires testing and certification of the battery compartment. Nothing in the SNPR or this Final Rule requires a product identifier that distinguishes between products that contain a button battery and those that do not, or that products permanently affix or imprint such a product identifier on the product. Existing model numbers that are placed on the certificate and found somewhere on the product, shipping carton, or invoice, that assist CPSC to match certificates with a product, are sufficient. Note that eFiled certificates for imported window coverings will already be matched to the shipment using CPSC's PGA Message Set. Only electronic certificates for domestically manufactured products need to meet § 1110.9(c).

Comment 19: Several commenters (Boppy (109), Newell (110), LA (116), WIMA (118)) disagree with the requirement of providing the manufacturer's name, street address, and contact information, because this information is highly confidential and public disclosure could severely impact business operations. Boppy (109) is further concerned whether eFiled certificates will be placed in a publicly searchable database or available through a Freedom of Information Act (FOIA) request. A commenter states that in the event CPSC requires the name of the foreign manufacturer, then the Commission could always request that the information be provided with a CPSA section 6(a) submission.

Several commenters (AFSL (94), NFA (95), APA (101), FOA (102), APE (105)) argue that the manufacturer email address and phone number should not be provided, because in the fireworks industry, this information is protected by a ''middleman'' to prevent customers from purchasing directly from the source. By requiring this information, importers risk losing their current relationship.

The AAFA (111) states that the expansion to the full mailing address is unnecessary and duplicative, because the customs documentation already contains the country of origin and foreign manufacturer information on entry documents and the certificate has contact information.

Two commenters (TSC (85 and RILA (114)) argue against including the manufacturer email address and phone number, because those contacts could be unreliable, including potential language barriers, and the contact may change frequently. RILA (114) recommends CPSC first contact the IOR or the Product Registry Business Account Administrator before contacting the manufacturer.

Response 19: As explained in section V.F of this preamble, CPSC maintains the requirement for certifiers to provide the manufacturer's name, street address, email address, and phone number, because this is consistent with section 14(g)(1) of the CPSA, which requires that each certificate contain ''each party's name, full mailing address, [and] telephone number.'' We also note that section 16(c)(1) of the CPSA (15 U.S.C. 2065(c)(1)), requires that when requested by a ''duly designated'' CPSC employee, every importer, retailer, or distributor of a consumer product must identify the manufacturer of that product by name, address, or such other identifying information as the officer or employee may request, to the extent that such information is known or can be readily determined by the importer, retailer, or distributor. In this case, the Commission is requesting the manufacturer's name, address, and contact information by rule.

Accordingly, the Final Rule requires certifiers to provide the manufacturer name, full mailing address, phone number, and email to CPSC on the certificate. CPSC should not have to request the information via a section 6(a) submission,[27] because these data elements are statutorily required and necessary for CPSC's risk assessment and targeting. CPSC cannot conduct effective risk assessments at the ports without all relevant data points. The country of origin and foreign manufacturer information on entry documents is not sufficient, because CPSC has a different definition for ''manufacturer'' than CBP. CBP's required ''Manufacturer Identification Code'' or ''MID'' is a code, not a name, and is not necessarily linked to the name of the foreign manufacturer. For example, a MID can identify a foreign supplier. *Compare* 15 U.S.C. 2052(a)(11) (CPSC's definition of ''manufacturer'') with 19 CFR part 102 (explaining how to construct a MID code for entry documents).

The certificate data provided is secured by CPSC and neither the Product Registry nor RAM are publicly searchable databases. The Product Registry has industry-standard security features like encryption and token authorization, as further explained in the response to comment 49. When a FOIA request is filed, importers, domestic manufacturers, and private labelers who are required to issue certificates are first given the opportunity to assert confidentiality before such information is released. Manufacturer information on a certificate would not be released pursuant to a FOIA request as long as the certifier makes out that the information is confidential under section 6(a) of the CPSA.

Certificates must be furnished to retailers and distributors in accordance with section 14(g)(3) of the CPSA (15 U.S.C. 2063(g)(3)). Section 1110.13(b) of the SNPR, which is maintained in the Final Rule, simply restates this statutory requirement. However, the Final Rule does not dictate how a finished product certifier must furnish a certificate to retailers and distributors. Certifiers, retailers, and distributors may decide, based on business relationships and needs, how to proceed. For example, CPSC is aware that some certifiers redact manufacturer information from certificates before providing them to retailers and distributors. As long as

[27] *See* 15 U.S.C. 2055(a) (describing procedures for potential disclosure of confidential information).

适用于消费品，包括亲自、通过电子邮件、通过产品登记库以及通过 RAM(完整 PGA 消息集)收到的证书。

评论 *17:*AAFA(111)指出，海关文件上的产品描述是为明确美国协调关税表(HTS)编码，可能与证书上的描述不一致。

答复 *17:* CPSC 认识到海关文件和证书上的产品描述可能不一致。HTS 编码可能非常宽泛，将许多不同产品归入一个编码。因此，SNPR 提议证书应包含"足以将成品与证书相匹配的描述"。本规则最终确定的该要求允许工作人员确定所附证书是否描述了受检产品。

评论*18:*WCMA(106)写道，定制无绳窗帘历来不受要求测试和认证的CPSC规则约束，因此未被分配唯一识别码。WCMA表示，为遵守本SNPR及《Reese法案直接最终规则》(88 FR 65274,2023年9月21日)，窗帘行业将需要投入大量资源升级软件系统和制造工艺，以永久粘贴或压印新的唯一产品标识符。

回复 *18:*窗帘16 CFR part 1120中的要求不要求测试和认证，但是，含有纽扣电池或硬币电池的窗帘必须符合16 CFR part 1263，该部分要求对电池仓进行测试和认证。SNPR或本最终规则均未要求产品标识符区分含纽扣电池的产品与不含纽扣电池的产品，也未要求产品永久粘贴或压印此类产品标识符。放置在证书上并可在产品、运输纸箱或发票某处找到的现有型号，足以协助CPSC将证书与产品匹配。请注意，进口窗帘的电子申报证书将已通过CPSC的PGA报文集与货运匹配。只有国内制造产品的电子证书需要符合1110.9(c)。

评论*19:*若干评论者(Boppy(109)、Newell(110)、LA(116)、WIMA(118))不同意提供制造商名称、街道地址和联系信息的要求，因为该信息高度机密，公开披露可能严重影响业务运营。Boppy(109)进一步担心电子申报的证书是否会被放入可公开检索的数据库或可通过《信息自由法》(FOIA)请求获取。一位评论者指出，如果CPSC 要求外国制造商的名称，则委员会始终可要求通过 CPSA 第 6(a) 条提交方式提供该信息。

若干评论者（AFSL（94）、NFA(95)、APA(101)、FOA(102)、APE(105))主张不应提供制造商电子邮件地址和电话号码，因为在烟花行业，该信息受"中间商"保护，以防止客户直接从源头购买。通过要求该信息，进口商面临失去现有关系的风险。

AAFA(111)指出，扩展至完整邮寄地址是不必要且重复的，因为海关文件已在报关文件中包含原产国和外国制造商信息，且证书已有联系信息。

两名评论者(TSC(85和RILA)主张反对包含制造商电子邮件地址和电话号码，因为这些联系方式可能不可靠，包括潜在的语言障碍，且联系人可能频繁变更。RILA(114)建议 CPSC 在联系制造商之前先联系 IOR 或产品登记库企业账户管理员。回复 *19:*如第(114)本序言的V.F部分，CPSC维持要求认证方提供制造商的名称、街道地址、电子邮件地址和电话号码，因为这符合CPSA第14(g)(1)条，该条要求每份证书包含"各方的名称、完整邮寄地址[和]电话号码"。我们还注意到，CPSA第16(c)(1)条(15 U.S.C.2065(c)(1))要求，当"正式指定"的CPSC雇员提出要求时，消费品的每个进口商、零售商或分销商必须按名称、地址或该官员或雇员可能要求的其他识别信息指明该产品的制造商，前提是该进口商、零售商或分销商知悉或能够容易确定此类信息。在此情况下，委员会要求制造商名称、地址和联系信息按规则。

因此，最终规则要求认证方在证书上向CPSC提供制造商名称、完整邮寄地址、电话号码和电子邮件。CPSC不应必须通过第6(a)条提交来请求信息，[27]因为这些数据元素是法定要求的，且对CPSC的风险评估和靶向是必要的。CPSC若没有所有相关数据点，就无法在口岸进行有效的风险评估。报关单上的原产国和外国制造商信息不足，因为CPSC对"制造商"的定义与CBP不同。CBP要求的"制造商识别码"或"MID"是一个代码，而非名称，且不一定与外国制造商的名称相关联。例如，MID可以标识外国供应商。比较 15 U.S.C.2052(a)(11)(CPSC对"制造商"的定义)与19 CFR part 102(解释如何为报关单构建MID代码)。

所提供的证书数据由CPSC保障安全，且产品登记库和RAM均不是可公开检索的数据库。产品登记库具有行业标准的安全功能，如加密和令牌授权，第49号评论的答复对此作了进一步说明。当提交FOIA请求时，被要求签发证书的进口商、国内制造商和自有品牌商首先有机会在相关信息发布前主张保密。只要认证人根据CPSA第6(a)条证明该信息属于保密信息，证书上的制造商信息就不会依据FOIA请求予以发布。证书必须按照CPSA第14(g)(3)条(15 U.S.C.2063(g)(3))提供给零售商和分销商。SNPR第1110.13(b)条(在最终规则中予以保留)仅重述了该法定要求。但是，最终规则并未规定成品认证人必须如何向零售商和分销商提供证书。认证人、零售商和分销商可根据商业关系和需求决定如何操作。例如，CPSC了解到，一些认证人在向零售商和分销商提供证书之前，会删去证书上的制造商信息。只要

27 见15 U.S.C.2055(a)(描述潜在披露机密信息的程序)。

certificates provided to CPSC are complete and contain all required information, CPSC takes no position at this time on whether manufacturer information must be provided to third parties, unless safety or the testing and certification regime is compromised in some way.

Contact information for test data in § 1110.11(a)(4) may be a generic email address and telephone number, as long as it is actively monitored by a knowledgeable person and the certifying firm is responsive within 24 hours of CPSC's initial contact. Furthermore, staff will primarily contact the finished product certifier (who should be the Business Account Administrator in the Product Registry) first, but may need to contact the manufacturer if the certifier is non-responsive or if staff uncover a greater product issue with the manufacturer. Manufacturers often supply consumer products to more than one importer, retailer, or distributor.

Comment 20: The ASFL (94) states that the ''initial date of manufacture'' in § 1110.11(a)(5) is unattainable and recommends that the manufacturing date listed on the receipt or similar document should be the date provided.

Response 20: The ''initial date of manufacture'' means the month and year, at a minimum, for products manufactured over a series of days. Testing is typically conducted for a batch or production lot of products; therefore, the certifier should know which production lot the testing covers when the certifier creates a certificate based off that testing. Accordingly, for the Final Rule, CPSC maintains the requirement in § 1110.11(a)(5) for the ''initial date of manufacture'' when describing production lots.

Comment 21: The AAFA (111) and RILA (114) recommend eliminating, in § 1110.11(b), the optional data field of a URL or other electronic means to access supporting records, such as test records, because the Product Registry will have all the necessary information to confirm the certificate and many test reports contain out-of-scope and confidential business information. Commenters state that CPSC should instead communicate directly with the importer.

Response 21: Part 1110 applies to certificates for all consumer products, including those that are domestically manufactured. However, only certificates for imported consumer products must be eFiled. Moreover, the information specified in § 1110.11(b) is optional for all certificates. CPSC staff advises that regardless of whether the certificate is hard copy, electronic, or eFiled, having immediate access to test data is more efficient for the agency than having to contact the importer, manufacturer, or broker with additional questions or to request test documentation. Because this information is optional on a certificate, CPSC maintains the test report URL field in the Final Rule.

Comment 22: JPMA (99) supports maintaining the requirement in § 1109.11(a)(6) to provide the date when the finished product was tested for compliance.

Response 22: CPSC agrees and maintains this requirement in the Final Rule.

Comment 23: The AAFA (111) and JPMA (99) agree that generic contact information proposed in the SNPR should be acceptable.

Response 23: CPSC agrees and maintains this concept as proposed in § 1110.11(a)(4) of the Final Rule.

Comment 24: The AAFA (111) asks CPSC to provide clarity as to how eFiling would work in the case of multiple production lots, produced in different months, where the product is being imported at different times with no material change.

Response 24: One certificate can cover multiple production lots subject to the same test results, as long as there is no material change, as defined in guidance found on CPSC's website. Therefore, one certificate can cover many identical products manufactured over an extended period. For that reason, CPSC clarified in the SNPR that the certificate must contain the month and year of the *start date* of the series of manufacturing.

Comment 25: PPAI (119) asks for clarity regarding the duplicative testing statement in proposed § 1110.11(d). PPAI asks how this requirement applies to separate rules, standards, bans, or regulations and generating certificates for different orders involving identical products.

Response 25: The Final Rule maintains the proposal in § 1110.11(d) regarding duplicative testing, but clarifies that the rule for ''duplicative testing'' means that the same third party test does not need to be conducted more than once on each sample, when the same test is required by another applicable rule. CPSC included § 1110.11(d) in the NPR and the SNPR because some test laboratories were charging manufacturers to conduct the same test twice, when the test was required by two separate rules applicable to a children's product. To reduce burden, CPSC clarifies in § 1110.11(d) that this type of duplicative testing is unnecessary; one test to the same requirement in overlapping regulations is sufficient. Thus, certifiers are not required to conduct duplicative testing for any rule that refers to, or incorporates fully, another applicable consumer product safety rule or similar rule, ban, standard, or regulation under any other law enforced by the Commission.

The potential for duplicate testing applies primarily to children's products, where CPSC has long-standing requirements, such as lead, phthalate, and small part requirements, but has also established rules for specific products that also may require a chemical or small parts test, such as the rule applicable to toys in 16 CFR part 1250. For example, if a toy is already tested to section 4.6 of the ASTM International (ASTM) F963 Toy Standard for small objects, codified in 16 CFR part 1250, duplicative testing for small parts does not need to be conducted again to meet 16 CFR part 1501. A certificate should list both citations for part 1250 and part 1501, although only one test must be conducted.

The duplicate test clarification in § 1110.11(d) has no bearing on certificates for different orders for the same product. Each product certificate must list all applicable rules, but the same certificate may be used for repeated shipments of the same product, so long as there is no material change to the product. A material change is a change that could affect compliance, such as a different manufacturing facility or source of raw materials. Most certifiers test continually manufactured products at least once a year. CPSC purposely developed the Product Registry to allow a single certificate to be used more than once, every time the same product is imported. Thus, when a product has been tested and certified, and has not undergone a material change, importers eFiling the certificate data can reference the same certificate in the PGA Reference Message Set for the same product, regardless of the shipment's recipient or purchaser.

Comment 26: The TA (97) and JPMA (99) disagree with the requirement for certifiers to specify each applicable section of ASTM F963, which they allege is beyond what is required by the CPSA and 16 CFR part 1110 and further complicates the data set for manufacturers. The TA (97) also states that the ''sectional applicability'' is specifically directed to toys subject to ASTM F963, but not to any other rule.

IKEA (123) supports identifying individual sections of ASTM F963, because this requirement improves controls on U.S.-bound shipments. However, IKEA (123) requests that the year of adoption be included in the citation code that incorporates an ASTM

提供给CPSC的证书是完整的并包含所有必需信息，CPSC目前不就制造商信息是否必须提供给第三方表明立场，除非安全或检测与认证制度以某种方式受到损害。

测试数据联系方式

1110.11(a)(4)可以是一个通用电子邮件地址和电话号码，只要该地址和号码由知情人员积极监控，且认证企业在CPSC首次联系后24小时内作出回应。此外，工作人员将主要首先联系成品认证人(其应为产品登记库中的企业账户管理员)，但如果认证人未回应或工作人员发现制造商存在更大的产品问题，则可能需要联系制造商。制造商通常向多个进口商、零售商或分销商供应消费品。

评论*20:* ASFL(94)指出，1110.11(a)(5)中的"初始生产日期"无法实现，并建议应将收据或类似文件上列出的生产日期作为所提供的日期。

回复 *20:* "初始日期

"生产"指对于在一系列日期内生产的产品，至少应包含月份和年份。检测通常针对一批或一个生产批次的产品进行；因此，认证人在根据该检测创建证书时，应当知道该检测涵盖哪个生产批次。据此，对于最终规则，CPSC在描述生产批次时维持1110.11(a)(5)中关于"初始生产日期"的要求。

评论 *21:* AAFA(111) 和

RILA(114)建议在1110.11(b)中取消URL或其他电子方式访问支持性记录(如检测记录)的可选数据字段，因为产品登记库将拥有确认证书所需的所有必要信息，且许多检测报告包含超出范围的和保密的商业信息。评论者称，CPSC应改为直接与进口商沟通。

回应*21:* Part 1110适用于所有消费品的证书，包括国内制造的产品。但是，只有进口消费品的证书必须进行电子申报。此外，1110.11(b)中规定的信息对所有证书而言均为可选的。CPSC工作人员建议，无论证书是纸质、电子还是电子申报形式，能够立即获取检测数据对机构而言更为高效，而非必须联系进口商、制造商或报关代理以提出额外问题或请求检测文件。由于该信息在证书上为可选项，CPSC在最终规则中保留了检测报告URL字段。

评论 *22:* JPMA(99) 支持

维持1109.11(a)(6)中关于提供成品为合规而接受检测的日期的要求。

回应*22:* CPSC同意并在最终规则中维持该要求。

评论 *23:* AAFA(111) 和

JPMA(99)同意SNPR中提议的通用联系信息应可接受。

回应*23:* CPSC同意并在最终规则1110.11(a)(4)中按提议维持该概念。

评论 *24:* AAFA(111) 询问

CPSC明确电子申报在涉及多个生产批次(在不同月份生产、产品在不同时间进口且无重大变更)时如何运作。

回应*24:*一份证书可以涵盖受相同检测结果约束的多个生产批次，只要不存在重大变更(定义见CPSC网站上的指南)。因此，一份证书可以涵盖在较长时期内生产的许多相同产品。为此，CPSC在SNPR中澄清，证书必须包含一系列生产的开始日期的月份和年份。

评论*25:* PPAI(119)要求澄清拟议1110.11(d)中关于重复检测的陈述。PPAI询问该要求如何适用于单独的规则、标准、禁令或法规，以及为涉及相同产品的不同订单生成证书的情况。

回应25：最终规则维持了 1110.11(d)纳入NPR和SNPR，是因为一些测试实验室在儿童产品适用两项独立规则要求同一测试时，向制造商收取进行两次相同测试的费用。为减轻负担，CPSC在1110.11(d)中澄清，此类重复测试是不必要的；针对重叠法规中相同要求进行一次测试即可。因此，认证方无需进行重复

对任何引用或完整纳入委员会执行的任何其他法律下的另一适用消费品安全规则或类似规则、禁令、标准或法规的规则进行检测。

重复检测的可能性主要适用于儿童产品，CPSC对此有长期存在的要求，如铅、邻苯二甲酸酯和小部件要求，但也针对特定产品制定了规则，这些产品也可能需要化学或小部件检测，例如适用于16 CFR part 1250中玩具的规则。例如，如果玩具已按照ASTM

International(ASTM)F963 Toy第4.6节进行检测

小物体标准(编纂于16 CFR part 1250)，则无需再次进行小部件重复检测以满足16 CFR part 1501。证书应同时列出part 1250和part 1501的引用，尽管只需进行一项检测。

合规证书中关于重复测试的澄清

1110.11(d)与同一产品不同订单的证书无关。每份产品证书必须列出所有适用规则，但同一证书可用于同一产品的重复装运，只要产品未发生重大变更。重大变更是指可能影响合规的变更，例如不同的生产设施或原材料来源。大多数认证人至少每年对持续生产的产品进行一次检测。

CPSC特意开发产品登记库，以允许同一证书在每次进口同一产品时多次使用。因此，当产品已经过检测和认证且未发生重大变更时，电子申报证书数据的进口商可在PGA参考消息集中为同一产品引用同一证书，无论装运的收件人或购买人是谁。

评论 *26:* TA(97) 和 JPMA

(99)不同意要求认证人指明ASTM F963每个适用条款，他们声称这超出了CPSA和16 CFR part 1110的要求，并进一步使制造商的数据集复杂化。TA(97)还指出，"条款适用性"专门针对受ASTM F963约束的玩具，而不针对任何其他规则。

宜家(123)支持识别

ASTM F963的各个条款，因为该要求改善了对运往美国货物的管控。但是，IKEA(123)请求在以引用方式纳入ASTM

standard by reference (*e.g.* ASTM F963–17 or ASTM F963–23), because if revisions occur to the standard, then it would be impossible to determine if the linked test report is issued for the right standard.

Response 26: Through the Product Registry and CPSC's CATAIR and guidance documents, the Final Rule maintains the requirement for finished product certifiers to list on a certificate the citation for each individual section of ASTM F963 to which a toy is tested and certified. This is not a change to the existing procedure; CPSC has long required that certificates identify which sections of ASTM F963 apply to each toy on a certificate, because staff need to know what has been tested to determine product compliance. Certifiers are, and have always been, responsible for knowing which tests for compliance apply to their products and for listing them on their test reports and on their certificates. ASTM F963, as incorporated into part 1250, is broader than other voluntary standards incorporated into CPSC rules, in that the standard and mandatory rule apply to many different types of toys with different associated hazards. Other CPSC regulations generally apply to one product type with characteristic hazards, such as the rules for full-size cribs or strollers. CPSC has addressed the fact that ASTM F963 contains requirements for many types of toys since 2008 when the CPSIA mandated F963 as the mandatory toy standard. Citing only ASTM F963 on a certificate does not provide sufficient information to CPSC about the product or its compliance with the rule, because toys are tested to individual subsections of ASTM F963 and not to the entire standard.

Moreover, toys are required to be third party tested by an International Organization for Standardization (ISO)-accredited laboratory whose accreditation has been accepted by CPSC. These testing laboratories do not conduct every test in ASTM F963 on every toy; manufacturers and testing laboratories must know which tests in ASTM F963 apply to each toy, and such tests are listed on the test reports. Thus, the Final Rule is consistent with current CPSC practice and will allow CPSC to more easily enforce the existing requirement to list all applicable ASTM provisions.

Importantly, the benefits of eFiling for CPSC would be diminished without knowing which tests within ASTM F963 apply to each toy. CPSC will be able to target and assess risk based on the regulatory citations. Also, test laboratories are CPSC-accepted based on the particular provision of ASTM F963 to which they are ISO-accredited, and not generally for all tests within ASTM F963. Therefore, the certificate must identify the relevant ASTM subsection in order for the RAM to audit that citation against CPSC's testing laboratory credentialing information.

Regarding periodic updates to the ASTM standard, CPSC requires compliance with a revised ASTM standard upon the effective date of a rule incorporating the standard, for all products manufactured after the effective date (or as otherwise stated in a rule), unless the revision's effective date occurs by statute. *See, e.g.* 15 U.S.C. 2056b(g). Other regulations will also change over time and incorporate new versions of a voluntary standard as such standards are revised. Any product manufactured after the effective date of a revised rule incorporating a voluntary standard must comply with the updated rule. Therefore, CPSC would expect that a certificate with a product manufacture date on or after the effective date of a rule to comply with the revised mandatory standard, which can be confirmed by reviewing the test date and/or the associated test report. For administrative efficiency and burden reduction, however, CPSC is not mandating addition of the year to the ASTM citations at this time, and will rely on the data points on a certificate for targeting.

Comment 27: Two commenters (TA (97) and JPMA (99)) claim that exemptions and exclusions do not need to be cited on a certificate of compliance, because they are assumed if a citation is not listed on the certificate. Thus, CPSC should not require the citations of exemptions or exclusions. IKEA (124) claims that this requirement of citing exemptions and exclusions increases reporting burdens.

Response 27: The Final Rule retains the proposal that certificates include citations for testing exemptions or exclusions. Section 14(a)(1)(B) of the CPSA states that the certificate ''shall specify each rule, ban, standard, or regulation applicable to the product.'' Accordingly, certificates must list each rule to which the product is subject. For each rule listed on the certificate, the certifier should list the firm or testing laboratory that conducted such test. However, some rules contain testing exceptions for certain products or product characteristics, and no testing is required. Thus, for completeness and to avoid unnecessary investigations of shipments that are in fact compliant due to an exemption or exclusion, the certificate should either provide the name of the testing laboratory that conducted testing, or state why the product was not tested. All possible testing exemptions and exclusions are codified in a statute or within the applicable regulation. This provision aids CPSC in targeting and enforcing test requirements. CPSC's eFiling Document Library contains a detailed list of CPSC's rules and all associated codes for testing exclusions within each rule that CPSC expects to appear, as applicable, on a certificate.

Comment 28: RILA (114) recommends that CPSC create a list of products subject to exemptions, which importers could reference when determining if they need to create a certificate. IKEA (123, 130) and RILA (126) additionally request that CPSC address the certificate requirements, which they term ''reporting logic,'' [28] on all products in its jurisdiction and publish a clear and publicly available list of flagged HTS codes. IKEA (123) additionally provided several products for which they request clarification of the certificate requirements, and also recommend that CPSC establish a working group with industry to establish clear guidance for eFiling reporting logic. IKEA (130) also recommends that CPSC provide immediate notice of all HTS Codes that CPSC will flag in CBP's Automated Broker Interface (ABI) as part of the eFiling initiative to provide time for industry to design their eFiling systems. IKEA (130) recommends that CPSC finalize the CATAIR guidance on or before finalizing a rule and provide a 6-month implementation period for any subsequent changes to this guidance. ITI (125) states that CPSC has not addressed how eFiling will work with respect to the business relationships involved for products containing button cell or coin batteries.

Response 28: Before the SNPR published, CPSC created and posted on its website a list of HTS codes, citations, testing exclusions, and CPSC's CATAIR guidance.[29] CPSC will continue to update citations and testing exclusions when promulgating new regulations or adding or changing HTS codes based on updates from the United States International Trade Commission (ITC). Certifiers who believe the lists are missing any HTS code, citation, or testing exclusions should inform CPSC. CPSC will flag HTS codes once the eFiling requirement becomes effective. CPSC's CATAIR contains a ''Change

[28] IKEA (130) defines ''reporting logic'' as ''the methodology for resolving reporting uncertainties, often related to products for which CPSC exercises enforcement, but permits exemptions or exclusions from regulation.''

[29] Available at: *https://cpsc.gov/eFiling-Document-Library.*

标准的引用代码中包含采用年份(例如 ASTM F963-17或ASTM F963-23)，因为如果标准发生修订，则无法确定所链接的检测报告是否为正确标准而签发。

答复 *26:*通过产品登记库以及CPSC的CATAIR和指南文件，最终规则维持要求成品认证人在证书上列出玩具所检测和认证的ASTM F963每个单独条款的引用。这不是对现有程序的改变；CPSC长期以来一项规则)，除非修订版ASTM F963的生效条款适用于每一项玩具在证书上，因为员工需要也会随时间变化，并纳入判定产品合规性。认证人现在和一直以来都有责任了解哪些合规检测适用于其产品，并将其列在检测报告和证书上。编入part 1250的ASTM F963范围更广一份证明产品制造优于其他自愿性标准的证书在生效日期当日或之后的日期纳入CPSC规则，因为适用于以下情形的标准和强制性规则：许多不同类型的玩具，带有不同的相关危害。其他CPSC法规通常适用于一个行政效率与负担具有特征的产品类型危害，例如针对全尺寸的规则要求为婴儿床或婴儿推车增加年份标识。CPSC已处理目前引用ASTM标准的情况，以及ASTM F963包含依赖证书上的数据点对许多类型的玩具的要求

ASTM F963的特定条款对其获得 ISO 认可的范围，以及并非普遍适用于ASTM内的所有测试F963。因此，证书必须确定相关的ASTM小节为了让 RAM 能够审计该事项对CPSC测试的引用实验室资质认证信息。

关于对……的定期更新ASTM标准，CPSC要求用于在每个合规性范围内测试排除项的代码，并采用修订后的ASTM标准在生效日期适用情况下，在证书上。纳入该标准的规则，对于所有评论*28:* RILA(114)建议在生效日期之后制造的产品日期由法规规定。参见，例如，15 U.S.C.2056b(g)。其他法规将为了解已测试的内容而自愿标准的新版本作为自愿标准的新版本作为“报告逻辑”,[28]对所有在生效日期之后制造的产品此类标准经修订。任何产品其管辖范围，并公布一份明确的规则和一份纳入自愿性内容的修订规则标准必须符合更新后的

[illegible] IKEA(123)还提供了规则。因此，CPSC预计强制性标准产品可以提请求澄清证书要求，并还建议CPSC与行业设立工作组，为电子申报报告逻辑制定明确指南。IKEA(130)还建议CPSC立即通知CPSC将在CBP自动经纪人接口(ABI)中作为电子申报条指的一部分标记的所有美国协调关税表(HTS)代码，以便为行业设计其电子申报系统提供时间。IKEA(130)建议CPSC在最终确定规则之时或之前最终确定CATAIR指南，并为此指南的任何后续变更提供6个月的实施期。ITI合规，因为如果假定然而，减少，CPSC 并非进行了测试，或说明为何产品未经测试。所有可能的测试豁免和排除是编纂于法规或适用的法规。本条款协助CPSC进行定向与执法测试要求。CPSC的电子申报文档库包含详细的CPSC 规则清单及所有相关内容CPSC预计将出现的规则，如CPSC制定一份受豁免约束的产品清单，进口商在确定是否需要创建证书时可参考该清单。IKEA(123, 130)和RILA(126)还请求CPSC解决证书要求问题，他们称之为公开可查的受标记HTS清单公开可查的受标记HTS清单

用于定位。

自2008年CPSIA规定评论*27:*两位评论者(TA F963为强制性玩具标准。(97)和JPMA(99))声称在证书上仅引用ASTM F963 豁免和排除无需不能向CPSC提供关于产品或其在合规证书上引用，因为玩具是合规性的充分信息， 按照ASTM F963的各个子条款而非整个标准进行检测的。

此外，玩具须符合由经国际标准化组织(ISO)认可且其认可已获CPSC接受的实验室进行第三方检测。这些检测实验室不会对每个玩具进行ASTM F963中的每一项检测；制造商和检测实验室必须了解ASTM F963中哪些检测适用于每个玩具，且此类检测列于检测报告上。因此，最终规则与CPSC现行做法一致，并将使CPSC更容易执行列出所有适用ASTM条款的现有要求。

(125) 指出 CPSC 未处理的引用未列于证书上。因此，CPSC不应要求所涉商业关系，用于引用豁免或排除情形。宜家(124)主张，该要求引用豁免与排除答复 *28:*在 SNPR 增加报告负担之前。

回复 *27:*最终规则保留其网站上的一份 HTS 代码、引用清单，即证书应包含的提案测试豁免，以及CPSC针对测试豁免或排除。第14(a)(1)(B)条CPSA规定，证书“应在颁布新法规或具体规定每项规则、禁令、标准或根据适用于该产品的法规添加或更改HTS编码。”因此，证书必须列出每一项国际贸易委员会(ITC)。产品所受规则。对于证书上列出的每项规则，缺少任何 HTS 编码、引用或认证人时，应列出公司或检测检测豁免情况应告知CPSC。进行此类测试的实验室。然而，某些规则包含测试电子申报要求生效。某些产品或CPSC 的 CATAIR 包含一项“变更产品特性，且无需检测。因此，为完整起见并避免不必要的调查事实上合规的货物，通常与 CPSC 行使对于豁免或排除，该

更新引用和测试排除项来自美国的更新

认为这些清单属于CPSC将在以下情况标记HTS编码：

重要的是，电子申报的益处对于如果不知道ASTM F963中哪些检测适用于每个玩具，CPSC的能力将被削弱。CPSC将能够基于法规引用锁定和评估风险。此外，检测实验室是基于

电子申报将如何与……相关地运作

含有纽扣电池或硬币电池的产品

含有纽扣电池或硬币电池的产品电池。已发布，CPSC已创建并张贴于guidance.[29] CPSC将继续

28 IKEA(130)将“报告逻辑”定义为“解决报告不确定性的方法，执法，但允许豁免或排除“来自法规。”

29 可查阅：*https://cpsc.gov/eFiling-*文档库。

Log'' to identify updates and will include an ''effective date'' in the Change Log. Stakeholders can submit questions or comments on specific products or testing and certification to CPSC's eFiling support email inbox: *eFilingSupport@cpsc.gov*.

Comment 29: Several commenters (BV (92), TA (97), AAFA (111), RILA (114, 126), and EAA (131)) state that the requirement to utilize CBP's Disclaimer Message Set for non-regulated products within CPSC's jurisdiction and for products that are regulated, but do not require certification results in ''proving a negative.'' Commenters claim that this adds workload to industry, because industry does not track when a product does not need a certificate. AAFA (111) claims that this requirement reverses CPSC's 2016 enforcement discretion for adult wearing apparel. NCBFAA (122) disagrees with the requirement of Intended Use Codes for Disclaimer Message Sets, because this differs from other PGAs and brokers would need to track down these codes for shipments not subject to CPSC, which would be time-consuming and costly. EAA (131) states that the disclaim process would negative impact operators that clear *de minimis* shipments off the manifest and add unnecessary costs in the supply chain.

Response 29: As explained in section V.F of this preamble, as a matter of policy and to reduce burden, CPSC will not require a Disclaimer Message Set for products that do not require a certificate. This includes cases where (1) the product is not within CPSC's jurisdiction; (2) the product or substance is within CPSC's jurisdiction, but no rule, ban, standard, or regulation requiring a certificate applies; (3) the product is a component of a consumer product or substance that is not intended for sale to consumers, but rather for further assembly or manufacturing in the United States; and (4) the product is subject to enforcement discretion and no certificate is required. While importers do not need to submit a Disclaimer Message Set in these situations, they are encouraged to do so because the additional information provided to CPSC will inform the staff as to why a certificate does not accompany the product. Likewise, Intended Use Codes are also optional, but encouraged. Additional guidance on Disclaimer Message Sets and Intended Use Codes is available at *https://cpsc.gov/eFiling-Document-Library*.

Comment 30: The CTA (103) and the ITI (98) urge CPSC to exclude products covered by 16 CFR part 1263 (Reese's Law) from the proposed eFiling requirements. They state that the requirement to file a Disclaimer Message Set, coupled with CPSC's new regulations for button cell and coin batteries, would place an unnecessary burden on manufacturers, importers, and CBP. The CTA (103) and ITI (98) express concern that the number of electronic products that do not contain button cell or coin batteries, such as desktop and laptop computers, printers, watches, wireless headphones, calculators, games, and lights, would be captured by broad HTS codes and then require a Disclaimer Message Set. The CTA (103) states that this will result in unnecessary shipment holds and delays, increasing costs for consumers, which would work against the country's efforts to fight inflation. The ITI (98) states that any HTS code changes requested by CPSC should have a 12-months' advance notice.

Comverex (117), however, does not support an exclusion and argues that while the number of associated Disclaimer Message Sets for products with button cell and coin batteries could be large, the Citation Code and Intended Use Code data set is small. Comverex states that, in particular, Reese's Law would include some filers that have no product requiring certificates to disclaim. Comverex asserts that regardless of the software platform, importers can readily identify all products that contain these batteries, which they must now do by law, and as a result identify all products that do not. Comverex believes that for retailers, the ability to know may be a challenge; however, they can utilize their lab testing partners to identify products that contain button cell batteries, and by default which products do not, and update their internal product data accordingly. Comverex states that for large retailers, APIs could be readily developed to eliminate corresponding data entry.

Response 30: As stated in response to comment 29, as a matter of policy and to reduce burden, the Final Rule does not require filing Disclaimer Message Sets not only for products outside of CPSC's jurisdiction, but also for products within CPSC's jurisdiction but not regulated, alleviating CTA (103) and ITI (98) concerns. Regarding products containing button cell or coin batteries subject to 16 CFR part 1263, at CPSC's request, the ITC created additional HTS codes to address these products. Though not required, CPSC encourages importers to file a Disclaimer Message Set when appropriate, to better inform CPSC as to why the product is not accompanied by certificate data.

Comment 31: BV (92) recommends adding a ''disclaimer code'' to the Product Registry, which will allow for the same information flow for all products, while reporting the needed details.

Response 31: The Final Rule does not require a Disclaimer Message Set. Accordingly, CPSC does not intend to build a ''disclaimer code'' feature in the Product Registry. At this time, the Product Registry is intended to store certificate data for regulated products, and not to store data associated with products that do not require a certificate.

Comment 32: Many commenters (RILA (114), AFSL (94), AAFA (111), TSC (86), NFA (95), APA (101), FOA (102), APE (105), and WFI (107)) state that the additional manual certification in the Product Registry is a redundant requirement and an unnecessary burden when using API or a CSV template to upload data in bulk. Commenters contend that manual certification requires an individual to go back into the Product Registry and manually certify each certificate with no additional consumer protection.

RILA (114) recommends three alternatives to manual certification in the Product Registry: (1) requiring users to attest that the certificate data is true and correct upon initial access of the Product Registry; (2) requiring users to attest to the certificate data upon each instance of accessing the Product Registry; or (3) requiring importers to periodically (annually or biannually) attest to the certificate data upon login. The ASFL (94) similarly recommends requiring users to review and accept terms each time the company logs into the Product Registry.

Comverex (88) recommends that the attestation requirement be satisfied when a user's software enters certificate data into the Product Registry via an API, because their platform already confirms attestation by their clients regarding the data accuracy requirements of proposed § 1110.11(a)(10).

Finally, several commenters (AFSL (94), TA (97), JPMA (99)) state that additional manual certification is legally unnecessary, because § 1110.15 clearly states the legal responsibility of the certifier and § 1110.11 already requires identification of the certifier and attestation to the truth and accuracy of the information provided. Commenters argue that the Commission is amply protected and has more than adequate ability to enforce against a company with the authorities of 15 U.S.C. 2068(a)(13), 19 U.S.C. 1592, and 18 U.S.C. 1001. Lastly, the AFSL (94) writes that the Commission has not supported the need for additional

日志"以识别更新，并将在变更日志中包含"生效日期"。利益相关方可通过 CPSC 的电子申报支持电子邮箱就特定产品或检测与认证提交问题或意见：*eFiling support@cpsc.gov*。

评论 *29*:若干评论者(BV (92)) 表示，要求对 CPSC 管辖范围内的非监管产品以及属于监管但无需认证的产品使用 CBP 的免责声明信息集，会导致"证明否定事实"。评论者称，这增加了行业的工作量，因为行业并不追踪产品何时不需要证书。AAFA(111) 称，该要求推翻了 CPSC 2016 年对成人穿着服装的执法自由裁量。NCBFAA(122) 不同意对免责声明信息集要求使用预期用途代码，因为这与其它政府参与机构(PGA)的做法不同，且报关代理需要为不受 CPSC 管辖的货物逐一查找这些代码，耗时且成本高昂。EAA(131) 表示，免责声明流程将对从舱单中清关最低限额货物的运营者产生负面影响，并增加供应链中的不必要成本。回应 29：如第 V.F 节所述，作为政策事项并为减轻负担，CPSC 将不要求对无需证书的产品提交免责声明信息集。这包括以下情形：(1)产品不在CPSC管辖范围内；(2)产品或物质在CPSC管辖范围内，但不存在要求证书的规则、禁令、标准或法规；(3)产品是消费品或物质的组件，并非用于向消费者销售，而是用于在美国进一步组装或制造；以及(4)产品适用执法自由裁量且无需证书。虽然进口商在这些情形下无需提交免责声明信息集，但鼓励其提交，因为向CPSC提供的额外信息将使工作人员了解产品为何未附证书。同样，预期用途代码也是可选的，但鼓励使用。有关免责声明信息集和预期用途代码的更多指南，请访问*https://cpsc.gov/eFiling-Document-Library*。评论*30*:CTA(103)和ITI(98)敦促CPSC将16 CFR part 1263(《Reese法案》)所涵盖的产品排除在拟议的电子申报要求之外。他们指出，评论31:BV(92)建议在提交免责声明信息集的要求，加上CPSC关于纽扣电池和硬币电池的新法规，将给制造商、进口商和CBP带来不必要的负担。CTA(103)和ITI(98)担心，不含纽扣电池或硬币电池的电子产品(如台式机和笔记本电脑、打印机、手表、无线耳机、计算器、游戏机和灯具)会被宽泛的美国协调关税表(HTS)代码所涵盖，从而需要提交免责声明信息集。CTA(103)指出，这将导致不必要的货物扣留和延误，增加消费者成本，不利于国家抗击通胀的努力。ITI(98)指出，CPSC请求的任何HTS代码变更应提前12个月通知。然而，Comverex(117)不支持排除，并认为虽然含纽扣电池和硬币电池产品的相关免责声明信息集数量可能很大，但引用代码和预期用途代码数据集很小。Comverex指出，特别是《Reese法案》将包括一些没有需要免责声明的认证产品的申报人。Comverex断言，无论采用何种软件平台，进口商都能轻易识别所有含此类电池的产品(他们现在依法必须这样做)，从而识别所有不含此类电池的产品。Comverex认为，对零售商而言，知晓能力可能是个挑战；但他们可以利用实验室检测合作伙伴来识别含纽扣电池的产品，并据此默认确定哪些产品不含，从而相应更新其内部产品数据。Comverex指出，对于大型零售商，可以很容易地开发API来消除相应的数据录入。答复30：如对评论29的答复所述，作为政策事项并为减轻负担，最终规则不仅不要求对CPSC管辖范围之外的产品提交免责声明信息集，也不要求对CPSC管辖范围内但不受监管的产品提交，从而缓解了CTA(103)和ITI(98)的担忧。关于受16 CFR part 1263管辖的含纽扣电池或硬币电池的产品，应CPSC请求，ITC创建了额外的HTS代码以处理这些产品。虽然并非强制要求，但CPSC鼓励进口商在适当时提交免责声明信息集，以便更好地告知CPSC产品为何未附证书数据。

评论 *32*:许多评论者(RILA(114)、AFSL(94)、AAFA(111)、TSC(86)、NFA(95)、APA(101)、FOA(102)、APE(105)和WFI(107))指出，产品登记库中的额外人工认证是冗余要求，在使用API或CSV模板批量上传数据时是不必要的负担。评论者认为，人工认证要求个人返回产品登记库并手动认证每份证书，并未增加额外的消费者保护。RILA(114)建议以三种替代方案取代产品登记库中的人工认证：(1)要求用户在首次访问产品登记库时证明证书数据真实正确；(2)要求用户在每次访问产品登记库时对证书数据进行证明；或(3)要求进口商定期(每年或每半年)在登录时对证书数据进行证明。ASFL(94)同样建议要求用户每次公司登录产品登记库时审阅并接受条款。Comverex(88)建议，当用户软件通过API将证书数据录入产品登记库时即满足证明要求，因为其平台已确认客户对拟议1110.11(a)(10)数据准确性要求的证明。最后，若干评论者(AFSL (94)、TA(97)、JPMA(99))指出，额外人工认证在法律上没有必要，因为1110.15明确规定了认证人的法律责任，且1110.11已要求标明认证人并证明所提供信息的真实性和准确性。评论者认为，委员会受到充分保护，并拥有15 U.S.C.2068(a)(13)、19 U.S.C.1592和18 U.S.C.1001所赋予的充分权力对公司执法。最后，AFSL(94)写道，委员会未支持额外产品登记库，这将为所有产品实现相同的信息流，同时报告所需详情。答复 31：最终规则不要求免责声明消息集。因此，CPSC 不打算在产品登记库中构建"免责声明代码"功能。目前，产品登记库旨在存储受监管产品的证书数据，而非存储与无需证书的产品相关的数据。

manual certification by identifying an entity that purposely misstated information on a certificate and CPSC acknowledged multiple existing possible enforcement actions.

Response 32: We agree with the commenters. As explained in section V.F of this preamble, CPSC will automate attestations for bulk certificate upload into the Product Registry via API or the CSV template and will not require individual attestation of certificates. Such attestation options will reduce the burden for industry, while also confirming for CPSC that importers are knowledgeable about the certificate information filed. Bulk attestation options will only apply to users with certification permissions. If certificate data is entered into the Product Registry by a user without certification permissions, such as by a third-party user, then a Business Account Administrator will have to manually certify the certificates, although groups of certificates can be certified at one time. Additionally, consistent with the SNPR, § 1110.15 of the Final Rule clarifies the legal responsibility for finished product certifiers, stating that finished product certifiers can rely on the testing or certification of other parties pursuant to part 1109, but remain legally responsible for the information on a finished product certificate, including its validity, accuracy, completeness, and availability.

Comment 33: The PPAI (119) asks which entity is to attest to each certificate.

Response 33: The attestation required in § 1110.11(a)(7) must be made by the entity responsible for product certification identified in § 1110.7, the defined ''finished product certifier.'' In the Product Registry, the finished product certifier is owner of the Business Account, meaning the importer, that must certify/attest that the information in the certificate is true and accurate. Trade partners entering data on behalf of an importer must also attest to the veracity of the information. Even when an importer allows another party to enter data, or to certify products in the Product Registry, the importer remains accountable for the information on a certificate.

H. Section 1110.13 Certificate Availability

Comment 34: Several commenters (Alta (93), JPMA (99), Boppy (109), Newell (110), and NAM (113)) oppose changes to § 1110.13 regarding the availability of certificates, arguing that the current ''upon request'' system is sufficient and that CPSC did not show that it is insufficient to justify the eFiling system. JPMA (99) argues that the current system reflects the legislative intent of Congress in enacting the CPSA. NAM (113) further argues that the ''upon request'' requirement in the CPSA is distinct from a ''eFiling'' requirement for certificates.

Response 34: As explained in detail in the 2013 NPR, the SNPR, and in section V.G of this preamble, sections 14(g)(3) and 14(g)(4) of the CPSA provide CPSC the authority to require eFiling of certificates for imported consumer products. Certificates that are collected on an ad hoc basis, either as a hard-copy or a PDF copy via email or uploaded via the ACE Document Image System (DIS), are not in a data-usable format that can be processed into CPSC's RAM and risk scored. To implement section 14(g)(4) of the CPSA, § 1110.13 of the Final Rule requires the eFiling of all certificates for regulated, imported finished products, including CPCs and GCCs, at the time of filing entry or entry summary, if both entry and entry summary are filed together. CPSC intends to use certificate data to risk score shipments and enforce its statutes and regulations. An eFiled certificate would meet the ''accompany'' requirement in section 14(g)(3) of the CPSA and the requirement in § 1110.13(a).

Comment 35: The AAFA (111) disagrees with the SNPR's proposal that each certificate must describe a single product, because in the apparel and footwear industry, one unique identifier is used for a single style that may have many variations that do not affect the overall certification. AAFA argues that no regulatory goal is served by requiring that each certificate describe a single product.

Response 35: CPSC proposed in the SNPR that each certificate describe a single product to improve CPSC's enforcement efforts. If a potential violation were found, then CPSC could take action against that one product. If multiple products appear on one certificate, this may disrupt importation of compliant products that appear on the same certificate as a potentially non-compliant product.

However, regarding apparel and footwear, CPSC clarified in response to comment 53 in the SNPR that multiple models of apparel and footwear that were composite tested together are considered one product for certificate purposes. Therefore, apparel model variations that do not affect certification can appear on one certificate as long as there is no material change, which is defined in 16 CFR 1107.2 as ''any change in the product's design, manufacturing process, or sourcing of component parts that a manufacturer exercising due care knows, or should know, could affect the product's ability to comply with the applicable rules, bans, standards, or regulations.''

Comment 36: Two commenters (TA (97) and PPAI (119)) argue that CPSC is doubling the certificate burden by supposedly requiring certificate data to be entered in the Product Registry in one format while requiring certificates be provided to CPSC and furnished to distributors and retailers in another format such as PDF. This would require importers to maintain two parallel sets of effectively identical certificate data. And if manufacturers certify, instead of importers (as proposed by the TA (97)), then manufacturers would have to maintain a third set of certificate data containing the reference identifier to be submitted via ACE.

Response 36: Importers using the Product Registry can download certificates in a PDF format, which can then be furnished to retailers and distributors. Users can also download certificate data in a CSV file, where each row of the spreadsheet is a certificate, which can be furnished to retailers and distributors. This functionality of the Product Registry will eliminate any alleged need for importers to maintain parallel sets of data. Moreover, while manufacturers can enter certificate data into the Product Registry and certify on behalf of an importer, the importer is legally responsible for the certificate data for products they import and must follow the requirements in part 1109, meaning they should exercise due care in reliance on a manufacturer's testing and certification, as required in part 1109.

Comment 37: The PPAI (119) states the SNPR will create a troublesome administrative burden for firms, by increasing the number of certificates, housing the certificates in internal systems, and integrating the certificates with companies' existing shipping software. Requirements of the SNPR will be especially challenging when ''kitting'' or ''bundling'' multiple products into one product, such as a gift basket, because each product in the ''kitted'' box would require a unique certificate. Comverex (89) states concerns about the potential for dozens of applicable test reports from various CPSC-accredited labs for ''kitted'' children's products and requests confirmation from CPSC that the Product Registry, and the corresponding API, will support this type of data volume.

Response 37: Like the SNPR, the Final Rule does not add any new certification requirements to products that

通过确定一个
故意虚假陈述的实体
证书上的信息和CPSC
承认了多个现有的
可能的执法行动。
回复 *32*:我们同意
评论者。如第节所述
V.F 本序言中，CPSC将
为批量证书自动生成证明
通过API上传至产品登记库
或CSV模板，并且不会要求
证书的个人证明。
此类证明选项将减少
行业负担，同时
向CPSC（美国消费品安全委员会）确认进口商
熟悉证书
所申报的信息。批量证明
选项仅适用于拥有
认证许可。如果证书
数据录入产品注册系统
由无认证权限的用户(例如第三方用户)进行，则企业账户

管理者将不得不手动
证明这些证书，尽管存在分组
证书可在一次
时间。此外，与
SNPR，最终规则第1110.15条
明确了法律责任，针对
成品认证人，声明
成品认证机构可以依赖
对其他产品的测试或认证
当事方依据第1109部分，但
对成品上的信息承担法律责任

证书，包括其有效性、
准确性、完整性和
可用性。
评论 *33*: PPAI(119) 询问
哪个实体负责对每一项进行证明
证书的变体。
Response 33:1110.11(a)(7) 所要求的证明必须由

1110.7 中确定的负责产品认证的实体，即所定

义的“成品认证人”。在

产品登记库，成品
产品认证人是
商业账户，意味着
进口商，必须认证/证明
证书中的信息真实
且准确。贸易伙伴录入
代表进口商的数据也必须
证明信息的真实性。
即使进口商允许另一方
一方录入数据或在产品登记库中认证产品，进口商

仍对信息负责
在证书上。

H. 第1110.13节 证书
可用性

评论 *34*:若干评论者
(Alta (93)、JPMA (99)、Boppy (109)、
Newell（110）和NAM（113）反对

对1110.13关于证书可获取性的修改，认为

当前的“应请求”制度是
充分的，且CPSC未表明

不足以证明
电子申报系统。JPMA（99）认为
当前系统反映了
国会在制定时的立法意图
CPSA。NAM（113）进一步认为
“应要求”要求在
CPSA不同于“电子申报”
证书要求。
回复 *34*:如详细解释于
2013年NPR、SNPR以及第节中
V.G 本序言中，第14(g)(3)节
和CPSA第14(g)(4)条赋予CPSC
要求电子申报的权限
进口消费品的证书
产品。所收集的证书
在临时基础上，以硬拷贝形式
或通过电子邮件发送PDF副本或通过
ACE（自动化商业环境系统）文档图像系统（DIS），
不是可数据使用的格式，无法
被处理到CPSC（美国消费品安全委员会）的RAM和风险
评分。为实施第14(g)(4)条
CPSA，最终规则1110.13 要求对所有证书进行电子申报，适用于
受监管的进口成品，
包括儿童产品证书（CPC）和一般合格证书（GCC），在
申报报关或报关单汇总时，如果两者
报关和报关单汇总提交
CPSC打算将证书与……结合使用。
数据对货物进行风险评分并执行
其法规和规章。一份电子申报的
证书将满足“随附”
第14(g)(3)条的要求
CPSA及其中要求
1110.13(a)。

不同意SNPR的提案，即
每份证书必须描述单一
产品，因为在服装和
评论 *35*: AAFA(111)
鞋类单一款式可能具有
许多不影响该
整体认证。AAFA 主张每份证书应描述单一产
要求……并无助于实现任何监管目标

回复 *35*: CPSC 在
SNPR，每份证书描述一个
单一产品以改进CPSC（美国消费品安全委员会）的
执法工作。如果潜在的
发现违规行为，那么CPSC（美国消费品安全委员会）
对该单一产品采取行动。如果
多个产品出现在一个
证书，这可能会扰乱进口
合规产品出现在
与可能非……相同的证书
合规产品。
然而，关于服装和
鞋类，CPSC（美国消费品安全委员会）在回应
在SNPR中的评论53指出，多个
服装和鞋类模型
一起进行组合测试的
视为一个产品用于证书
用于这些目的。因此，服装型号
不影响认证的变更
可以出现在一张证书上，只要
没有重大变更，16 CFR 1107.2将其定义为“任何

产品设计的变更，
制造工艺或采购

制造商
尽到合理注意义务知道或应当
知道，可能影响产品的能力
遵守适用规则，
禁令、标准或法规。"
评论*36*:两位评论者(TA
(97)和PPAI(119)认为CPSC是
通过以下方式使证书负担加倍
据称要求证书数据用于
在产品登记库中录入
一种格式，同时要求证书
提供给CPSC（美国消费品安全委员会）并提供给
另一地的分销商和零售商
如PDF等格式。这将需要
进口商维护两套并行
有效相同的证书数据。
而如果由制造商认证，而非
进口商（如TA (97)所提议），
那么制造商将不得不
维护第三套证书数据
包含参考标识符，以
通过ACE提交。
回复 *36*:使用该
产品登记库可以下载
PDF格式的证书，可以
然后提供给零售商和
分销商。用户还可以下载
CSV 文件中的证书数据，其中每个
电子表格的每一行是一份证书，
可提供给零售商和
分销商。这一功能
产品登记库将消除任何
所称进口商需要保存
并行的数据集。此外，虽然
制造商可以录入证书数据
录入产品登记库并认证
代表进口商，进口商
对证书承担法律责任
他们进口的产品数据，并且必须
遵循第1109部分的要求，
意味着他们应当履行应有的注意义务
依赖制造商的检测
以及认证，如第
1109.
评论 *37*: PPAI(119) 表示，SNPR 将造成一个棘手的
部分所要求，通过以下方式减轻企业的行政负担
增加证书数量，
将证书存放于内部
系统，并整合这些证书
与公司现有的运输
软件。SNPR的要求
将尤其具有挑战性，当
将多个“配套”或“捆绑”
将多个产品组合成一个产品，例如礼品
篮子，因为其中的每个产品
“成套”包装盒将需要唯一的
证书时予以澄清。Comverex（89）表示
对可能出现数十
适用测试报告，来自各种
CPSC认可的实验室对“成套”
儿童产品并请求
CPSC 的确认，即
产品登记库，以及相应的
API将支持此类数据
数量。
回应 *37*:与SNPR一样，最终
规则未增加任何新的认证
对产品的要求

previously did not require a certificate. Therefore, the number of certificates an importer must issue and associated records remain the same. And, as it is today, importers may provide one certificate for ''kitted'' or ''bundled'' products, covering all individual products, or provide multiple certificates for the product, where each certificate covers an individual product in the ''kit'' or ''bundle.'' Furthermore, CPSC is not dictating that importers integrate certificates with existing shipping software. CPSC is providing the Product Registry to make management of certificates and certificate data more efficient for any importer. Certificate data entered into the Product Registry can contain multiple citations and testing laboratories. Therefore, CPSC designed the Product Registry to accommodate the volume of data for ''kitted'' and ''bundled'' products.

Comment 38: RILA (114) asks for clarity regarding ''up to 24 hours before arrival'' and recommends that CPSC clarify that certificate information can be transmitted in a timeframe prior to arrival consistent with CBP's regulations and as late as 24 hours prior to arrival.

Response 38: CPSC interprets ''up to 24 hours before arrival'' to mean as late as 24 hours prior to arrival, in agreement with the commenter. This means that the PGA Message Set must be filed with the entry or entry summary, if both are filed together, as late as 24 hours prior to arrival.

Comment 39: RILA (114) and AAFA (111) recommend a 48-hour response time to provide additional documentation to align with existing programs using PGA Message Sets. Furthermore, RILA (114) and AAFA (111) question what additional information a paper or electronic certificate could provide, because all the information should be provided via eFiling.

Response 39: CPSC retains a 24-hour response time for additional documentation. The Commission interprets the word ''immediately'' consistent with other CPSC rules, to mean ''within 24 hours.'' 78 FR 28080; 28089; 88 FR 85760, 85782. Therefore, CPSC disagrees with extending the response time to 48 hours. Because eFiled certificates replace paper certificates for imported products, CPSC would typically only request supporting documents, such as test reports, from an importer to verify the data on an eFiled certificate. However, CPSC could ask for either a paper certificate or test reports to validate the information on the certificate, or when the required certificate is not eFiled. CPSC and CBP retain the right to request a certificate, but agree that if a certificate is eFiled, the need for an additional certificate is unlikely.

I. Section 1110.15 Legal Responsibility for Certificate Information

Comment 40: JPMA (99) supports the proposed § 1110.15 that another entity may maintain an electronic certificate platform on behalf of the certifier.

Response 40: The Final Rule retains this provision.

J. Section 1110.17 Recordkeeping Requirements

Comment 41: The JPMA (99) writes that the proposed § 1110.17 maintains the recordkeeping requirement from the 2013 NPR. CPCs already have a five-year record retention period.

Response 41: Pursuant to 16 CFR part 1107, CPCs and supporting records already have a five-year record retention period. The Final Rule retains the proposal that GCC's and supporting records also be maintained for five years. We note that for imported products, a five-year record retention period is consistent with CBP's recordkeeping requirement.

K. Special Use Case: De Minimis and International Mail Shipments

Comment 42: Two commenters (TA (97) and NAM (113)) request that CPSC revise the scope of the proposed rule to explicitly exclude any noncommercial consumer import of products into the United States, whether or not for personal use or enjoyment, and expressly state a lowered *de minimis* level. By not doing so, they assert that any gift sent as a mail shipment from outside the United States would require a certificate, imposing a burden on a consumer sending the product. Furthermore, the commenters claim that CPSC would have no way of determining non-conformance to the eFiling requirement for international mail shipments that may arrive before CPSC could review them, resulting in an increased burden to the United States Postal Service (USPS) and penalizing those entities who do comply. Furthermore, the NCBFAA (122) states that importers of *de minimis* shipments are unlikely to be able to manage the Product Registry process and will rely on the Full Message Set, which they assert will be a costly and unrealistic undertaking for low-valued shipments. NCBFAA encourages CPSC to work with the trade industry to overcome these challenges.

Response 42: The CPSA does not provide a *de minimis* exemption for certificates. eFiling requirements apply to regulated finished products, regardless of value. Importers of regulated finished products requiring a certificate that are eligible for the *de minimis* duty exemption under 19 U.S.C. 1321(a)(2)(C) must use ET 86 to file CPSC's Message Set at entry. However, the Final Rule does not require eFiling of a certificate for noncommercial products sent from one consumer overseas to another consumer in the United States, such as a gift. CPSC agrees that the consumer sending the shipment will not have the ability to obtain the certificate. Brokers or carriers facilitating these shipments may, but are not required to, file a Disclaimer Message Set, based on the guidance provided by CPSC, to inform CPSC that the shipment does not require a certificate. For non-gift shipments sent via international mail, the sender will need to file a certificate into the Product Registry before the shipment arrives in the United States. Lastly, CPSC is committed to working with the trade industry, including those who primarily import *de minimis* shipments. CPSC continues to develop improvements to the Product Registry to make entering data for mail shipments more efficient.

Comment 43: PeopleForBikes (112) supports the expanded definition of ''importer'' that clarifies that, in the case of a direct-to-consumer shipment, the importer is responsible for certification and not the end consumer. The commenter states that too many low-quality and inadequately tested products, such as lithium-ion batteries, are currently being imported into the United States under the *de minimis* exemption, creating unreasonable and unacceptable safety risks for consumers.

Response 43: CPSC agrees with the commenter but notes that lithium-ion batteries used in micromobility products are not subject to a CPSC mandatory safety rule at this time. However, the definition of ''importer'' in the Final Rule will impose the eFiling requirement for CPSC regulated finished products on the importer, as defined in the rule, even for *de minimis* shipments. For *de minimis* shipments, the importer for purposes of CPSC's certificate requirements is a party eligible to make entry for the finished products pursuant to CBP statutes and regulations, who may be an owner, purchaser, consignee, or authorized customs broker. Also, because a consumer could fall within the definition of purchaser or consignee, the definition of ''importer'' continues to state that for the purposes of this rule, CPSC will not typically consider an end consumer purchasing or receiving products for personal use or enjoyment

此前不要求提供证书。因此，进口商必须签发的证书数量及相关记录保持不变。并且，与目前一样，进口商可以为“成套”或“捆绑”产品提供一份涵盖所有单项产品的证书，也可以为该产品提供多份证书，每份证书涵盖“套件”或“捆绑”中的一项单项产品。此外，CPSC 并未强制要求进口商将证书与现有运输软件集成。CPSC 提供产品登记库，是为了使任何进口商管理证书和证书数据更加高效。录入产品登记库的证书数据可以包含多个引用和检测实验室。因此，CPSC 设计产品登记库时使其能够容纳“成套”和“捆绑”产品的数据量。

评论 *38:* RILA(114) 要求澄清“最迟于到货前 24 小时”的含义，并建议 CPSC 明确证书信息可在到货前、符合 CBP 法规的时间范围内传输，最迟可至到货前 24 小时。

回应 *38:* CPSC 将“最迟于到货前 24 小时”解释为最迟在到货前 24 小时，与评论者意见一致。这意味着，如果报关单与报关单汇总一并提交，则 PGA 报文集必须随报关单或报关单汇总提交，最迟可至到货前 24 小时。

评论 *39:* RILA(114) 和 AAFA (111)建议给予 48 小时的响应时间以提供补充文件，从而与使用 PGA 报文集的现有项目保持一致。此外，RILA(114) 和 AAFA(111) 质疑纸质或电子证书还能提供哪些额外信息，因为所有信息都应通过电子申报提供。

答复 *39:* CPSC 保留 24 小时的补充文件响应时间。委员会将“立即”一词解释为与其他 CPSC 规则一致，即“在 24 小时内”。78 FR 28080;28089;88 FR 85760,85782。因此，CPSC 不同意将响应时间延长至 48 小时。由于电子申报证书取代了进口产品的纸质证书，CPSC 通常只会要求进口商提供检测报告等支持性文件，以核实电子申报证书上的数据。但是，CPSC 可以要求提供纸质证书或检测报告以验证证书上的信息，或者在所需证书未进行电子申报时要求提供。CPSC 和 CBP 适用于受监管的成品，但同意如果证书是以电子方式提交的，保留要求提供证书的权利，无论价值多少。进口商需了解额外证书要求的情况不太可能发生在受监管的成品上。

I. 第 *1110.15* 条法律责任用于证书信息

评论*40:* JPMA(99)支持该提议的1110.15 规定，另一实体

回复 *40:*最终规则保留可维护电子证书平台，代表认证人发送非商业产品。本规定。

J. 第 *1110.17* 条记录保存

拟议的1110.17维持不变

便利这些货运的要求可以但并非必须--评论 41:JPMA(99) 写道记录保存期限。

记录保存要求来自 2013 年 NPR。CPC 已有五年

GCC的提案及支持性

回应 41：依据 16 CFR 第 1107 部分，通过国际邮件寄送的 CPC 及支持记录，发件人需在货物抵达产品登记库之前提交证书。CPC 及支持记录已有五年保存期。最终规则保留

记录也应保存五年。我们注意到，对于进口

产品，五年记录保存期与 CBP 的做法一致，CPSC 继续开发改进产品登记库，使录入

*K.*特殊使用情形：最低限额与评论 *43:* PeopleForBikes(112) 国际邮件货运

支持对“进口商”的扩大定义，该定义明确：在直接面向消费者的货物运输情形下，由进口商负责认证，而非最终消费者。该评论者指出，目前有过多低质量且未经充分检测的产品(例如锂离子电池)依据最低限额豁免进入美国，给消费者带来了不合理且不可接受的安全风险。第42条评论：两位评论者(TA(97)和NAM(113))请求CPSC修订拟议规则的适用范围，明确排除任何非商业性的、进口至美国的产品，无论是否供个人使用或享用，并明确声明降低最低限额水平。他们主张，若不如此，任何从美国境外以邮件方式寄送的礼品都将需要证书，从而给寄送产品的消费者造成负担。第43条回应：CPSC同意消费者的意见。

根据19，符合最低限额关税豁免条件的证书

U.S 1321(a)(2)(C) 必须使用 ET 86 至在入境时提交CPSC的消息集。

然而，最终规则并未要求为以下事项电子提交证书：

消费者向另一消费者(海外)在美国，例如礼物。

CPSC同意，发送该批货物的消费者将无法获得证书。经纪人或者承运人

不要求提交免责声明

消息集，基于该指南

该货物不需要

证书。对于发送的非礼品货物

美国。最后，CPSC正在致力于与业界合作

import *de minimis*货物。CPSC

使邮件货物的数据更高效。

此外，评论者声称CPSC将无从确定不符合国际电子申报要求可能提前到达的邮件货物CPSC 可以审查它们，从而产生一个增加了美国的负担邮政署(USPS)并予以处罚那些遵守规定的实体。此外，NCBFAA(122)指出进口商不太可能能够管理该产品注册流程并将依赖在完整消息集上，他们assert将代价高昂且不切实际低价值货物的承诺。NCBFAA鼓励CPSC与贸易行业克服这些

证书。适用电子申报要求

声明就本规则而言，回应 *42:* CPSA 并未CPSC通常不会考虑为终端提供最低限额豁免

commenter但指出锂离子用于微出行领域的电池产品不受CPSC管辖目前尚无强制性安全规则。然而，“进口商”的定义在最终规则中，将强制实施电子申报对CPSC监管成品的要求进口商处的产品，定义见该规则，甚至对于*de minimis*货物也是如此。对于*de minimis*货物，进口商就CPSC的证书而言要求是符合资格的当事方可以进行关于制成品的条目，依据对CBP法规和规章，谁可能是所有者、购买者、收货人，或授权报关代理。此外，因为消费者可能属于购买者或收货人的定义，“进口商”的定义继续

消费者购买或接收

to be the importer responsible for certification.

L. Special Use Case: Foreign Trade Zones (FTZs)

Comment 44: Three commenters (RILA (114), NAFTZ (96, 121, 127), and IKEA (123, 130)) state importers who import products via an FTZ will need additional time to build out infrastructure and troubleshoot issues prior to implementation. RILA (114) states that the FTZs' ''first in first out'' (FIFO) method can only attach the latest certificate that is associated with an article/supplier combination and not the specific certificate at an actual inventory layer level. The NAFTZ (96, 121, 127) and IKEA (123) state that the FIFO method (including the FTZ Inventory and Recordkeeping System) uses a Unique Identifier (UIN) for virtual inventory and has no relationship to the compliance data being reported. RILA (114) claims that CPSC conflates the use of FIFO as accounting methodology and virtual inventory practice. The commenters claim that FTZ importers will require significant changes to their current software to comply with the SNPR.

IKEA (123) further states that the requirement to file certificates at entry summary is not compatible with FTZ procedures, because those goods would have already been shipped to stores and possibly sold, negating CPSC's ability to place the goods on hold. IKEA (123) adds that the eFiling requirement undermines Congress's intent of FTZs and many global companies may be forced to stop using FTZs for CPSC regulated products, resulting in millions of dollars of costs and increased prices for consumers. IKEA states that CPSC is preventing companies from storing non-compliant goods inside an FTZ in order to bring them into compliance. IKEA (123) encourages CPSC to work with the CBP Border Interagency Executive Council (BIEC) to build a single window concept inclusive of FTZs and provide a transition period of 24 months to implement eFiling for FTZ products.

The NAFTZ (96 & 121) proposes three alternatives for goods imported via an FTZ: (1) CPSC accepts the data elements associated with the latest certificate of the UIN associated with the weekly entry summary Customs Form 7501; (2) specifically for manufacturing/production in FTZs, allow the importer to register the certificate with a location for exam at the time of manufacture and use a Disclaimer Message Set on entry type 06; (3) delay eFiling requirement for FTZs until CBP has the capability to accept the certificate on the FTZ admission (CBP Form E214), which is the only opportunity to match a certificate with the physical items.

Response 44: The Final Rule retains the proposal in the SNPR that FTZ importers must provide the actual certificate for the shipment but provides a 24-month effective date for entries for consumption or warehousing from an FTZ. Section 14(g)(3) of the CPSA states that ''every certificate required under this section shall accompany the applicable product or shipment of products covered by the same certificate.'' Therefore, FTZ importers should already be tracking the actual certificate of the product and providing those certificates upon request to CPSC. For eFiling to fulfill its purpose, CPSC requires the actual certificate data so that the agency can effectively use such data for targeting in CPSC's RAM.

IKEA (123) is incorrect that the certificate must be filed with entry summary. The Final Rule requires eFiling certificates for imported consumer products with CBP at the time of filing the CBP entry, or the time of filing the entry and entry summary, if both are filed together. Moreover, nothing in the Final Rule prevents a company from admitting non-compliant goods into an FTZ for the purpose of bringing those goods into compliance. Finished product certificates are only required when entering goods for consumption or warehousing into United States customs territory from an FTZ. Moreover, regarding IKEA's observation that products entered from an FTZ might already be sold, all entered merchandise that is released from CBP custody is released conditionally, meaning that CBP has 30 days in which to demand redelivery if an applicable requirement, including a PGA Message Set requirement, has not been satisfied.

Of the three options for FTZ imports suggested by the NAFTZ (96 & 121), the third option appears to present the best solution. The first option is not compliant with section 14(g)(3) of the CPSA, which requires the actual certificate to accompany the shipment. The second option does not allow for effective risk assessment and targeting. CPSC's RAM needs the data input from the certificate for risk assessment of the entry. A Disclaimer Message Set for entry type 06 would inform CPSC that a certificate was entered in the Product Registry, but CPSC would not be able to match a certificate to the entry and could not use the data for automated risk assessment.

The third option suggested by the NAFTZ, to delay eFiling for FTZ imports until CBP has the capability to accept certificates for FTZ admissions, may present a solution, because eFiling of certificates on the CBP Form 214 at the time of admission, which is before entry, meets the requirement of section 14(g)(4), ''the electronic filing of certificates [. . .] up to 24 hours before arrival of an imported product.'' Accordingly, the Final Rule provides a 24-month effective date for consumer products imported into an FTZ and subsequently entered for consumption or warehousing. CPSC understands that the primary delay for eFiling associated with entries from an FTZ is related to software solutions. Based on CPSC's experience with eFiling for all other entry types, technical solutions involving software are feasible. Accordingly, this longer effective date provides a significant amount of time for CPSC, CBP, and industry to identify technical solutions and develop the necessary software to bring entries from an FTZ into compliance with the Final Rule, as further explained in section VI of this preamble.

M. Technical, Information Security, Enforcement

Comment 45: JPMA (99) claims that CPSC is creating its own unique ''ACE-independent'' system different from an integrated system with CBP and asserts that an ''eFiled certificate'' should align with an electronic certificate that is submitted via ACE. JPMA (99) argues that the Commission should not substitute its requirements for those of the Commissioner of Customs and nullify the requirement that certificates be available ''upon request'' by CPSC and CBP.

Response 45: CPSC is not creating a unique ''ACE-independent'' system. CBP developed the PGA Message Set specifically to implement the ''single window'' for collecting all trade-related data required by partner government agencies. At least 13 other PGAs have already worked with CBP to implement their own Message Sets and CPSC continues to work with CBP to implement eFiling.[30] CPSC has been developing its Message Set alongside CBP, during the Alpha Pilot, Beta Pilot, the expanded Beta Pilot, and in preparation for this Final Rule.

CPSC also is not substituting its PGA requirements for those of the Commissioner of Customs. CPSC consulted CBP at every stage of rulemaking, as required by section 14, and conducted pilots in collaboration with CBP. The Product Registry is an optional database for managing

[30] *See, e.g.,* CBP's website listing 13 other agency CATAIRs and discussing CPSC's Beta Pilot, available at: *https://www.cbp.gov/trade/ace/catair.*

成为负责认证的进口商。

*L.*特殊使用情形：对外贸易区*(FTZs)*

评论*44:*三位评论者(RILA(114)、NAFTZ(96、121、127)和IKEA(123、130))表示，通过 FTZ 进口产品的进口商将需要额外时间来建设基础设施并在实施前排除问题。RILA(114)表示，FTZ 的"先进先出"(FIFO)方法只能附加与物品/供应商组合相关联的最新证书，而不能附加实际库存层级的特定证书。NAFTZ(96、121、127)和 IKEA(123)表示，FIFO 方法(包括 FTZ 库存和记录保存系统)使用唯一标识符(UIN)进行虚拟库存管理，与所报告的合规数据没有关系。RILA(114)声称 CPSC 将 FIFO 作为会计方法的使用与虚拟库存实践混为一谈。评论者声称，FTZ 进口商将需要对其当前软件进行重大更改以符合 SNPR。

IKEA(123)进一步表示，要求在报关单汇总时提交证书与 FTZ 程序不兼容，因为这些货物可能已经运至商店并可能已售出，从而使 CPSC 无法扣留货物。IKEA(123)补充说，电子申报要求削弱了国会设立 FTZ 的意图，许多全球公司可能被迫停止将 FTZ 用于 CPSC 监管产品，导致数百万美元的成本和消费者价格上涨。IKEA 表示，CPSC 正在阻止公司在 FTZ 内存储不合规货物以使其合规。IKEA(123)鼓励 CPSC 与 CBP 边境跨机构执行委员会(BIEC)构建包含自贸区在内的单一窗口概念，并提供 24 个月的过渡期以实施自贸区产品的电子申报。

NAFTZ(96 & 121)针对通过FTZ进口的货物提出三种替代方案：(1) CPSC接受与周报关单汇总海关表格7501相关的最新UIN证书所对应的数据元素；(2) 专门针对FTZ内的制造/生产，允许进口商在制造时登记证书并指定查验地点，并在报关类型06上使用免责声明消息集；(3) 将FTZ的电子申报要求推迟至CBP具备在FTZ准入(CBP表格E214)时接受证书的能力，该能力与实物匹配证书的唯一机会。

答复*44:*最终规则保留了SNPR中的提案，即FTZ进口商必须提供该批货物的实际证书，但为来自FTZ的消费或仓储报关规定了24个月的生效日期。CPSA第14(g)(3)条规定，"本节要求的每份证书均应随附同一证书所涵盖的适用产品或产品批次。"因此，FTZ进口商应已跟踪产品的实际证书，并应要求向CPSC提供这些证书。为使电子申报实现其目的，CPSC需要实际的证书数据，以便该机构能够在CPSC的RAM中有效利用此类数据进行目标锁定。

宜家(123)认为该证书必须在报关单汇总时提交。最终规则要求进口消费品在提交CBP报关时，或在报关与报关单汇总同时提交时，向CBP电子申报证书。此外，最终规则中没有任何内容阻止公司将不合规商品准入FTZ以使这些商品合规。成品证书仅在将货物报关进入消费或仓储时从自贸区进入美国关税区的货物。此外，关于 IKEA 的观察，即从自贸区报关的产品可能已经售出，所有经 CBP 放行的报关货物均为有条件放行，这意味着如果包括 PGA 报文集要求在内的适用要求未得到满足，CBP 有 30 天时间要求重新交付。

在NAFTZ(96 & 121)提出的三种FTZ进口方案中，第三种方案似乎是最佳解决方案。第一种方案不符合CPSA第14(g)(3)条，该条要求实际证书随附货物。第二种方案无法进行有效的风险评估和目标锁定。CPSC的RAM需要证书输入的数据来对该报关进行风险评估。报关类型06的免责声明消息集将告知CPSC证书已在产品登记库中录入，但CPSC将无法将证书与报关匹配，也无法利用该数据进行自动化风险评估。

所建议的第三个选项NAFTZ，要求推迟自贸区进口的电子申报，直至 CBP 具备接受自贸区准入证书的能力，可能提供一种解决方案，因为在准入时(即在报关之前)在 CBP Form 214 上电子申报证书，符合第 14(g)(4) 条的要求，即"证书的电子申报[...]最迟于进口产品到货前 24 小时"。

因此，最终规则对进口至自贸区并随后报关用于消费或仓储的消费品规定了 24 个月的生效日期。CPSC 了解到，与自贸区报关相关的电子申报主要延迟与软件解决方案有关。根据 CPSC 在所有其他报关类型电子申报方面的经验，涉及软件的技术解决方案是可行的。

因此，这一较长的生效日期为 CPSC、CBP 和业界提供了大量时间来确定技术解决方案并开发必要的软件，使自贸区报关符合最终规则，如本序言第六节进一步解释的那样。

*M.*技术、信息安全、执法

评论*45:*JPMA(99)声称 CPSC 正在创建其自己的独特"独立于 ACE"的系统，不同于与 CBP 的集成系统，并主张"电子申报证书"应与通过 ACE 提交的电子证书保持一致。JPMA(99) 认为，委员会不应以其要求取代海关专员的要求，也不应使 CPSC 和 CBP"应要求"提供证书的要求失效。

答复*45:*CPSC并未创建独特的"独立于 ACE"的系统。CBP开发PGA消息集正是为了实施"单一窗口"，以收集伙伴政府机构要求的所有贸易相关数据。至少另有13个PGA已与CBP合作实施各自的消息集，CPSC继续与CBP合作实施电子申报。[30]CPSC在Alpha试点、Beta试点、扩展Beta试点期间以及为本最终规则做准备的过程中，一直与CBP同步开发其消息集。

CPSC也未以其PGA要求取代海关专员的要求。CPSC按照第14条的要求在规则制定的每个阶段都咨询了CBP，并与CBP合作开展了试点。产品登记库是一个可选数据库，用于管理

30 参见，例如， CBP 网站上列出的其他 13 个机构 CATAIR 以及关于 CPSC 测试版试点的讨论，可访问：*https://www.cbp.gov/trade/ace/catair.*

certificate data that supplements the PGA Message Set. Stakeholders asked for a Product Registry in 2013 after publication of the NPR. CPSC has spent the last 11 years working with CBP and industry to develop an eFiling solution consistent with CBP systems and procedures and less burdensome for the trade.

Comment 46: Galaxy (90) asks whether their company will be required to acquire new software to send the GCC information to their broker.

Response 46: The Final Rule does not require businesses to change software. Some businesses will choose to use the Product Registry to enter certificate data, and then provide a certificate reference number to their broker upon importation of regulated consumer products, while larger companies with more complicated import procedures will likely choose to update their software to automate data transfer. Accordingly, each importer should decide with their broker whether to use the Full Message Set or the Reference Message Set when filing certificate data with an entry, and whether providing this information would be more efficient with new software to send certificate information to their broker.

Comment 47: Hansen (115) states that most testing of bicycles takes place in Asia and asks whether foreign testing laboratories will be given access to the Product Registry or ACE to upload data.

Response 47: The Product Registry is based on Business Accounts created by the importer, who may invite any third party (including foreign testing laboratories) to enter certificate data into the Product Registry on their behalf. Therefore, testing laboratories can have access to upload data into the Product Registry if invited by an importer. Testing laboratories will not enter data into ACE on behalf of importers.

Comment 48: ITI (125) remarks that the import-centric registration methodology in the Product Registry will create a ''logistics nightmare'' for U.S. companies that use information and communications technology (ICT) equipment and finds the functioning of the tool unclear. ITI (125) asks whether a broker that is importing another manufacturer's laptop for business use or independent sale would be able to freely search the Product Registry or would have to be granted viewing rights.

Response 48: The Product Registry functions on Business Accounts created by the importer, who could invite other users from trade parties, such as brokers, to collaborate. The Product Registry is not publicly searchable; an importer would need to grant permission to other users to view a data collection. The importer is responsible for providing certificate identifiers to a broker for Reference Message Sets associated with every imported shipment. CPSC's website contains a Product Registry Guide, along with other important background materials on eFiling, at *https://www.cpsc.gov/eFiling-Document-Library*.

Comment 49: The TA (97) asserts that CPSC should ensure that the Product Registry and all data systems used in support of the rule maintain an appropriate level of data security. The TA states that only a few entities have accessed the Product Registry and these programs do not reflect the complex scenarios that will occur when the program is fully rolled out. The TA (97) also states that CPSC did not adequately respond in the SNPR regarding the security of the Product Registry, when CPSC wrote that it does not prohibit ''password protection for certificates furnished to retailers and distributors.''

Response 49: The Product Registry uses a range of data security techniques and best practices to protect user and business information. Some notable security features include:

- All eFiled certificate data is encrypted at rest (encrypted storage) and in flight (Secure Sockets Layer and other secure protocols).
- Authentication to the Product Registry is handled by a web access management platform that requires verified ownership of a valid email address, which includes standard intruder detection and account recovery protocols.
- The Product Registry utilizes a token-based authorization scheme and access controls for accounts and roles. These determine level-of-access permissions for application components and for individual data requests.
- Data is segregated by Business Account and by Product Collections. Only users authorized by the Business Account Administrators can access the collection-specific data.

Comment 50: The TA (97) notes that CPSC does not address in the SNPR how the risk score is compiled, maintained, and notified, and requests more information on the framework to allow for review, understanding, and comment. The AFSL (94) writes that confidentiality about the factors that the CPSC uses to target shipments for examination is counterproductive. The ASFL argues that if CPSC publicizes and demonstrates that consistent compliance with certification and other requirements yields fewer examinations and detentions, this will better meet the Commission's mission of a more compliant marketplace. Similarly, RILA (114) and NCBFAA (122) recommend CPSC develop a trusted trader program, such as the CBP/CPSC Importer Self-Assessment Product Safety Pilot (ISA–PS) program, so trusted partners are not unduly targeted and could be exempted from eFiling, and so that CPSC resources can be directed to higher risk shipments.

Response 50: The RAM risk scores shipments using a logarithmic model based on data received from sources including the entry document and, once fully implemented, from the PGA Message Set. CPSC does not share how the risk score is calculated or the risk score itself. This information is for official use only, because it is directly related to CPSC's targeting and enforcement. CPSC disagrees that confidential treatment of this information is counterproductive, because its publication could allow nefarious actors to avoid compliance with CPSC regulations.

Importers should consistently file accurate certificate data to avoid unnecessary examination holds for compliant products. With use of the certificate data, CPSC can improve its targeting models to more effectively target shipments with potentially significant violations. CPSC will be able to review the certificate data prior to shipment arrival, instead of needing to place a shipment on hold to examine it for an administrative violation. Certificate data will be one aspect of risk scoring. Staff anticipate that importers who consistently provide compliant certificate data will see a reduction in their risk scores, which may result in fewer holds for exams, fewer warehouse charges, and a greater facilitation of trade. At the moment, CPSC is not developing a trusted-trader program, because compliant importers may experience benefits, such as lower risk scores, from filing compliant certificate data.

Comment 51: The AFSL (94) states that the conclusion of the Certificate Study aligns with AFSL's own research, conclusions, development of voluntary standards, and testing. The AFSL (94) strongly supports the eFiling program and the CPSC's RAM program and strongly encourages CPSC to focus its enforcement activities more specifically and aggressively on those companies with a history of non-compliance or on those companies without an established history of providing a certificate within 24 hours of a CPSC request. ASFL argues that established and proven testing and certification programs should be considered as a ''mitigating factor'' in a company's RAM risk profile.

证书数据，作为 PGA 报文集的补充。利益相关方在 NPR 发布后的 2013 年要求建立产品登记库。CPSC 在过去 11 年中一直与 CBP 和业界合作，开发符合 CBP 系统和程序且对贸易负担更小的电子申报解决方案。

评论 *46:* Galaxy(90) 询问其公司是否将被要求获取新软件以将 GCC 信息发送给其报关代理。

回应 *46:*最终规则不要求企业更换软件。部分企业将选择使用产品登记库录入证书数据，然后在受监管消费品报关时向报关代理提供证书参考编号；而进口程序较为复杂的大型企业则可能选择更新软件以实现数据自动传输。因此，各进口商应与其报关代理共同决定：在随报关提交证书数据时，是使用完整报文集还是参考报文集；以及通过新软件向报关代理发送证书信息是否更为高效。

评论 *47:* Hansen(115) 指出大多数自行车测试在亚洲进行，并询问外国测试实验室是否将获得访问产品登记库或 ACE 上传数据的权限。

回应 *47:*产品登记库基于进口商创建的企业账户，进口商可邀请任何第三方(包括外国测试实验室)代表其将证书数据录入产品登记库。因此，如果进口商邀请，测试实验室可以访问产品登记库上传数据。测试实验室不会代表进口商将数据录入 ACE。

评论 *48:* ITI(125) 指出，产品登记库以进口为中心的登记方法将给使用信息与通信技术(ICT)设备的美国公司造成“物流噩梦”，并认为该工具的运作方式不明确。ITI(125) 询问，为商业使用或独立销售而进口另一制造商笔记本电脑的报关代理，是否能够自由检索产品登记库，还是必须被授予查看权限。

回应 *48:*产品登记库基于进口商创建的企业账户运行，进口商可邀请报关代理等贸易方其他用户协作。产品登记库不公开可检索；进口商需授予其他用户查看数据集合的权限。进口商负责向报关代理提供与每批进口货物相关的参考信息集(Reference Message Sets)的证书标识符。CPSC 网站载有《产品登记库指南》以及关于电子申报的其他重要背景材料，网址为*https://www.cpsc.gov/ eFiling-Document-Library*。

评论 *49:* TA(97) 主张

CPSC应确保产品登记库及为支持本规则所使用的所有数据系统维持适当的数据安全水平。TA表示，目前仅有少数实体访问过产品登记库，且这些程序并未反映该程序全面推行后将出现的复杂情形。TA(97)还表示，CPSC在SNPR中未就产品登记库的安全性作出充分回应，当时CPSC写道，其并不禁止"对提供给零售商和分销商的证书采取密码保护"。回应 *49:*产品登记库采用一系列数据安全技术和最佳实践来保护用户和商业信息。一些值得注意的安全功能包括：

- 所有电子申报的证书数据均为静态加密(加密存储)和传输加密(安全套接层及其他安全协议)。
- 对产品的认证

登记库由网络访问管理平台处理，该平台要求验证有效电子邮件地址的所有权，并包含标准的入侵检测和账户恢复协议。

- 产品登记库采用基于令牌的授权机制以及针对账户和角色的访问控制。这些机制决定应用程序组件和单项数据请求的访问级别权限。
- 数据按业务部门隔离

账户和产品集合。只有经企业账户管理员授权的用户才能访问特定集合的数据。

评论 50:TA(97)指出，CPSC在SNPR中未说明风险评分如何编制、维护和通知，并请求提供更多关于该框架的信息，以便进行审查、理解和评论。AFSL(94)写道，对CPSC用于选定查验货物的因素予以保密是适得其反的。ASFL主张，如果CPSC公布并证明持续合规于认证及其他要求会带来更少的查验和扣留，这将更好地实现委员会关于建立更合规市场。同样，RILA(114) 和 NCBFAA(122) 建议 CPSC 制定可信贸易商计划，例如 CBP/CPSC 进口商自我评估产品安全试点(ISA-PS)计划，使可信合作伙伴不被过度针对并可豁免电子申报，从而使 CPSC 资源能够投向更高风险的货物。

回应 50:RAM使用对数模型对货物进行风险评分，该模型基于从包括报关单据在内的来源收到的数据，并在全面实施后基于PGA报文集的数据。CPSC不对外共享风险评分的计算方式或风险评分本身。该信息仅供官方使用，因为它与CPSC的布控和执法直接相关。CPSC不同意对此类信息予以保密处理会适得其反的观点，因为公布该信息可能使不法行为者得以规避CPSC法规的合规要求。

进口商应持续提交准确的证书数据，以避免合规产品遭受不必要的查验扣留。借助证书数据，CPSC可以改进其布控模型，从而更有效地锁定存在潜在重大违规的货物。CPSC将能够在货物抵达前审查证书数据，而无需为审查行政违规而扣留货物。证书数据将成为风险评分的一个方面。工作人员预计，持续提供合规证书数据的进口商将看到其风险评分降低，这可能带来更少的查验扣留、更少的仓储费用以及更大的贸易便利化。目前，CPSC并未制定可信贸易商计划，因为合规进口商可能因提交合规证书数据而获得诸如较低风险评分等益处。

评论51:AFSL(94)指出，《证书研究》的结论与AFSL自身的研究、结论、自愿标准的制定以及测试相一致。AFSL(94)强烈支持电子申报计划和CPSC的RAM计划，并强烈建议CPSC将其执法活动更有针对性地、更有力地集中于那些有不合规历史的公司，或那些在CPSC提出请求后24小时内提供证书方面没有既定历史的公司。ASFL主张，已建立且经证实的测试与认证计划应被视为公司RAM风险概况中的一项“缓解因素”。

Response 51: CPSC will use results from the Certificate Study and Beta Pilot to improve its risk scoring in the RAM and to more effectively target non-compliant importers. Certificate data will be one aspect of risk scoring. Staff anticipate that companies and organizations with established and proven testing and certification programs will benefit from lowered risk scores by consistently providing compliant certificate data.

Comment 52: The AAFA (114) and RILA (126) request that CPSC clarify whether eFiled certificate data will be a condition of admissibility or whether errors will cause shipment delays. The commenters state that if eFiling errors will cause delay, this could dramatically disrupt the free movement of trade and increase burden on importers.

Response 52: The lack of a required eFiled certificate, or the presence of a false or misleading certificate, will affect a shipment's risk score, resulting in a higher likelihood of the shipment being held for an exam. CPSC has the authority to refuse admission of products that are not accompanied by a certificate or are accompanied by a false or misleading certificate. 15 U.S.C. 2066(a)(2). As a matter of enforcement discretion, at least in the initial stages of eFiling, CPSC in general does not intend to request that CBP deny entry of products into the United States solely based on a failure to provide eFiled certificate data; however, CPSC fully intends to enforce eFiling requirements by taking enforcement action, such as requesting that CBP initiate seizure of noncompliant products.

N. Costs, Burdens, the Regulatory Flexibility Act (RFA) and Paperwork Reduction Act (PRA)

Comment 53: Commenters TA (97), JPMA (99), Boppy (109), and NAM (113) express concerns about the cost of technology needed to implement the Final Rule, including costs to update technology, programing to the PGA Message Sets, and setting up API connections.

Response 53: Commenters are concerned about costs, but they do not offer estimates of what the technological costs would be. CPSC built the Product Registry to reduce costs for importers, who are not required to update software to eFile certificates. The SNPR estimated that a portion of mainly larger firms may opt to use API integration with the Product Registry for their data systems and the Initial Regulatory Flexibility Act Analysis (IRFA) provided an estimate of building such a system as $9,750 plus $2,880 in annual maintenance. CPSC also queried software developers, who plan to develop an API integration with the Product Registry, which would be covered through broker fees. Larger importers may still choose to build and maintain an API integration to interface with the Product Registry. This is, however, not a requirement, as the Product Registry enables users to upload a single certificate at a time and multiple certificates via a bulk upload. Additionally, the Final Regulatory Flexibility Analysis (FRFA) in section VII of this preamble presents an analysis of startup costs—the initial labor and technology investments small firms need to make to prepare for eFiling—that estimates an average cost per firm of $1,086 or an equivalent burden of 20 hours, which CPSC deems as non-significant for the typical small firm. The Commission solicited comments on the number of firms that may choose to invest in new technology due to the SNPR and estimates of the size of those investments, but responses offered no specific data. As such, CPSC retains its estimates of technology investments per firm.

Comment 54: Commenters Alta (93), AFSL (94), Boppy (109), and PPAI (119) allege increased costs associated with additional staff. Boppy (109) states an additional $150,000 in costs for technology, staff training, fees, and manually filing certificates, but offers no itemization of these costs.

Response 54: Without a breakdown of the costs, CPSC cannot offer a more specific response. However, CPSC estimates that importers will bear the burden for the staff hours comprising certificate creation, disclosure, and recordkeeping, which are already required by statute and regulation. Importers would also bear the burden of staff time for entering and transmitting certificate data to their brokers. CPSC estimates that the average eFiling-related activity, including entering every type of message set and the bulk upload of certificates to the Product Registry, will take 0.37 minutes (22 seconds) per filing, on average. CPSC estimates that importers will conduct 57.5 million total filings annually.[31]

We concur that the overall burden to importers can be considered significant if presented in the aggregate, for two main reasons: first, the large number of filings; and second, the potentially elevated one-time start up investments in technology, organizational changes, and staff training. However, individual importers will only bear the burden for the certificates they file. On average, an importer will conduct 217 certificate filings per year, which will take about 1.34 hours to enter and transfer (217 × 22 seconds/3,600 seconds = 1.34 hours).[32] At an hourly rate of $33.12 for office and admin wages, this represents a cost of $44.29 per year per importer in staff hourly burden. Additional startup investments are not an annual cost, but an investment that will last for many years. After annualizing this one-time investment, CPSC expects the average firm to incur out of pocket cost that represents a non-significant share of the annual revenue of a typical firm.

Comment 55: Commenters Alta (93), JPMA (99), Boppy (109), and PPAI (119) state that the burden of additional staff, technology, and broker charges would impact small importers. JPMA (99) states that the number of responses in the IRFA would be many times greater, while Alta (93) states that increased cost from using customs brokers would cause undue financial hardship for small firms.

Response 55: Since 2008, testing and certification of products regulated by CPSC has been required under section 14 of the CPSA. The CPSA does not exclude small businesses from certification requirements. New requirements in the Final Rule include extended recordkeeping for GCCs and eFiling certificates for imported, regulated products, which CPSC estimated in the 2023 SNPR, and has updated in section VII of this Final Rule preamble. The Commission's SNPR analysis provided an estimate of the number of responses that result from a detailed list of data-driven assumptions. Without additional information from the commenters showing the inaccuracy of the assumptions used, CPSC cannot produce a different estimate of the number of responses.

The FRFA in section VII of this preamble shows that the impact on small firms may not be as large as indicated by the commenter; instead, the cost impact is not significant because it is well below one percent of the revenue of a typical small firm and represents a fraction of one percent of the average value of shipments imported that require eFiled certificates.

Comment 56: The Commission requested in the SNPR that firms comment on filing fees that importers may bear from eFiling certificates with CBP using the Full or Reference PGA Message Set. JPMA (99), Boppy (109),

[31] This number of filings is broken down as follows: 2.3 million Product Registry filings, 1.7 million Full Message Sets, 46.5 million Reference Message Sets, and 7.0 million Disclaimer Message Sets.

[32] The values presented are rounded, so the results on each side of the equation may not exactly match.

回应 *51:* CPSC将使用结果
来自证书研究和Beta试点
以改进其在RAM中的风险评分
并更有效地针对不
合规的进口商。证书数据
将是风险评分的一个方面。员工
预计公司和
具有既定和
经过验证的测试和认证
项目将受益于降低的风险
通过持续提供
合规的证书数据。

评论 *52:* AAFA(114) 和
RILA(126)请求CPSC澄清
是否电子提交的证书数据将成为
可受理条件或是否
错误将导致货运延误。
评论者指出，如果电子申报出现错误
将导致延误，这可能会极大地
扰乱贸易的自由流动并
增加进口商的负担。

回应 *52:*缺少所需的
电子申报的证书，或存在
虚假或误导性证书，将影响
货物的风险评分，导致
货物被
扣留进行检查。CPSC有
有权拒绝入境未附有证书或附有虚假
或误导性证书的产品。15 U.S.C.
2066(a)(2)。作为执法问题
自由裁量，至少在初始阶段
电子申报的，CPSC一般不会
打算请求CBP拒绝入境
产品进入美国仅
基于未能提供电子申报的
证书数据；然而，CPSC完全
打算执行电子申报要求
通过采取执法行动，例如
请求CBP启动扣押
不合规产品。

*N.*成本、负担、监管
灵活性法案*(RFA)*与文书工作
《减少文书工作法》*(PRA)*

评论 *53:*评论者 TA(97),
JPMA (99)、Boppy (109) 和 NAM (113)
对以下成本表示担忧
实施该技术所需的
最终规则，包括更新
技术、对PGA的编程
消息集，以及设置API
连接。

回应 *53:*评论者
担心成本，但他们并不
提供技术成本估算。CPSC 构建产品登记库以降低进口商成本，进口商无需更新软件即可电子申报证书。SNPR 估计，一部分主要是较大的公司可能选择将其数据系统与产品登记库进行 API 集成，《初始监管灵活性法案分析》(IRFA)提供了构建此类
系统为9，750美元加上每年2，880美元
维护。CPSC还询问
软件开发人员，他们计划
开发与以下系统的API集成
产品登记库，这将
通过报关行费用覆盖。较大的
进口商仍可选择构建和
维护一个API集成以对接
产品登记库。这是，
然而，这不是一项要求，因为
产品登记库使用户能够上传
一次一个证书，并且
通过批量上传多个证书。
此外，最终监管
第节中的灵活性分析(FRFA)
本序言第七部分呈现了一项分析
启动成本——初始劳动力和
技术投资小公司
为准备电子申报需要进行的
估计每家公司的平均成本
1,086美元或相当于20
小时，CPSC认为这是非
对典型小公司而言是显著的。
委员会就以下事项征求了意见：
可能选择
投资新技术，原因是
SNPR及对其规模的估计
投资，但回复未提供
具体数据。因此，CPSC保留其
每家企业技术投资的估算值。

评论 *54:*评论者 Alta(93),
AFSL (94)、Boppy (109) 和 PPAI (119)
声称增加的成本与
额外员工。Boppy（109）表示
额外150,000美元的成本用于
技术、员工培训、费用以及
手工提交证书，但不提供
这些成本的逐项列明。

回应 *54:*在没有细分的情况下
成本，CPSC无法提供更
具体回应。然而，CPSC
估计进口商将承担
构成以下内容的员工工时负担
证书创建、披露和
记录保存，这些已经
法规和规章要求的。
进口商还需承担录入和传输所需的人员时间负担
证书数据发送给其报关代理人。CPSC
估计平均电子申报
相关活动，包括进入
每种类型的消息集和批量
将证书上传到产品
登记库，将需要0.37分钟（22
秒）每次申报，平均。CPSC
估计进口商将进行
每年总计5750万份申报。[31]

我们同意，如果汇总来看，进口商的总体负担可被视为重大，原因主要有二：第一，申报数量庞大；第二，在技术、组织变革和员工培训方面可能产生较高的一次性启动投资。然而，单个
进口商仅对以下事项承担责任：
他们提交的证书。平均而言，一个
进口商将进行217次证书
每年申报量，这将需要大约
1.34小时进入并转移(217 ×
22秒/3,600秒 = 1.34
小时)。[32]按每小时33.12美元的费率
办公和管理工资，这代表
每个进口商每年44.29美元的成本
在员工小时负担方面。额外的
启动投资不是年度
成本，而是一项将持续的投资
许多年。将这个一次性费用年化后——
时间投入，CPSC预计
平均公司需承担的自付成本
占非重大份额的
典型公司的年收入。

评论*55:*评论者Alta(93),
JPMA (99)、Boppy (109) 和 PPAI (119)
说明额外工作人员、
技术以及报关代理人费用将会
影响小型进口商。JPMA(99)
指出，回复数量
IRFA将大许多倍，
阿尔塔(93)指出成本增加
使用报关代理人将会
造成不必要的经济困难，对于
小企业。

回应 *55:*自 2008 年以来，受监管产品的测试和认证
CPSC依第...条被要求
CPSA第14条。CPSA不
将小企业排除在
认证要求。New
最终规则中的要求包括
延长GCC和
进口的电子申报证书，
受监管产品，即CPSC
在2023年SNPR中估算的，并且已经
在本最终规则第VII节中更新
序言。委员会的SNPR
分析提供了对
由以下原因产生的响应数量
数据驱动假设的详细清单。
在没有评论者提供额外信息证明所用假设不准确的情况下，CPSC 不能
产生不同的估算
响应数量。
本文件第七节的FRFA
序言显示对
小企业可能没有那么大
如评论者所示；相反，
成本影响不显著
因为它远低于百分之一
一家典型小企业的收入以及
仅占需要电子申报证书的进口货物平均价值的不到百分之一。

评论 *56:*委员会
在SNPR中要求企业就进口商使用完整或参考
PGA消息集通过CBP电子申报证书可能承担的
申报费用发表评论。JPMA(99)、
Boppy(109)、

[31] 该申报数量细分如下：230万份产品登记库申报、170万份完整信息集、4650万份参考
消息集，以及700万条免责声明消息
套装。

[32] 所呈现的数值经过四舍五入，因此等式两边的结果可能并不完全
匹配。

and NAM (113) express concern that eFiling certificates would require additional filing fees. Only JPMA (99) provides estimates of filing fees, asserting that a small manufacturer would have to pay $75,000 in filing fees, but did not indicate the number of message sets that the small business would file annually. JPMA (99) also wrote that CPSC did not adequately model the cost of using third-party service providers or customs brokers to comply with the rule.

Response 56: CPSC does not expect to charge filing fees for use of the Product Registry. Brokers typically charge a fee per entry or per entry line that is filed, and each entry line may contain one or more product certificates. Staff contacted less than 10 brokers involved in the Beta Pilot and inquired about fees that brokers would charge for eFiling. Most brokers charge a maximum fee per entry which reduces the filing fees per certificate for firms that file multiple certificates per entry. We assume that most firms would choose to file as many product certificates as possible per entry, and this action will significantly lower the cost per individual product certificate filed. CSPC estimates that the average fee per filing under these conditions will be $0.77.

CPSC does not know how many message sets the small manufacturer mentioned by JPMA (99) would file to reach the estimated filing fees, but on average, the filing volume of most small importers would comprise a relatively small number of Full and Reference Message Sets in total. CPSC's analysis assumes that small importers would file 10 percent of the responses (*i.e.* message set filings) the average importer files. Additionally, CPSC expects that the impact of filing fees as a percentage of the overall value of the shipment will be very small. Thus, CPSC expects that filing fees will not create a significant burden on the average small importer.

Comment 57: Commenters TA (97) and Boppy (109) state that CPSC underestimates the burden of startup staff training required to implement the rule. For example, TA (97) urges that CPSC reassess the estimated cost burden for implementation of the eFiling Product Registry, to include an accurate representative set of values that properly reflects the cost to implement eFiling to manufacturers, retailers, distributors and other entities who fall within the scope of part 1110.

Response 57: CPSC conducted a Beta Pilot between October 2023 and June 2024. Staff observed startup hours for participation in the eFiling Beta Pilot and the initial organization required to eFile. Staff observed a median startup time of about 60 staff hours per importer. While observing variability in startup times across participants, CPSC expects that as more importers and third-party service providers become adept in the eFiling process, the startup hours for remaining importers will decrease over time. CPSC expects a similar experience for firms that did not participate in the pilot but are required to eFile. CPSC notes the startup burden is a one-time investment that would allow importers to conduct eFiling operations for many years. To produce a more accurate accounting of costs, CPSC annualizes the startup burden over the useful life of the investments. Additionally, the Final Rule has an effective date of 18 months for most imported products (and 24 months for products entered for consumption or warehousing from an FTZ), a period over which the burden will be effectively spread. CPSC also expects that improvements derived from process learning will reduce the cost per firm over this period.

Comment 58: Two commenters, Alta (93) and NAM (113), suggest that CPSC underestimates the eFiling burden for each importation. NAM (113) states that a 20-second burden per Reference Message Set and a 1-minute burden per Full Message Set is not realistic given the large number of certifications for every product.

Response 58: Staff revised eFiling burden estimates, in part based on information from Beta Pilot participants. The revised estimate is 15.3 seconds per Reference Message Set and 4.75 minutes per Full Reference Message Set. Reference Message Sets are simplified messages (primarily composed of a Unique ID) that link products being imported to certificate data already uploaded into CPSC's Product Registry. The eFiling estimate is based on the time it takes to enter and transmit a Reference Message Set, applying a learning curve to data provided by Beta Pilot participants. This learning curve enables staff to assess the impact of learning efficiencies in processing times. Sections . and VIII of this preamble contain additional detail on the revised eFiling burden analysis for the Final Rule. Staff's analysis applies a similar learning curve to Full Message Sets, which results in a higher processing time of 4.75 minutes per message (increased from one minute in the SNPR), which is consistent with NAM's (113) assessment.

Comment 59: Hansen (115) states that CPSC underestimated the burden of putting certificate data into the Product Registry using a CSV spreadsheet, citing an example of bike distributors that carry tens of thousands of bicycle parts.

Response 59: As stated in response to comment 6, the bicycle standard is a finished product standard that does not regulate individual parts of bikes sold separately. However, other CPSC regulations, such as limits on lead content, lead in paint, and small parts, could apply to children's bikes and parts of children's bikes sold separately. Certificates can be entered in bulk into the Product Registry via a CSV spreadsheet. During the Beta Pilot, importers demonstrated that they could enter numerous certificates into the Product Registry using the CSV spreadsheet, resulting in uploads of a fraction of a second per certificate. Staff conservatively estimate that it takes 8.7 seconds per certificate to upload multi-certificate data into the Product Registry.

Comment 60: JPMA (99) states that no statistically validated record exists to justify the burden assumptions for filing Message Sets. The commenter states that the assumptions are not realistic. JPMA (99) also writes that one small-business member advised that they would accrue an extra $30,000 for document preparation and $40,000 for document prep full headcount at factory.

Response 60: The Commission's economic analysis is based on available information and states the basis for each assumption. Most recordkeeping in this information collection is mandated by sections 14(a) and 16(b) of the CPSA and within CPSC's regulations in part 1107, 1109, and the existing part 1110 rule. Typically, non-children's product regulations contain a three-year recordkeeping requirement; children's products require a 5-year record retention period pursuant to part 1107. The Final Rule increases record retention to five years for general use products, as proposed. Both the SNPR and the Final Rule address the additional two years of recordkeeping, as well as record keeping for additional data items. Note that for eFiled certificates, CBP already has a 5-year record retention requirement for import documentation.

Comment 61: Alta (93) states that the manual nature of submitting data entry into ACE could lead to human errors and delays. The commenter alleges that repeated filings of certificates via ACE would be complex, expensive, and labor-intensive for a business such as theirs with a small staff. The commenter also states that expensive automation and time-consuming processes would cause undue hardship to small businesses such as theirs.

和NAM(113)对电子申报证书将需要额外申报费用表示担忧。只有JPMA(99)提供了申报费用的估算，声称小型制造商将需支付75,000美元的申报费用，但未说明该小企业每年将提交的消息集数量。JPMA(99)还写道，CPSC未充分建模使用第三方服务提供商或报关代理人以遵守该规则的成本。

回应 *56:* CPSC 不预期对使用产品登记库收取申报费。报关代理通常按每票报关或每票报关行收取费用，每票报关行可能包含一份或多份产品证书。工作人员联系了参与 Beta 试点的不到 10 家报关代理，询问其电子申报将收取的费用。多数报关代理按每票报关收取最高费用，对于每票报关提交多份证书的企业，这会降低每份证书的申报费。我们假设多数企业会选择每票报关尽可能提交多份产品证书，此举将显著降低每份产品证书的申报成本。CPSC 估计，在这些条件下每次申报的平均费用为 0.77 美元。

CPSC不知道有多少
该消息集是 JPMA(99) 提到的小型制造商为达到估计申报费而将提交的，但平均而言，多数小型进口商的申报量总计只包含相对较少的完整消息集和引用消息集。CPSC 的分析假设小型进口商将提交平均进口商提交回应(即消息集申报)的 10%。此外，CPSC 预期申报费占货物总价值的比例将非常小。因此，CPSC 预期申报费不会对平均小型进口商造成重大负担。

评论 *57*:评论者 TA(97)
和Boppy(109)指出，CPSC低估了实施该规则所需的启动员工培训负担。例如，TA(97)敦促CPSC重新评估实施电子申报的估计成本负担

产品登记库，以包含一组准确的代表性数值，适当反映制造商、零售商、分销商及属于part 1110范围内的其他实体实施电子申报的成本。

回应 *57:* CPSC 进行了 Beta
试点于2023年10月至2024年6月期间进行。工作人员观察了参与电子申报Beta试点的启动时间以及进行电子申报所需的初始组织工作。工作人员观察到启动时间的中位数为

约需60个员工工时

一个自行车分销商的例子

可容纳数万个自行车零件。各参与者的启动时间，CPSC 回应*59*:如对预期所回应，随着更多进口商和

comment 6,自行车标准是

进口商。同时观察到在

comment 6，自行车标准是

第三方服务提供商成为

单独。然而，其他CPSC

成品标准，不擅长电子申报流程，启动

监管自行车零部件的单独销售，为剩余进口商保留的时长将

随时间减少。CPSC预计

可能适用于儿童自行车和

法规，例如对铅的限制，为未具备类似经验的企业提供

含量、油漆中的铅和 small parts，参与试点但被要求

提交电子备案。CPSC注意到启动负担

通过CSV格式的产品注册表

儿童自行车单独出售的部件。是一项一次性投资，将

电子表格。在Beta试点期间，

证书可以批量录入，以便进口商进行电子申报。

运营多年。为了生产

进口商证明他们能够

更准确地核算成本，

将大量证书录入

CPSC将启动负担年度化

使用CSV的产品注册表

在投资的使用寿命内。

将证书数据录入产品

此外，最终规则还包含一个

登记库。

电子表格，导致大多数情况下上传的有效期为18个月

每份证书仅需几分之一秒。员工进口产品(以及24个月用于

保守估计，需要8.7个进入消费或

每份证书上传需数秒(从自由贸易区进行多仓库作业)，一段时期

在其上将承担的负担

存在经统计验证的记录以

有效分摊。CPSC还预期评论*60:* JPMA(99)指出，没有

学习将降低每家企业的成本

这些假设并不现实。JPMA

证明该期间提交申请的负担假设合理。

额外30,000美元用于文件

评论 *58*:两位评论者，Alta

准备工作和40,000美元用于文件

(93) 和 NAM(113) 建议 CPSC

(99) 还写道，一家小企业低估了电子申报负担，对于

成员建议他们将在每次进口时累积。NAM(113) 指出

每个参考项20秒的负担

《消费品安全法》第14(a)条和第16(b)条

消息集和每1分钟的负担

以及在CPSC第部分法规范围内

在工厂准备全职人员。鉴于回应*60*:委员会认为，完整消息集不现实，因为认证数量庞大

经济分析基于现有每一款产品。

信息并说明每项的依据回应*58*:工作人员修订了电子申报

假设。此项负担估算中的大部分记录保存工作，部分基于

信息收集是根据Beta Pilot参与者的信息强制要求的。

修订后的估计为每项15.3秒

规则。通常，非儿童产品

参考消息集和4.75分钟

法规包含三年

1107、1109 以及按完整参考消息集(Full Reference Message Set)的规定有第 1110 部分。

参考消息集已简化

产品需要保存5年记录

messages(主要由一个

最终规则增加了记录

唯一标识符)，将产品关联至

一般用途的保留期限为五年

已导入证书数据

产品，如提议。两个SNPR

根据第1107部分规定的保留期限，上传至CPSC的产品登记库

和最终规则涉及

电子申报的估算基于

额外两年的记录保存，

输入和传输所需的时间

数据项。请注意，对于电子提交

参考消息集，应用一个

证书，CBP已有5年

学习曲线与Beta提供的数据

文件记录。

试点参与者。这条学习曲线

纳入 ACE 可能导致人为错误

以及对额外记录的保存，使工作人员能够评估……的影响。

令人头

加工过程中的学习效率

昂贵，并且

次。本文件第VIII节

对诸如以下企业而言属于劳动密集型：

对进口记录的保存要求，序言中包含关于以下内容的额外细节：

他们的员工很少。评论者

还指出，昂贵的自动化

针对评论*61:* Alta(93)指出，最终规则的修订电子申报负担分析。工作人员的分析采用了

对小型企业造成过度困难

提交数据录入的 manual nature 类似学习曲线，与 Full Message 相似

导致更高的

像他们这样的企业。

以及延误。该评论者声称每份4.75分钟的处理时间

Response 61: The Final Rule does not require repeated filing of the same certificate data into ACE. CPSC built the Product Registry at the request of importers to reduce repetitive data entry. Thus, importers have the option of loading certificate data into CPSC's Product Registry once before filing an entry, either manually or through batch uploads, and then filing a short PGA Reference Message Set that links to the certificate data in the Product Registry each time the product is imported thereafter. Using a Reference Message Set allows importers to reference the same certificate data multiple times, each time the product is imported. CPSC estimates that over 96 percent of importers will use the Product Registry and Reference Message Sets. Accordingly, using the Product Registry will simplify import filings, reduce costs, and reduce filing errors. In practice, most importers file entries and PGA Message Sets through a customs broker, who would only need to be supplied with the Unique ID for the Reference Message Set that links the imported product with certificate data in the Product Registry. Use of the Product Registry is free of charge. Importers may also use a Full Message Set that does require entering all certificate data for each regulated, imported consumer product. Importers that want to gain eFiling experience before the effective date of the Final Rule can participate in the expanded Beta Pilot, as discussed in section II of this preamble.

Comment 621: JPMA (99) states that that no ''one size fits all'' solution should be proposed and that CPSC should create a less burdensome integrated system with CBP.

Response 62: CPSC did not propose, nor is it testing, a one-size-fits-all approach. Importers have two options for eFiling certificates, a Full Message Set or a Reference PGA Message Set and use of the Product Registry. As described in the SNPR and in this Final Rule, CPSC has worked on eFiling solutions with CBP and with industry for over ten years. CPSC undertook creation of the Product Registry at the request of importers who specifically asked for an IT solution that would reduce burden, the need for duplicate data entry, and errors. The IT solutions for CPSC are now ready to be implemented. CPSC's solutions are integrated with CBP systems, and CBP has participated in the Alpha and Beta Pilots, and has been specifically consulted regarding the NPR, SNPR, and the Final Rule.

Comment 63: RILA (126) asserts that the burden estimate in the June 4, 2024, **Federal Register** notice (June 4 notice) regarding the expanded Beta Pilot test (89 FR 47922) does not account for the full time to support gathering and submitting data elements and only reflects the burden of gathering and submitting data for a limited quantity of products and their corresponding fillings. RILA states that their members' approximations of the burden hours per importer are nearly double or more of the Commission's estimates, depending on the overall size of the retailer and volume and variety of imported goods. RILA references two members that participated in the Beta Pilot; one estimated an annual burden of approximately 500 hours and another estimated an annual burden of 15,700 hours.

Response 63: One purpose of the eFiling Beta Pilot was to gain experience with the burden that importers may incur. CPSC gained useful information from the limited quantity of products and filings made during the Beta Pilot. Staff advise that the burden of gathering and submitting data elements during the Beta Pilot only reflects the burden for a limited quantity of products and corresponding filings; most participants did not choose to eFile certificates for all of their imported, regulated products. Additionally, staff observed significant variation in the burden expressed by Beta Pilot participants and in the number of certificates that participants filed.

For the Final Rule, CPSC provides revised burden estimates in sections VII and VIII of this preamble, in part using information learned from the Beta Pilot. This revised analysis demonstrates that the burden of the Final Rule is not large on a per importer basis. However, even if the burden of the Final Rule was much greater than the inputs used in the revised analysis, burden estimates per firm would still be non-significant.

O. Legal Comments

Comment 64: Boppy (109) alleges that the SNPR is unconstitutional, asserting that the manner in which the rule is being promulgated violates the U.S Constitution's Separation of Powers and Appointments Clause because the CPSC Commissioners' for-cause removal protections are unconstitutional. Boppy states that the Supreme Court has recognized only two limited exceptions to the President's otherwise ''unrestricted'' removal power: (1) an exception for inferior officers with limited duties and no policymaking or administrative authority, *Seila Law* v. *CFPB,* 140 S. Ct. 2183, 2199–2200 (2020), and (2) an exception for principal officers who do not exercise executive power, *id.* 2198–99 (discussing *Humphrey's Executor* v. *United States,* 295 U.S. 602 (1935)). Boppy argues that neither the inferior-officer exception nor the ''*Humphrey's Executor* exception'' applies because CPSC's Commissioners are principal (not inferior) officers who exercise substantial, ''quintessentially executive power [that was] not considered in *Humphrey's Executor.*'' *Seila Law,* 140 S. Ct. at 2200.

Response 64: Federal Courts of Appeals have recently rejected the same Constitutional arguments made by Boppy. *See Consumers' Rsch.* v. *CPSC,* 91 F.4th 342 (5th Cir. 2024), petition for cert. filed, *(Consumers' Rsch.* v. *Consumer Prod. Safety Comm'n,* No. 23–1323 (petition for cert. denied Oct. 21, 2024)), *and Leachco, Inc.* v. *CPSC,* 103 F.4th 748 (10th Cir. 2024), petition for cert. filed, *(Leachco, Inc.* v. *CPSC,* No. 22–7060 (petition for cert. filed on Aug. 9, 2024)). Consistent with those decisions and the Supreme Court's holding in *Humphrey's Executor* v. *United States,* 295 U.S. 602 (1935), we reject Boppy's constitutional arguments.

Comment 65: The Toy Association (97) states that requiring each importer of a product, instead of the manufacturer, to submit a separate certificate, would be redundant and potentially a Technical Barrier to Trade (TBT) as defined by the World Trade Organization (WTO). The JPMA (99) argues that the eFiling requirement in the SNPR is arbitrary and needlessly burdensome, which may also be a TBT.

Response 65: The Final Rule does not constitute a technical barrier to trade. The purpose of section 14 of the CPSA, and part 1110, is to protect the health and safety of U.S. consumers from noncompliant consumer products. Article 2.2 of the TBT Agreement states that technical regulations ''shall be no more trade-restrictive than necessary for the achievement of a legitimate objective, including . . . the protection of human health and safety.'' Additionally, the preamble to the TBT Agreement recognizes that ''no country should be prevented from taking measures necessary . . . for the protection of human, animal or plant life or health.''

CPSC's requirements are within the scope of the health and safety provisions of the TBT Agreement. The Toy Association and JPMA appear to ignore CPSC's long-standing and statutorily required testing and certification regime. Since 2008, testing and certification requirements apply to all products subject to a CPSC rule, ban, standard, or regulation, regardless of the place of manufacture, if those products

回应 *61:*最终规则不
要求重复提交相同的
将证书数据录入ACE。CPSC构建了
产品登记库应.....的要求
进口商以减少重复数据
报关。因此，进口商可以选择
将证书数据加载到CPSC的
在提交报关单之前，先向产品登记库提交一次
报关，可以手动或通过批量
上传，然后提交一份简短的PGA
引用消息集，其链接到
每次进口产品时，在产品注册表中填写证书数据

此后。使用参考消息
该集合允许进口商引用
相同的证书数据多次，
每次产品进口时。
CPSC估计超过96%的
进口商将使用产品登记库
和参考消息集。
因此，使用产品注册表
将简化进口申报，减少
成本，并减少申报错误。在
实践表明，大多数进口商提交报关单及
PGA消息集通过海关
报关代理人，只需被
提供唯一ID用于
参考消息集，将
进口产品与证书数据
在产品登记册中。使用
产品登记库是免费的。
进口商也可以使用完整消息
数据集，该数据集确实需要输入所有
每个受监管产品的证书数据，
进口消费品。进口商
希望获得电子申报经验的
在最终规则生效日期之前
规则可以参与扩大的Beta试点，如第II节所述

本序言。
评论 *621:* JPMA(99) 指出
不存在“一刀切”的解决方案
应当被提出，并且CPSC
应当创建一个负担更小的
与CBP（美国海关与边境保护局）集成的系统。
回应 *62:* CPSC 并未提议，
也不是测试，一种一刀切的
方法。进口商有两种选择
用于电子申报证书，完整消息
设置或引用 PGA 报文集，并且
使用产品注册表。如SNPR和本最终规则所述

规则，CPSC（美国消费品安全委员会）一直致力于电子申
与CBP（美国海关与边境保护局）以及行业的解决方案
超过十年。CPSC（美国消费品安全委员会）进行了
在
进口商的请求，他们特别要求一种能减轻负担的IT解决方案，重

数据录入和错误。IT解决方案
针对CPSC（美国消费品安全委员会）的现已准备好
已实施。CPSC（美国消费品安全委员会）的解决方案
与CBP系统集成，且CBP
已参与Alpha和Beta
试点项目，并已被特别
就NPR、SNPR和
最终规则。
评论 *63:* RILA(126) 主张
2024年6月4日的负担估算
联邦公报通知(6月4日通知)
关于扩大Beta试点测试
(89 FR 47922)未考虑
全职时间来支持收集和
提交数据元素并且仅
反映了收集和
提交有限数量的数据
产品及其相应的
填充物。RILA 表示其成员
每.....负担小时的近似值
进口商几乎是.....的两倍或更多
据委员会估计，取决于零售商的整体规模以及

进口货物的数量和种类。
RILA引用了两个成员
参与了测试试点；一个
估计年度负担为
约500小时，另一个
估计年度负担为15,700
小时。
回复 *63:*该
电子申报Beta试点旨在积累经验
与进口商可能承担的负担
承担。CPSC获得了有用的信息
来自有限数量的产品
以及测试试点期间所做的申报。
工作人员建议，收集
并在期间提交数据元素
仅Beta试点反映了a的负担
有限数量的产品和
相应的申报文件；大多数参与者
没有选择对以下产品进行证书电子申报
所有其进口的、受监管的
产品。此外，工作人员观察到
负担方面的显著差异
Beta试点参与者所表达的以及
在证书数量方面
参与者提交了。
关于最终规则，CPSC 提供本序言的第七和第八
部分，即修订后
从Beta试点中了解到的信息。
这一修订后的分析表明
最终规则带来的负担并不大
按每个进口商计算。然而，即使
如果最终规则的负担是
远大于所使用的投入
修订后的分析，按
公司仍将不显著。

O. 法律意见

评论 *64:* Boppy(109) 声称
SNPR是违宪的，主张
该规则的制定方式
被颁布违反了美国
宪法》的三权分立和
任命条款，因为CPSC（美国消费品安全委员会）
委员们的“有因”免职保护违宪。Boppy

指出最高法院已
仅承认两项有限的例外
对总统原本的
“不受限制的”免职权：（1）一项
对下级官员的例外，附带
有限职责且无政策制定或
行政机构，*Seila Law*诉
CFPB，140 S. Ct. 2183, 2199–2200
(2020) 以及(2)一项例外，适用于
不行使
行政权力，同上 2198-99
(讨论*Humphrey's Executor*诉
美国,295 U.S.602(1935年))。
Boppy认为两者都不逊色——
官员例外也不“汉弗莱的
执行人例外”适用，因为
CPSC委员是主要负责人
（而非低级别）行使
实质性、‘典型行政性
权力[那]未被考虑在
汉弗莱执行人案。”西拉法。 140
S. Ct.at 2200. 答复 *64:*联邦法院

上诉法院最近驳回了同样的
宪法论点由
Boppy。见消费者研究诉*CPSC,*
91 F.4th 342(第五巡回上诉法院，2024年)，申请
证书已提交，（Consumers' Rsch. 诉
消费品安全委员会，第
23-1323(调卷令申请，10月被驳回)
21, 2024)),以及 *Leachco, Inc.*诉*CPSC,*
103 F.4th 748(第十巡回法院2024年)，申请
证书已提交，（Leachco, Inc. 诉 CPSC，
第22–7060号（证书申请于
2024年8月9日））。与那些一致
裁决和最高法院的
在*Humphrey's Executor*诉
美国， 295 U.S.602(1935年)，我们
驳回Boppy的宪法论点。

(97) 规定要求每个进口商
产品的，而不是
制造商，提交一份单独的
证书，将是多余的并且
可能是技术性贸易壁垒
(TBT)按世界贸易定义
组织（WTO）。JPMA（99）
认为电子申报要求
评论 *65:*玩具协会
(讨论*Humphrey's Executor*诉
美国,295 U.S.602(1935年))。
Boppy认为两者都不逊色——
官员例外也不“汉弗莱的
执行人例外”适用，因为
CPSC委员是主要负责人
（而非低级别）行使
实质性、‘典型行政性
权力[那]未被考虑在
汉弗莱执行人案。”西拉法。 140
S. Ct.at 2200. 答复 *64:*联邦法院

上诉法院最近驳回了同样的
宪法论点由
Boppy。见消费者研究诉*CPSC,*
91 F.4th 342(第五巡回上诉法院，2024年)，申请
证书已提交，（Consumers' Rsch. 诉
消费品安全委员会，第
23-1323(调卷令申请，10月被驳回)
21, 2024)),以及 *Leachco, Inc.*诉*CPSC,*
103 F.4th 748(第十巡回法院2024年)，申请
证书已提交，（Leachco, Inc. 诉 CPSC，
第22–7060号（证书申请于
2024年8月9日））。与那些一致
裁决和最高法院的
在*Humphrey's Executor*诉
美国， 295 U.S.602(1935年)，我们
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产品的，而不是
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(TBT)按世界贸易定义
组织（WTO）。JPMA（99）
认为电子申报要求
评论 *65:*玩具协会
对担保[是不必要的
负担，因为它不会]成技术性贸易壁垒。
回复 *65:*最终规则不
构成技术性贸易壁垒。
CPSA第14条的目的，
以及第1110部分，是为了保护健康
以及美国消费者的安全，免受
不合格消费品。
《TBT协定》第2.2条规定
技术法规“应不
对贸易的限制超过必要程度
合法目标的实现
目标，包括.....保护
人类健康与安全。
此外，《TBT协定》的序言
协定承认“没有国家
应被阻止采取
必要的措施.....为了
保护人类、动物或植物
生命或健康。”
CPSC 的要求属于
健康与安全的范围
《TBT协定》的条款。该
玩具协会和JPMA似乎
忽视CPSC（美国消费品安全委员会）长期存在的和
法定要求的测试和
认证制度。自2008年起，测试
和认证要求适用于
所有受CPSC规则、禁令约束的产品，
标准或法规，无论
制造地点，如果那些产品

are imported for consumption or warehousing or distributed in U.S. commerce. The purpose of section 14 of the CPSA, and part 1110, is to protect the health and safety of U.S. consumers from noncompliant consumer products.

Commenters also ignore the lengths to which CPSC has gone since 2008 to streamline requirements for testing and certification. For example, manufacturers and importers may rely on any other party's testing or certification pursuant to 16 CFR part 1109. That rule has been in place for more than 10 years and allows importers that want to rely on a manufacturer's testing and/or certification, the ability to do so. Moreover, as described in section II of this preamble, CPSC has spent the last 10 years working with the industry on two pilots, a study, building an eFiling program, and developing the Product Registry, to address importers' concerns about burden and cost. Sections VII and VIII of this preamble and the experience of Beta Pilot participants demonstrate that the Product Registry is easy to use and reduces burden. In fact, CPSC developed the Product Registry in response to industry's 2013 request to reduce burden, data entry errors, and potential duplication of effort, for all importers of regulated products.

It bears repeating that the eFiling requirement does not create new testing or certification requirements for importers. Since 2207, importers have been required to provide certificates and the test reports on which they are based to CPSC and CBP upon request. CPSC is now requesting this information at the time of entry, as specifically provided in section 14(g)(4) of the CPSA. This requirement modernizes the certificate requirement in a manner that does not create undue burden to importers or create a barrier to trade, and instead assists compliant importers. CPSC's economic analysis demonstrates that for compliant importers, the PGA Message Set requirement will not have a significant impact on small (or large) importers, and thus the requirement should not create an obstacle to trade.

Finally, as a matter of enforcement discretion, at least in the initial stages of eFiling, CPSC in general does not intend to request that CBP deny entry of products into the United States solely based on a failure to provide eFiled certificate data. However, CPSC will continue to enforce certificate requirements, for example by refusing admission under section 17(a)(2) of the CPSA, 15 U.S.C. 2066(a)(2), or requesting CBP to initiate seizure of noncompliant products. Further, CPSC intends to increase or decrease risk scores based on eFiled data, which should reduce holds and examinations of compliant products and better focus resources on non-compliant products.

Comment 66: JPMA (99) asserts that Congress did not plainly set forth a requirement that certificates be available by eFiling and that the language in section 14(g)(3) of the CPSA is a distinct requirement. Therefore, providing a certificate ''upon request'' even in an electronic format should be maintained as an option.

Response 66: We disagree. Section 14(g)(4) of the CPSA provides CPSC specific authority to require eFiling for imported consumer products. Interdicting noncompliant products before they are distributed in U.S. commerce is an important safety mission of the Commission. Accordingly, as set forth in response to comment 34, to allow the Commission to focus limited resources on imported products that are not in compliance with CPSC regulations, the Final Rule retains the SNPR's eFiling requirement for all regulated, imported consumer products. The Final Rule retains the ''upon request'' certificate option for products manufactured in the United States, and for imported products, to the extent certificate data is not filed at entry, as required, or is potentially false or misleading.

P. Out of Scope Comments

Comment 67: Hansen (115) opines that the SNPR did not adequately address the 2013 comments filed by the Bicycle Product Suppliers Association (BPSA; now PeopleforBikes). Hansen discussed the bicycle regulation in 16 CFR part 1512 and particularly electric bicycles.

Response 67: The Final Rule is not about the substantive safety requirements for bicycles. Note, however, that CPSC issued an advance notice of proposed rulemaking in 2024 related to eBikes, 89 FR 18861 (Mar. 15, 2024), and staff anticipate sending the Commission a proposed rule related to lithium-ion batteries used in micromobility products, including eBikes, in the coming months.

The remaining comments primarily discuss technical features of the eFiling Product Registry. The procedural aspects of data entry and the user interface of the Product Registry are not addressed in the regulation text of this Final Rule. Accordingly, if not already addressed above, CPSC will endeavor to address technical questions in the guidance materials on our website. Additionally, any firm using the Product Registry can report software issues, ask questions, or send suggestions to: *eFilingSupport@cpsc.gov.*

V. Description and Explanation of the Final Rule

Below we describe and explain the basis for the Final Rule's requirements. Because of the number of changes to part 1110, the Commission proposes to strike and replace the existing 1110 rule in its entirety, as described below.

A. Purpose and Scope (§ 1110.1)

The Commission finalizes the purpose and scope in the Final Rule as proposed in the SNPR, which states that the rule specifies certificate content, form, and availability, and requires eFiling certificates for imported finished products that are required to be certified. The Commission did not receive any adverse comment on the SNPR's proposal.

B. Definitions (§ 1110.3)

The 2013 NPR added to part 1110 13 new definitions to introduce concepts and terms used in the 1107 and 1109 rules and to clarify the requirements of part 1110. 78 FR 28080, 28081–82. The SNPR maintained the additional terms proposed in the 2013 NPR, added several more terms, and revised several definitions. Newly defined terms included: ''eFiled certificate,'' to differentiate an electronic certificate, primarily used for domestically manufactured products, from a certificate for an imported product that is entered via ACE in a PGA Message Set, and ''Product Registry,'' to describe the CPSC-maintained repository for certificate data for imported products. The SNPR revised several definitions to better describe the types of merchandise under CPSC's jurisdiction, which includes not only consumer products, but also hazardous substances.

The SNPR also proposed to broaden the definition of ''importer'' as that term is used in part 1110, beyond the IOR, to allow a party familiar with the products with a beneficial ownership in the goods to be the importer responsible for testing and certification. Thus, the SNPR proposed that the definition of ''importer'' include any entity that could make entry for consumer products, and qualify as the importer under the Tariff Act (19 U.S.C. 1484(a)(2)(B)). Proposed § 1110.3 also defined additional terms to develop the revised definition of ''importer'' in the SNPR, such as ''importer of record,'' ''consignee,'' and ''owner or purchaser.''

Based on the comments, the Final Rule adds two statutory definitions for ''manufacturer'' and ''private labeler'' and clarifies several other definitions

为消费或仓储而进口，或在美国商业中分销。CPSA第14条和part 1110的目的是保护美国消费者的健康和安全，使其免受不合规消费品之害。

评论者还忽视了CPSC自2008年以来为简化测试和认证要求所做的努力。例如，制造商和进口商可依据16 CFR part 1109依赖任何其他方的测试或认证。该规则已实施超过10年，允许希望依赖制造商测试和/或认证的进口商有此能力。

此外，如本序言第 II 节所述，CPSC 在过去 10 年与业界合作开展了两项试点、一项研究、建设电子申报项目并开发产品登记库，以解决进口商对负担和成本的关切。本序言第 VII 节和第 VIII 节以及 Beta 试点参与者的经验表明，产品登记库易于使用并能减轻负担。事实上，CPSC 开发产品登记库正是回应业界 2013 年提出的要求，即为所有受监管产品的进口商减少负担、数据录入错误和潜在重复工作。

值得重申的是，电子申报要求并未对进口商创设新的检测或认证要求。自 2207 年以来，进口商一直被要求在 CPSC 和 CBP 提出要求时提供证书及其依据的检测报告。CPSC 现在要求在报关时提供该信息，正如《消费品安全法》第 14(g)(4) 节所明确规定。该要求以使进口商不产生不当负担或不构成贸易壁垒的方式使证书要求现代化，反而有助于合规进口商。CPSC 的经济分析表明，对于合规进口商，政府参与机构(PGA)消息集要求不会对小型(或大型)进口商产生重大影响，因此该要求不应构成贸易障碍。

最后，作为执法自由裁量事项，至少在电子申报初期，CPSC 一般无意仅以未提供电子申报证书数据为由请求 CBP 拒绝产品进入美国。但是，CPSC 将继续执行证书要求，例如根据《消费品安全法》第 17(a)(2) 节、15 U.S.C.2066(a)(2) 拒绝准入，或请求 CBP 启动对不合规产品的扣押。此外，CPSC 打算提高或降低风险

基于电子提交数据的评分，其中
应减少扣留和检查
合规产品并更好地聚焦
关于不合规产品的资源。

评论66:JPMA(99)主张，国会并未明确规定证书须通过电子申报方式提供，因此《CPSA》第14(g)(3)条中的措辞是一项独立的要求。因此，即便在以下情况下提供"应要求"的证书，由于第1110部分发生了多处变更，委员会提议删除并替换现行的1110规则

应以电子格式保存

作为一种选项。回应66：我们不同意。CPSA第14(g)(4)条赋予CPSC特定权力，可要求对进口消费品进行电子申报。委员会在最终规则中按SNPR的提议最终确定了目的和范围，该规则规定

拦截不合规产品
在它们于美国分销之前
商业是一项重要的安全
委员会的使命。
因此，如针对以下问题的答复所述
第34条评论，以便委员会能够将有限资源集中于进口

不符合合规要求的产品

与CPSC法规一致，最终规则引入新定义以保留SNPR的电子申报要求

以及1107和1109中使用的术语

针对所有受监管的进口消费品规则，并澄清产品的要求。最终规则保留了第1110部分中"应要求"提供证书的选项。78 FR 28080, 28081-82。在美国制造的产品，以及对于进口产品，如果证书数据未按要求在报关时提交，或可能存在虚假，SNPR维持了2013年NPR中提出的附加条款，增加了若干条款，并修订了若干定义。新定义术语

或具有误导性。

P. 范围外评论评论*67*:Hansen(115)认为，针对进口产品的证书，SNPR未能充分处理2013年提交的评论

Set，以及"产品登记库"，用以描述(BPSA；现为PeopleforBikes)。Hansen自行车产品供应商协会

讨论了16 CFR中的自行车法规

SNPR修订了若干定义以涵盖自行车。CFR第1512部分，特别是电动

回复 *67*:最终规则并非

关于实质性安全，不仅包括消费品，还包括自行车的要求。但请注意，CPSC于2024年发布了一份关于电动自行车的不定期拟议规则制定预告，89 FR 18861(3月15日),SNPR还提议扩大"进口商"一词的定义，

2024) 工作人员预计将发送
委托制定一项与……相关的拟议规则
未来几个月内的电动自行车。
货物成为负责微型出行产品的进口商，包括用于
产品注册处。程序性

其余评论主要讨论电子申报的技术特征，"进口商"包括任何实体

最终规则。因此，如果尚未

数据录入方面以及产品登记库的用户界面未在本次法规文本中涉及，依据《关税法》(19 U.S.C.1484(a)(2)(B))。拟议的1110.3 亦未涉及
产品注册表可报告软件
上文所述"进口商"的修订定义，CPSC将努力

在"收货人"和"所有人或购买人"中解答技术问题。我们网站上的指导材料。基于这些评论，最终此外，任何使用

建议发送至：*eFilingSupport@cpsc.gov*。

V. 说明与解释
最终规则

全文如下所述。

A. 目的与范围*(1110.1)*

规定证书内容、格式和可获得性，并要求电子申报

进口成品的证书
要求具备的产品
认证。委员会没有
收到关于以下事项的任何不利评论：
SNPR的提案。

B. 定义*(1110.3)* 2013 年 NPR 在 part 1110 中新增了 13

以保留SNPR的电子申报要求

以及1107和1109中使用的术语

针对所有受监管的进口消费品规则，并澄清产品的要求。最终规则保留了第1110部分中"应要求"提供证书的选项。78 FR 28080, 28081-82。在美国制造的产品，以及对于进口产品，如果证书数据未按要求在报关时提交，或可能存在虚假，SNPR维持了2013年NPR中提出的附加条款，增加了若干条款，并修订了若干定义。新定义术语

包括："电子申报证书"，以
区分电子证书，

主要用于国内制造的产品，来自
通过ACE在PGA消息中录入

CPSC维护的进口产品证书数据存储库。

更好地描述商品类型
在CPSC管辖范围内，该

在第1110部分中使用，超出IOR范围，以允许熟悉产品的当事方
在……中拥有受益所有权

测试和认证。因此，
SNPR提议，将

可以为消费者创建条目
products，并符合进口商的资格

规则新增了两项法定定义,分别针对
界定了用于制定该

SNPR，例如"记录进口商"

proposed in the SNPR. For example, the Final Rule modifies the definition of ACE in a manner consistent with the SNPR, but better aligns with CBP's characterization of their authorized electronic data interchange system and any successor systems.

Commenters also continued to demonstrate confusion about the difference between a component part and a finished product, and when a part of consumer product is a finished product that must be accompanied by a finished product certificate. By definition, a ''component part'' is not a ''finished product.'' Component part certificates are allowed by 16 CFR part 1109 but are voluntary. Component part testing or certification can be relied upon to issue a finished product certificate, but only finished product certificates must accompany finished products and be eFiled pursuant to § 1110.13(a)(1). Component part certificates are not required and should not be eFiled. Accordingly, to add clarity to the definition of ''component part certificate,'' the Final Rule adds to the definition that a component part certificate is voluntary, and, to further reduce confusion, the Final Rule moves all requirements for component part certificates into § 1110.19 at the end of the rule.

Relatedly, based on commenters' concerns, the Final Rule also clarifies the definition of a ''finished product'' by removing the phrase ''replacement parts,'' as the phrase appears to have a different and broader meaning to industry than CPSC intended for this rule. The Final Rule now explains the three criteria required for a product to be considered a ''finished product'' that must be accompanied by a finished product certificate—namely, that the product must be: (1) subject to a CPSC-enforced rule, ban, standard, or regulation; (2) imported for consumption or warehousing, or distributed in commerce; and (3) packaged, sold, or held for sale to, or for use by, consumers. To address comments regarding the role of a ''finished product certifier,'' the Final Rule adds to the definition the three parties in section 14 of the CPSA that can be a finished product certifier. These are the manufacturer and private labeler, as defined in the CPSA, and the importer, as defined in this rule. *See* 15 U.S.C. 2052(a)(11) and (a)(12).

The Final Rule also modifies the definition of ''importer'' in response to comments 7 through 10 in section IV of this preamble and simplifies related definitions of ''owner or purchaser'' and ''consignee.'' The definitions for ''importer,'' ''owner or purchaser,'' and ''consignee'' in the Final Rule are intended to harmonize with the Tariff Act and CBP's implementing regulations that govern importation procedures but are solely for purposes of this Final Rule. These definitions do not change CBP requirements for parties eligible to make entry and are specifically limited to implementation of CPSC's eFiling requirement and the party CPSC will hold legally responsible for issuing a finished product certificate for imported, CPSC regulated finished products. Moreover, these definitions may not reflect the full scope of the relevant terms under the CPSA or other statutes implemented by CPSC.

The Final Rule clarifies that, as proposed in the 2013 NPR and consistent with the SNPR comments, for purposes of this rule, the ''importer'' means the IOR eligible to make entry for imported finished products under the Tariff Act of 1930, as amended (19 U.S.C. 1484(a)(2)(B)), who may be an owner, purchaser, or authorized customs broker. The Final Rule addresses the concerns of commenters stating that an IOR authorized to make entry for a shipment, such as a broker, may not have sufficient knowledge of the consumer products to be held responsible for testing and certification. Accordingly, the definition also provides that an authorized broker may identify the owner, purchaser, or consignee of the finished products who authorized the customs broker to make entry, as the party responsible for compliance with CPSC certificate requirements. A broker would identify such party by eFiling certificate data using CPSC's PGA Message Set, which identifies the finished product certifier responsible for product certification, as required in § 1110.11(a)(3).

If identified as the finished product certifier in the PGA Message Set data, the owner, purchaser, or consignee that authorized the broker to file entry is the party that CPSC would expect to have sufficient knowledge of the finished products being imported and to understand that such products must now comply with U.S. laws and regulations, including compliance with CPSC's testing and certification requirements.[33] A broker identifying an owner, purchaser, or consignee as the party responsible for certification should receive from that party, either the Unique ID for the Reference PGA Message Set, linking certificate data in the Product Registry with the shipment, or all certificate data elements for submitting the Full PGA Message Set at entry. If an authorized customs broker fails to submit a PGA Message Set containing CPSC's certificate data elements to identify the owner, purchaser, or consignee responsible for product certification, CPSC can hold such a broker legally responsible for certificate data as set forth in § 1110.15.

The Final Rule also clarifies, for purposes of this rule, the importer who is legally responsible for CPSC's certificate data for finished products that must be accompanied by a certificate that are imported by mail, or for which a *de minimis* duty exemption under 19 U.S.C. 1321(a)(2)(C) is claimed. These shipments do not have an IOR. The ''importer'' definition in the Final Rule specifies the importer for purposes of CPSC's certificate requirement for these shipments is a party eligible to make entry for the merchandise pursuant to CBP statutes and regulations, who may be an owner, purchaser, consignee, or authorized customs broker. An authorized broker may also identify the owner, purchaser, or consignee that authorized entry as the finished product certifier in a PGA Message Set for a *de minimis* shipment filed using ET 86.

The Final Rule defines ''owner or purchaser'' and ''consignee'' in a way consistent with the SNPR, but simplified. The Final Rule definitions now clarify that these definitions are only for the purposes of this rule and explain who CPSC may hold responsible for certificate data, particularly for *de minimis* and mail shipments that lack the required certificate data. For this rule, a ''consignee'' means a party who takes custody or delivery of CPSC regulated finished products for which CPSC certificate data is required. For this rule, an ''owner or purchaser'' means a party who has a financial interest in the finished products for which CPSC certificate data is required, to include the actual owner of the merchandise. Because a consumer could fall within the definitions of purchaser or consignee, the definition of ''importer'' continues to state, as proposed, that for the purposes of this rule, CPSC will not typically consider an end consumer purchasing or receiving products for personal use or enjoyment to be the importer responsible for certification..

The Final Rule changes a defined term from ''eFiled certificate'' to ''eFile'' because the term ''eFiled certificate'' is not used in the rule, but the term ''eFile'' or ''eFiled'' is used nine times throughout the regulation. The

[33] We note that the party that CPSC holds legally responsible for certificate data does not mean that this party is responsible for submitting such data into ACE, because this party may not be the IOR for the shipment or be another party eligible to make entry under CBP statutes and regulations.

在SNPR中提议的。例如，
最终规则修改了以下定义：
以符合以下方式使用ACE:
SNPR，但与CBP更一致
其授权性质的界定
电子数据交换系统及
任何后续系统。
评论者还继续
表现出对以下方面的混淆
组件与
成品之间的区别，以及当某个部件
消费品成品
必须随附
成品证书。通过
根据定义，“零部件”不是
“成品”的全部范围。组件
证书由16 CFR第
1109，但属自愿性质。零部件
可以依赖测试或认证
依靠其签发成品
证书，但仅限成品
证书必须随附成品
产品并依据以下规定进行电子申报
1110.13(a)(1)。组件
不需要证书，且不应
进行电子申报。因此，为增加
“组件”定义的清晰度
“部分证书”，《最终规则》补充至
定义中组件
证书是自愿性的，并且，为了进一步
为减少混淆，最终规则将
组件的所有要求
将证书纳入1110.19 末尾
该规则。
相关地，基于评论者的意见，
方面，最终规则还澄清了
通过以下方式对“成品”的定义
删除“替换”一词
部件”，因为该短语似乎具有
不同且更广泛的含义
行业比CPSC为本规则所预期的
规则。最终规则现在解释了
产品所需的三项标准
视为“成品”，该成品
必须附有成品
产品证书——即，
产品必须：(1) 受美国消费品安全委员会
(CPSC)执行的规则、禁令、标准或
法规；(2) 为以下目的进口
消费或仓储，或
在商业中分销的；以及（3）
包装、销售或为销售而持有，以供或为
供消费者使用。为解决
关于……角色的评论
“成品认证人”，最终
规则在定义中增加了三个
CPSA第14条中的各方，其
可以成为成品认证人。
这些是制造商和私人
标签商，如CPSA中所定义，以及
进口商，如本规则所定义。见 15
美国法典第2052(a)(11)和(a)(12)条。

最终规则还根据第IV节中评论7至10修改
了“进口商”的定义
本序言并简化了相关的
“所有者或购买者”的定义以及
“收货人”。定义
“进口商”、“所有者或购买者”以及
最终规则中的“收货人”
旨在与关税
法案及CBP（美国海关与边境保护局）的实施条例
规范进口程序，但
仅为本最终规则之目的
规则。这些定义不改变
CBP对符合条件方的要求
作出录入并受到具体限制
对CPSC（美国消费品安全委员会）电子申报的实施
要求以及CPSC（美国消费品安全委员会）将
追究法律责任的一方，负责签发
成品证书用于
进口的、CPSC（美国消费品安全委员会）监管的成品
产品。此外，这些定义
可能未反映
CPSA或其它相关术语
CPSC（美国消费品安全委员会）实施的法规允许
最终规则澄清，作为
在2013年NPR中提议的以及
与SNPR评论一致，对于
就本规则而言，“进口商”
指有资格为以下货物办理报关的进口商记录（IOR）
进口的成品根据
1930年关税法（经修订）（19
美国法典第1484(a)(2)(B)条），其可能是
所有者、购买方或授权
报关代理人。最终规则
回应了评论者的关切
指出，获授权办理
为某批货物办理报关，例如代理人、
可能不具备足够的
待持有的消费品
负责测试和认证。
因此，该定义还
规定授权经纪人可以
识别所有者、购买方或
成品收货人，其
授权报关代理人进行
报关，作为负责
符合CPSC证书
要求。报关代理人将识别
该方通过电子申报证书数据
使用CPSC的PGA消息集，其
识别成品认证人
负责产品认证，作为
1110.11(a)(3)中要求的。

认证人，在PGA消息集数据中，
所有人、购买人或收货人，
授权经纪人提交入境申报的是
CPSC预期会拥有
对成品有充分了解
被进口的产品并
理解此类产品必须
现在符合美国法律和
法规，包括遵守
CPSC的测试与认证
要求。[33]识别
所有者、购买者或收货人作为
负责认证的一方
应从该方收到的，要么
参考PGA的唯一ID
如被认定为成品
~~消息集，链接~~证书数据于
~~负责证书数据并不意味着~~
~~本方负责提交~~
into ACE，因为该方可能不是IOR

在CBP法规和条例下进行登记。

产品登记库与货运，
或所有证书数据元素，用于
在以下地点提交完整PGA（政府参与机构）消息集
报关。如果授权报关代理人
未能提交PGA（政府参与机构）消息集
包含CPSC（美国消费品安全委员会）的证书数据
用于识别所有者的要素，
负责的购买方或收货人
产品认证，CPSC（美国消费品安全委员会）可追究
此类报关代理人依法负责
第1110.15条所述的证书数据。

本规则的目的，进口商
对CPSC的……负有法律责任
成品的证书数据
必须附有
由邮寄进口的证书，或
最终规则还阐明，对于
根据事实和[illegible]
所声称的。这些货物没有
一个IOR。其中“importer”的定义在
最终规则明确了以下情况的进口商
就CPSC的证书而言
这些货物的要求是
有资格为以下货物办理报关的一方
依据CBP法规的货物
和法规，其可以是所有者、
购买人、收货人或授权
报关代理人。获授权的代理人
还可指明所有者、购买者、
或授权入境的收货人作为
政府参与机构（PGA）中的成品认证人
针对微量货物的信息集
使用ET 86提交。

“购买方”和“收货人”的方式
最终规则将“所有者或
简化NPR~~最终规则~~的定义
现在澄清这些定义是
仅为本规则之目的以及
解释CPSC可能追究谁
负责证书数据，
尤其是对于最低限度和邮件
缺乏所需文件的货物
证书数据。对于本规则，
“收货人”是指接收
CPSC监管产品的保管或交付
CPSC所针对的成品
证书数据是必需的。就本规则而言，
“所有者或购买者”是指一方
对……拥有财务利益的
CPSC所针对的成品
需要证书数据，包括
商品的实际所有者。
因为消费者可能属于
购买者或
收货人，“进口商”的定义
继续如提议所述，指出对于
就本规则而言，CPSC不会
通常将最终消费者视为
为个人使用或享用而购买或接收产品
个人使用或享用为
负责认证的进口商。

最终规则将定义术语“eFiled证书”改为“eFile”

因为“电子提交证书”这一术语是
未在规则中使用，但该术语
“eFile”或“eFiled”使用了九次
贯穿整个法规。该

[33] 我们注意到，CPSC就货物追究法律责任的当事方，
本方负责提交此类数据。

definition of ''eFile'' is consistent with the SNPR definition of ''eFiled certificate,'' and means to electronically file the required data elements on a finished product certificate, as described in § 1110.11, into ACE, in the format required in § 1110.13(a)(1). Minor edits were also made to the definition of ''electronic certificate.'' An ''electronic certificate'' is not an eFiled certificate. An electronic certificate contains the same certificate information as an eFiled certificate, but is primarily used to provide an electronic certificate to CPSC for domestically manufactured products, in the format described in § 1110.9(c).

Finally, the Final Rule clarifies the definition of ''Product Registry'' by stating that the finished product certifier that is required to issue the finished product certificate, as specified in § 1110.7(a), and who is also required to eFile the certificate data as set forth in § 1110.13(a)(1), enters finished product certificate data into the Product Registry. Note that pursuant to § 1110.15, a finished product certifier can rely on other parties to maintain records, test, or certify products, or enter data into the Product Registry, but remains legally responsible for the validity, accuracy, completeness, and availability of finished product certificates.

C. Finished Products Required To Be Certified (§ 1110.5)

The Commission finalizes § 1110.5 as proposed, except for two minor clarifications. First, § 1110.5 clarifies that finished products also include ''substances,'' which are regulated under the Federal Hazardous Substances Act (FHSA). Second, the title of this section revises ''Products'' to ''Finished products,'' and changes the phrase ''GCC or CPC, as applicable'' to ''finished product certificate'' (which encompasses GCCs and CPCs), to more clearly convey that only finished products are required to be certified. Accordingly, § 1110.5 explains that a certificate is required only when: (1) the product is a finished product or substance; (2) the product or substance is subject to a consumer product safety rule under the CPSA, or similar rule, ban, standard, or regulation under any other law enforced by the Commission; and (3) the product or substance is imported for consumption or warehousing, or is distributed into commerce.

D. Who Must Certify Finished Products (§ 1110.7)

The SNPR required that, unless a specific rule states otherwise, only importers, as defined in the rule, must issue a certificate for imported products. However, a private labeler could assume responsibility for certifying an imported product under the SNPR, if the private labeler falls within the definition of an importer in § 1110.3.

For domestically manufactured finished products, the SNPR maintained the 2013 NPR proposal that, unless otherwise required in a specific rule, the manufacturer must issue the certificate, except for consumer products or substances that are privately labeled. When a product is privately labeled, a manufacturer name does not appear on the product. Accordingly, for such products, placing responsibility on the private labeler is both pragmatic and appropriate. However, the SNPR proposed to allow private labelers to continue to rely on a manufacturer's testing or certification if they choose to do so. Importantly, if a manufacturer's name appears on a product, the product is not privately labeled under the definition in section 3 of the CPSA, 15 U.S.C. 2052(a)(12), and the manufacturer would be required to test and certify the product.

The SNPR moved the requirement regarding the availability of certificates for imports and domestic products, found in § 1110.7(c) of the existing rule, to § 1110.13.

The Commission finalizes § 1110.7 as proposed in the SNPR with a clarification specifying that the required certifier is the ''finished product certifier.'' The terms ''finished product certifier'' and ''finished product certificate'' are used throughout the regulation to explain certificate responsibilities and content requirements. The Final Rule is consistent with section 14(g)(1) of CPSA, which requires that the manufacturer (defined as any person who manufactures or imports a consumer product) or private labeler must test and certify products. For domestically manufactured products that are privately labeled, the private labeler must certify or ensure that a manufacturer certifies the product. Also, pursuant to the 1109 rule, a private labeler can rely on a manufacturer's testing or certification to issue their own finished product certificate. Section 3(a)(12)(B) of the CPSA defines a privately labeled product as a product with no manufacturer information on the product or packaging. Therefore, CPSC is unable to identify any other party to hold responsible for a noncompliant product. For clarity, the Final Rule adds the statutory definitions of ''manufacturer'' and ''private labeler'' in 15 U.S.C. 2052(a)(11)–(12) to the list of defined terms in § 1110.3.

E. Certificate Language and Format (§ 1110.9)

The Final Rule maintains § 1110.9 as proposed in the SNPR, with the addition of ''finished product certificate'' in place of ''certificate,'' to clarify that the requirements apply to finished products. Section IV.E of this preamble contains comments and CPSC's responses regarding § 1110.9. We describe each section of § 1110.9.

The SNPR § 1110.9(a) proposed that an eFiled certificate must be in English, which is consistent with the statutory requirement and is necessary for CBP and CPSC IT systems. Proposed § 1110.9(a) provided that a hard copy or electronic certificate must be in English, but may also contain the same content in any other language. The Commission finalizes § 1109.9(a) without substantive change.

Proposed § 1110.9(b) clarified the formats for eFiled and for hard copy and electronic certificates. The SNPR proposed that an eFiled certificate must meet the requirements in proposed § 1110.13(a), and that certificates furnished to retailers, distributors, or to CPSC pursuant to § 1110.13(b) and (c) may be provided in hard copy or electronically. The Commission finalizes § 1109.9(b) without substantive change.

Proposed § 1110.9(c) described the format for the electronic certificates described in § 1110.13(b) and (c), which are used to furnish a certificate to retailers or distributors, or to CBP or CPSC upon request. The SNPR proposed to allow password protection of certificate information, so long as the password is provided to CPSC or CBP at the same time as a certificate. This provision applies to domestic manufacturers and to other certifiers when providing a password protected electronic certificate to CPSC or CBP; the password must be provided to the relevant agency at the same time. The Commission finalizes § 1109.9(c) without substantive change.

F. Certificate Content (§ 1110.11)

The 2023 SNPR proposed to require the seven statutory certificate data elements in the existing rule, and to include only one of the three additional requirements proposed in the 2013 NPR—attestation. However, the SNPR provided additional detail on the required data elements. Below we describe each data element proposed in § 1110.11(a) of the SNPR. Except for a clarifying change to the attestation requirement, and addition of the terms

"eFile"的定义与SNPR中"eFiled证书"的定义一致，指按照1110.13(a)(1)要求的格式，将1110.11所述成品证书所需数据元素以电子方式提交至ACE。此外，对"电子证书"的定义作了小幅修改。"电子证书"并非eFiled证书。电子证书包含与eFiled证书相同的证书信息，但主要用于按照1110.9(c)所述格式，向CPSC提供国内制造产品的电子证书。

最后，最终规则澄清了"产品登记库"的定义，规定按照1110.7(a)须签发成品证书且按照1110.13(a)(1)须以电子方式提交证书数据的成品证书签发人，将成品证书数据录入产品登记库。请注意，依据1110.15，成品证书签发人可委托其他方保存记录、检测或认证产品，或向产品登记库录入数据，但仍对成品证书的有效性、准确性、完整性和可获得性承担法律责任。

C.需要认证的成品(1110.5)

委员会按提议最终确定1110.5，仅作两处细微澄清。第一，1110.5 澄清成品亦包括"物质"，此类物质受《联邦危险

《联邦危险物质法》(FHSA)。其次，本节标题将"产品"修改为"成品"，并将"适用的GCC或CPC"改为"成品证书"(涵盖GCC和CPC)，以更清晰地表明仅成品须经认证。据此，1110.5说明，仅在以下情形下须提供证书：(1) 该产品为成品或物质；(2) 该产品或物质受CPSA项下的消费品安全规则，或委员会执行的任何其他法律项下类似规则、禁令、标准或法规的约束；且(3) 该产品或物质系为消费或仓储而进口，或已流入商业流通。

D.

谁必须为成品出具认证*(1110.7)* SNPR 要求，除非特定规则另有规定，只有规则所定义的进口商，必须为进口产品签发证书。但是，如果自有品牌商符合1110.3中进口商的定义，则其可根据SNPR承担认证进口产品的责任。对于国内制造的成品，SNPR维持了2013年NPR的提案，即除非特定规则另有要求，制造商必须签发证书，但自有品牌消费品或物质除外。产品为自有品牌时，产品上不出现制造商名称。因此，对此类产品而言，由自有品牌商承担责任既务实又适当。但是，SNPR提议允许自有品牌商在自愿的情况下继续依赖制造商的检测或认证。重要的是，如果产品上出现制造商名称，则该产品不属于CPSA第3节(15 U.S.C.2052(a)(12))定义下的自有品牌产品，制造商须对该产品进行检测和认证。SNPR将现行规则1110.7(c)中关于进口产品和国内产品证书可获得性的要求移至1110.13。委员会按SNPR提案最终确定1110.7，并作出澄清，明确规定的证书签发人为"成品证书签发人"。"成品证书签发人"和"成品证书"这两个术语在整部法规中用于说明证书责任和内容要求。最终规则与CPSA第14(g)(1)节一致，该节要求制造商(定义为制造或进口消费品的任何人)或自有品牌商必须对产品进行检测和认证。对于国内制造的自有品牌产品，自有品牌商必须自行认证或确保制造商完成认证。此外，依据1109规则，自有品牌商可依赖制造商的检测或认证来签发自己的成品证书。CPSA第3(a)(12)(B)节将自有品牌产品定义为产品或包装上不含制造商信息的产品。因此，CPSC无法确定其他方对不合规产品承担责任。为明确起见，最终规则增加了"制造商"和"自有品牌商"的法定定义将 15 U.S.C.2052(a)(11)-(12) 中的定义加入 1110.3 的已定义术语列表。

*E.*证书语言与格式*(1110.9)*

最终规则维持 SNPR 中提议的1110.9，并增加"成品证书"以替代"证书"，以澄清该要求适用于成品。本序言第 IV.E 节载有关于1110.9 的评论及 CPSC 的回应。我们逐节说明1110.9。

SNPR1110.9(a) 提议电子申报的证书必须使用英文，这与法定要求一致，且为 CBP 和 CPSC 信息技术系统所必需。提议的1110.9(a) 规定纸质或电子证书必须使用英文，但也可同时包含任何其他语言的相同内容。委员会最终确定1109.9(a)，未作实质性修改。

提议的1110.9(b) 澄清了电子申报以及纸质和电子证书的格式。SNPR 提议电子申报的证书必须符合提议的1110.13(a) 的要求，而依据1110.13(b) 和 (c) 向零售商、分销商或 CPSC 提供的证书可以纸质或电子方式提供。委员会最终确定1109.9(b)，未作实质性修改。

拟议的1110.9(c)描述了1110.13(b)和(c)所述电子证书的格式，该电子证书用于向零售商或分销商提供证书，或应要求向CBP或CPSC提供证书。SNPR提议允许对证书信息设置密码保护，前提是在提供证书的同时向CPSC或CBP提供密码。该条款适用于国内制造商及其他证书签发人向CPSC或CBP提供受密码保护的电子证书的情形；密码必须同时提供给相关机构。委员会最终确定1109.9(c)，未作实质性修改。F.证书内容(1110.11)

2023 年 SNPR 提议要求现行规则中的七项法定证书数据要素，并且仅纳入 2013 年 NPR 中提议的三项附加要求中的一项--证明。然而，SNPR 就所需数据要素提供了更多细节。下文我们说明 SNPR1110.11(a) 中提议的每一项数据要素。除对证明要求作澄清性修改以及增加术语

''finished product certificate'' and ''finished product certifier'' in place of ''certificate'' and ''certifier,'' the Final Rule retains the requirements as proposed in the SNPR.

Product Identification (§ 1110.11(a)(1)): The Final Rule retains the SNPR proposal to identify the finished product covered by the certificate, including at least one unique ID from a list of seven options, and a sufficient product description so that CPSC can match the finished product to the certificate. Finished product certificates may contain optional additional IDs to assist with product identification. The SNPR clarified that ''identification'' means a unique ID is necessary for eFiling, so that certificates can be better tracked in the Product Registry and RAM. The SNPR explained that CPSC expects it would be easier for importers to provide a unique ID that already exists for the product, instead of having certifiers manage an additional identifier assigned by CPSC.

The Final Rule also retains the SNPR proposal to expand the term ''description'' as it relates to products to mean a ''sufficient description to match the finished product to the certificate.'' Currently, the product description in a certificate is sometimes insufficient to enable CPSC staff to determine whether the certificate describes the product being examined.

List of Applicable Rules (§ 1110.11(a)(2)): Although CPSC received adverse comments regarding listing applicable subsections of the ASTM Toy Standard, codified in 16 CFR part 1250, CPSC is maintaining this requirement as proposed, as further explained in response to comment 26, to align with sections 14(a)(1) and 14(g) of the CPSA. The underlying requirement to list applicable rules is statutory; certificates must provide a list of all applicable rules to which the product is being certified. The eFiling system makes this requirement easier for certifiers because CPSC provides a standardized list of all rules, each assigned a code. When eFiling certificate data, the certifier will only need to select from these codes, either in the Full Message Set or in the Product Registry. Additionally, certifiers of domestically manufactured products, and those certifying using a Full Message Set, have access to the list of all rule citations and testing exclusions, which is updated and stored on CPSC's website, available at: *https://www.cpsc.gov/eFiling-Document-Library*.

Identification of Certifier (§ 1110.11(a)(3)): The Final Rule retains the SNPR proposal to identify the party certifying compliance of the finished product(s), including the party's name, street address, city, state or province, country or administrative region, electronic mail (email) address, and telephone number. Adding a more specific street address interprets the statutory requirement for a ''full mailing address,'' and will assist staff in distinguishing facilities or locating certifiers for site visits. If a certifying party's physical location does not have a street address, then a location identification typical of the country of origin, or a Global Positioning System (GPS) coordinate, is also permissible. The Final Rule also retains the SNPR proposal to include an email address, which will improve communication between CPSC and the certifying party, particularly across time zones. Note that for imported finished products, the finished product certifier should be the Business Account Administrator if using the Product Registry to eFile certificate data.

Contact for Records (1110.11(a)(4)): The Final Rule retains the SNPR's proposal to provide the identity and contact information for the individual maintaining records of test results. As with the certifier's contact information, the Final Rule includes more detail regarding the concept of a ''full mailing address,'' which includes ''street address, city, state or province, country or administrative region, electronic mail (email) address, and telephone number.'' For clarity, and because this data element requires a name and contact information, the Final Rule moves the bulleted list of recordkeeping requirements in sections of the CFR that apply to GCCs and CPCs to the recordkeeping requirement in § 1110.17 of the Final Rule.

The Final Rule maintains the SNPR clarification that the individual maintaining records may be a position title, provided that this position is always staffed and responsive to CPSC's requests. Allowing a position title instead of an individual is in response to public comments concerned that the individual maintaining the records of test results may leave the company or otherwise be unavailable, and that a position title would provide continuity.

Manufacture Date and Place (1110.11(a)(5)): The Final Rule retains the SNPR proposal to provide the date when the finished product(s) were manufactured, produced, or assembled, as further explained in response to comment 19. The first date of a batch run is the date of manufacturing. The Final Rule also retains the statutory requirement to provide the place where the finished product(s) were manufactured. Section 14(g)(1) of the CPSA requires that each certificate contains ''each party's name, full mailing address, [and] telephone number.'' Therefore, the Final Rule aligns with the statute and with the other data elements requiring contact information, which includes a name, street address, city, state or province, country or administrative region, email address, and telephone number. For this data element, the contact information must state where the finished product(s) were manufactured, produced, or assembled. The Final Rule requires this manufacturer detail, for eFiling in particular, because staff have experienced situations where it is difficult to distinguish between multiple firms with similar addresses and contact the correct manufacturer. If a location does not have a street address, a location identification typical of the country of origin or a GPS coordinate is permissible.

Test Date and Place (1110.11(a)(6)): The Final Rule retains the SNPR proposal, which is also in the existing rule, to provide the date when the finished product(s) were tested for compliance. The SNPR amended this requirement to clarify that the required date is the most recent date of testing. The Final Rule retains this change, which aids CPSC in assessing the validity and integrity of a certificate, and promotes consistency across certificates for CPSC and certifiers, particularly where laboratory testing is done over several days.

The Final Rule also maintains the SNPR proposal, which is in the existing rule, to provide the place where the finished product(s) were tested for compliance. As proposed, the Final Rule standardizes the contact information required, including the name of each third-party conformity assessment body or other party on whose testing the certificate depends, and the street address (or locally comparable location identification), city, state or province, country or administrative region, email address, and telephone number. The Final Rule also requires an email address, as proposed, so staff have another means of contacting the testing laboratory.

Attestation (§ 1110.11(a)(7)): The SNPR proposed to include an attestation by the certifier that the certificate information is true and accurate and that the certified product complies with all rules, bans, standards, or regulations applicable to the product under the CPSA or any other Act enforced by the Commission. The Final Rule retains the attestation requirement for certificates provided to CPSC or CBP in hard copy

“成品证书”和
以“成品认证人”替代
“证书”和“认证人”，最终
规则保留以下要求：
在SNPR中提议的。

产品标识
(1110.11(a) (1)) :最终规则保留
SNPR提案以识别
成品涵盖的
证书，至少包含一个唯一标识
从七个选项中选出的ID，以及一个
足够的产品描述，以便
CPSC可将成品匹配至
证书。成品
证书可能包含可选的
额外标识以协助产品
识别。SNPR澄清了
“identification”指唯一ID
eFiling 所必需，以便证书
可以在产品登记库中更好地追踪
登记库和RAM。SNPR解释了
CPSC预计将更容易
进口商提供一个唯一标识
该产品已存在，而非
由认证方管理由CPSC分配的附加标识符。

最终规则还保留了SNPR
扩大该术语的提案
与产品相关的“description”
意味着“足以匹配的描述
成品与证书的关系。”
目前，产品描述在
证书有时不足以
使CPSC（美国消费品安全委员会）工作人员能够确定
证书描述了产品
正在接受审查。

适用规则清单
(1110.11(a) (2)) :尽管CPSC
收到了关于
列出适用的
ASTM玩具标准，编纂于16 CFR
第1250部分，CPSC（美国消费品安全委员会）维持此
按要求提出的要求，如进一步
在对评论26的回应中解释，以
与第 14(a)(1) 条和第 14(g) 条保持一致
CPSA。基本要求
列出适用规则是法定的；
证书必须提供所有
产品适用的规则
被认证。电子申报系统
使这一要求更容易
认证者，因为CPSC提供
所有规则的标准化列表，每个
分配一个代码。当电子申报
证书数据，认证人将仅
需要从这些代码中选择，要么
在完整信息集中或在
产品注册处。此外，认证方
国产产品，
以及那些使用完整
信息集，可以访问列表
所有规则引用和测试排除项，
该信息更新并存储在CPSC的
网站，可访问：*https://*
www.cpsc.gov/eFiling-Document-
库。

认证人的身份识别
(1110.11(a)(3)):最终规则保留
SNPR提案以识别当事方
证明成品合规
产品，包括当事方名称、
街道地址、城市、州或省、
国家或行政区域、
电子邮件（email）地址，以及
电话号码。添加一个更
具体街道地址解释
对“完整邮寄”的法定要求
地址”，并将协助工作人员
区分设施或定位
认证机构进行现场访问。如果认证
当事方的实际位置没有
街道地址，则位置
国家典型的识别
原产地，或全球定位系统
(GPS)坐标也是允许的。
最终规则还保留了SNPR
包含电子邮件地址的提案，
这将改善沟通
CPSC与认证方之间，
特别是跨时区的情况。请注意
对于进口成品，
成品认证方应为
商业账户管理员，如果
使用产品注册系统以电子方式提交证书数据。

记录联系人*(1110.11(a)(4)):*
最终规则保留了SNPR的
提供身份和
个人的联系信息
保存测试结果的记录。由于
并附上认证人的联系信息，
最终规则包含更多细节
关于“完整邮寄”的概念
地址，”其中包括“街道
地址、城市、州或省、国家
或行政区域，电子邮件
（电子邮箱）地址和电话
编号。”为清晰起见，并且由于此
数据元素需要名称和
联系信息，最终规则
将记录保存的项目符号列表移至
CFR各节中的要求
适用于GCC和CPC，以
1110.17中的记录保存要求
最终规则。

最终规则维持了SNPR
澄清个人
保存记录可以是一个职位
职称，前提是该职位
始终配备人员并响应CPSC的
请求。允许职位名称
而非个人，是回应
公众意见，担心
保存记录的个人
测试结果可能会离开公司或
否则将不可用，并且
职位名称将提供连续性。

生产日期和地点
(1110.11(a) (5)) :最终规则保留
SNPR提案提供日期
当成品完成时
制造、生产或组装，
如在对
comment 19. 批次的首个日期
run是生产日期。
最终规则还保留了法定
要求提供地点
成品完成
制造。第14(g)(1)条
CPSA要求每份证书
包含“各方名称、完整
邮寄地址、[和]电话
号码。”因此，最终规则
符合法规和
其他需要联系的数据元素
信息，其中包括姓名、
街道地址、城市、州或省、
国家或行政区域、电子邮件
地址和电话号码。为此
数据元素，联系信息
必须说明成品在哪里
被制造、生产或
组装完成。最终规则要求此
制造商详细信息，用于电子申报
特别是，因为工作人员
经历过的情况是
难以区分多个
地址和联系方式相似的公司
正确的制造商。如果某个地点
没有街道地址，
典型的地点识别
原产国或GPS坐标是
允许的。

检测日期和地点*(1110.11(a)(6)):*
最终规则保留了SNPR
该提案，也存在于现有
规则，提供日期当
成品经过测试，以确定
合规。SNPR修订了此
要求澄清所要求的
日期是最近的测试日期。
最终规则保留了这一变更，
这有助于CPSC（美国消费品安全委员会）评估
证书的有效性和完整性，
并促进各方之间的一致性
为CPSC（美国消费品安全委员会）和认证者提供的证书，
特别是在实验室测试
在数天内完成。

最终规则还保留了
SNPR提案，在现有
规则，以提供
成品经过测试，以确定
合规。如提议，最终
规则标准化联系方式
所需信息，包括
每个第三方合格评定
评定机构或其他方
证书所依赖的测试，
以及街道地址（或当地
可比的位置标识），
城市、州或省、国家或
行政区、电子邮件地址、
和电话号码。最终规则
还需要一个电子邮件地址，因为
提议的，因此工作人员有另一种方式
联系测试实验室。

证明*(1110.11(a)(7))*:该
SNPR提议纳入一项证明
由认证者证明该证书
信息真实准确并且
认证产品符合
所有规则、禁令、标准或法规
适用于该产品根据
CPSA或其实施的任何其他法案
委员会。最终规则保留了
证书的证明要求
以硬拷贝形式提供给CPSC或CBP

or in electronic format, as provided in § 1110.9(c), and clarifies that the finished product certifier is responsible for the attestation. For imported products that require an eFiled certificate, the Final Rule requires an attestation, but clarifies that the eFiling requirements for both the Full Message Set and the Reference Message Set already include an attestation. The Full Message Set contains a check box data element for the attestation. Importers using the Product Registry must periodically attest to the veracity of the data, depending on the user's permissions. For eFiled certificates, even if the importer allows another entity to enter certificate data into the Product Registry on their behalf, or to certify products on their behalf, the importer/finished product certifier remains responsible for the information provided to CPSC, as stated in § 1110.15 of the Final Rule. Thus, the Product Registry includes built-in, simplified attestation requirements.

Electronic access to records (§ 1110.11(b)): The Final Rule retains the SNPR proposal in § 1110.11(b) for a certificate to optionally include a URL or other electronic means, along with the identification of the custodian of records, to allow for electronic access of supporting records, such as test records. If certifiers provide this information, staff can more easily confirm the veracity of the certificate.

Statutory or regulatory testing exclusions (§ 1110.11(c)): Although CPSC received adverse comments regarding the inclusion of testing exclusions on certificates, claiming that exclusions are self-effective, as explained in response to comments 27 and 28 the Final Rule requires identification of testing exclusions that are codified in a statute or regulation. CPSC's algorithm will expect either a certificate citing a CPSC-accepted testing laboratory for each rule, or reliance on a testing exclusion. Accordingly, as proposed, § 1110.11(c) of the Final Rule requires finished product certifiers to list all claimed testing exclusions, instead of providing the date and place where the finished product was tested for compliance.

The requirement to list testing exclusions on a finished product certificate does not apply to Commission enforcement discretion for adult wearing apparel or for refrigerator doors. This requirement only applies to consumer products that are subject to testing and certification, where a statute or regulation allows for a testing exclusion for certain products subject to a rule. The Product Registry lists all available exclusions for each rule, streamlining and standardizing how to record these exclusions on a certificate. These exclusions are also updated and maintained on CPSC's website for use in a Full PGA Message Set and for domestically manufactured products and CPSC will continue to maintain the list of CPSC rules (citations) and any associated testing exclusions. CPSC is currently updating and finalizing this list for use in the expanded Beta Pilot and this Final Rule. Some finished product certifiers already list testing exclusions on a certificate and CPSC's website provides guidance on how to do so; the Final Rule standardizes this requirement for all finished product certifiers. Note that no certificate is required if a product is not subject to a safety rule or similar rule, ban, standard, or regulation, or if the product is subject to enforcement discretion (such as adult wearing apparel relying on 16 CFR 1610.1(d) and household refrigerators subject to 16 CFR part 1750).

For the Final Rule, CPSC also clarifies that, as a matter of policy and to reduce burden, importers are not required to file a Disclaimer Message Set for: (1) products that are not within CPSC's jurisdiction, (2) non-regulated products within CPSC's jurisdiction; or (3) products that are regulated but do not require certification. Although the Commission has authority to require a Disclaimer Message Set for all consumer products within CPSC's jurisdiction, based on the comments, and to reduce burden for products that do not have a certificate requirement at the time of import, CPSC will not require a Disclaimer Message Set. CPSC updated the CATAIR guideline to reflect this change. However, CPSC encourages importers to file Disclaimer Message Sets, where appropriate, meaning when a certificate may be expected, because this additional information will inform CPSC staff as to why a certificate does not accompany the shipment, reducing the possibility of a hold at the port for further inspection.

Duplicative testing not required (§ 1110.11(d)): To reduce burden for certifiers, the Final Rule retains the SNPR proposal in § 1110.11(d) regarding duplicative testing, but provides more clarity regarding when this provision applies, based on a comment. The Final Rule clarifies that finished product certifiers are not required to conduct the same third party test more than once on each sample when a rule references, or incorporates fully, another applicable consumer product safety rule or similar rule, ban, standard, or regulation under any other law enforced by the Commission, that contains the same requirement. This provision is applicable primarily to children's products that are more likely to have overlapping requirements, such as those for lead content or small parts that apply specifically to children's products but also may be required within a product level safety rule, such as the toy rule or rules for bassinets, strollers, or other durable infant or toddler products.

G. Certificate Availability (§ 1110.13)

Although CPSC received adverse comments regarding the availability of certificates, arguing that the current ''upon request'' system is sufficient, section 14(g)(4) of the CPSA specifically provides the Commission with the authority to, by rule, require eFiling of certificates for imported consumer products. Moreover, the Commission has been explaining and demonstrating the benefits of eFiling since at least 2012, in the Alpha Pilot, Beta Pilot, in establishing the eFiling program in 2020, and in the SNPR and this Final Rule.

Section 14(g)(3) of the CPSA establishes several requirements regarding the availability of certificates, which must: ''accompany the applicable product or shipment of products covered by the same certificate;'' ''be furnished to each distributor or retailer of the product;'' and be furnished to the Commission upon request. By codifying the eFiling requirement, an eFiled certificate meets the ''accompany'' and ''upon request'' requirements of section 14(g)(3).

As explained in response to comments 34, 45, and 65, the Final Rule retains § 1110.13(a) as proposed in the SNPR. Now that IT solutions are developed, available, and being tested, the Final Rule points to a CPSC-specific CATAIR and Product Registry that contain the IT solutions for eFiling. For example, the Final Rule does not retain a separate ''accompany'' requirement for imported finished products that are delivered directly to a consumer in the United States, but rather provides for collecting these certificates through eFiling. However, finished product certifiers must still provide a finished product certificate when asked by CPSC or CBP, especially in cases where a required certificate has not been eFiled or contains false or misleading information.

The final § 1110.13(a) explains that a finished product certificate must accompany each finished product or finished product shipment required to be certified pursuant to § 1110.5. Additionally, § 1110.13(a) requires that each certificate describe a single product. One product per certificate allows the RAM to conduct risk analysis

或按1110.9(c) 规定以电子格式保存，并明确成品认证人负责作出证明。对于需要电子申报证书的进口产品，最终规则要求作出证明，但明确完整信息集和参考信息集的电子申报要求均已包含证明。完整信息集包含一个用于证明的复选框数据元素。使用产品登记库的进口商必须根据用户权限定期证明数据的真实性。对于电子申报的证书，即使进口商允许另一实体代表其将证书数据录入产品登记库，或代表其认证产品，进口商/成品认证人仍须对向 CPSC 提供的信息负责，如最终规则1110.15 所述。因此，产品登记库包含内置的简化证明要求。

记录的电子查阅

(1110.11(b) 中的提议，即证书可选择包含网址或其他电子方式，连同记录保管人的标识，以便电子获取支持性记录，如检测记录。若认证人提供此信息，工作人员可更便捷地核实证书的真实性。

法定或监管测试

排除项*(1110.11(c)):*尽管 CPSC 收到反对在证书上列入检测排除项的评论，声称排除项自动生效，但如对评论 27 和 28 的回应所述，最终规则要求标明编纂于法规或规章中的检测排除项。CPSC 的算法将预期证书为每项规则引用 CPSC 认可的检测实验室，或依赖检测排除项。

因此，如提议所述，最终规则1110.11(c) 要求成品认证人列出所有主张的检测排除项，而非提供成品接受合规检测的日期和地点。

列出检测的要求

对成品证书的排除不适用于

委员会对成人穿着服装或冰箱门的执法自由裁量。该要求仅适用于须接受检测和认证的消费品，且法规或规章允许对受规则约束的某些产品适用检测排除项。产品登记库列出每项规则的所有可用排除项，

简化和标准化如何在证书上记录这些排除项。这些排除项也在 CPSC 网站上更新和维护，用于完整 PGA 信息集和国内制造的产品，CPSC 将继续维护 CPSC 规则(引用)清单及任何相关测试排除项。CPSC 目前正在更新并最终确定该清单，用于扩展 Beta 试点和本最终规则。一些成品认证人已在证书上列出测试排除项，CPSC 网站提供了如何操作的指导；最终规则为所有成品认证人标准化了这一要求。请注意，如果产品不受安全规则或类似规则、禁令、标准或法规约束，或者产品属于执法自由裁量范围(例如依赖 16 CFR 1610.1(d) 的成人服装和受 16 CFR part 1750 约束的家用冰箱)，则无需证书。

对于最终规则，CPSC 还明确，作为政策事项并为减轻负担，进口商无需为以下情况提交免责声明信息集：(1) 不属于 CPSC 管辖范围的产品；(2) 属于 CPSC 管辖范围但不受监管的产品；或 (3) 受监管但不需要认证的产品。尽管委员会有权要求对 CPSC 管辖范围内的所有消费品提交免责声明信息集，但根据评论意见，并为减轻进口时没有证书要求的产品的负担，CPSC 将不要求

免责声明消息集。CPSC 更新了 CATAIR 指南以反映此变更。然而，CPSC 鼓励进口商在适当情况下提交免责声明消息集，即当可能预期应有证书时，因为此附加信息将使 CPSC 工作人员了解为何货物未附证书，从而降低在港口被扣留以进一步检查的可能性。

无需重复检测

(1110.11(d) 重复测试的提案，但根据一条评论意见，对该条款的适用情形作出了更明确的规定。最终规则明确，当某规则引用或完整纳入另一适用的消费品安全规则或类似规则、禁令、标准或法规*(*由……执行的任何其他法律下的*)*时，成品认证人无需对每个样品进行多次相同的第三方测试。

委员会，其中包含相同的要求。该条款是主要适用于更可能具有重叠要求的儿童产品，例如专门适用于儿童产品的铅含量或小部件要求，但也可能属于产品级安全规则(如玩具规则或婴儿摇篮、婴儿车或其他耐用婴幼儿产品规则)的要求。*G.*证书的可提供性*(1110.13)*

尽管 CPSC 收到了关于证书可获取性的反对意见，认为现行的"应要求提供"制度已足够，但 CPSA 第 14(g)(4) 条特别授权委员会通过规则要求对进口消费品进行证书电子申报。此外，至少自 2012 年以来，委员会在 Alpha 试点、Beta 试点、2020 年建立电子申报计划以及 SNPR 和本最终规则中，一直在解释和展示电子申报的好处。

《消费品安全法》第14(g)(3)条

确立了关于证书可提供性的若干要求，即证书必须："随附适用产品或由同一证书涵盖的产品货物";"提供给产品的每个分销商或零售商"；并应委员会要求提供。通过编纂电子申报要求，电子申报的证书满足第 14(g)(3) 条的"随附"和"应要求"要求。

如在对评论34、45和65的回应中所解释，最终规则保留了SNPR中提议的1110.13(a)。既然IT解决方案已开发、可用并正在测试，最终规则指向CPSC特定的CATAIR和产品登记库，其中包含电子申报的IT解决方案。例如，最终规则不再对直接交付给美国消费者的进口成品保留单独的"随附"要求，而是规定通过电子申报收集这些证书。然而，成品认证人仍必须在CPSC或CBP要求时提供成品证书，特别是在所需证书未电子申报或包含虚假或误导性信息的情况下。

最终1110.13(a) 说明，成品证书必须随附依据1110.5 须认证的每件成品或每批成品货物。

此外，1110.13(a) 要求每份证书描述单一产品。每份证书对应一件产品可使 RAM 进行风险分析

on unique products in a shipment, which allows better targeting of potentially violative products and avoids delaying delivery of shipments that do not warrant examination.[34]

Final § 1110.13(a)(1) states the requirements for finished products manufactured outside the United States that are offered for importation into the United States for consumption or warehousing, including products offered for consumption or warehousing from a Foreign Trade Zone, or products eligible for the *de minimis* duty exemption under 19 U.S.C. 1321(a)(2)(C). As proposed, finished product certificate data elements required in § 1110.11 must be eFiled at the time of filing the CBP entry, or entry summary, if both are filed together, into ACE as provided in CPSC's CATAIR and any revisions of the CATAIR. CPSC's most recent CATAIR is provided in Tab B of the Staff Final Rule Briefing Memo.

Section 1110.13(a)(1) of the Final Rule contains minor clarifications related to international mail shipments, stating that for products imported by mail, the finished product certifier must enter the required finished product certificate data elements into CPSC's Product Registry before the shipment arrives in the United States.

Section 1110(a)(2), stating requirements for domestically manufactured products that are required to be certified pursuant to § 1110.5, is finalized as proposed. The finished product certifier for these products must issue the required certificate on or before the finished product is distributed in commerce, and they must make the finished product certificate available for inspection immediately, meaning with 24 hours of CPSC's request.

Final § 1110.13(b) maintains the statutory requirement to ''furnish'' a required finished product certificate to each distributor or retailer, and final § 1110.13(c) maintains the statutory requirement to make certificates available for inspection immediately upon request by CPSC or CBP. To be clear regarding the expectation, the term ''immediately'' means within 24 hours, as explained in the NPR and the SNPR.

H. Legal Responsibility of Finished Product Certifiers (§ 1110.15)

CPSC did not receive adverse comments on this section of the SNPR; however, the Final Rule provides further explanation, consistent with the SNPR and with the 1109 rule, regarding how a finished product certifier may rely on other parties to maintain data, test or certify component parts or finished products, or enter data into the Product Registry. The Final Rule continues to state, as proposed, that a finished product certifier remains legally responsible for the information in a finished product certificate, including its validity, accuracy, completeness, and availability. The Final Rule is intended to accommodate diverse relationships between finished product certifiers and their trade partners to better facilitate trade. However, the Final Rule places accountability for certifications and submitted data on the finished product certifiers, who are ultimately responsible for ensuring that imported products comply with applicable U.S. law, including CPSC's required testing and certification. Finished product certifiers, meaning importers for imported products, will have the ability in the Product Registry to manage permissions for trade partners to enter data and/or to certify products, including managing the roles of specific individuals who enter data or certify products on the finished product certifier's behalf. Finished product certifiers should exercise due diligence if they allow another entity to submit data into the Product Registry or to certify on their behalf.

I. Recordkeeping Requirements (§ 1110.17)

CPSC did not receive adverse comments on proposed § 1110.17 in the SNPR. However, the Final Rule modifies § 1110.17 by moving into this section the bulleted list of potential certificate-related records previously in § 1110.11(a)(4). The listed records are the same as those stated in the SNPR, but they are formatted differently and with additional explanation. The Final Rule states that finished product certificates, which include CPCs and GCCs, and related records, must be maintained for five years, as proposed.

J. Component Part Certificates (§ 1110.19)

The Final Rule is consistent with the SNPR proposal; however, based on continued confusion regarding component part certificates, the Final Rule adds the purpose of the 1109 rule, explaining that component part certificates are voluntary, but may be relied upon by a finished product certifier to issue a finished product certificate. The Final Rule further explains that component part certificates must not be eFiled into ACE. The Final Rule continues to set forth the content, form, and availability requirements for component part certificates.

VI. Effective Dates

The Administrative Procedures Act (APA) generally requires that the effective date of a rule be at least 30 days after publication of the Final Rule. 5 U.S.C. 553(d). In the SNPR, the Commission proposed that a Final Rule revising 16 CFR part 1110 become effective 120 days after publication in the **Federal Register**, to provide importers time to onboard with CPSC's Product Registry and upgrade software to send PGA Message Sets to their broker for eFiling. Based on the public comments and Beta Pilot participant feedback, CPSC will finalize a longer effective date of 18 months after a Final Rule publishes in the **Federal Register**, except for consumer products and substances that are imported into an FTZ and subsequently entered for consumption or warehousing. For products and substances entered for consumption or warehousing from an FTZ, the Final Rule is effective 24 months after publication of the Final Rule in the **Federal Register**.

A. 18-Month Effective Date—Domestic and eFiled Certificates

The Final Rule provides an 18-month effective date for regulated, domestic products and substances that are required to be certified. Domestic certificates should not be eFiled. However, the Final Rule includes three primary changes for domestic certificates:

- § 1110.7—Unless otherwise stated in a specific rule, the manufacturer is the finished product certifier that must issue a certificate. However, for privately labeled products, the private labeler is the finished product certifier that must issue a certificate, unless the manufacturer issues the certificate.
- § 1110.11(a)(7)—Include an attestation of compliance.
- § 1110.11(c)—Unless otherwise provided by the Commission, if a finished product certifier is claiming a statutory or regulatory testing exclusion for an applicable rule, then in addition to listing all applicable rules, and in lieu of providing the date and place of testing, the certificate must list the applicable testing exclusion.

If a product is privately labeled, the Final Rule shifts the responsibility of certification onto the private labeler, who becomes the finished product certifier that must certify the product or ensure that the manufacturer certifies the product. A privately labeled product

[34] See, for example, § 1107.23, which explains a ''material change'' to a children's product. Products that are not the same in all material respects cannot be on the same certificate.

对货物中的独特产品进行分析，从而更好地锁定潜在违规产品，并避免延误无需检查的货物交付。[34]

最终1110.13(a)(1) 规定
对在美国境外制造、为进口至美国供消费或仓储而提供的成品的要求，包括从对外贸易区提供供消费或仓储的产品，或根据 19 U.S.C.1321(a)(2)(C) 符合最低限额关税豁免条件的产品。如所提议的，1110.11 所要求的成品证书数据元素必须在提交 CBP 报关单或报关单汇总(若两者一并提交)时，按照 CPSC 的 CATAIR 及 CATAIR 的任何修订版本，通过电子申报方式提交至 ACE。CPSC 最新的 CATAIR 载于 Staff Final Rule Briefing Memo 的 Tab B。

最终规则1110.13(a)(1) 包含与国际邮件货物相关的细微澄清，规定对于通过邮件进口的产品，成品认证人必须在货物抵达美国之前，将所需的成品证书数据要素录入 CPSC 的产品登记库。

第1110(a)(2)条，其中规定
对依据1110.5 须认证的国内制造产品的要求，按提议最终确定。这些产品的成品认证人必须在成品于商业中分销之日或之前出具所需证书，并且必须立即提供成品证书以供检查，即应在 CPSC 提出请求后 24 小时内提供。

最终第1110.13(b)条维持了
法定要求"提供"所需的成品证书给每个分销商或零售商，最终 1110.15)

CPSC 未收到关于 SNPR 本节的反对评论；然而，最终规则提供了进一步解释，与SNPR以及与1109规则一致，关于成品认证人如何依赖其他方维护数据、测试或认证组件或成品，或将数据录入产品登记库。最终规则如提议继续规定，成品认证人对成品证书中的信息仍承担法律责任，包括其有效性、准确性、完整性和可用性。最终规则旨在适应成品认证人与贸易伙伴之间的多种关系，以更好地促进贸易。然而，最终规则将认证和提交数据的责任归于成品认证人，他们最终负责确保进口产品符合适用的美国法律，包括CPSC要求的测试和认证。成品认证人，即进口产品的进口商，将能够在产品登记库中管理贸易伙伴录入数据和/或认证产品的权限，包括管理代表成品认证人录入数据或认证产品的特定个人的角色。成品认证人如允许另一实体向产品登记库提交数据或代表其进行认证，应行使尽职调查。

一、记录保存要求*(1110.17)*

CPSC在SNPR中未收到对拟议 1110.17，将先前位于 1110.19)

最终规则与 SNPR 提议一致；然而，鉴于关于组件证书的持续困惑，最终规则增加了 1109 规则的目的，说明组件证书为自愿性质，但成品认证人可依据其出具成品证书。最终规则进一步说明，组件证书不得电子申报至 ACE。

最终规则继续规定组件证书的内容、格式和可提供性要求。

VI. **生效日期**

《行政程序法》(APA)通常要求规则的有效日期至少在最终规则公布后30天。5 U.S.C.553(d)。在SNPR中，委员会提议修订16 CFR第1110部分的最终规则在《联邦公报》公布后120天生效，以便进口商有时间接入CPSC的产品登记库并升级软件，向其报关代理发送PGA消息集以进行电子申报。根据公众评论和Beta试点参与者的反馈，CPSC将最终确定较长的生效日期，即最终规则在《联邦公报》公布后18个月，但进口至对外贸易区并随后报关供消费或仓储的消费品和物质除外。对于从对外贸易区报关供消费或仓储的产品和物质，最终规则在《联邦公报》公布最终规则后24个月生效。

*A.18*个月生效日期--国内及电子提交证书

最终规则为须认证的受监管国内产品和物质规定了 18 个月的生效日期。国内证书不应电子申报。

然而，最终规则对国内证书包含三项主要变更：

•1110.7--除非特定规则另有规定，制造商为必须出具证书的成品认证人。然而，对于自有品牌产品，自有品牌商为必须出具证书的成品认证人，除非制造商出具证书。

•1110.11(a)(7) - 包含一项合规证明。

•1110.11(c) - 除非另有规定由委员会提供，若成品认证人针对适用规则主张法定或规章检测排除项，则除列出所有适用规则外，并代替提供检测日期和地点，证书必须列出适用的检测排除项。

如果产品为自有品牌，则最终规则将认证责任转移至自有品牌商，后者成为成品认证方，必须对产品进行认证或确保制造商对产品进行认证。自有品牌产品

34 参见例如1107.23，其解释了儿童产品的"重大变更"。在所有重大方面不完全相同的产品不得列于同一证书。

is one that is branded and does not contain the name of a manufacturer. Currently, CPSC's website advises that firms list testing exclusions on certificates; the Final Rule will require certificates to list such exclusions. Thus, when a rule applies, but a certifier does not test to the rule because a testing exclusion within a rule or statute applies, the Final Rule requires that such testing exclusion be listed on the certificate instead of the name of the testing laboratory. CPSC's website contains a list of all testing exclusions to include on a certificate, where applicable.[35] This additional information will require certifiers to review the requirement, assess their products, and align their certificates accordingly. Because domestic manufacturers and private labelers must reassess their business relationships and responsibilities, and certificates will now be required to identify testing exclusions, the Final Rule's effective date for domestically manufactured products is 18 months after publication in the **Federal Register**.

With regard to eFiled products, CPSC surveyed Beta Pilot participants to gauge their preparation time for eFiling.[36] On average, Beta Pilot participants took five weeks to prepare for the Beta Pilot and create their Business Account in the Product Registry. This preparation included attending meetings, reviewing and understanding CPSC's guidance documents, communicating internally and externally with trade partners, and organizing certificate data in an electronic format. Furthermore, Beta Pilot participants stated that their customs brokers needed to concurrently update their software to enable transmission of the PGA Message Set into ACE via the Automated Broker Interface. Several brokers who assisted importers in the Beta Pilot estimated that this update (either in-house or from a software developer) takes three to 12 months, with an average of nine months. Based on this feedback, as well as public comments, the Final Rule is effective for all imported, products regulated by CPSC 18 months after publication of the Final Rule in the **Federal Register** for all entry types, except for products entered for consumption or warehousing from an FTZ.

[35] Currently available at: *https://www.cpsc.gov/s3fs-public/BetaPilotCitationandTestingExclusionCodesv3.xlsx*.

[36] Tab C of Staff's Final Rule Memo contains the Beta Pilot participant survey responses.

B. 24-Month Effective Date—Products Entered for Consumption or Warehousing From an FTZ

For regulated products imported into an FTZ and subsequently entered for consumption or warehousing, the Final Rule is effective 24 months after publication of a Final Rule in the **Federal Register**. Based on discussions with the National Association of Foreign Trade Zones (NAFTZ) and other importers, updating processes and software to meet this Final Rule will be particularly challenging for importers using FTZs. Importers can use FTZs in various ways before entering consumer products into customs territory for consumption or warehousing. For example, importers can use an FTZ to: hold products prior to making entry into the United States; assemble components of products from various manufacturing sites into finished products; bring products into compliance with CPSC rules; manufacture components or finished products; or test and certify finished products. Although products and materials admitted into an FTZ are accounted for on CBP Form 214, when products are imported into the United States, CBP allows for entry to occur on a weekly basis, including estimation of the number of products removed from an FTZ for entry for consumption. If this estimate is exceeded, entry must be made for the excess quantity prior to its removal from an FTZ into customs territory.

CBP's current FTZ import procedure does not allow accurate CPSC PGA Message Sets to be attached to CBP entries. Commenters (Comment 44), including the NAFTZ, state that FTZ importers require additional time before eFiling implementation to build the necessary infrastructure to accommodate accurate CPSC PGA Message Sets and to troubleshoot issues. Commenters explain that the First-In-First-Out inventory accounting method applicable to fungible merchandise within an FTZ uses a Unique Identifier (UIN) for inventory control and recordkeeping which has no relationship to the compliance data CPSC requests. Commenters explain that currently, FTZ imports can only attach the latest certificate associated with an article/supplier combination and cannot attach a specific certificate at the inventory level that CPSC's Message Set requires. Commenters state that FTZ importers will require significant changes to their current software to comply with an eFiling requirement. Moreover, commenters allege that FTZ procedures are incompatible with a requirement to file certificates at entry summary, because goods imported from an FTZ may have already been shipped to stores and possibly sold, negating CPSC's ability to place such goods on hold for examination.

Commenters encourage CPSC to work with the CBP Border Interagency Executive Council (BIEC) to build a single window concept inclusive of FTZs and provide a transition period of at least 24 months. CPSC staff further informs that CBP processes for FTZ imports would also need to be updated to accommodate an eFiling requirement, but 24 months is likely necessary for full implementation of eFiling for FTZ-imported products and substances.

CPSC intends to work with the trade and with CBP in the coming months, to initiate conversations on software solution(s) that would best allow compliance with CPSC's Message Set. Once a software solution is identified, meeting the eFiling requirement will involve software development, testing, implementation, and troubleshooting. Based on CPSC's experience with developing and testing IT solutions for the Beta Pilot, for products entered for consumption or warehousing from an FTZ, the effective date is 24 months after publication of the Final Rule in the **Federal Register**.

VII. Final Regulatory Flexibility Analysis

The Regulatory Flexibility Act (RFA), 5 U.S.C. 601–612, requires agencies to prepare a regulatory flexibility analysis unless the head of the agency certifies that the proposed rule will not have a significant economic impact on a substantial number of small entities. In the SNPR, the Commission certified that the proposed rule would not have a significant impact on a substantial number of small businesses. 88 FR 85760, 85783. The Commission received additional information during the SNPR comment period and the eFiling Beta Pilot regarding: (1) initial startup burden for eFiling; (2) filing fees; (3) Disclaimer Message Sets (disclaims); and (4) *de minimis* entry filings. Based on these comments, the Commission has prepared a final regulatory flexibility analysis (FRFA) that includes an analysis of this additional information. The conclusion of this FRFA is that the cost of the Final Rule is likely less than one percent of the revenue for a small firm, and therefore does not impose significant costs to a substantial number of firms.

是指带有品牌但不包含制造商名称的产品。目前，CPSC 网站建议企业在证书上列出测试豁免；最终规则将要求证书列出此类豁免。因此，当某项规则适用，但认证方因规则或法规中的测试豁免而不对该规则进行测试时，最终规则要求在该证书上列出此类测试豁免，而非测试实验室的名称。CPSC 网站载有可列入证书的所有测试豁免清单(如适用)。[35]这些额外信息将要求认证方审查该要求、评估其产品并相应调整其证书。由于国内制造商和自有品牌商必须重新评估其业务关系和责任，且证书现在将被要求标明测试豁免，最终规则对国内制造产品的生效日期为在《联邦公报》上发布后 18 个月。

关于电子申报产品，CPSC对Beta Pilot参与者进行了调查，以评估其电子申报的准备时间。[36]平均而言，Beta Pilot参与者花费五周时间为Beta Pilot做准备并在产品登记库中创建其商业账户。该准备工作包括参加会议、审阅和理解CPSC的指导文件、与贸易伙伴进行内部和外部沟通，以及以电子格式整理证书数据。此外，Beta Pilot参与者表示，其报关代理人需要同步更新软件，以便通过自动化经纪人接口将PGA报文集传输至ACE。若干在Beta Pilot中协助进口商的报关代理人估计，该更新(无论是内部开发还是由软件开发商提供)需要三至十二个月，平均为九个月。基于该反馈以及公众评论，最终规则自《联邦公报》发布最终规则之日起十八个月后对所有进口的、受CPSC监管的产品生效，适用于所有报关类型，但从对外贸易区进入消费或仓储的产品除外。

35 目前可查阅于：*https://www.cpsc.gov/ s3fs-public/ BetaPilotCitationandTestingExclusion Codesv3.xlsx*。

36 工作人员最终规则备忘录的表C包含Beta试点参与者的调查回复。

*B.24*个月生效日期--从自贸区报关供消费或仓储的产品

对于进口至自贸区并随后报关供消费或仓储的受监管产品，最终规则自最终规则在《联邦公报》上公布之日起24个月后生效，

《联邦公报》。基于与全国对外贸易区协会(NAFTZ)及其他进口商的讨论，更新流程和软件以满足本最终规则对使用对外贸易区的进口商而言将尤其具有挑战性。进口商可在将消费品报关进入关税区供消费或仓储之前以多种方式使用对外贸易区。例如，进口商可利用对外贸易区：在报关进入美国之前存放产品；将来自各制造场所的产品组件组装为成品；使产品符合 CPSC 规则；制造组件或成品；或测试和认证成品。尽管进入对外贸易区的产品和材料在 CBP 表格 214 上进行核算，但当产品进口至美国时，CBP 允许按周进行报关，包括估算从对外贸易区报出供消费的产品数量。若超出该估算数量，则必须在超出数量的产品从对外贸易区报出进入关税区之前为其办理报关。

CBP现行的自贸区进口程序不允许将准确的CPSC政府参与机构(PGA)报文集附加至CBP报关单。评论者(第44号评论)，包括NAFTZ，指出自贸区进口商在实施电子申报之前需要额外时间建设必要的基础设施，以满足准确的CPSC政府参与机构(PGA)

报文集并排查问题。评论者解释，适用于对外贸易区内可替代商品的先进先出库存会计方法使用唯一标识符(UIN)进行库存控制和记录保存，该标识符与 CPSC 所要求的合规数据没有任何关系。评论者解释，目前对外贸易区进口只能附加与物品/供应商组合相关联的最新证书，而无法在库存层面附加 CPSC 所要求的特定证书。

报文集的要求。评论者指出，自贸区进口商将需要对其现行软件进行重大更改，以符合电子申报要求。此外，评论者声称自贸区程序与在报关单汇总时提交证书的要求不相容，因为从自贸区进口的货物可能已经运至商店并可能已售出，从而使CPSC无法对此类货物进行扣留检查。

评论者鼓励CPSC与CBP边境机构间执行委员会(BIEC)合作，构建包含自贸区的单一窗口概念，并提供至少24个月的过渡期。CPSC工作人员进一步说明，CBP的自贸区进口程序也需要更新以符合电子申报要求，但自贸区进口产品和物质的电子申报全面实施可能需要24个月。

CPSC 打算在未来数月内与业界及 CBP 合作，就最有助于符合 CPSC 报文集的软件解决方案启动对话。一旦确定软件解决方案，满足电子申报要求将涉及软件开发、测试、实施和问题排查。基于 CPSC 在为 Beta Pilot 开发和测试 IT 解决方案方面的经验，对于从对外贸易区报关供消费或仓储的产品，生效日期为最终规则在《联邦公报》上发布后 24 个月。

VII.最终监管灵活性分析

《监管灵活性法案》(RFA), 5 U.S.C.601-612要求各机构编制监管灵活性分析，除非机构负责人证明拟议规则不会对大量小型实体产生重大经济影响。在SNPR中，委员会证明拟议规则不会对大量小企业产生重大影响。88 FR

85760、85783。委员会在SNPR评论期和电子申报Beta试点期间收到了关于以下方面的补充信息：(1) 电子申报的初始启动负担；(2) 申报费用；(3) 免责声明信息集(disclaims)；以及(4) 最低限额报关申报。基于这些评论，委员会编制了最终监管灵活性分析(FRFA)，其中包含对这些补充信息的分析。该FRFA的结论是，最终规则的成本可能低于小企业收入的百分之一，因此不会对大量企业造成重大成本。

A. Need for Agency Action and Objectives of the Rule

Sections I and II of the preamble describe the need for agency action and objectives of the Final Rule.

B. Issues Raised by Comments and Resulting Changes

Several SNPR commenters provided additional information regarding costs to importers and eFilers, including technology and staff-related costs from initial startup activities for eFiling, filing fees, disclaims, and *de minimis* entries. *See* Comments 53–63 in section IV.N of this preamble.

C. Small Entities to Which the Rule Will Apply

The Final Rule applies to all importers and domestic manufacturers [37] required to issue certificates for products or substances subject to a CPSC rule, ban, standard, or regulation, that are imported for consumption or warehousing into the United States or are distributed in commerce.[38] The Initial Regulatory Flexibility Analysis (IRFA) estimated the number of small businesses impacted by the rule. 88 FR 85760, 85783. This FRFA uses these same estimates, which are displayed in Table 2.

TABLE 2—ESTIMATED NUMBER OF SMALL BUSINESSES IMPACTED BY THE RULE

Small business	Non-children products	Children products	Total
Manufacturers	7,771	18,852	26,623
Importers	35,290	211,148	246,438
Number of Small Business	43,061	230,000	273,061

Table 3 presents an estimate of the number of certificates produced annually by small firms impacted by the Final Rule. These estimates assume small firms produce 10 percent of the number of certificates the average firm in their industry produces:

TABLE 3—ESTIMATED NUMBER OF CERTIFICATES PRODUCED ANNUALLY BY SMALL FIRMS IMPACTED BY THE RULE

Certificates created by small business	GCCs	CPCs	Total
Manufacturers	34,438	11,590	46,028
Importers	85,002	129,804	214,806
Total	119,440	141,393	260,834

D. Compliance, Reporting, and Recordkeeping Requirements of the Rule

1. Potential Impact on Small Firms

This FRFA assesses the economic costs that will be incurred by small U.S. firms impacted by the Final Rule. Typically, CPSC considers costs that exceed one percent of gross revenue to be an economically significant cost impact. This FRFA estimates the cost impact of the Final Rule on small firms arising from both extended recordkeeping of GCCs (*i.e.,* the burden associated with the increasing the recordkeeping period for GCCs from three to five years) and eFiling (which includes (i) the hourly burden and (ii) the out-of-pocket costs from electronically filing certificate data for regulated, imported consumer products).

Small firms face an hourly burden related to uploading or submitting information via;

- The CPSC Product Registry,
- Full Message Sets to CBP through a broker,
- Reference Message Sets (of certificates uploaded into the Product Registry) with simplified filings with CBP, and
- Disclaimer Message Sets (for products or substances that do not require a certificate).

In addition to the hourly burden, small importers will face out of pocket expenses that include: Startup costs, and Filing fees to eFile certificates.

(a) Extended Recordkeeping of GCCs

The Final Rule requires firms to maintain records of all certificates for five years. CPC's records are already required to be kept for a period of five years pursuant to part 1107. Currently, however, for non-children's products, firms are either required within specific rules to maintain records for three years or follow the guidance in the existing part 1110 to maintain records for three years. Thus, firms supplying non-children products will have to hold certificates and supporting documentation, such as test reports, for two additional years after the Final Rule becomes effective.

To estimate this additional burden, the FRFA takes the difference of the total burden under the current requirements (*i.e.,* baseline) and total burden with the Final Rule requirements. To estimate the number of non-children's product certificates that additionally require recordkeeping with the Final Rule, the FRFA conservatively uses the number of active certificates and multiplies by five (years). The FRFA estimates the number of certificates requiring recordkeeping in the baseline by multiplying the total number of certificates issued annually by the current recordkeeping period of three (years). The hourly burden of additional recordkeeping is the difference between active certificates and baseline certificates (*i.e.,* the increase in the number of active certificates) multiplied by the estimated 3 seconds it takes to ensure that records of active certificates are kept in a safe virtual storage location and the provision of routine maintenance of

[37] The rule also applies to private labelers who may be contingent or substitute recordkeepers or filers. However, in order to avoid double counting of impacts, staff developed the analysis for domestic manufacturers and importers only.

[38] Part 1107 governs the creation and recordkeeping requirements for CPCs. Among other requirements, part 1107 requires that importers and domestic manufacturers of children's products issue a CPC affirming that the firm has met third party testing requirements: *https://www.ecfr.gov/current/title-16/chapter-II/subchapter-B/part-1107.*

A.机构行动的必要性与规则目标

序言第I节和第II节阐述了机构行动的必要性以及最终规则的目标。

B.评论提出的问题及由此产生的修改

若干SNPR评论者提供了关于进口商和电子申报者成本的补充信息，包括技术与人员相关成本来自受CPSC规则、禁令、标准约束，或电子申报的初始启动活动，法规，即进口用于申报费、免责声明以及最低限额消费或仓储纳入报关单。参见第节中的第53-63号评论IV.N 本序言。

C. 受该规则约束的小型实体适用

最终规则适用于所有进口商和国内制造商[37]须签发产品或物质的证书

表2 受该规则影响的小型企业估计数量

小企业	非儿童产品	儿童产品	合计
制造商 7,771 18,852			26,623
进口商 35,290 211,148			246,438
小企业数量 43,061 230,000			273,061

表3列示了受该规则影响的小企业每年出具的证书数量的估计值

最终规则。这些估计假设小企业每年出具的证书数量占其行业平均企业出具数量的10%:

表3--受该规则影响的小企业每年出具的证书估计数量

小型企业创建的证书	一般合格证书（GCC）	儿童产品证书（	合计
制造商 进口商	34,438	11,590	46,028
	85,002	129,804	214,806
总计 119,440 141,393	260,834		

D. 合规、报告及该规则的记录保存要求 1. 对小企业的潜在影响

本FRFA评估受最终规则影响的美国小型企业将承担的经济成本。通常，CPSC认为超过总收入百分之一的成本属于具有经济显著性的成本影响。本FRFA估算最终规则对小型企业造成的成本影响，该影响源于两方面：一是延长GCC记录保存期限(即因将GCC记录保存期限从三年延长至五年而产生的负担)，二是电子申报(包括(i)工时负担和(ii)为受监管的进口消费品以电子方式提交证书数据所产生的自付费用)。

小企业面临与通过以下方式上传或提交信息相关的每小时负担；

- 美国消费品安全委员会产品注册系统，
- 通过报关行向CBP提交完整信息集，
- 参考消息集(最终规则证书上传至产品后的额外两年登记库)以简化申报方式向CBP提交，以及
- 免责声明信息集(用于不包含以下内容的产品或物质要求提供证书)。

除每小时负担外，小型进口商将面临的自付非儿童产品证书额外要求记录保存，相关费用包括：启动成本、最终规则、FRFA保守估计以及电子申报证书的申报费。

(a) GCC的扩展记录保存

最终规则要求企业保存所有需要记录保存的证书记录，期限为五年。儿童产品证书(CPC)的记录已根据第1107部分要求按五年记录保存期保存。目前，然而，对于非儿童产品，额外记录保存是企业在特定规则中被要求保存记录三年之间的差异或遵循现有的证书)乘以估计年数。因此，供应非第 1110 部分产品的企业需保存记录三年确保儿童产品必须保存记录所需的3秒钟活跃证书保存在安全证书及支持文档，例如测试报告，用于

[37] 该规则同样适用于可能作为或有或替代记录保存者或申报者的自有品牌商。然而，为避免影响的双重计算，工作人员仅针对国内制造商和进口商开展了分析。

[38] 第1107部分规定了.....的制定与保存CPC的记录要求。除其他事项外要求，第 1107 部分要求进口商和儿童产品的国内制造商发布CPC，确认该公司已满足第三生效。

生效。

FRFA 取当前情况下总负担的差值

要求(即基线)及总计增加最终规则的负担要求。为估算.....的数量

使用有效证书的数量乘以五(年)。该 FRFA 估计

将基线乘以总数

以及基线证书(即，该活跃数量的增加

第三方测试要求:https://www.ecfr.gov/current/title-16/chapter-II/subchapter-B/part-1107?

虚拟存储位置和提供日常维护服务

第三方测试要求：*https://www.ecfr.gov/*current/title-16/chapter-II/subchapter-B/part-1107。

records. The estimated total cost is equal to the number of burden hours multiplied by the hourly compensation of office and administrative support occupations [39] of $35.56.[40]

Table 4 presents staff's estimate of the additional routine annual recordkeeping burden of the Final Rule to domestic manufacturers and importers. The total cost of maintaining GCC records for two additional years is $7,079; of this total $2,041 is a burden to manufacturers and $5,038 a burden to importers.

TABLE 4—ESTIMATED COST OF ROUTINE ANNUAL RECORDKEEPING OF GCCS BY SMALL FIRMS

Cost of routine GCC recordkeeping for small firms	Prior to the rule	With the rule	Net change
Active Certificates:			
Manufacturers	103,314	172,191	68,876
Importers	255,007	425,011	170,004
Burden Hours:			
Manufacturers	86.1	143.5	57.4
Importers	212.5	354.2	141.7
Cost of the Burden:			
Manufacturers	$3,062	$5,103	$2,041
Importers	$7,557	$12,594	$5,038
Total Change in Cost for Routine GCC Recordkeeping	$10,618	$17,697	$7,079

(b) eFiling of Certificates

Small firms required to eFile finished product certificates, either a GCC or CPC, are likely to face an hourly burden due to eFiling activities. Importers will have two methods of filing certificate data with CBP: a Full Message Set, or a Reference Message Set. While the Final Rule does not require the use of the Product Registry, CPSC expects that most small importers will use the Product Registry to enter and maintain certificate data. The use of Reference Message Sets along with the Product Registry will likely reduce the time for storing, transmitting, and eFiling certificates. Full Message Sets are more burdensome than Reference Message Sets because they require repeated data entry, maintained by the importer or broker, rather than relying on CPSC's IT solution, the Product Registry, and a shortened Reference Message Set.

To achieve compliance with the Final Rule's eFiling requirements, small importers of products requiring either a GCC or CPC may also incur out-of-pocket costs from several activities including startup costs (consisting of the one-time cost of updating technology and training staff for eFiling) and filing fees. The following sections present estimates for the hourly burden and out-of-pocket cost for eFiling.

(i) eFiling Hourly Burden

The burden of eFiling is only a burden on importers. Domestic manufacturers are unaffected by eFiling.[41] Within the category of eFiling, this FRFA considered the hourly costs of entering records in the:

- CPSC Product Registry,
- Full Message Sets,
- Reference Message Sets, and
- Disclaimer Message Sets.

Most importers will upload product certificate records for products regulated by CPSC into the Product Registry; 96.4 percent of eFilings by importers will likely use Reference Message Sets to submit certificate data already stored in the Product Registry based on data from the eFiling Beta Pilot. The FRFA uses this share for small importers. The FRFA assumes the remaining 3.6 percent of eFiled certificates to use a Full Message Set, which requires users to enter all data fields on a certificate every time a product is imported.

Aside from Reference and Full Message Sets, some importers will file Disclaimer Message Sets for products or substances that do not require a certificate. Disclaimer Message Sets are not required but can be filed for finished products or substances under CPSC's jurisdiction that would otherwise require a certificate, but do not require one under the circumstances. Based on data from the Beta Pilot, the FRFA estimates that Disclaimer Message Sets will account for 14.4 percent of the total number of Reference and Full Message Sets.

[39] Bureau of Labor Statistics, ''Employer Costs for Employee Compensation'', Table 4. Employer Costs for Employee Compensation for private industry workers by occupational and industry group, June 2024, ''Total Compensation'' for ''Office and administrative support occupations'' under ''Goods-producing industries'', *https://www.bls.gov/news.release/ecec.t04.htm*.

[40] The cost per firm is $0.16. Three seconds per active certificate represent $0.02963 (3/3600 × $35.56), where $35.56 is the hourly compensation (includes benefits plus wage) of office and administrative support occupation in good producing industries as of June 2024. The estimated number of active GCCs is 597,202 and the net increase in the number of responses due to the move from 3 to 5 years is 238,881. There are a total of 43,061 small firms producing GCCs, so the net increase in the average number of active certificate records is 5.5. The annual cost per firm is then roughly $0.16.

[41] Except for providing domestic manufacturers with the ability to upload certificate data into the Product Registry, eFiling should not affect manufacturers. If each domestic manufacturer uploaded all the certificates it generated during the year, the total hourly burden would reach 111 hours. At a total compensation of $35.56 per hour for Office and Administrative Support Occupations in Good-producing industries as of June 2024, the cost of the annual burden to all domestic manufacturers would be $3,955; roughly $0.15 per manufacturer.

记录。估计总成本等于负担小时数乘以办公室和行政支持职业的每小时报酬[39]为 35.56 美元。[40]

表 4 列示了工作人员对最终规则给国内制造商和进口商带来的额外常规年度记录保存负担的估计。保存 GCC 记录两年的总成本额外年数的成本为 7,079 美元；其中 2,041 美元为制造商的负担，5,038 美元为进口商的负担。

表 4--小型企业常规年度保存 GCC 记录的估计成本

小型企业日常GCC记录保存的成本	在规则之前	根据该规则，净变化	
有效证书：			
制造商	103,314	172,191	68,876
进口商	255,007	425,011	170,004
负担小时数：			
制造商	86.1	143.5	57.4
进口商	212.5	354.2	141.7
负担成本：			
制造商	$3,062	$5,103	$2,041
进口商	$7,557	$12,594	$5,038
常规GCC记录保存的总成本变化 $10,618 $17,697			$7,079

(b) 证书电子申报

被要求通过电子申报提交成品证书(GCC 或 CPC)的小型企业，可能因电子申报活动而面临按小时计算的负担。进口商向 CBP 提交证书数据将有两种方式：完整信息集或引用信息集。虽然最终规则不要求使用产品登记库，但 CPSC 预计大多数小型进口商将使用产品登记库来录入和维护证书数据。使用引用信息集并结合产品登记库，可能会减少存储、传输和电子申报证书所需的时间。完整信息集比引用信息集负担更重，因为它们需要由进口商或报关代理维护的重复数据录入，而不是依赖 CPSC 的 IT 解决方案--产品登记库和缩短的引用信息集。

为实现合规证书最终规则的电子申报要求，小型需要 GCC 或 CPC 的产品的进口商还可能因若干活动而产生自付费用，包括启动成本(由更新技术和培训员工进行电子申报的一次性成本构成)和申报费。以下各节列示了对电子申报每小时负担和自付费用的估计。(i)电子申报每小时负担

电子申报的负担仅由进口商承担。国内制造商不受电子申报影响。41 在电子申报类别内，本 FRFA 考虑了在以下系统中录入记录的每小时成本：

- CPSC产品注册表，
- 完整消息集，
- 参考消息集，以及
- 免责声明信息集。

大多数进口商将把受 CPSC 监管产品的产品证书记录上传至产品登记库；进口商 96.4% 的电子申报很可能使用参考消息集来根据电子申报 Beta 试点数据，提交已存储在产品登记库中的证书数据。FRFA 对小型进口商采用这一比例。FRFA 假设其余 3.6% 的电子申报证书使用完整消息集，这要求用户每次进口产品时输入证书上的所有数据字段。

除参考和完整之外信息集，一些进口商将为不需要证书的产品或物质提交免责声明信息集。免责声明信息集不是必需的，但可以为属于 CPSC 管辖范围、原本需要证书但在特定情况下不需要证书的成品或物质提交。根据 Beta 试点数据，FRFA 估计免责声明信息集将占引用信息集和完整信息集总数的14.4%。

39 劳工统计局，“雇主为雇员支付的补偿成本”，表4. 按职业和行业组别划分的私营行业工人雇主为雇员支付的补偿成本，2024年6月，“商品生产行业”下“办公室和行政支持职业”的“总补偿”,https://www.bls.gov/ news.release/ecec.t04.htm。40 每家企业成本为0.16美元。每份有效证书三秒代表0.02963美元(3/3600 × 35.56美元)，其中35.56美元为办公室和截至2024年6月，商品生产行业中的行政支持职业。估计活跃的GCC数量为597,202份，因记录保存期限从3年延长至5年而导致的回复数量净增加为238,881份。生产GCC的小型企业共有43,061家，因此活跃证书记录平均数量的净增加为5.5份。据此，每家企业的年成本约为0.16美元。

41 除为国内制造商提供将证书数据上传至产品登记库的功能外，电子申报不应影响制造商。如果每个国内制造商上传其全年生成的所有证书，总小时负担将达到 111 小时。按 2024 年 6 月货物生产行业办公室和行政支持职业每小时 35.56 美元的总报酬计算，所有国内制造商的年度负担成本将为 3,955 美元；每个制造商约 0.15 美元。

The Beta Pilot participants provided estimates for this FRFA regarding the time it would take importers to submit each type of Message Set. This FRFA assumes that eFilers would become more efficient over time as eFiling becomes widespread and learning takes place. Accordingly, this FRFA uses a learning curve [42] that helps assess the impact of learning efficiencies in the processing time of Message Sets. Using this approach, the FRFA estimates that it would take participants an average of 15.3 seconds [43] to file a Reference Message Set; half that amount of time, or 7.6 seconds,[44] to file a Disclaimer Message Set; and 4.75 minutes [45] to file a Full Message Set. Additionally, each certificate filed in the Product Registry as part of a multi-certificate data upload would take an average of 8.7 seconds.

This FRFA assumes, conservatively, that all importer certificates will be filed once in the Product Registry. Based on import surveillance data, this FRFA estimates that 20 Reference Message Sets will be filed annually per certificate.[46] Then, using the number of Reference Message Sets per certificate, this FRFA estimates that 0.7 [47] Full Message Sets and 3 [48] Disclaimer Message Sets will be filed annually per certificate.

The annual creation of certificates is industry dependent. Firms in some industries produce a low number of new annual certificates per year, usually due to lower levels of innovation or product turnover, while other industries produce a larger number of annual certificates. Therefore, the cost per firm in some industries may be larger than in others. For instance, high certificate turnover industries of small importers include Vinyl Plastic Film (43 annual certificates), Furniture (25 annual certificates), Special Packaging or PPA (23 annual certificates), and Clothing and Apparel (13 annual certificates)

Table 5 presents staff's estimate of the number of annual GCC and CPC filings by importers, under the assumptions discussed earlier.

TABLE 5—ESTIMATED ANNUAL eFILINGS BY SMALL IMPORTERS IMPACTED BY THE RULE

Filings by importers	GCCs	CPCs	Total
Initial Filing in Product Registry	85,002	129,804	214,806
Transmission of Full Message Set to Broker	62,630	95,640	158,271
Transmission of Reference Message Set	1,700,044	2,596,076	4,296,120
Transmission of Disclaims	254,471	388,593	643,063
All Filings	2,102,147	3,210,113	5,312,260

Note: Totals made not sum due to rounding.

Aggregating the processing times per type of certificate filing with the number of annual filings per certificate, the annual burden of the Final Rule per certificate would be 9.1 minutes.[49]

Table 6 shows the hourly burden on small importers.

TABLE 6—ESTIMATED HOURLY BURDEN ON SMALL IMPORTERS IMPACTED BY THE eFILING PROVISION OF THE RULE

eFiling hourly burden on small importers	GCCs	CPCs	Total
Initial Filing in Product Registry	205	314	519
Transmission of Full Message Set to Broker	4,963	7,579	12,543
Transmission of Reference Message Set	7,220	11,026	18,247

[42] Staff used the responses of Beta Pilot survey participants regarding the number of minutes it took them to enter or upload certificate data, along with the number of certificates each participant uploaded to estimate the average time per certificate at different volumes of certificate intake. Specifically, staff found that participants who entered or uploaded less than 100 certificates (an average of 39.7 certificates per participant), spend an average of 3.52 minutes filling out and submitting each Reference Message Set; while participants who entered/uploaded more than 100 certificates (an average of 409 certificates per participant), spend an average of 0.2 minutes per Reference Message Set. Staff used these observations to fit a learning curve with a slope of −0.6147 that implies a 34.7 percent time improvement for every doubling in the number of certificates processed. To be conservative, staff used a learning curve slope that is half the size of the slope estimated from the data (−1.229).

[43] Staff obtained 15 seconds as the weighted average of 18.6 seconds for importers of children's products (who have less opportunities for learning as they file a lower number of certificates per year but generate a higher number of filings as a group—59.2 percent); and 12.2 seconds for importers of nonchildren products (who have more learning opportunities by filing a higher number of certificates per year but generate a lower number of total filings as a group—40.8 percent). The hypothetical time it would have taken to file the first certificate through a Reference Message Set was estimated as the highest average time observed from the Beta Pilot survey, or 4.64 minutes per certificate.

[44] Staff considered half the time of a Reference Set is reasonable given that a Disclaimer Message Set does not require inputting any certificate data or unique ID.

[45] Staff assumes that the learning curve slope (−0.6147) obtained for Reference Message Sets would also apply to Full Message Sets. Therefore, staff applied a similar learning curve to the estimated time for the first certificate filed through a Full Message Set using the average number of Full Message Set generated by each importer. Staff estimated the time it would have taken to file the first certificate as the average time to enter and transfer a single product certificate data to the broker for the submission of a Full Message Set, as provided by Beta Pilot survey respondents. This average from the survey was 12 minutes.

[46] For importers of children's products, CPCs are filed with CBP on average 20 times per year. Note that large suppliers subject to part 1107 may have to certify and thus eFile many more products annually. Additionally, importers must eFile GCCs with CBP with each import; on average 20 times per year per GCC. Like with children's products, staff expects larger importers to file more frequently, while smaller importers may only file a few times a year.

[47] Beta Pilot data suggests that the number of Reference Message Sets would represent 96.4 percent of the total number of filings, excluding disclaims. Therefore, each certificate would be filed as a Full Message Set the remaining 3.6 percent of times, or 0.7 times per year ([20/96.4] × 3.6%).

[48] Based on data from the Beta Pilot, the number of Disclaimer Message Sets is roughly 14.4 percent of the total number of Full and Reference Message Sets. Because a total of 20.7 filings of Full and Reference Message Sets would be submitted per certificate, then an average of 3 disclaims would be created annually per existing certificate, where 3 = 20.7 × 14.4%.

[49] An annual average of 20 Reference Message Set filings per certificate with each filing taking 15.3 seconds results in 305.8 seconds per certificate. Additionally, one filing per year of certificate data in the Product Registry takes 8.7 seconds. Then, an annual average of 0.7 (or 0.7368 to be more accurate) Full Message Sets per certificate with each taking 4.8 minutes (or 4.7549) results in an additional 210.21 seconds per year. Finally, an annual total of 3 disclaims per certificate at 7.6 seconds each total 22.89 seconds. Therefore, the Rule creates an annual time burden per certificate of 547.6 seconds, or 9.1 minutes.

Beta 试点参与者为本 FRFA 提供了关于进口商提交每种信息集所需时间的估计。本 FRFA 假设，随着电子申报的普及和学习的进行，电子申报者将随着时间的推移变得更加高效。因此，本 FRFA 使用学习曲线[42]来帮助评估学习效率对信息集处理时间的影响。使用这种方法，FRFA 估计参与者提交引用信息集平均需要15.3秒[43]；提交免责声明信息集需要该时间的一半，即7.6秒，[44]；提交完整信息集需要4.75分钟[45]。此外，每个作为多证书数据上传的一部分在产品登记库中提交的证书平均需要 8.7 秒。

本FRFA保守地假设所有进口商证书将在产品登记库中提交一次。基于进口监控数据，本FRFA估计每份证书每年将提交20个参考消息集。[46]然后，利用每份证书的参考消息集数量，本FRFA估计0.7[47]个完整消息集和3[48]个免责声明

信息集将按证书每年提交一次。

证书的年度创建量因行业而异。某些行业的企业产生的新证书数量较少每年证书数量，通常是由于创新或产品周转水平较低，而其他行业产生的年度证书数量较多。因此，某些行业每家企业的成本可能高于其他行业。例如，小型进口商中证书周转率高的行业包括Vinyl Plastic Film(43份年度证书)、Furniture(25份年度证书)、Special Packaging or PPA(23份年度证书)以及Clothing and Apparel(13份年度证书)

表 5 列示了工作人员根据前述假设对进口商年度 GCC 和 CPC 申报数量的估计。

表 5--受该规则影响的小型进口商估计年度电子申报量

进口商提交的文件	一般合格证书（GCC）	儿童产品证书（CPC）	合计
在产品登记库中初始提交向报关代理传输完整信息集	85,002	129,804	214,806
传输引用信息集	62,630	95,640	158,271
传输免责声明	1,700,044	2,596,076	4,296,120
	254,471	388,593	643,063
所有申报	2,102,147	3,210,113	5,312,260

注： 由于四舍五入，总计相加不等于总和。

将每类证书申报的处理时间与每份证书的年度申报次数汇总，最终规则每份证书的年度负担将为 9.1 分钟。[49]

表6显示了小型进口商的每小时负担。

表 6--该规则电子申报条款对受其影响的小型进口商造成的估计每小时负担

小进口商的电子申报每小时负担	一般合格证书（GCC）	儿童产品证书（CPC）	合计
产品登记库中的初始申报	205	314	519
向经纪人传输完整消息集	4,963	7,579	12,543
传输参考消息集	7,220	11,026	18,247

42 工作人员利用Beta Pilot调查参与者关于录入或上传证书数据所需分钟数的回答，以及每位参与者上传的证书数量，估算了在不同证书接收量下每份证书的平均时间。具体而言，工作人员发现，录入或上传少于100份证书的参与者(平均每位参与者39.7份证书)，平均花费3.52分钟填写并提交每份Reference Message Set；而录入/上传超过100份证书的参与者(平均每位参与者409份证书)，平均每份Reference Message Set花费0.2分钟。工作人员利用这些观测结果拟合了一条斜率为¥ 0.6147的学习曲线，这意味着证书处理数量每翻一番，时间改善34.7%。为保守起见，工作人员采用了的数据估计斜率一半的学习曲线斜率(¥ 1.229)。

43 工作人员将 15 秒作为加权平均值得出：儿童产品进口商为 18.6 秒(其每年申报证书数量较少，学习机会较少，但作为一个群体产生的申报量较高--59.2%)；非儿童产品进口商为 12.2 秒(其每年申报证书数量较多，学习机会较多，但作为一个群体产生的总申报量较低--40.8%)。通过参考消息集提交第一份证书的假设时间估计为 Beta 试点调查中观察到的最高平均时间，即每份证书 4.64 分钟。

44 工作人员认为，鉴于免责声明消息集不需要输入任何证书数据或唯一 ID，参考消息集时间的一半是合理的。

45 工作人员假设针对Reference Message Sets获得的学习曲线斜率(¥ 0.6147)同样适用于Full Message Sets。因此，工作人员对通过Full Message Set提交首份证书的估计时间应用了类似的学习曲线，使用的是每个进口商平均生成的Full Message Set数量。工作人员将提交首份证书所需时间估计为Beta Pilot调查受访者提供的、将单份产品证书数据录入并传输给报关代理以提交Full Message Set的平均时间。该调查的平均值为12分钟。

46 对于儿童产品进口商，CPC 平均每年向 CBP 提交 20 次。请注意，受第 1107 部分约束的大型供应商可能每年必须认证并因此电子申报更多产品。此外，进口商每次进口都必须向 CBP 电子申报 GCC；平均每份 GCC 每年 20 次。与儿童产品一样，工作人员预计大型进口商的申报频率更高，而较小的进口商可能一年只申报几次。

47 Beta 试点数据表明，参考消息集的数量将占申报总数(不含免责声明)的 96.4%。因此，每份证书在其余 3.6% 的情况下将作为完整消息集提交，即每年 0.7 次([20/96.4]×3.6%)。

48 根据Beta试点数据，免责声明消息集的数量约为完整消息集和参考消息集总数的14.4%。由于每份证书平均将提交20.7份完整消息集和参考消息集申报，则每份现有证书每年平均将产生3份免责声明，其中3 = 20.7 × 14.4%。

49 每份证书平均每年提交20份参考消息集申报，每次申报耗时15.3秒，得出每份证书305.8秒。此外，每年在产品登记库中申报一次证书数据需要8.7秒。然后，每份证书年均0.7份(更准确地说为0.7368份)Full Message Sets，每份耗时4.8分钟(或4.7549分钟)，每年额外增加210.21秒。最后，每份证书每年总计3次免责声明，每次7.6秒，合计22.89秒。因此，该规则对每份证书产生的年度时间负担为547.6秒，即9.1分钟。

TABLE 6—ESTIMATED HOURLY BURDEN ON SMALL IMPORTERS IMPACTED BY THE eFILING PROVISION OF THE RULE—Continued

eFiling hourly burden on small importers	GCCs	CPCs	Total
Transmission of Disclaims	540	825	1,366
All Filings	12,930	19,744	32,674

Note: Totals made not sum due to rounding.

Given the hourly burden and the $35.56 hourly compensation rate for each hour of burden, the average annual cost of eFiling per small importer at high turnover industries will be between $70 and $232, while in low turnover industries the hourly burden will be as low as $1.[50] Given these small amounts, it is unlikely for the cost of the hourly burden of eFiling to exceed 1% of revenue for the typical small firm.[51] Tables 7 shows the estimated annual cost of such burden on small importers.

TABLE 7—ESTIMATED ANNUAL COST OF THE BURDEN OF eFILING ON SMALL IMPORTERS

Cost of eFiling hourly burden on importers	GCCs	CPCs	Total
Initial Filing in Product Registry	$7,305	$11,155	$18,460
Transmission of Full Message Set to Broker	176,495	269,520	446,015
Transmission of Reference Message Set	256,761	392,090	648,851
Transmission of Disclaims	19,217	29,345	48,562
All Filings	459,778	702,110	1,161,888

Staff expect small importers to incur a total cost of $1.16 million, which approximates $4.71 per small importer. The estimated average hourly burden of eFiling for small importers of children's and non-children's products would be $3.33 and $13.03. These amounts are unlikely to exceed one percentage of the annual revenue of a typical small importer.

(ii) eFiling Out-of-Pocket Costs

Startup Costs: eFiling may require some firms to invest in a combination of new technologies,[52] as well as training and/or hiring staff to conduct eFiling activities. Large firms may be able to build these new technologies themselves. Third-party service providers may develop tools that large or small firms may use.[53] Firms are also likely to train staff on the use of these new technologies and the updated processes that support eFiling of certificates, including participating in meetings with their brokers, reading guidance documents, and communicating and distributing information.

A survey conducted among Beta Pilot participants indicated that firms invested roughly the equivalent of 60 staff hours in preparation for their participation in the Beta Pilot, including getting trained, understanding and communicating the guidance, gathering product information, and coordinating with their brokers. However, most firms that participated in the Beta pilot are of significant size, which likely implies the startup times for the average firm may not be as large. Also, the potential introduction of third-party tools or third-party support to perform these duties will likely reduce the number of hours required for setting up the logistics of the average firm to conduct eFiling activities. Accordingly, the FRFA assumes that the average firm will invest the equivalent of only one-third of the value of startup activities, or the monetized equivalent of 20 hours,[54] in all startup activities. Many firms could likely hire third parties that benefit from economies of scale, instead of devoting as many staff hours to startup tasks; or will use a combination of third-party vendors and staff to set up eFiling.

This FRFA converts the 20 hours of startup time into an average cost per firm of $1,086 using an average compensation rate for managerial and administrative occupations.[55] This startup cost per firm does not exceed one percent of revenue of the typical small firm in each of the industries impacted by this Final Rule, as discussed later in this section.

Filing Fees: Many importers use import brokers to facilitate customs filings and reporting with the U.S. government. Brokers typically charge a fee per entry or per entry line that is filed, and each entry line may contain one or more product certificates. During the eFiling Beta Pilot in 2024, brokers had made or were making technological investments needed for eFiling, and the fees that brokers would charge for eFiling would cover these investments. This FRFA includes these broker fees as a cost for importers. While it is uncertain what changes, and the magnitude of changes, firms would choose to make to their technology, brokers will likely seek to recover their investments through fees. Use of the Product Registry will reduce the

[50] Staff expects small importers in industries such as Architectural Glazing Materials, Bicycle Helmets, and Bunk Beds to produce less than one certificate per year, on average.

[51] This FRFA assumes that most small firms file only 10 percent the average number of certificates filed by the average firm within their NAICS code.

[52] For instance, larger importers and manufacturers may choose to invest in technology to enable batch uploads of data into the Product Registry or to submit certificate data to their brokers. Most small importers are unlikely to have the incentives to develop in-house tools, but they may purchase third-party software or services. The Final Rule, however, does not require any specific investments from large or small importers.

[53] CPSC does not expect small businesses to invest in technology due to the creation of CPSC's Product Registry. A small business only needs a laptop with a hard drive for storing records and an internet connection to enter certificates into the Product Registry.

[54] This corresponds to a learning factor of 3, one sixth the size of the learning factor used to estimate processing times for Reference Message Sets.

[55] As of June 2024, the hourly rate for management, professional, and related occupations at good producing industries was $73.02, while the hourly rate for office and administrative support occupations was $35.56. Staff assumes that the hours invested in startup activities are one half managerial and one-half support staff, which produces an average hourly rate of $54.29.

表6--受规则电子申报条款影响的小型进口商估计每小时负担--

续

小进口商的电子申报每小时负担	一般合格证书（GCC）	儿童产品证书（	合计
免责声明传输	540	825	1,366
所有申报	12,930	19,744	32,674

注： 由于四舍五入，总计相加不等于总和。

鉴于每小时负担以及每小時负担的时薪补偿率为35.56美元，高周转行业小型进口商电子申报的平均年成本将为在$70 and $232之间，而在低周转行业中，每小时负担将低至1美元。[50]鉴于这些金额较小，电子申报每小时负担的成本不太可能超过1%占典型小企业收入的比重。表7显示了此类负担对小进口商的估计年度成本。 51

表7--电子申报负担对小型进口商的估计年成本

进口商电子申报每小时负担成本	一般合格证书（GCC）	儿童产品证书（	合计
产品注册表中的初始提交	$7,305	$11,155	$18,460
向经纪人传输完整消息集	176,495	269,520	446,015
参考消息集的传输	256,761	392,090	648,851
免责声明的传输 48,562	19,217	29,345	
所有申报 459,778	702,110	1,161,888	

工作人员预计小型进口商将承担总计 116 万美元的成本，约合每家小型进口商 4.71 美元。儿童产品和非儿童产品的小型进口商进行电子申报的估计平均每小时负担分别为 3.33 美元和 13.03 美元。这些金额不太可能超过典型小型进口商年收入的百分之一。

(ii) 电子申报自付费用

启动成本：电子申报可能要求部分企业投资于新技术的组合，[52]以及培训和/或雇用员工开展电子申报活动。大型企业可能能够自行构建这些新技术。第三方服务提供商可能开发大型或小型企业均可使用的工具。[53]企业还可能就这些新技术的使用以及支持证书电子申报的更新流程对员工进行培训，包括参加与报关代理的会议、阅读指导文件以及沟通和分发信息。

在Beta Pilot参与者中进行的一项调查表明，企业为参与Beta Pilot的准备工作投入了约相当于60个员工小时的工时，包括接受培训、理解并传达指南、收集产品信息以及与报关代理协调。然而，参与Beta Pilot的大多数企业规模较大，这很可能意味着普通企业的启动时间可能没有那么多。此外，第三方工具或第三方支持可能被引入以执行这些职责，这可能会减少普通企业建立开展电子申报活动所需物流体系所需的工时。因此，

FRFA假设平均企业将仅投入相当于启动活动价值三分之一的资源，或相当于20小时的货币化等值，[54]用于所有启动活动。许多企业可能雇用受益于规模经济的第三方，而非投入同样多的员工工时用于启动任务；或将使用第三方供应商和员工的组合来建立电子申报。

本FRFA使用管理和行政职业的平均补偿率将20小时的启动时间转换为每家企业平均1,086美元的成本。[55]如本节后文所述，每家企业启动成本不超过受本最终规则影响的每个行业中典型小型企业收入的百分之一。

备案费用：许多进口商使用进口报关代理，以协助向美国政府进行海关申报和报告。报关代理通常按每票报关或每票报关行项目收取费用，每个报关行项目可能包含一个或多个产品证书。在2024年的电子申报Beta Pilot期间，报关代理已经或正在进行电子申报所需的技术投资，报关代理为电子申报收取的费用将覆盖这些投资。本FRFA将这些报关代理费用列为进口商的一项成本。虽然企业将选择对其技术进行何种变更以及变更幅度尚不确定，但报关代理可能会寻求通过收费收回其投资。使用产品登记库将减少

50 工作人员预计，建筑玻璃材料、自行车头盔和双层床等行业的小型进口商平均每年生产的证书少于一份。

51 本FRFA假设大多数小型企业仅提交其NAICS代码内平均企业提交证书数量的10%。

52 例如，较大的进口商和制造商可能选择投资技术，以实现将数据批量上传至产品登记库，或将其证书数据提交给其经纪人。大多数小型进口商不太可能有动力开发内部工具，但它们可能购买第三方软件或服务。然而，最终规则不要求大型或小型进口商进行任何特定投资。

53 CPSC不预期小型企业因CPSC产品登记库的创建而投资技术。小型企业只需一台带有用于存储记录的硬盘驱动器的笔记本电脑和互联网连接即可将证书录入产品登记库。

54 这对应于学习因子3，是用于估计参考消息集处理时间的学习因子的六分之一。

55 截至2024年6月，商品生产行业管理、专业及相关职业的时薪为73.02美元，而办公室及行政支持职业的时薪为35.56美元。工作人员假设投入启动活动的时间中一半为管理人员、一半为支持人员，由此得出平均时薪为54.29美元。

complexity of Message Sets by allowing importers to supply only a Unique ID for each product certificate, which may result in less complex entries and reduced brokers fees.

The fees that brokers charge vary with the complexity of the Message Set and with the number of Message Sets filed. Most brokers charge a maximum fee per entry, which reduces the filing fees per certificate for firms that file multiple certificates per entry. This FRFA assumes that the majority of importers will choose to file as many product certificates as possible per entry, and this action will significantly lower the cost per individual product certificate filed. The estimated average fee per filing under these conditions is $0.77.[56]

As discussed, the eFiling burden depends on the number of filings, the number of annual certificates generated by each small importer, and the frequency of product imports. This FRFA assumes that each certificate will generate a total of 23.7 annual filings,[57] out of which 20.7 require broker fees [58] for a total of $15.97 per certificate. Accounting for the number of certificates filed annually per NAICS code, the range of fees for an average small importer would fluctuate between $2 and $686 depending on the industry. This range is unlikely to exceed one percent of revenue for most small importers.

2. Overall Cost to Small Importers

CPSC estimates the cost to small importers [59] of CPSC regulated products by summing the costs and sub costs from:

- recordkeeping,
- eFiling of certificates,
- filing hourly burden,
- eFiling out-of-pocket cost,
- startup costs, and
- filing fees.

Table 8 shows the cost from the additional recordkeeping and eFiling requirements on small importers. Small importers, a total of 35,290 small firms, will have to maintain records of GCCs and their supporting information for two additional years, which generates an additional annual cost of $5,038.[60] Additionally, these 35,290 small importers [61] will eFile GCCs at a burden of 12,930 hours, which is a cost of $459,778, and another 211,148 small importers will eFile CPCs with CBP at a total additional burden [62] of 19,744 hours, which is a cost of $702,110. In total, this is 32,674 hours per year and a total estimated cost of $1.16 million for eFiling's hourly burden.

TABLE 8—TOTAL ESTIMATED INITIAL COST OF THE RULE TO SMALL IMPORTERS

[First-year costs]

Annual cost of the final rule to importers	GCCs	CPCs	All
Additional Recordkeeping Hourly Burden	$5,038	$0	$5,038
eFiling Hourly Burden	459,778	702,110	1,161,888
Total Startup Costs	38,317,945	229,264,000	267,581,945
Annual Filing Fees	1,357,259	2,072,622	3,429,881
eFiling Out of Pocket Cost	39,675,204	231,336,622	271,011,826
Impact of eFiling on Importers	40,134,982	232,038,732	272,173,714
Total Cost of the Rule to Importers	40,140,020	232,038,732	272,178,752

In addition to the hourly burden, small importers of CPSC regulated products will also bear monetary costs that include total startup costs of $267.58 million and eFiling fees of $3.43 million for a total out-of-pocket cost burden of $271.01 million. The total overall cost of the Final Rule on small importers reaches $272.18 million in the first year of the Final Rule of which $232.04 are linked to children's product certificates and $40.14 are linked to non-children product certificates.

Table 9 presents the corresponding annualized costs of the Final Rule to small importers. As opposed to Table 8 that shows the total startup cost, Table 9 presents the annualized startup cost to small importers over a time span of 30 years at a 2 percent discount rate.[63] The total annualized cost to small importers is $16.54 million; $3.53 million for small importers of general use products and $13.01 million for small importers of children's products.

TABLE 9—ESTIMATED ANNUALIZED COST OF THE RULE TO SMALL IMPORTERS

Annual cost of the final rule to importers	GCCs	CPCs	All
Additional Recordkeeping Hourly Burden	$5,038	$0	$5,038
eFiling Hourly Burden	459,778	702,110	1,161,888
Annualized Startup Costs	1,710,893	10,236,620	11,947,513
Annual Filing Fees	1,357,259	2,072,622	3,429,881

[56] Average fees per certificate are estimated assuming a maximum fee per entry of $25, which is based on information provided by Beta Pilot participants. Staff then assumes that the average importer receives an average number of shipments per year, and estimated the number of certificates per entry dividing the average number of GCCs and CPCs per year by the average number of shipments. Finally, the average fees per GCCs and CPCs are estimated dividing $25 per entry by the average number of certificates included with each entry; these averages then are weighted by the total number of GCCs and CPCs to obtain an overall weighted average per certificate of $0.77.

[57] This number of filings includes 20 Reference Message Sets, 0.7 Full Message Sets, and 3 Disclaimer Message Sets per average certificate. Most brokers are not expected to charge a fee for Disclaimer Message Sets.

[58] Brokers will charge fees for 20.7 filings per certificate. This number results from adding up the expected number of Reference Message Sets per certificate (20) with the number of Full Message Sets (0.7).

[59] The cost to small domestic manufacturers is non-significant, only a few cents per firm, and indicated earlier, so it is not included in this section.

[60] If domestic manufacturers were included here, this figure would increase by $2,041 to $7,079.

[61] Staff estimates the number of small businesses during the PRA Analysis by multiplying the estimated proportion of small businesses for a given NAICS industry by the number of estimated firms for that industry. For an explanation of how staff estimated the number of firms see section VIII of this preamble.

[62] Additional Burden is defined as the difference between existing burden from statute and other applicable rules and that of the Final Rule.

[63] This is rate of discount or default social rate of time preference set by Office of Management and Budget (OMB) Guidance for all effects from the present through 30 years into the future in Circular A–4 (Regulatory Analysis) of November 2023.

消息集的复杂性，允许进口商仅为每份产品证书提供唯一ID，这可能减少报关的复杂性并降低经纪人费用。

报关代理收取的费用随信息集(Message Set)的复杂程度以及提交的信息集数量而变化。大多数报关代理按每票报关收取最高费用，这降低了每票报关提交多个证书的企业的每证书申报费用。本FRFA假设大多数进口商会选择每票报关尽可能提交多个产品证书，这一做法将显著降低每个已提交产品证书的成本。在这些条件下，估计每次申报的平均费用为0.77美元。[56]

如前所述，电子申报负担取决于申报数量、每年生成的证书数量

每个小型进口商生成的证书以及产品进口频率。本FRFA假设每份证书每年将产生总计23.7份申报，[57]其中20.7份需要经纪人费用[58]，总计$15.97 per certificate.Accounting for the number of certificates filed annually per NAICS code, the range of fees for an average small importer would fluctuate between $2至686美元，具体取决于行业。该范围不太可能超过大多数小型进口商收入的百分之一。

2. 小进口商的总体成本

CPSC通过汇总以下各项的成本和子成本来估计CPSC监管产品小型进口商的成本[59]:

- 记录保存，
- 证书的电子申报，
- Æ 申报小时负担、Æ 电子申报自付费用、D 启动成本以及 D 申报费用。表8显示了额外记录保存和电子申报要求对小型进口商造成的成本。小型进口商(共35,290家小型企业)将须额外保存一般合格证书(GCC)及其支持信息的记录两年，由此产生每年额外成本5,038.60美元。此外，这35,290家小型进口商61将以12,930小时的负担进行GCC电子申报，成本为459,778美元；另有211,148家小型进口商将向CBP(美国海关与边境保护局)进行儿童产品证书(CPC)电子申报，额外总负担62为19,744小时，成本为702,110美元。合计为每年32,674小时，电子申报小时负担的估计总成本为116万美元。

表 8--该规则对小进口商的估计初始总成本

[第一年成本]

进口商的最终规则年度成本	一般合格证书（GCC	儿童产品证书（(	所有
额外记录保存每小时负担	$5,038	$0	$5,038
电子申报每小时负担	459,778	702,110	1,161,888
总启动成本	38,317,945	229,264,000	267,581,945
年度申报费用	1,357,259	2,072,622	3,429,881
电子申报自付费用	39,675,204	231,336,622	271,011,826
电子申报对进口商的影响	40,134,982	232,038,732	272,173,714
该规则对进口商的总成本	40,140,020	232,038,732	272,178,752

除小时负担外，
受监管消费品的小型进口商还将承担货币成本，包括 2.6758 亿美元的启动总成本和 343 万美元的电子申报费用，自付成本负担总额为 2.7101 亿美元。最终规则对小型进口商的总成本达到
2.7218 亿美元

在最终规则的第一年，其中232.04美元与儿童产品证书相关，40.14美元与非儿童产品证书相关。表9列出了最终规则对小型进口商的相应年度化成本。与显示总启动成本的表8不同，表

9 以 2% 的贴现率列示了小型进口商在 30 年期间的年化启动成本。[63]小型进口商的年化总成本为：一般用途产品的小型进口商 $16.54 million; $353 万美元，儿童产品的小型进口商 1301 万美元。

表 9-E 规则对小进口商的估计年化成本

进口商的最终规则年度成本	一般合格证书（GCC	儿童产品证书（(	所有
额外记录保存每小时负担	$5,038	$0	$5,038
电子申报每小时负担	459,778	702,110	1,161,888
年化启动成本	1,710,893	10,236,620	11,947,513
年度申报费	1,357,259	2,072,622	3,429,881

56 每个证书的平均费用是在假设每票报关最高费用为25美元的情况下估算的，该假设基于Beta Pilot参与者提供的信息。随后，工作人员假设普通进口商每年收到的平均货运批次数量，并通过将每年GCC和CPC的平均数量除以平均货运批次数量来估算每票报关的证书数量。最后，通过将每票报关25美元除以每票报关所含证书的平均数量来估算每个GCC和CPC的平均费用；然后按GCC和CPC的总数量对这些平均值进行加权，得出每个证书的总体加权平均值为0.77美元。

57 此申报数量包括20份参考消息集、0.7份完整消息集和3份每份平均证书的免责声明消息集。大多数经纪人预计不会对免责声明消息集收费。

58 经纪人将对每份证书的20.7份申报收费。该数字由每份证书的预期参考消息集数量(20)加上完整消息集数量(0.7)得出。

59 国内小型制造商的成本不显著，每家企业仅几美分，且如前所述，因此未列入本节。

60 若将国内制造商列入此处，该数字将增加2,041美元至7,079美元。

61 工作人员在 PRA 分析期间估算小型企业数量时，将给定 NAICS 行业的小型企业估计比例乘以该行业的估计企业数量。关于工作人员如何估算企业数量的说明，见本序言第八节。

62 额外负担定义为法规和其他适用规则产生的现有负担与最终规则产生的负担之间的差额。

63 这是贴现率或默认社会时间偏好率，由白宫管理和预算办公室(OMB)在2023年11月的A-4号通函(监管分析)中设定，适用于从当前到未来30年的所有影响。

TABLE 9—ESTIMATED ANNUALIZED COST OF THE RULE TO SMALL IMPORTERS—Continued

Annual cost of the final rule to importers	GCCs	CPCs	All
eFiling Out of Pocket Cost	3,068,152	12,309,242	15,377,394
Impact of eFiling on Importers	3,527,930	13,011,352	16,539,282
Total Cost of the Rule to Importers	3,532,968	13,011,352	16,544,320

Table 10 presents the average costs of the Final Rule per small importer. Small importers will incur an average cost of $1,104 per firm ($272.18 million/246,438 small importers) in first-year costs in connection with the Final Rule's new requirements. The cost per small importer of non-children's products will be on average $1,137, while the cost per small importer of children's products will be $1,099. The difference between these two estimates is mainly driven by a larger number of certificates created by small importers of non-children's products.

TABLE 10—ESTIMATED AVERAGE COST OF THE RULE PER SMALL IMPORTER

Average cost per small importer	GCCs	CPCs	Total
Average Additional Recordkeeping Hourly Burden	$0.14	$0.00	$0.02
Average eFiling Hourly Burden	13.03	3.33	4.71
Average Annualized Startup Costs	1,085.80	1,085.80	1,085.80
Average Annual Filing Fees	38.46	9.82	13.92
Average eFiling Out of Pocket Cost	1,124.26	1,095.62	1,099.72
Average Impact of eFiling per Importer	1,137.29	1,098.94	1,104.43
Average Cost of the Rule per Small Importer	1,137.43	1,098.94	1,104.45

3. eFiling Impact as a Percent of Filed Certificate Value

The Final Rule requires importers to eFile certificates with CBP at entry, at which point the import value of the shipment is tabulated. This FRFA compares the burden of the eFiling requirements to the average sales value per certificate filed[64] for imported products subject to the Final Rule's eFiling requirement. This approach provides a pragmatic assessment of the Final Rule's impact on small firms. Table 11 shows the burden cost per certificate filed and its relative cost impact as a percentage of expected revenue per certificate.

TABLE 11—ESTIMATED ANNUAL IMPACT OF THE RULE ON SMALL IMPORTERS AS A PERCENTAGE OF REVENUE

Cost as share of estimated revenue per certificate	GCCs	CPCs	All
Total Cost of the Rule to Importers	$40,140,020	$232,038,732	$272,178,752
Total Number of eFilings	2,102,147	3,210,113	5,312,260
Average Cost Per eFiling	19.09	72.28	51.24
Estimated Revenue per Certificate Filed	12,050	12,050	12,050
Cost as a % of Estimated Revenue per Certificate	0.1585%	0.5999%	0.4252%

Table 11 shows that small importers of general use products will bear an estimated burden of $19.09 per eFiling and a total initial cost of $40.14 million during the first year of implementation of the Final Rule. Small importers of children's products will bear an estimated $72.28 burden per eFiling for a total initial cost of $232.04 million.[65] During the first year of implementation of the Final Rule, the average burden of the Final Rule across importers of all products regulated by CPSC is $51.24, which represents 0.43 percent of the average revenue per certificate filed. If these initial cost estimates are annualized over a 30-year lifespan at a 2 percent discount rate, small importers will bear an annualized cost of $3.11 per certificate filing ($1.68 per GCC filing and $4.05 per CPC filing). These equate to $16.54 million in annualized cost to small importers: $3.53 million to small importers of general use products and $13.01 million to small importers of children products. The estimated impact per eFiling for both importers of general use products and importers of children's products is well under one percent of the estimated revenue from selling the imported products associated with each eFiling.

4. Net Impact on Small Businesses

CPSC uses the threshold of one percent of revenue to estimate whether a given rule will have a significant impact on the small businesses the rule covers.

Table 12 shows the average revenue for firms smaller than the largest 50 firms in a given NAICS code.[66] This segment is characteristic of smaller firms. The Final Rule impact does not exceed the threshold of one percent of the average revenue of this subset of small firms because the overall cost impact of the Final Rule is minimal. Several NAICS industries have an

[64] Staff obtained the shipment value per certificate filed from CPSC's division of import surveillance (EXIS). Staff added a 60% markup to estimate the sales value of the imported products.

[65] Note that small importers of children's products as a group include a larger number of firms and eFilings than importers of non-children's products.

[66] ECN Core Statistics Economic Census (2017): Establishment and Firm Size Statistics for the U.S. *https://www2.census.gov/programs-surveys/economic-census/data/2017/sector00/.*

表 9-E 最终规则对小型进口商的估计年化成本--续

进口商的最终规则年度成本	一般合格证书（GCC）	儿童产品证书（CPC）	所有
电子申报自付费用	3,068,152	12,309,242	15,377,394
电子申报对进口商的影响	3,527,930	13,011,352	16,539,282
该规则对进口商的总成本	3,532,968	13,011,352	16,544,320

表10列示了最终规则对每个小型进口商的平均成本。小型进口商在第一年将承担每家企业平均1,104美元的成本(2.7218亿美元/246,438家小型进口商)

与最终规则新要求相关的成本。非儿童产品小型进口商的平均成本为 1,137 美元，而

儿童产品小型进口商的成本将为 1,099 美元。这两个估计值之间的差异主要是由于非儿童产品小型进口商创建的证书数量更多。

表10-E 每小进口商规则估计平均成本

每个小型进口商平均成本	一般合格证书（GCC	儿童产品证书（	合计
平均额外记录保存每小时负担	$0.14	$0.00	$0.02
平均电子申报每小时负担	13.03	3.33	4.71
平均年化启动成本	1,085.80	1,085.80	1,085.80
平均年度申报费	38.46	9.82	13.92
平均电子申报自付费用	1,124.26	1,095.62	1,099.72
电子申报对每个进口商的平均影响	1,137.29	1,098.94	1,104.43
每个小型进口商的平均规则成本	1,137.43	1,098.94	1,104.45

3. 电子申报影响占已提交证书价值的百分比

最终规则要求进口商在报关时向 CBP 电子申报证书，此时进口价值

货运被制成表格。本 FRFA 将电子申报要求的负担与受最终规则电子申报要求约束的进口产品每份申报证书的平均销售价值[64]进行比较。这种方法

提供了对最终规则对小企业影响的务实评估。表 11 列示了每份申报证书的负担成本及其相对于每份证书预期收入的成本影响百分比。

表 11-E 最终规则对小型进口商的估计年度影响(占收入的百分比)

按每份证书的估计收入计算的成本占比	一般合格证书（GCC	儿童产品证书（CP(	所有
该规则对进口商的总成本	$40,140,020	$232,038,732	$272,178,752
电子申报总数	2,102,147	3,210,113	5,312,260
每次电子申报的平均成本	19.09	72.28	51.24
每份申报证书的估计收入	12,050	12,050	12,050
成本占每份证书估计收入的百分比	0.1585%	0.5999%	0.4252%

表11显示，一般用途产品的小型进口商在最终规则实施的第一年将承担估计为$19.09 per eFiling and a total initial cost of $4014万美元的负担。儿童产品的小型进口商将承担估计为$72.28 burden per eFiling for a total initial cost of $2.3204亿美元的负担。[65]在最终规则实施的第一年，最终规则对CPSC监管的所有产品进口商的平均负担为51.24美元，占每份提交证书平均收入的0.43%。如果这些初始成本估计按30年寿命期年化，以

按2%折现率计算，小型进口商每份证书申报将承担3.11美元的年化成本(每份GCC申报1.68美元，每份CPC申报4.05美元)。这相当于小型进口商每年1654万美元的年化成本：其中353万美元由一般用途产品的小型进口商承担，1301万美元由儿童产品的小型进口商承担。对于一般用途产品进口商和儿童产品进口商而言，每次电子申报的估计影响均远低于每次电子申报所关联进口产品销售估计收入的百分之一。

4. 对小型企业的净影响

CPSC 使用收入百分之一的阈值来估计某项规则是否会对该规则涵盖的小企业产生重大影响。

表 12 列示了给定 NAICS 代码中规模小于最大 50 家企业的企业的平均收入。[66]该部分具有较小企业的特征。最终规则的影响未超过该小企业子集平均收入百分之一的阈值，因为最终规则的整体成本影响极小。

若干 NAICS 行业存在一个

64 工作人员从 CPSC 进口监督处(EXIS)获得了每份申报证书对应的货运价值。工作人员加上了 60% 的加价，以估算进口产品的销售价值。

65 请注意，作为一个群体，儿童产品小型进口商所包含的企业数量和电子申报数量均多于非儿童产品进口商。

66 ECN 核心统计经济普查(2017)：美国机构与企业规模统计*https://www2.census.gov/programs-surveys/ economic-census/data/2017/sector00/*。

average revenue of slightly under $1 million for firms smaller than the top 50. However, the one percent threshold (in this case, roughly $10,000) is greater than both the cost of the Final Rule of $1,137 per small importers of nonchildren's products, and $1,099 per small importers of children's products.

In the SNPR the Commission requested comments on the average annual revenues of small businesses within the impacted industries and alternative industry classifications for SBA purposes, but did not receive any comments.

TABLE 12—AVERAGE REVENUE FOR FIRMS SMALLER THAN THE TOP 50 BY NAICS INDUSTRY

Product	2017				Average revenue for firms smaller than top 50 ($ thousands)				
	% Small	NAICS 1	NAICS 2	NAICS 3	NAICS 1	NAICS 2	NAICS 3	Min NAICS revenue	1% of revenue
Matchbooks	97	339999	325998		$920	$8,491		$920	$9
Bicycle Helmets	83	339113	339920		4,305	1,979		1,979	20
CB Band Base Station Antennas	75	334220			5,351			5,351	54
Walk Behind Power Mowers	95	333112			1,288			1,288	13
Swimming Pool Slides	85								
Cellulose Insulation	37	322219	322299		3,445	4,127		3,445	34
Cigarette and Multipurpose Lighters	97	339999	325998		920	8,491		920	9
Garage Door Openers	97	332321	332710	335999	5,069	1,806	4,220	1,806	18
Furniture (paint & entrapment), Furniture (bunk beds)	85	337110	337121	337122	1,115	2,481	771	771	8
Furniture (bunk beds)	85	337124			979			979	10
Paints and Coatings	90	325211	325510		18,334	5,321		5,321	53
ATVs	95	336999			1,410			1,410	14
Pools and Spas (VGB Act)	85								
Fireworks Devices	90	325998			8,491			8,491	85
Bicycles	95	336991			958			958	10
Carpets and Rugs	95	314110			1,800			1,800	18
Mattresses	95	337910			3,400			3,400	34
Refrigerators	95	333415	335220		9,159			9,159	92
Candles w/Metal Core Wicks	66	325612			3,266			3,266	33
Refuse Bins	62	326199			12,445			12,445	124

5. Impact on Importers of De Minimis Shipments

Merchandise imported by one person on one day that is accorded a duty exemption under 19 U.S.C. 1321(a)(2)(C), for which the aggregate fair retail value in the country of shipment does not exceed $800, is commonly known as a *de minimis* shipment. Such merchandise may be entered under the ''release from manifest'' process or via the ACE Entry Type 86 Test (89 FR 2630 (Jan 16. 2024)). Merchandise subject to PGA requirements, such as CPSC's PGA Message Set or certification requirement for regulated consumer products, is ineligible for entry under the ''release from manifest'' process. Accordingly, the Final Rule requires that importers file a type 86 entry for *de minimis* shipments to submit CPSC's PGA Message Set. Staff estimate that a significant number of small importers would need to file type 86 entry for *de minimis* shipments containing a product subject to a CPSC rule, ban, standard, or regulation. These small businesses ship thousands of units of products through *de minimis* entries. Staff considered current entry type 86 shipments in HTS codes that could fall within CPSC's jurisdiction, although CPSC has no way to determine whether these shipments contain consumer products or whether such products are regulated by CPSC. As shown in Figure 1, the median value of a *de minimis* shipment is about $30; after applying a direct-to-consumer markup, staff estimates the sales value is $48.[67]

[67] The sales value *i.e.* revenue, of the shipment is the value of the shipment that CPSC estimates based on trade data plus a direct-to-consumer markup of 60%. *See https://www.shopify.com/retail/product-pricing-for-wholesale-and-retail.* CPSC's estimate relies on *de minimis* shipments that filed an ET 86 entry, which does not include shipments that did not file an entry or international mail shipments. However, CPSC's estimate covers all *de minimis* shipments by extrapolating from the data based on the ratios of products under CPSC jurisdiction for *de minimis* shipments entered under Entry Type 86.

平均收入略低于
百万美元，针对规模小于前 50 家的企业。然而，百分之一的阈值(在此情况下约为 10,000 美元)大于最终规则的成本 $1

非儿童产品小型进口商每家 1,137 美元，儿童产品小型进口商每家 1,099 美元。

在SNPR中，委员会就平均值征求意见

受影响行业内小企业的年收入以及为 SBA 目的采用的其他行业分类，但未收到任何评论。

表 12-按 NAICS 行业划分的规模小于前 50 家企业的平均收入

产品	2017				排名前 50 之外公司的平均收入 ($ thousands)				
	小型企业百分比	NAICS 1	NAICS 2	NAICS 3	NAICS 1	NAICS 2	NAICS 3	最小 NAICS 收入	收入的
火柴盒	97	339999	325998		$920	$8,491		$920	$9
自行车头盔	83	339113	339920		4,305	1,979		1,979	20
CB 频段基站天线纳斯	75	334220			5,351			5,351	54
手推式动力割草机	95	333112			1,288			1,288	13
游泳池滑梯	85								
纤维素绝缘材料	37	322219	322299		3,445	4,127		3,445	34
香烟和多用途打火机	97	339999	325998		920	8,491		920	9
车库门开启器	97	332321	332710	335999	5,069	1,806	4,220	1,806	18
家具(涂料与夹困),85 家具(双层床)337110			337121	337122	1,115	2,481	771	771	8
家具（双层床）	85	337124			979			979	10
油漆和涂料	90	325211	325510		18,334	5,321		5,321	53
全地形车	95	336999	325998		1,410			1,410	14
泳池和水疗池(VGB法案)85									
烟花装置	90	325998			8,491			8,491	85
自行车	95	336991			958			958	10
地毯和小毯		314110			1,800			1,800	18
床垫	95	337910			3,400			3,400	34
冰箱		333415	335220		9,159			9,159	92
带金属芯烛芯的蜡烛	66	325612			3,266			3,266	33
垃圾箱	62	326199			12,445			12,445	124
					5,351			920 9	

5. 对微量货运进口商的影响

一人进口的商品
根据19 U.S.C.1321(a)(2)(C)享有关税豁免的某一天，其装运国合计公平零售价值不超过800美元的，通常称为最低限额货物。此类商品可通过"舱单放行"流程或通过ACE报关类型86测试(89 FR 2630(1月16日))进行报关。

2024) https://www.ecfr.gov/)。受PGA要求约束的法规。这些小企业通过最低限额报关运送数千件商品，例如CPSC的PGA
对于受监管消费品的信息集或认证要求，不符合"放行自舱单"流程的报关资格。因此，最终规则要求进口商对最低限额货物提交类型86报关，以提交CPSC的政府参与机构(PGA)信息集。工作人员估计，大量小型进口商将需要对含有受CPSC规则、禁令、标准或产品。工作人员考虑了美国协调关税表(HTS)编码中可能属于CPSC(美国消费品安全委员会)管辖范围的当前报关类型86货物，尽管CPSC无法确定这些货物是否包含消费品或此类产品是否受CPSC监管。如图1所示，最低限额货物的中位价值约为$30; after applying a direct-to-consumer markup, staff estimates the sales value is $48.[67]

67 货运的销售价值即收入，是 CPSC 根据贸易数据加上 60% 的直接面向消费者加价估算的货运价值。见*https:// www.shopify.com/ retail/product-pricing-for-wholesale-and-retail*。

CPSC的估算依赖于提交了ET 86报关的最低限额货物，这不包括未提交报关的货物或国际邮件货物。然而，CPSC的估算通过从以下数据外推，涵盖了所有最低限额货物：

基于按报关类型86申报的最低限额货物中属于CPSC管辖范围产品的比例所得数据。

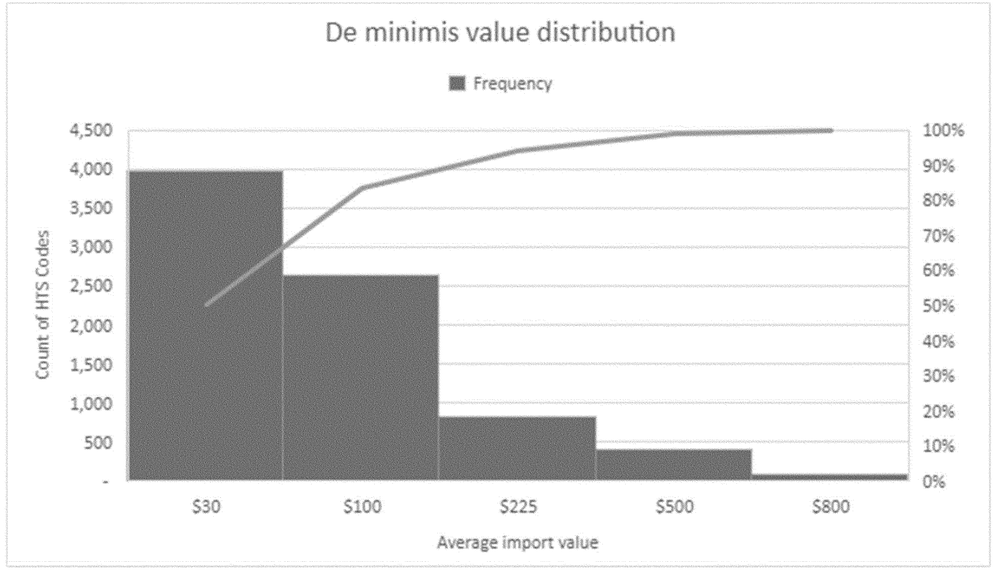


Figure 1

Under current shipping conditions, importers of parties eligible to file a type 86 entry would likely eFile a single certificate per entry; this would increase the filing fees per certificate to the point that it might represent a significant portion (greater than one percent) of the value of each shipment.

CBP reports that they process approximately 4 million *de minimis* shipments a day.[68] In 2022, CBP reported 685.1 million total *de minimis* shipments, which are also called section 321 shipments.[69] Until this Final Rule is in effect, importers of regulated consumer products claiming a *de minimis* exemption are not required to submit CPSC's PGA Message Set using entry type 86. Accordingly, CPSC currently does not know how many *de minimis* shipments per day contain finished products within CPSC's jurisdiction, nor how many of those finished products are subject to a rule, ban, standard, or regulation enforced by CPSC.

The RFA requires consideration of the impact of the Final Rule on U.S. small businesses. Importers can be either foreign [70] or domestic firms and firms of varying sizes. CBP does not classify importers by size. Accordingly, without additional data on *de minimis* and mail shipments, and who uses this mode of importation, CPSC does not have sufficient information to estimate the number of small U.S. firms that would be impacted by the Final Rule requirements. To the extent that *de minimis* entries are primarily caused by foreign companies, for example, such costs would not be included in the FRFA impact assessment.

Moreover, as a result of the Final Rule, some firms may choose to cease using entry type 86 if this importation route becomes more costly, and may choose to bundle shipments using another entry type, such as an 01 entry for consumption or warehousing. However, CPSC does not have enough information to determine what percentage of the impacted firms would be able to structure their import transactions in a manner to avoid a substantial increase in fees. Additionally, CPSC does not know whether some of these firms may have other sources of revenue offsetting the type 86 entry filing requirement or whether some of these firms are actually subsidiaries of larger firms. Accordingly, CPSC is currently unable to estimate the impact of the Final Rule on small U.S. importers of *de minimis* shipments.

E. Alternatives for Reducing the Adverse Impact on Small Businesses

CPSC considered three alternatives to the Final Rule:

(1) Make eFiling of certificates voluntary, instead of mandatory;

(2) Require PDF submissions of certificates rather than eFiling certificates; and

(3) Extend the effective date of the Final Rule to 36 months for all products, regardless of their origin.

Alternative 1 to the Final Rule would allow, rather than require, certificate data for imported products to be eFiled at entry. If the Commission adopted this alternative, the certificate would still have to be available for examination upon request, as it is now. Allowing, instead of requiring, certificates to be eFiled at entry could reduce the burden on small businesses, but it would not meaningfully enhance the Commission's ability to target shipments for examination by using the additional certificate data elements collected via eFiling, nor to enforce and verify the accuracy of certificates. This alternative would largely maintain the status quo, because it is likely that only a few firms would choose to eFile certificates; therefore, unlike mandatory eFiling, this alternative would not reduce costly delays at the ports.

Alternative 2 to the Rule would require PDF submissions of certificates. For imported products, the importer could upload a PDF to CBP's Document

[68] *https://www.cbp.gov/frontline/buyer-beware-bad-actors-exploit-de-minimis-shipments.*

[69] *https://www.cbp.gov/newsroom/stats/trade.*

[70] For example, if a consumer received a direct shipment from a foreign company, no U.S. small business may be involved in the transaction.

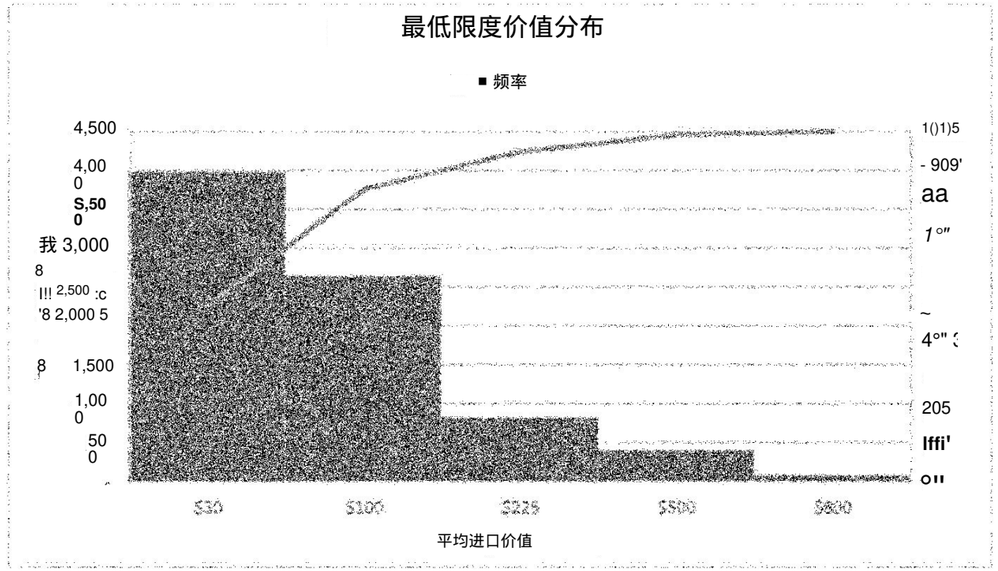


图 1

在当前运输条件下，有资格提交类型86报关的当事方的进口商很可能每次报关电子申报一份证书；这将使每份证书的申报费用增加，以至于可能占每批货物价值的相当大一部分(超过百分之一)。

CBP报告称，他们每天处理约400万件最低限额货物。68 2022年，CBP报告的最低限额货物(也称为第321条货物)总量为6.851亿件。69 在本最终规则生效之前，主张最低限额豁免的受监管消费品进口商无需使用报关类型86提交CPSC的政府参与机构(PGA)报文集。因此，CPSC目前无法得知每天有多少最低限额货物包含属于CPSC管辖范围的成品，也无法得知其中有多少成品受CPSC执行的规则、禁令、标准或法规约束。《监管灵活性法案》(RFA)要求考虑最终规则对美国小企业的影响。进口商可以是外国70或国内企业，且企业规模各异。CBP不按规模对进口商进行分类。因此，在没有关于最低限额和邮件运输以及谁使用这种进口方式的额外数据，CPSC没有足够的信息来估计将受到最终规则要求影响的美国小企业数量。例如，如果最低限额报关主要由外国公司引起，则此类成本将不会纳入FRFA影响评估。

此外，由于最终规则的实施，如果这一进口途径成本上升，一些企业可能选择停止使用报关类型86，并可能选择使用其他报关类型捆绑货物，例如用于消费或仓储的01报关。然而，CPSC没有足够的信息来确定受影响企业中有多少比例能够以避免费用大幅增加的方式安排其进口交易。此外，CPSC不知道其中一些企业是否有其他收入来源来抵消报关类型86的申报要求，也不知道其中一些企业是否实际上是较大企业的子公司。因此，CPSC目前无法估计最终规则对美国最低限额货物小进口商的影响。

68 https://www.cbp.gov/frontline/buyer-bewarebad-actors-exploit-de-minimis-shipments.69 https://www.cbp.gov/newsroom/stats/trade.70 例如，如果消费者直接从外国公司收到货物，则交易中可能不涉及任何美国小企业。

*E.*减轻对小型企业不利影响的替代方案

CPSC审议了最终规则的三个替代方案：

(1) 进行证书电子申报自愿而非强制；

(2) 要求提交 PDF 格式的而非电子申报证书；以及

(3)将所有产品的最终规则生效日期延长至36个月，无论其原产地。

最终规则的备选方案1将允许而非要求进口产品的证书数据在报关时进行电子申报。如果委员会采纳这一备选方案，证书仍须如目前一样可应要求供查验。允许而非要求证书在报关时进行电子申报可以减轻小企业的负担，但这不会实质性地增强委员会利用通过电子申报收集的额外证书数据要素来锁定货物进行查验的能力，也不会增强执行和核实证书准确性的能力。这一备选方案将在很大程度上维持现状，因为可能只有少数企业会选择电子申报证书；因此，与强制电子申报不同，这一备选方案不会减少港口代价高昂的延误。

规则备选方案2将要求以PDF格式提交证书。

对于进口产品，进口商可以将PDF文件上传至CBP的文件系统。

Image System. Similar to Alternative 1, this alternative would not enhance the Commission's ability to target shipments for examination by using the additional certificate data elements collected via eFiling. Not only are PDF files not useful for targeting, but CBP is also unlikely to allow the collection and maintenance of a large volume of PDFs in ACE, because PDF files require a relatively large amount of storage space.

Alternative 3 would delay implementation of the Final Rule by changing the effective date from 18 months for all consumer products subject to a CPSC rule, ban, standard, or regulation not entered from an FTZ and 24 months for products and substances entered for consumption or warehousing from an FTZ, to 36 months for all CPSC regulated products regardless of their origin. This would allow small firms importing from non-FTZ areas 24 additional months to implement any new technology and organizational changes needed for eFiling, train staff, communicate with partners, and perform quality controls, among other activities. Alternative 3 did not receive any substantive comments from small firms importing from non-FTZs indicating a need for such an extension. The Commission has already extended the 120-day effective date to 18 months, providing small firms with an ample amount of time for preparation and implementation activities.

VIII. Paperwork Reduction Act

The Final Rule contains information collection requirements that are subject to public comment and review by the Office of Management and Budget (OMB) under the PRA. 44 U.S.C. 3501–3521. The PRA requires an agency to publish the following information:

- a title for the collection of information;
- a summary of the collection of information;
- a brief description of the need for the information and the proposed use of the information;
- a description of the likely respondents and proposed frequency of response to the collection of information;
- an estimate of the burden that will result from the collection of information; and
- notice that comments may be submitted to OMB.

44 U.S.C. 3507(a)(1)(D).

The Final Rule creates a new collection of information for certificates for non-children's products and expands the existing collection for Third Party Testing of Children's Products, OMB Control No. 3041–0159. The Children's Product OMB control number would expand to include eFiling certificates for imported children's products that are subject to a CPSC rule requiring certification. We update and summarize that information here.

In accordance with OMB's requirement, the Commission provides the following information:

Title: (1) Certification of Non-Children's Products; (2) Amendment to Third Party Testing of Children's Products, approved previously under OMB Control Number 3041–0159.

Summary, Need, and Use of Information: Sections I and II of this preamble contain this information.

Respondents and Frequency: For products manufactured outside of the United States, respondents include importers of consumer products subject to a CPSC-enforced regulation. For products manufactured within the United States, respondents include manufacturers and private labelers of consumer products subject to a CPSC-enforced regulation.

Estimated Burden: CPSC has estimated the respondent burden in hours and the estimated labor costs to respondents.

Estimate of Respondent Burden: Below we categorize and estimate the burden created by both the statute and the Final Rule for children's and non-children's regulated products as follows:

Certificates: The burden associated with the creation of certificates (GCCs and CPCs). This can be considered a general recordkeeping burden.

Disclosure: The burden derived from disclosing certificate information and from furnishing the certificates to these third parties (distributors and retailers).

Recordkeeping: The burden associated with the initial storage and routine maintenance of records, including records of the certificates and any supporting and testing documentation, for a period of five years.

eFiling: The initial burden from electronically filing the certificates, using either the CPSC-maintained Product Registry or the systems provided by the brokers that support importers' activities, as well as the routine burden on importers submitting associated Full or Reference PGA Message Sets.

A. Hourly Burden for GCCs

CPSC estimates that there may be 49,364 non-children's products firms subject to the Final Rule. On average, these firms are expected to create 27 certificates per year, for a total of 1,333,982 certificates.[71] CPSC assumes each certificate will require 5 minutes of labor per certificate, which equates to 111,165 hours spent on their creation.

These same firms must keep the records supporting the certificates for a period of five years. CPSC assumes recordkeeping will take, on average, 1 minute for record creation and initial storage and an additional 15 seconds for the routine annual maintenance of the certificate record. This annual burden comes to 27,791 hours (1.25 minutes/60 × 1,333,982 certificates).

The firms must also disclose each certificate to retailers and distributors of the product upon request; thus, staff estimates an additional 0.25 hours (15 minutes) burden for third-party disclosure. This sums to 333,495 hours (15 minutes/60 × 1,333,982 certificates).

CPSC estimates the number of responses for eFiling as 23,491,168. The average filing takes roughly 22 seconds across filing modes. This adds to an estimated eFiling burden of 144,487 hours (22 seconds/3,600 × 23,491,168).[72]

The aggregate burden of the Final Rule for suppliers of non-children's products is 616,939 hours and has a total cost of $26,102,580. This estimate includes the burden imposed by statute, which non-children's products suppliers would bear in absence of the Final Rule. The net burden from the Final Rule—excluding the statutory burden—is 146,710 hours[73] and the net cost is $5,217,007. Table 13 shows that importers of general use products requiring a GCC bear most of both the statutory burden and the additional burden from the eFiling requirement.

CPSC expects that 82 percent of the firms supplying non-children's products subject to the Final Rule will be importers with the remaining 18 percent as manufacturers. As shown in Table 13, staff estimate the statutory burden borne by importers is 480,905 hours (78%) and the expected burden to manufacturers as 136,034 hours (22%). The net annual burden of the Final Rule of 146,710 hours can be broken into a

[71] Totals shown may not exactly match the product of component parts due to rounding.

[72] The estimates from the equation may not match the total number of hours due to rounding.

[73] This includes the entire eFiling burden of 144,487 hours and 2,223 hours of additional hours of recordkeeping due to the increase in the recordkeeping period of GCCs from 3 to 5 years.

图像系统。与备选方案1类似，
为证书收集信息委员会定向能力
这种替代方案不会增强
通过使用以下方式对货物进行检查：
附加证书数据元素
产品，OMB 控制号 3041-0159。文件对定位无益，但 CBP 是
通过电子申报系统收集。不仅PDF文件
儿童产品OMB控制也不太可能允许收集和
维护大量PDF文件
需要相对较大存储空间的儿童产品。
在ACE中，因为PDF文件需要

更新并总结该信息，将最终规则的实施生效日期从18个月延长为36个月，对于所有受CPSC规则、禁令、标准或法规约束且非从FTZ报关的消费品为18个月，对于从FTZ报关用于消费或仓储的产品和物质为24个月。这将使从非FTZ地区进口的小企业额外获得24个月的时间来实施电子申报所需的任何新技术和组织变革、培训员工、与消费品进口商沟通

备选方案3将推迟

合作伙伴，并进行质量控制，
除其他活动外。备选方案3是否对在以下范围内制造的产品
未收到任何实质性意见
来自从非制造商进口的小型企业以及自有品牌商
FTZs表明需要对此类消费品进行CPSC-
延长。委员会已经
将120天的生效日期延长至
18个月，为小企业提供
充足的准备时间以及预估的人工成本，用于
和实施活动。

VIII.文书削减法

最终规则创设了一项新的

对于非儿童产品以及
扩充现有的收集范围，以涵盖
儿童产品的第三方测试
编号将扩大至涵盖
进口证书的电子申报
CPSC要求认证的规则。我们

此处。

根据OMB的

对CPSC执行的法规。对于
此类信息。× 1,333,982份证书。该年度负担为37,791小时(1.25分钟/60
美国，受访者包括
在境外制造的产品
美国，受访者包括

强制执行法规。

估计负担： CPSC 已
估计了以下方面的受访者负担：
受访者负担估计:

受访者。

受访者负担估计：

下面我们对以下内容进行分类和估算：

最终规则包含由法规和收集要求产生的信息负担，这些要求须根据PRA接受公众评论和管理与预算办公室(OMB)的审查。44 U.S.C.3501-3521。PRA要求机构发布以下信息：

为合集拟一个标题
信息；
D 收集摘要
信息；
对需求的简要说明
信息和拟议用途
与初始存储及信息相关联；
D 对可能情况的描述
包括证书和受访者的记录以及提议的频率
对……收集的回应
信息；
D 估计将产生的负担
收集结果
信息；以及
D 请注意，评论可能为
已提交至OMB。

44 U.S.C. 3507(a)(1)(D)。

71 所示总计可能不完全匹配 73 这包括全部电子申报负担
由于四舍五入，组件产品的结果。
72 方程得出的估计值可能不一致
因四舍五入导致的总小时数。

提交相关完整或参考PGA消息集的
进口商的日常负担。

*A.*通用合规证书*(GCC)*的每小时负担

美国消费品安全委员会(CPSC)估计可能存在49,364家受最终规则约束的非儿童产品企业。平均而言，这些企业预计每年创建27份证书，总计1,333,982份证书。[71] CPSC假设每份证书需要5分钟劳动时间，相当于

创建它们花费了111,165小时。

这些相同的公司必须保留
支持以下证书的记录：
为期五年。CPSC假定
记录保存平均将需要，
记录创建和初始化的分钟
存储，另加15秒用于
对……进行的例行年度维护

各公司还必须披露每
向以下各方出具证书：零售商和分销商
应要求提供产品；因此，工作人员
估计额外需要0.25小时(
GMB控制编号3041-0159。对于证书记录的摘要、需求和使用的
此信息包括 × 1,333,982份证书。该年度负担为23,495小时(15分钟/60
1,333,982份证书)。CPSC估计电
子申报的响应数量为23,491,168。
各申报模式的平均申报时间约为22
秒。这增加了估计的电子申报负担

小时(22 秒/3,600 ×
23,491,168)。[72]

最终规则的总体负担
非儿童产品供应商的规则为
616,939小时，总成本为
26,102,580美元。这一估计
包括法规所施加的负担，

儿童及非儿童
儿童受监管产品如下：证书：与创建证书(GCC和CPC)相关的非儿童产品负担(若无最终规则，供应商将承担此负担)。这可视为一般记录保存负担之外的净负担。最终规则--不包括法定负担--为146,710小时[73]，净披露成本为5,217,007美元。表13显示，需要GCC的通用产品进口商承担了大部分

记录保存：负担
记录的日常维护，

任何支持和测试

文档，期限为五年
年。
电子申报：初始负担来自
以电子方式提交证书，
使用由CPSC维护的任一
产品注册处或系统
由支持该交易的经纪商提供
进口商的活动，以及

144,487小时和2,223小时的额外小时数
因记录保存要求增加而
将一般合规证书(GCC)的记录保存期限从3年延长至5年。

法定义务以及电子申报要求带来的额外负担。

CPSC预计，受最终规则约束的非儿童产品供应企业中，82%将是进口商，其余18%为制造商。如表13所示，工作人员估计进口商承担的法定负担为480,905小时(78%)，制造商的预期负担为136,034小时(22%)。最终规则的净年度负担146,710小时可分为

burden of 146,070 hours borne by importers (99.6%) and 640 hours borne by manufacturers (0.4%).

TABLE 13—TOTAL BURDEN ON NON-CHILDREN PRODUCTS COVERED BY PART 1110

Total burden	Respondents	Frequency of response	Responses	Response time	Burden hours	Cost per burden hour [74]	Total cost of burden
Total							
Certificates	49,364	27.0	1,333,982	0.0833	111,165	$73.02	$8,117,279
Disclosure	49,364	27.0	1,333,982	0.2500	333,495	35.56	11,859,097
Recordkeeping	49,364	27.0	1,333,982	0.0208	27,791	35.56	988,258
eFiling	40,665	577.7	23,491,168	0.0062	144,487	35.56	5,137,946
Total	49,364	557.0	27,493,113	0.0224	616,939	42.31	26,102,580
Additional Burden from the Rule							
Total	49,364	475.9	23,491,168	0.006245	146,710	35.56	5,217,007
Manufacturers							
Certificates	8,699	44.2	384,095	0.0833	32,008	73.02	2,337,219
Disclosure	8,699	44.2	384,095	0.2500	96,024	35.56	3,414,607
Recordkeeping	8,699	44.2	384,095	0.0208	8,002	35.56	284,551
eFiling	0	0.0	0	0.0000	0	0.00	0
Total	8,699	132.5	1,152,286	0.1181	136,034	44.37	6,036,377
Additional Burden to Manufacturers							
Total	8,699	0.0	0	0.0000	640	35.56	22,764
Importers							
Certificates	40,665	23.4	949,886	0.0833	79,157	73.02	5,780,059
Disclosure	40,665	23.4	949,886	0.2500	237,472	35.56	8,444,491
Recordkeeping	40,665	23.4	949,886	0.0208	19,789	35.56	703,708
eFiling	40,665	577.7	23,491,168	0.0062	144,487	35.56	5,137,946
Total	40,665	647.8	26,340,828	0.0183	480,905	41.73	20,066,203
Additional Burden to Importers							
Total	40,665	577.7	23,491,168	0.0062	146,070	35.56	5,194,243

Note: Totals made not sum due to rounding.

B. Hourly Burden for eFiling CPCs

Section 14 of the CPSA requires third-party testing of children's products that are subject to an applicable children's product safety rule to ensure compliance with such rules. Based on this testing, manufacturers, including importers, are required to certify compliance of their products to the applicable standards. The burden associated with certificate production, recordkeeping, and disclosure is already subject to an OMB control number, 3041–0159, for children's product testing, as set forth in 16 CFR parts 1107 and 1109. The Final Rule adds a certificate eFiling requirement for importers of finished children's products and estimates the reporting burden for this requirement.

Table 14 presents CPSC's estimate that there are 224,000 small importers supplying children's products. Commission staff estimates an average of 152 certificate filings per firm based on assumptions supported on data from the Division of Import Surveillance and the Beta Pilot, which means that 34,055,116 shipments related to imported children's products would be annually required to eFile certificates, with an estimated eFiling burden of 209,462 hours.[75] This number only includes burden imposed by the Final Rule, so the net burden from the Final Rule is also 209,462 hours, and the cost of this additional burden from the Final Rule is $7,448,474.

[74] To estimate the cost of the hourly burden, CPSC staff used the hourly compensation (benefits plus wage) of management, professional, and related occupations in goods-producing industries for the production of certificates ($73.02), and the hourly compensation of office and administrative support occupations in good-producing industries for the disclosure, recordkeeping, and eFiling of certificates ($35.56). These hourly compensation estimates were obtained from the report on ''Employer Cost for Employee Compensation'' prepared by the U.S. Bureau of Labor Statistics as of June 2024. *https://www.bls.gov/news.release/ecec.t04.htm.*

[75] The average filing takes roughly 22 seconds across filing modes. This adds to an estimated eFiling burden of 209,462 hours (22 seconds/3,600 × 34,055,116). The result from this equation may not exactly match the total due to rounding.

[76] To estimate the cost of the hourly burden of eFiling, staff used the hourly compensation (benefits plus wage) of office and administrative support occupations in good producing industries ($35.56). This hourly compensation estimate was obtained from the report on ''Employer Cost for Employee Compensation'' prepared by the U.S. Bureau of Labor Statistics as of June 2024. *https://www.bls.gov/news.release/ecec.t04.htm.*

146,070小时的负担由进口商(99.6%)和制造商承担的640小时(0.4%)。

表13--受第1110部分涵盖的非儿童产品的总负担

总负担	受访者	频率的响应	响应	响应时间	负担小时	每次成本负担 hour [74]	总成本负担
总计							
证书	49,364	27.0	1,333,982	0.0833	111,165	$73.02	$8,117,279
披露				0.2500	333,495	35.56	11,859,097
记录保存	49,364	27.0	1,333,982	0.0208	27,791		988,258
电子申报	40,665	577.7	23,491,168	0.0062	144,487	35.56	5,137,946
总计	49,364	557.0	27,493,113	0.0224	616,939	42.31	26,102,580
规则带来的额外负担							
总计	49,364	475.9	23,491,168	0.006245	146,710	35.56	5,217,007
制造商							
证书	8,699	44.2	384,095	0.0833	32,008	73.02	2,337,219
披露				0.2500	96,024	35.56	3,414,607
记录保存	8,699	44.2	384,095	0.0208	8,002		284,551
电子申报	0	0.0	0	0.0000	0	0.00	0
总计	8,699	132.5	1,152,286	0.1181	136,034	44.37	6,036,377
对制造商造成的额外负担							
总计	8,699	0.0	0	0.0000	640	35.56	22,764
进口商							
证书	40,665	23.4	949,886	0.0833	79,157	73.02	5,780,059
披露				0.2500	237,472	35.56	8,444,491
记录保存	40,665	23.4	949,886	0.0208	19,789		703,708
电子申报		577.7	23,491,168	0.0062	144,487	35.56	5,137,946
总计	40,665	647.8	26,340,828	0.0183	480,905	41.73	20,066,203
对进口商的额外负担							
总计	40,665	577.7	23,491,168	0.0062	146,070	35.56	5,194,243

注： 由于四舍五入，总计相加不等于总和。

B. 电子申报儿童产品证书*(CPC)*的每小时负担

CPSA第14节要求对受适用儿童产品安全规则约束的儿童产品进行第三方测试，以确保符合此类规则。基于此测试，制造商(包括进口商)须证明其产品符合适用标准。证书制作、记录保存和披露相关的负担已经须经 OMB 控制编号约束，进口监督与测试司，如16 CFR第1107部分3041-0159所规定，针对儿童产品和1109。最终规则增加了进口儿童产品将是成品儿童证书电子申报要求的进口商每年必须通过电子方式提交证书、产品及估算报告这一要求带来的负担。

基于由……数据支持的假设Beta试点，这意味着34,055,116 批货物涉及预计电子申报负担为预计电子申报负担为209,462小时。[75]此数字仅表14列示了CPSC的估计，其中包括最终规则施加的负担，因此最终规则的净负担为供应儿童产品的224,000家小进口商。

委员会工作人员估计平均每家公司152份证书申报的平均值该规则同样为209,462小时，成本最终规则中这一额外负担规则为$7,448,474。

74 为估算小时负担成本，CPSC工作人员对证书的制作采用了商品生产行业中管理、专业及相关职业的小时报酬(福利加工资)(73.02美元)，对证书的披露、记录保存和电子申报采用了商品生产行业中办公室和行政支持职业的小时报酬(35.56美元)。这些小时报酬估算值取自《雇主雇员报酬成本》报告。由美国劳工统计局编制，作为2024年6月。https://www.bls.gov/news.release/ecec.t04.htm。

取自"雇主成本"报告中关于75 平均每次申报大约需要22秒

由美国编制的"员工薪酬"，涵盖各申报模式。这增加了截至2024年6月劳工统计局估计的电子申报负担209,462小时(22秒/3,600

× 34,055,116)。由于四舍五入，此等式的结果可能不完全匹配总计。

76 为估计电子申报小时负担的成本，工作人员使用了办公室和行政人员的每小时报酬(福利加工资)支持性职业在商品生产行业(35.56美元)。该小时报酬估算为www.bls.gov/news.release/ecec.t04.htm。

TABLE 14—eFILING CHILDREN'S PRODUCT CERTIFICATES (CPC)

Total burden	Respondents	Frequency of response	Responses	Response time	Burden hours	Cost per burden hour [76]	Total cost of burden
eFiling	224,000	152.0	34,055,116	0.0062	209,462	$35.56	$7,448,474
Additional Burden from the Rule							
Total	224,000	152.0	34,055,116	0.0062	209,462	35.56	7,448,474

表 14-E 提交儿童产品证书(CPC)

总负担	受访者	频率 回复的	响应	响应 时间	负担 小时	每次成本 负担 hour [76]	总成本 负担
电子申报	224,000	152.0	34,055,116	0.0062	209,462	$35.56	$7,448,474
规则带来的额外负担							
总计	224,000	152.0	34,055,116	0.0062	209,462	35.56	7,448,474

C. Burden Estimate Breakdowns by Imported and Domestically Manufactured Products

Table 15 provides a summary of the analysis for imported products, and Table 16 provides a summary of this analysis for domestically manufactured products.

*C.*按表16提供了以下摘要进口和国内制造产品划分的负担估计明细

对国内制造的分析

产品。

表15提供了以下内容的摘要：

对进口产品的分析，以及

TABLE 15—IMPORT DATA ANALYSIS BY PRODUCT

Product	Total		CPC		GCC	
	Total respondents	Total responses	Percent of Resp as CPC	CPC responses	Percent of Resp as GCC	GCC responses
Architectural Glazing Materials	792	11,717	0	0	100	11,717
Artificial Emberizing Materials	16	5	0	0	100	5
ATVs	41	37,795	25	9,449	75	28,346
Baby Changing Products	4,027	523,490	100	523,490	0	0
Bassinets and Cradles	76	2,299	100	2,299	0	0
Bedside Sleepers	230	75,979	100	75,979	0	0
Bicycle Helmets	624	16,300	50	8,150	50	8,150
Bicycles	194	125,796	50	62,898	50	62,898
Bunk Beds—Furniture	2,076	89,801	75	67,351	25	22,450
Button Batteries	57	523	0	0	100	523
Candles with metal-cored wicks	2,616	27,843	0	0	100	27,843
Carpets and Rugs	186	261,374	25	65,344	75	196,031
Carriages and Strollers	243	9,030	100	9,030	0	0
CB Antennas	538	12,594	0	0	100	12,594
Cellulose Insulation	5,764	46,511	0	0	100	46,511
Children's folding chairs and stools	1,273	67,489	100	67,489	0	0
Children's Sleepwear	112	66,855	100	66,855	0	0
Cigarette & Multipurpose Lighters	69	3,908	0	0	100	3,908
Clacker Balls	4,863	10,243	100	10,243	0	0
Clothing Storage Units	2,992	316,923	0	0	100	316,923
Consumer Patching Compounds	864	13,101	0	0	100	13,101
Crib mattresses	154	8,294	100	8,294	0	0
Cribs	81	14,206	100	14,206	0	0
Dive Sticks and Other Similar Articles	2,003	4,853	100	4,853	0	0
Drywall	68	35,134	0	0	100	35,134
Electrically Operated Toys or Articles	1,012	15,794	100	15,794	0	0
Fireworks	132	47,076	0	0	100	47,076
Frame Child Carriers	0	0	100	0	0	0
Furniture	1,092	5,402,165	0	0	100	5,402,165
Garage Door Openers	3,451	10,533	0	0	100	10,533
Gates and enclosures	87	7,018	100	7,018	0	0
Hand-Held Infant Carriers	0	0	100	0	0	0
High chairs	172	14,990	100	14,990	0	0
Imitation Firearms	992	3,853	0	0	100	3,853
Infant Bath Seats	73	507	100	507	0	0
Infant Bath Tubs	1,594	5,929	100	5,929	0	0
Infant Bouncer Seats	82	5,224	100	5,224	0	0
Infant Sleep Products	739	80,644	100	80,644	0	0
Infant Swings	95	1,388	100	1,388	0	0
Infant Walkers	33	3,183	100	3,183	0	0
Lawn Darts	2,353	4,704	0	0	100	4,704
Liquid Nicotine Packaging	536	2,242	0	0	100	2,242
Magnets	908	34,846	0	0	100	34,846
Matchbooks	71	241	0	0	100	241
Mattresses	329	167,504	50	83,752	50	83,752
Pacifiers	146	4,166	100	4,166	0	0
Paints	812	154,543	0	0	100	154,543
Play Yards	71	3,400	100	3,400	0	0
Pool and Spa drain covers	2,636	33,397	0	0	100	33,397
Portable Bedrails	7,605	29,814	100	29,814	0	0
Portable fuel containers	386	5,974	0	0	100	5,974
Portable gas containers	386	5,974	0	0	100	5,974
Portable hook-on chairs	564	5,328	0	0	100	5,328
Power Mowers	111	18,865	0	0	100	18,865
Rattles	592	7,939	100	7,939	0	0
Refrigerator doors	140	74,190	0	0	100	74,190
Refuse Bins	2,407	2,717	0	0	100	2,717

表 15--按产品分列的进口数据分析

产品	总计		儿童产品证书(CPC)		一般合格	
	总计 受访者	总计 回复	百分比 回复为 儿童产品证书(	儿童产品证书(回复	百分比 回复为 一般合格证书(	一般合格 回复
建筑玻璃材料 792 11,717 0 0 100 11,717 人造余烬材料 16 5 0 0 100 5 全地形车 41 37,795 25 9,449 75 28,346						
婴儿换尿布产品 4,027 523,490 100 523,490 0						0
婴儿摇篮和摇篮床 76 2,299 100 2,299 0						0
床边婴儿床 230 75,979 100 75,979 0						0
自行车头盔 624 16,300 50 8,150 50						8,150
自行车 194 125,796 50 62,898 50						62,898
双层床——家具 2,076 89,801 75 67,351 25 22,450 纽扣电池 57 523 0 0 100 523 金属芯烛芯蜡烛 2,616 27,843 0 0 100 27,843 地毯和小毯 186 261,374 25 65,344 75 196,031						
婴儿推车和童车 243 9,030 100 9,030 0						0
CB天线 538 12,594 0 0 100						12,594
纤维素绝缘材料 5,764 46,511 0 0 100						46,511
儿童折叠椅和凳子 1,273 67,489 100 67,489 0						0
儿童睡衣 112 66,855 100 66,855 0						0
香烟及多用途打火机 69 3,908 0 0 100						3,908
响板球 4,863 10,243 100 10,243 0 0 衣物收纳单元 2,992 316,923 0 0 100 316,923 消费品修补化合物 864 13,101 0 0 100 13,101						
婴儿床床垫 154 8,294 100 8,294 0						0
婴儿床 81 14,206 100 14,206 0						0
潜水棒及其他类似物品 2,003 4,853 100 4,853 0						0
干墙 68 35,134 0 0 100						35,134
电动玩具或物品 1,012 15,794 100 15,794 0 0 烟花 132 47,076 0 0 100 47,076 框架式儿童背带 0 0 100 0 0 0 家具 1,092 5,402,165 0 0 100 5,402,165 车库门开启器 3,451 10,533 0 0 100 10,533						
门和围栏 87 7,018 100 7,018 0						0
手提式婴儿提篮 0 0 100 0 0						0
高脚椅 172 14,990 100 14,990 0						0
仿制枪支 992 3,853 0 0 100						3,853
婴儿浴座 73 507 100 507 0						0
婴儿浴盆 1,594 5,929 100 5,929 0						0
婴儿弹跳座椅 82 5,224 100 5,224 0						0
婴儿睡眠产品 739 80,644 100 80,644 0						0
婴儿秋千 95 1,388 100 1,388 0						0
婴儿学步车 33 3,183 100 3,183 0						0
飞镖 2,353 4,704 0 0 100						4,704
液体尼古丁包装 536 2,242 0 0 100						2,242
磁铁 908 34,846 0 0 100						34,846
火柴册 71 241 0 0 100						241
床垫 329 167,504 50 83,752 50 83,752 安抚奶嘴 146 4,166 100 4,166 0 0 油漆 812 154,543 0 0 100 154,543 游戏围栏 71 3,400 100 3,400 0 0 泳池和水疗排水盖 2,636 33,397 0 0 100 33,397						
便携式床栏 7,605 29,814 100 29,814 0						0
便携式燃料容器 386 5,974 0 0 100						5,974
便携式气体容器 386 5,974 0 0 100						5,974
便携式挂椅 564 5,328 0 0 100						5,328
动力割草机 111 18,865 0 0 100						18,865
摇铃 592 7,939 100 7,939 0 0 冰箱门 140 74,190 0 0 100 74,190 垃圾箱 2,407 2,717 0 0 100 2,717						

TABLE 15—IMPORT DATA ANALYSIS BY PRODUCT—Continued

Product	Total		CPC		GCC	
	Total respondents	Total responses	Percent of Resp as CPC	CPC responses	Percent of Resp as GCC	GCC responses
Sling Carriers	0	0	100	0	0	0
Soft Infant and Toddler Carriers	0	0	100	0	0	0
Special Packaging (PPPA)	310	1,410,691	0	0	100	1,410,691
Stationary activity centers	37	3,093	100	3,093	0	0
Swimming Pool Slides	886	4,184	0	0	100	4,184
Toddler Beds	76	1,839	100	1,839	0	0
Toys	1,926	1,349,066	100	1,349,066	0	0
Vinyl Plastic Film	729	33,719	50	16,859	50	16,859
Wearing Apparel	220	16,290,891	50	8,145,446	50	8,145,446

TABLE 16—DOMESTIC MANUFACTURER DATA BY PRODUCT CATEGORY

CFR	Product categories	NAICS	NAICS_description	Respond-ents
16 CFR part 1201	Architectural Glazing Materials	327211	Flat Glass Manufacturing	19
16 CFR part 1201	Architectural Glazing Materials	321911	Wood Window and Door Manufacturing	48
16 CFR part 1201	Architectural Glazing Materials	326199	All Other Plastics Product Manufacturing: Doors and door frames, plastics, manufacturing.	139
16 CFR part 1201	Architectural Glazing Materials	327215	Glass Product Manufacturing Made of Purchased Glass	50
16 CFR part 1201	Architectural Glazing Materials	332321	Metal Window and Door Manufacturing	45
16 CFR part 1305	Artificial Emberizing Materials	327999	All Other Miscellaneous Nonmetallic Mineral Product Manufacturing: Asbestos products (except brake shoes and clutches) manufac-turing.	7
16 CFR part 1420	ATVs	336999	All other transportation equipment manufacturing: All-terrain vehicles (ATVs), wheeled or tracked, manufacturing.	5
16 CFR part 1203	Bicycle Helmets	339920	Sporting and athletic goods manufacturing	38
16 CFR part 1512	Bicycles	336991	Motorcycle, bicycle, and parts manufacturing: Bicycles and parts manufacturing.	125
16 CFR part 1500.17(a)(13)	Candles w/Metal Core Wicks	339999	All other miscellaneous manufacturing: candle manufacturing	1,000
16 CFR parts 1630 and 1631	Carpets and Rugs	314110	Carpet and rug mills	185
16 CFR parts 1630 and 1631	Carpets and Rugs	314999	All other miscellaneous textile product mills	219
16 CFR part 1204	CB Band Base Station Antennas	334220	Radio and television broadcasting and wireless communications equipment manufacturing.	10
16 CFR part 1209	Cellulose Insulation	321219	Reconstituted Wood Product Manufacturing	65
16 CFR part 1210 and 1212	Cigarette Lighters	339999	All other miscellaneous manufacturing: Cigarette lighters (except pre-cious metal) manufacturing.	29
16 CFR part 1261	Clothing Storage Units	337122	Nonupholstered Wood Household Furniture Manufacturing	2,012
16 CFR part 1261	Clothing Storage Units	337127	Institutional Furniture Manufacturing	581
16 CFR part 1507; 16 CFR 1500.17(3) and 1500.17(8).	Fireworks Devices	325998	All other miscellaneous chemical product and preparation manufac-turing: Fireworks manufacturing.	-
16 CFR parts 1213	Furniture (bunk beds)	337122	Nonupholstered Wood Household Furniture Manufacturing	50
16 CFR part 1303	Furniture (paint & entrapment)	337122	Nonupholstered Wood Household Furniture Manufacturing	201
16 CFR part 1303	Furniture (paint & entrapment)	337127	Institutional Furniture Manufacturing	29
16 CFR part 1303	Furniture (paint & entrapment)	337121	Upholstered Household Furniture Manufacturing	73
16 CFR part 1303	Furniture (paint & entrapment)	337211	Wood Office Furniture Manufacturing	15
16 CFR part 1303	Furniture (paint & entrapment)	337212	Custom Architectural Woodwork and Millwork Manufacturing	52
16 CFR part 1303	Furniture (paint & entrapment)	337214	Office Furniture (except Wood) Manufacturing	5
16 CFR part 1211	Garage Door Openers	335999	All Other Miscellaneous Electrical Equipment and Component Manu-facturing: Garage door openers manufacturing.	9
16 CFR part 1306	Lawn Darts	339920	Sporting and Athletic Goods Manufacturing	10
15 U.S.C. 1472a	Liquid Nicotine Packaging	325411	Medicinal and Botanical Manufacturing: Nicotine and derivatives (i.e., basic chemicals) manufacturing.	278
16 CFR part 1262	Magnets	327110	Pottery, Ceramics, and Plumbing Fixture Manufacturing—Magnets, permanent, ceramic or ferrite, manufacturing.	7
16 CFR part 1262	Magnets	332999	All Other Miscellaneous Fabricated Metal Product Manufacturing—Magnets, permanent, metallic, manufacturing.	18
16 CFR part 1202	Matchbooks	325998	All other miscellaneous chemical product and preparation manufac-turing: Matches and matchbook manufacturing.	6
16 CFR parts 1632 and 1633	Mattresses, Pads, and Sets	337910	Mattress manufacturing	314
16 CFR parts 1632 and 1633	Mattresses, Pads, and Sets	337121	Upholstered Household Furniture Manufacturing	686
16 CFR part 1303	Paints and Coatings	325510	Paint and coating manufacturing	100
16 CFR part 1304	Patching Compounds	327999	All Other Miscellaneous Nonmetallic Mineral Product Manufacturing: Asbestos products (except brake shoes and clutches) manufac-turing.	10
16 CFR part 1460	Portable gas containers	326199	All Other Plastics Product Manufacturing	10
16 CFR part 1700	PPPA	324110	Petroleum Refineries: Solvents made in petroleum refineries	16
16 CFR part 1700	PPPA	325180	Other Basic Inorganic Chemical Manufacturing—Fuel propellants, solid inorganic, not specified elsewhere by process, manufacturing; Caustic soda (i.e., sodium hydroxide) manufacturing, Potassium hydroxide (i.e., caustic potash) manufacturing.	94
16 CFR part 1700	PPPA	325194	Cyclic Crude, Intermediate, and Gum and Wood Chemical Manufac-turing: Turpentine.	13
16 CFR part 1700	PPPA	325199	All Other Basic Organic Chemical Manufacturing: Fuel propellants, solid organic, not specified elsewhere by process, manufacturing.	156
16 CFR part 1700	PPPA	325411	Medicinal and Botanical Manufacturing: Dietary supplements, uncompounded, manufacturing.	115

表 15-按产品分列的进口数据分析-续

产品	总计		儿童产品证书(CPC)		一般合	
	总计 受访者	总计 回复	百分比 回复为 儿童产品证书(	儿童产品证书(回复	百分比 回复为 一般合格证书(	一般合格证书 回复
吊带背带	0	0	100	0	0	0
软质婴儿和幼儿背带	310	1,410,691	0	0	100	1,410,691
特殊包装（PPPA）	37	3,093	100	3,093	0	0
固定活动中心	886	4,184	0	0	100	4,184
游泳池滑梯	76	1,839	100	1,839	0	0
幼儿床	1,926	1,349,066		1,349,066		
玩具	729	33,719	50	16,859	50	16,859
乙烯基塑料薄膜	220	16,290,891		8,145,446		8,145,446

表 16-D 按产品类别划分的国内制造商数据

服装 CFR产品类别	NAICS	回应--NAICS _ 描述	ents
16 CFR 第1201部分 建筑玻璃材料	327211	平板玻璃制造	19
16 CFR 第1201部分 建筑玻璃材料	321911	木制门窗制造	48
16 CFR 第1201部分 建筑玻璃材料	326199	所有其他塑料制品制造：门和门框，	
	327215	购买玻璃制造的玻璃产品制造	50
16 CFR part 1305 人造余焊材料	332321	金属门窗制造	45
	327999	所有其他杂项非金属矿物产品制造：	7
16 CFR 第 1420 部分 全地形车	336999	其他所有运输设备制造：全地形车	5
16 CFR 第 1203 部分 自行车头盔	339920	体育和运动用品制造业	38
16 CFR 第 1512 部分 自行车	336991	摩托车、自行车及零部件制造：自行车及零部件	
16 CFR 第 1500.17(a)(13) 条 带金属芯烛芯的蜡烛	339999	所有其他杂项制造业：蜡烛制造	1,000
16 CFR 第 1630 和 1631 部分 地毯和毛毯	314110	地毯和毛毯厂	185
16 CFR 第 1204 部分 CB 频段基站天线			
	314999	所有其他杂项纺织产品厂	219
16 CFR 第 1209 部分 纤维素绝缘材料	334220	无线电与电视广播及无线通信	65
16 CFR 第 1210 和 1212 部分 香烟打火机	321219	重组木产品制造业	
16 CFR 第 1261 部分 衣物收纳单元	339999	所有其他杂项制造业：香烟打火机(预制品除外)	581
16 CFR part 1261 衣物收纳单元 16 CFR part 1507;16 CFR 烟花装置 1500.17(3) 和 1500.17(8)。	337122	非软垫木制家用家具制造业	2,012
	337127	机构家具制造	581
	325998	所有其他杂项化学产品及制剂制造	50
16 CFR 第 1213 部分 家具（双层床）	337122	非软垫木制家用家具制造	201
16 CFR 第 1303 部分 家具(涂料与夹困)	337127	机构家具制造	29
16 CFR 第 1303 部分 家具(涂料与夹困)	337121	软垫家用家具制造业	73
16 CFR 第 1303 部分 家具(涂料与夹困)	337211	木制办公家具制造	15
16 CFR 第 1211 部分 车库门开启器	337212	定制建筑木制品及细木工制品制造	52
16 CFR 第 1306 部分 草坪飞镖	337214	办公家具(木制除外)制造业	5
	335999	其他所有杂项电气设备及组件制造	10
15 U.S.C. 1472a 液体尼古丁包装	339920	体育和运动用品制造业	7
16 CFR 第1262部分 磁铁	325411	药用和植物制造：尼古丁及衍生物(即，	18
16 CFR 第1262部分 磁铁	327110	陶器、陶瓷及管道装置制造--磁体，	6
16 CFR 第 1202 部分 火柴册	332999	所有其他杂项金属制品制造-	
16 CFR 第1632部分和第1633部分 床垫、衬垫及套装	325998	所有其他杂项化学产品及制剂制造	314
16 CFR 第 1303 部分 油漆和涂料	337910	床垫制造	686
16 CFR 第 1304 部分 修补化合物	337121	软垫家用家具制造业	100
16 CFR 第 1460 部分 便携式气体容器	325510	油漆和涂料制造	10
16 CFR 第 1700 部分 PPPA	327999	所有其他杂项非金属矿物产品制造：	10
	326199	所有其他塑料产品制造业	16
	324110	石油精炼厂：石油精炼厂中制造的溶剂	94
16 CFR 第 1700 部分 PPPA	325180	其他基础无机化学制造--燃料推进剂，	
	325194	环状粗制、中间体及胶与木材化学品制造	13
16 CFR 第 1700 部分 PPPA	325199	所有其他基本有机化学品制造：燃料推进剂，	156
16 CFR 第 1700 部分 PPPA	325411	药用和植物制造：膳食补充剂，	115

139 塑料，制造业。

石棉制品(刹车片和离合器除外)制造。

(全地形车)，轮式或履带式，制造。

125 制造。

TABLE 16—DOMESTIC MANUFACTURER DATA BY PRODUCT CATEGORY—Continued

CFR	Product categories	NAICS	NAICS_description	Respond-ents
16 CFR part 1700	PPPA	325412	Pharmaceutical Preparation Manufacturing	262
16 CFR part 1700	PPPA	325612	Polish and Other Sanitation Good Manufacturing	107
16 CFR part 1700	PPPA	325620	Toilet Preparation Manufacturing: Mouthwashes (except medicinal) manufacturing; Permanent wave neutralizers.	236
16 CFR part 1301	Refuse Bins	332439	Other Metal Container Manufacturing: Light gauge metal garbage cans manufacturing.	20
16 CFR part 1207	Swimming Pool Slides	339920	Sporting and athletic goods manufacturing	24
16 CFR part 1205	Walk Behind Power Mowers	333112	Lawn and garden tractor and home lawn and garden equipment manufacturing.	29
16 CFR part 1611	Vinyl Plastic Film	326113	Unlaminated Plastics Film and Sheet (except Packaging) Manufacturing—Vinyl and vinyl copolymer film and unlaminated sheet (except packaging) manufacturing.	50
16 CFR part 1611	Clothing And Apparel	315110	Hosiery and sock mills	1
16 CFR part 1611	Clothing And Apparel	315190	Other apparel knitting mills	2
16 CFR part 1611	Clothing And Apparel	315210	Cut and sew apparel contractors	72
16 CFR part 1611	Clothing And Apparel	315220	Men's and boys' cut and sew apparel manufacturing	13
16 CFR part 1611	Clothing And Apparel	315240	Women's, girls', and infants' cut and sew apparel manufacturing	34
16 CFR part 1611	Clothing And Apparel	315280	Other cut and sew apparel manufacturing	11
16 CFR part 1611	Clothing And Apparel	315990	Apparel accessories and other apparel manufacturing	17
16 CFR part 1210 and 1212	Multipurpose Lighters	339999	All other miscellaneous manufacturing: Cigarette lighters (except precious metal) manufacturing.	29

D. Additional Recordkeeping Costs

Public comments stated there were additional eFiling costs not considered in the SNPR. In response to these comments, agency staff analyzed survey responses and data from the eFiling Beta Pilot participants and queried import brokers to assess additional potential out-of-pocket expenses imposed by the Final Rule. As a result of this assessment, staff conducted an analysis of three additional annual cost burden categories: (1) startup costs to account for the burden of organizational meetings, staff training, and setting up accounts and a data storage system to house the certificate data; (2) fees charged by brokers to file message sets with CBP; and (3) *de minimis* filings. However, for the reasons stated in section VII.D.5 of this preamble, CPSC has insufficient information for a substantive burden analysis involving *de minimis* filings impacted by the Final Rule. Therefore, the following subsections discuss startup costs and filing fees.

1. Startup Burden Cost

eFiling of certificates may require some importers to invest in a combination of new technologies and training or hiring staff to conduct eFiling activities. These new technologies may be built in-house by larger firms. Also, third-party service providers may develop tools and services that large or small importers could use.[77] Firms are also likely to train their staff on the use of these new technologies and the updated processes that support the eFiling of certificates, including participating in meetings with their brokers, reading guidance documents, and communicating and distributing information.

Firms that participated in the Beta Pilot indicated an average of 60 hours of startup time[78] for training, understanding and communicating eFiling guidance, gathering product information, and coordinating with brokers. However, most firms that participated in the Beta Pilot are of significant size, which implies the startup times for the average importer likely are not as large. Also, the potential introduction of third-party tools or third-party support to perform these duties will likely reduce the number of hours required for setting up the logistics of the average importer to conduct eFiling activities. Consequently, CPSC assumes that the average firm would invest the equivalent of only one-third the time, or 20 hours,[79] in all startup activities. More than 264 thousand importers will be involved in eFiling, so ample room exists for learning and cost improvements.

The 20 hours of startup time converts to an average cost per firm of $1,086 using the average wage rate of management and administrative occupations.[80] Annualizing the average startup cost per firm at a 2% discount rate over 30 years, the estimated annualized cost equivalent per firm is $48.48. Table 17 presents a summary of estimated startup costs.

TABLE 17—EFILING STARTUP COSTS

Additional costs of response	Importers	Frequency of response	Responses	Cost per response	Total additional costs
GCC Startup Burden	40,665	1	40,665	$48.48	$1,971,475

[77] Technology investments may decrease the overall costs associated with managing certificate data, records, or entering products into the Product Registry or into a broker's database. Importers are not required to invest in this technology but larger firms with more resources at their disposal may do so, provided a positive return exists on such an investment. To minimize costs, most firms would likely take advantage of existing broker technologies and not make unnecessary changes to their system unless there was a business case to do so. Furthermore, testing facilities offer suppliers tools to manage and eFile certificate data. Online tools, such as Interlink by Intertek, can be used by firms of any size to capture, track, and file GCCs and CPSC.

[78] We use startup timeframes to estimate startup costs. In reality, many firms will likely hire third parties to benefit from the economies of scale, instead of devoting as many staff hours to startup tasks. This will reduce burden.

[79] This corresponds to a learning factor of 3, one sixth the size of the learning factor used to estimate processing times for Reference Message Sets.

[80] As of June 2024, the hourly rate for management, professional, and related occupations at good producing industries was $73.02, while the hourly rate for office and administrative support occupations was $35.56. CPSC assumes that the hours invested in startup activities are one-half managerial and one-half support staff at an average hourly rate of $54.29.

表 16-D 国内制造商按产品类别划分的数据--续

CFR产品类别		NAICS	回应--NAICS _ 描述	ents
16 CFR 第 1700 部分	PPPA	325412	药物制剂制造业	262
16 CFR 第 1700 部分	PPPA	325612	抛光剂及其他卫生用品制造业	107
16 CFR 第 1700 部分	PPPA	325620	盥洗用品制造；漱口水(药用除外)	236
16 CFR 第1301部分	拒收箱	332439	其他金属容器制造：轻型金属垃圾罐头制造。	20
16 CFR 第1207部分	游泳池滑梯	339920	体育和运动用品制造业	24
16 CFR 第1205部分	手扶式动力割草机	333112	草坪和园艺拖拉机及家用草坪和园艺设备制造。	29
16 CFR 第1611部分	乙烯基塑料薄膜	326113	未层压塑料薄膜和片材(不包括包装)制造制造；永久性卷发中和剂。	50
16 CFR 第1611部分	服装和服饰	315110	制造业，乙烯基和乙烯基共聚物薄膜及未层压片材(包装除外)制造。袜类与短袜制造	1
16 CFR 第1611部分	服装和服饰	315190	其他服装针织厂	2
16 CFR 第1611部分	服装和服饰	315210	裁剪与缝制服装承包商	72
16 CFR 第1611部分	服装和服饰	315220	男童及男孩裁剪缝制服装制造业	13
16 CFR 第1611部分	服装和服饰	315280	其他裁剪缝制服装制造制服装制造	34
16 CFR 第1611部分	服装和服饰	315990	服装配饰及其他服装制造	17
16 CFR第1210和1212部分	多功能打火机	339999	所有其他杂项制造业：香烟打火机(预制品除外)(贵金属)制造。	29

*D.*额外记录保存成本

公众意见指出存在
未考虑额外的电子申报成本
在SNPR中。针对这些
comments，机构工作人员分析了调查回复和来自eFiling Beta的数据
试点参与者和被查询的进口经纪人以评估额外的潜在

由……施加的自付费用
最终规则。因此，本次
评估，工作人员进行了一项分析
三个额外的年度成本负担类别：(1) 启动成本，用于核算组织会议、员工培训以及设置账户和数据存储系统以存放证书数据的负担；(2) 经纪人向 CBP 提交消息集所收取的费用；以及 (3) 最低限额申报。然而，基于本序言第 VII.D.5 节所述理由，CPSC 缺乏足够信息进行涉及以下内容的实质性负担分析

*de minimis*申报受最终规则影响
规则。因此，以下子
各节讨论启动成本与申报
费用。

1. 启动负担成本

证书的电子申报可能需要
部分进口商投资于新技术与培训或聘用人员开展电子申报活动的组合。这些新技术可能由较大型企业自行开发。此外，第三方服务提供商可能开发大型或小型进口商均可使用的工具和服务。[77]企业还可能就这些新技术的使用以及支持证书电子申报的更新流程对员工进行培训，包括参加与其报关代理的会议、阅读指导文件以及沟通和分发信息。

参与 Beta 试点的企业表示，平均需要 60 小时的启动时间[78]用于培训、理解和传达电子申报指南、收集产品信息以及与经纪人协调。然而，参与 Beta 试点的大多数企业规模较大，这意味着普通进口商的启动时间
可能规模没有那么大。此外，第三方工具或第三方支持执行这些职责的潜在引入，可能会减少普通进口商设置物流以开展电子申报活动所需的工时数。

因此，CPSC 假设普通企业将在所有启动活动中仅投入三分之一的时间，即 20 小时，[79]。超过 26.4 万家进口商将参与电子申报，因此存在充足的学习与成本改进空间。

20 小时的启动时间折算为每家企业平均成本 $1,086 using the average wage rate of management and administrative occupations.80 Annualizing the average startup cost per firm at a 2% discount rate over 30 years, the estimated annualized cost equivalent per firm is $48.48。表 17 列示了估计启动成本的汇总。

表17-电子申报启动成本

应对的额外成本	进口商	频率回复的	响应	每次成本响应	额外总成本
GCC启动负担	40,665 1 40,665 $48.48 $1,971,475				

77 技术投资可能降低与证书管理相关的总体成本
数据、记录或将产品录入产品
登记处或经纪人的数据库中。进口商
并非必须投资于此技术，但拥有更多资源的大型企业可能会
这样做，前提是此类投资存在正回报。为最小化成本，大多数企业将
可能利用现有的经纪人技术，而不对其系统进行不必要的更改
除非有商业理由这样做。

此外，检测机构为供应商提供管理证书数据和电子申报证书数据的工具。在线工具，
例如 Intertek 的 Interlink，可供任何规模的企业用于捕获、跟踪和提交 GCC 和 CPSC。

78 我们使用启动时间框架来估算启动成本。实际上，许多企业可能会聘请第三方以受益于规模经济，而不是将同样多的员工工时投入到启动任务中。这将减轻负担。

79 这对应学习系数 3，是用于估计参考消息集处理时间的学习系数的六分之一。

80 截至2024年6月，商品生产行业管理、专业及相关职业的时薪为73.02美元，而办公室及行政支持职业的时薪为35.56美元。CPSC假定，投入启动活动的时间中，一半为管理人员、一半为支持人员，平均时薪为54.29美元。

TABLE 17—eFILING STARTUP COSTS—Continued

Additional costs of response	Importers	Frequency of response	Responses	Cost per response	Total additional costs
CPC Startup Burden	224,000	1	224,000	48.48	10,859,718
Total	264,665	1	264,665	48.48	12,831,194

Note: Totals made not sum due to rounding.

2. Filing Fees

Many importers use import brokers to facilitate customs filings and reporting with the government. Brokers typically charge a fee per entry or per entry line that is filed, and each entry line may contain one or more product certificates. The fees that brokers charge vary with the complexity of the Message Set and with the number of Message Sets filed. Most brokers charge a maximum fee per entry which reduces the filing fees per certificate for firms that file multiple certificates per entry. CPSC assumes that a majority of firms would choose to file as many product certificates as possible per entry, and this action will significantly lower the cost per individual product certificate filed. CPSC estimates the average fee per filing under these conditions to be $0.77.[81] Importers are only expected to pay a filing fee for Reference Message Sets and Full Message Sets.

Table 18 presents an estimate of filing fees. CPSC estimates importers of non-children's products will file 19,697,612 annual message sets (Full and Reference Message Sets) for a fee. At the average filing fee per certificate of $0.77, the expected fees for all GCCs are $15,167,162 in total. CPSC also estimate that importers of children's products will file 28,555,603, annual message sets for a fee, and expect filing fees for CPCs to total $21,987,815 annually. The estimated annual total filing fees paid by all filers is $37,154,976. These totals exclude *de minimis* filings.

TABLE 18—ESTIMATED ANNUAL FILING FEES

Additional cost	Importers	Filings with a fee	Responses	Cost per response	Total filling fees
GCC Filing Fees	40,665	484	19,697,612	$0.77	$15,167,162
CPC Filings Fees	224,000	127	28,555,603	0.77	21,987,815
All Importer Filings	264,665	182	48,253,216	0.77	37,154,976

E. Cost to the Federal Government

The estimated annual cost of the information collection requirements to the federal government in Fiscal Year 2026 (October 1, 2025, through September 30, 2026) is approximately $1.2 million in 2024 dollars, which includes 2,080 staff hours to manage the eFiling program and $1 million in contracting costs. This estimate for Fiscal Year 2026 is based in part on the annual salary for a mid-level salaried GS–13–5 employee in the Washington, DC metropolitan area (effective as of January 2024) which is $64.28 per hour.[82] This represents 67.7 percent of total compensation (U.S. Bureau of Labor Statistics, ''Employer Costs for Employee Compensation,'' March 2024, Table 2, percentage of wages and salaries for all civilian management, professional, and related employees.[83] Adding an additional 32.3 percent for benefits brings the average annual compensation for a mid-level salaried GS–13–5 employee to $94.94 per hour ($64.28 ÷ 0.677). Assuming that approximately 2,080 hours will be required annually, this results in an annual labor cost of $197,477.10 ($94.98 per hour × 2,080 hours = $197,477) plus an annual contracting cost of $1,000,000 in IT development for an annual cost to the government of $1.2 million in Fiscal Year 2026. Contracting costs are expected to decrease substantially thereafter. Because eFiling will be fully functional and firms will be experienced with it, contractor support should only be required for ongoing operations and maintenance.

F. OMB Submission

CPSC has submitted the information collection requirements of this Final Rule to OMB for review in accordance with PRA requirements. 44 U.S.C. 3507(d).

IX. Environmental Considerations

The Commission's regulations address whether the agency is required to prepare an environmental assessment or an environmental impact statement. Under these regulations, certain categories of CPSC actions normally have ''little or no potential for affecting the human environment,'' and therefore, do not require an environmental assessment or an environmental impact statement. 16 CFR 1021.5(c). Rules regarding product certification fall within this categorical exclusion. 16 CFR 1021.5(c)(2).

X. Preemption

Section 26(a) of the CPSA, 15 U.S.C. 2075(a), addresses the preemptive effect of CPSC's consumer product safety standards. Part 1110, however, is a procedural rule, not a consumer product safety standard. Therefore, the preemption provision of section 26(a) of the CPSA does not apply to this Final Rule.

XI. Congressional Review Act

The Congressional Review Act (CRA; 5 U.S.C. 801–808) states that before a rule may take effect, the agency issuing the rule must submit the rule, and

[81] This figure assumes an average fee per entry of $25, Average fees per GCCs and CPCs are estimated dividing $25 per entry by the average number of certificates included with each entry; these averages then are weighted by the total number of GCCs and CPCs to obtain an overall weighted average per certificate of $0.77.

[82] $64.28 comes from rounding $64.275 = 133,692 a year/2,080 hours per year. *See https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2024/DCB.pdf.*

[83] *https://www.bls.gov/news.release/ecec.t02.htm*

表17--电子申报启动成本--续

应对的额外成本	进口商	频率 回复的	响应	每次成本 响应	额外总成本
CPC启动负担	224,000	1	224,000	48.48	10,859,718
总计	264,665	1	264,665	48.48	12,831,194

注： 由于四舍五入，总计相加不等于总和。

2. 备案费用许多进口商使用进口报关代理来
促进海关申报和报告
与政府。报关代理人通常
按每份报关或每条报关行收费
已提交的，且每条报关行可能
包含一个或多个产品证书。
报关代理人收取的费用因
消息集的复杂程度和
提交的消息集数量。
大多数报关代理人按每
减少每次申报费用的条目
为提交多份文件的公司颁发证书
每批次证书。CPSC 假设大多数公司会选择
每份报关尽可能提交
尽可能多的产品证书，此操作将
显著降低每份
提交的单个产品证书。
CPSC估计每次申报的平均费用
在这些条件下为0.77美元。[81]
进口商预计只需支付
参考消息集的备案费用及
完整消息集。
表18列出了一项申报估算
费用收取最高费用。CPSC（美国消费品安全委员会 排除*de minimis*申报。
儿童产品将提交19,697,612套年度信息集(完整版和参考版)
消息集）收取费用。按平均
每份证书的申报费为$0.77，
所有GCC的预期费用为
总计15,167,162美元。CPSC也估计
儿童产品的进口商
将提交 28,555,603，年度消息集
收费，并预计CPC的提交费用
每年总计$21,987,815。该
估计每年支付的申报费总额
所有申报人的合计金额为37,154,976美元。这些总额

表18-E 估计年度申报费用

额外成本	进口商	提交至 一项费用	响应	每次成本 响应	总填充费
一般合格证书（GCC）申报费	40,665	484	19,697,612	$0.77	$15,167,162
CPC申请费用	224,000	127	28,555,603	0.77	21,987,815
所有进口商申报	264,665	182	48,253,216	0.77	37,154,976

E. 联邦政府成本估计年度成本
信息收集要求至
联邦政府在财政年度
2026年(2025年10月1日至
2026年9月30日）大约为
按2024年美元计算为120万美元，该
包括2,080个员工小时用于管理
电子申报计划以及100万美元的
合同成本。2026 财年的这一估计部分基于华盛顿
一名中层受薪 GS-13-5 雇员的年薪，
华盛顿特区大都会区（自
2024年1月），即每
小时。[82]这占总薪酬的 67.7%(美国劳工
劳工统计局，“雇主成本
员工薪酬”，2024年3月，
表2，工资和
所有文职管理人员的薪资，
专业及相关员工。[83]
再加上32.3%的福利，平均每年
中级受薪雇员的薪酬
将 GS-13-5 员工的时薪定为每小时 94.94 美元(64.28 ÷ 0.677)。假
大约2,080小时将
每年要求，这导致一个
年度人工成本197,477.10美元（94.98
每小时 × 2,080小时 = 197,477美元）加上
年度合同成本1,000,000美元
信息技术开发，年度成本为
政府在财政年度拨款120万美元
2026年。合同成本为
预计将大幅下降
此后。由于电子申报将全面运行且企业将对其具有
经验，承包商支持应仅需用于持续
运营和维护。
F. *OMB* 提交
CPSC已提交相关信息
本最终规则的信息收集要求
规则提交给OMB（管理和预算办公室）进行审查，依据
符合PRA（文书工作削减法）要求。44 U.S.C.
3507(d)。
IX. **环境考量**
委员会的法规涉及
机构是否被要求
编制环境评估或
环境影响声明。
根据这些法规，某些
通常属于CPSC行动类别
具有“影响可能性很小或没有影响”
人类环境”，因此，
不需要环境
评估或环境影响
声明。16 CFR 1021.5(c)。规则
关于产品认证属于
在此类别排除范围内。16
CFR 1021.5(c)(2)。
X. **优先适用**
CPSA第26(a)条，15 U.S.C.
2075(a)，涉及优先效力
CPSC（美国消费品安全委员会）的消费品安全
标准。然而，第1110部分是一项程序性规则，而非消费品
安全标准。因此，
第26(a)条的优先适用条款
CPSA（消费品安全法）不适用于本最终
规则。
XI. **《国会审查法》**
《国会审查法》(CRA;
5 U.S.C. 801-808) 规定，在
规则可以生效，发布
规则的机构必须提交该规则，以及

[81] 该数字假设每条记录的平均费用为
每份GCC和CPC的平均费用估计为25美元
将每次报关 25 美元除以每次报关平均包含的证书数量；这些平
均值随后按 GCC 和
CPC 以得出每
证书，金额为0.77美元。

[82] $64.28 comes from rounding $64.275 = 133,692 每年/每年 2,080 小时。见 *https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2024/DCB.pdf。*

[83] *https://www.bls.gov/news.release/ecec.t02.htm*

certain related information, to each House of Congress and the Comptroller General. 5 U.S.C. 801(a)(1). The CRA submission must indicate whether the rule is a ''major rule.'' The CRA states that the Office of Information and Regulatory Affairs (OIRA) determines whether a rule qualifies as a ''major rule.''

Pursuant to the CRA, OIRA has determined that this Final Rule qualifies as a ''major rule,'' as defined in 5 U.S.C. 804(2). To comply with the CRA, CPSC will submit the required information to each House of Congress and the Comptroller General.

List of Subjects in 16 CFR Part 1110

Administrative practice and procedure, Business and industry, Certificate, Certification, Children, Component part certificate, Consumer protection, Electronic filing, Imports, Labeling, Product testing and certification, Reporting and recordkeeping requirements, Record retention, Regulated products.

■ For the reasons stated in the preamble, the Commission revises 16 CFR part 1110 to read as follows:

PART 1110—CERTIFICATES OF COMPLIANCE

Sec.

1110.1 Purpose and scope.
1110.3 Definitions.
1110.5 Finished products required to be certified.
1110.7 Who must certify finished products.
1110.9 Certificate language and format.
1110.11 Certificate content.
1110.13 Certificate availability.
1110.15 Legal responsibility of finished product certifiers.
1110.17 Recordkeeping requirements.
1110.19 Component part certificates.

Authority: 15 U.S.C. 2063, Secs. 3 and 102 of Pub. L. 110–314, 122 Stat. 3016, 3017 (2008), Pub. L. 112–28 (2011).

§ 1110.1 Purpose and scope.

This part specifies the entities that must issue certificates for finished products in accordance with section 14(a) of the Consumer Product Safety Act (CPSA), as amended, 15 U.S.C. 2063(a); specifies certificate content, form, and availability requirements that must be met to satisfy the requirements of section 14 of the CPSA; requires importers to file certificates electronically (eFile) with U.S. Customs and Border Protection (CBP) for imported finished products that are required to be certified; and clarifies which provisions of this part apply to component part certificates. This part does not address the type or frequency of testing necessary to support a certificate.

§ 1110.3 Definitions.

(a) The definitions of section 3 of the CPSA, 15 U.S.C. 2052, and additional definitions in the Consumer Product Safety Improvement Act of 2008 (CPSIA), Pub. L. 110–314, apply to this part.

(b) Additionally, the following definitions apply for purposes of this part:

Automated Commercial Environment (ACE) means an electronic data interchange system authorized by CBP for the transmission of data and documents used to track, control, and process commercial imports, including entry and entry summary data, and includes any successor CBP authorized electronic data interchange system.

CBP or *Customs* means U.S. Customs and Border Protection.

Certificate or *certificate of compliance* means a certification that the finished products or component parts within the scope of the certificate comply with the consumer product safety rules under the CPSA, or similar rules, bans, standards, or regulations under any other law enforced by the Commission, as set forth on the certificate. ''Certificate'' and ''certificate of compliance'' generally refer to all four types of certificates, as defined in this section: General Certificates of Conformity (GCC), Children's Product Certificates (CPC), finished product certificates, and component part certificates.

Certifier means the party who issues a certificate of compliance.

Children's Product Certificate (CPC) means a certificate of compliance for a finished product issued pursuant to section 14(a)(2) of the CPSA, 15 U.S.C. 2063, and part 1107 of this chapter.

Commission or *CPSC* means the United States Consumer Product Safety Commission.

Component part means a component part of a consumer product or other product or substance regulated by the Commission, as defined in § 1109.4(b) of this chapter, that is intended to be used in the manufacture or assembly of a finished product, and is not intended for sale to, or use by, consumers as a finished product.

Component part certificate means a voluntary certificate of compliance for a component part, as defined in this section.

Consignee, for purposes of this part, means a party who takes custody or delivery of imported finished products for which CPSC certificate data are required, and may be held legally responsible by CPSC for the required finished product certificate data as set forth in § 1110.15.

eFile means to electronically file the required data elements on a finished product certificate, as described in § 1110.11, into ACE, in the format required in § 1110.13(a)(1).

Electronic certificate means the set of required data elements on a finished product certificate, described in § 1110.11, that are available in, and accessible by, electronic means, in the format described in § 1110.9(c).

Finished product means a consumer product or other product or substance, or a part of a consumer product or substance, that is subject to a consumer product safety rule under the CPSA, or similar rule, ban, standard, or regulation under any other law enforced by the Commission, that is imported for consumption or warehousing, or is distributed in commerce, and that is packaged, sold, or held for sale to, or for use by, consumers.

Finished product certificate means a certificate of compliance for a finished product, as defined in this section, that is required by § 1110.5. There are two types of finished product certificates: Children's Product Certificates (CPCs) and General Certificates of Conformity (GCCs).

Finished product certifier means a party who is required to issue a finished product certificate pursuant to § 1110.7. Pursuant to sections 14(a)(1) and (2) of the CPSA (15 U.S.C. 2052, 2063(a)(1), and 2063(a)(2)), a finished product certifier must be an importer, as defined in this section, or a manufacturer or private labeler as defined in sections 3(a)(11) and (12) of the CPSA (15 U.S.C. 2052(a)(11) and (12)).

General Certificate of Conformity (GCC) means a certificate of compliance for a finished product issued pursuant to section 14(a)(1) of the CPSA, 15 U.S.C. 2063(a)(1).

Importer, for the purposes of this part, means the Importer of Record (IOR) eligible to make entry for imported finished products under the Tariff Act of 1930, as amended (19 U.S.C. 1484(a)(2)(B)), who may be an owner, purchaser, or authorized customs broker; provided that, if the IOR is an authorized customs broker, the customs broker may identify the owner, purchaser, or consignee of the finished products who authorized the customs broker to make entry, as the party responsible for compliance with CPSC certificate requirements as part of the finished product certificate data filed in CPSC's PGA Message Set. For finished products imported by mail, or for which a *de minimis* duty exemption under 19 U.S.C. 1321(a)(2)(C) is claimed, the importer for purposes of CPSC's certificate requirements is a party

某些相关信息，提交给国会两院和主计长

General. 5 U.S.C. 801(a)(1). CRA
提交材料必须表明是否
规则是"重大规则"。《国会审查法》规定
信息与监管事务办公室
监管事务办公室（OIRA）确定
是否一项规则符合"重大"
规则。"

依据 CRA,OIRA 已确定本最终规则符合 5 U.S.C.中所定义的"重大规则"。

804(2). 为遵守CRA,CPSC
将向以下机构提交所需信息
国会各议院和
总审计长。

16 CFR Part 1110 中的主题清单

行政实践与

程序，商业与工业，证书，认证，儿童，

组件部件证书，消费品

保护、电子申报、进口、标签、产品测试和

认证、报告和
记录保存要求，记录
保留，受监管产品。

■ 基于序言中陈述的理由，
委员会修订16 CFR第
1110内容如下：

第 1110 部分--合规证书
合规

条

1110.1 目的和范围。
1110.3 定义。
1110.5 须符合要求的成品
已认证。
1110.7 谁必须为成品出具证明。
1110.9 证书语言和格式。
1110.11 证书内容。
1110.13 证书的可获取性。
1110.15 成品的法律责任
产品认证机构。
1110.17 记录保存要求。
1110.19 零部件证书。

授权： 15 U.S.C.2063,Pub.L.110-314 第 3 条和第 102 条，122 Stat.3016, 3017(2008),Pub.L.112-28(2011)。

1110.1 目的和范围。

本部分规定了以下实体：
必须为成品签发证书
产品依据第
消费品安全第14(a)条
法案（CPSA），经修订，15 U.S.C.
2063(a)；规定证书内容，
表格，以及可用性要求，
必须满足这些要求
CPSA第14条；要求
进口商提交证书
以电子方式（eFile）向美国海关
与边境保护局（CBP）提交，用于
进口的成品，这些产品是
需要认证的；并澄清
本部分哪些条款适用于
组件部件证书。本部分
不涉及类型或频率
支持
证书的变体。

1110.3 定义。

(a) 第3节的定义
CPSA、15 U.S.C. 2052 及其他
消费品中的定义
2008年消费品安全改进法
(CPSIA),Pub.L.110-314，适用于此
部分。

(b) 此外，以下
定义适用于本
部分：

自动化商业环境系统（ACE）指电子数据

CBP（美国海关与边境保护局）授权的交换系统
用于数据传输和
用于跟踪、控制和
处理商业进口，包括
报关和报关单汇总数据，并包括任何后续的 CBP
授权电子数据交换系统。

*CBP*或*Customs*指美国海关
与边境保护局。

证书或合规证书
指证明成品
范围内的产品或组件部件
证书范围符合
下的消费品安全规则
CPSA、或类似规则、禁令、标准，
或任何其他法律下的法规
由委员会执行，如
证书上的"证书"和"合规证书"通常

指所有四类证书，如
本节定义：一般
合格证书（GCC），
儿童产品证书（CPC），
成品证书和零部件证书。

*Certifier*指签发方
合规证书。

儿童产品证书(CPC)指依据《消费品安全法》第 14(a)(2) 条、15 U.S.C.2063 及本章第 1107 部分就成品签发的合规证书。

委员会或CPSC指美国消费品安全委员会。

零部件指一种组件
消费品或其他
受以下法规监管的产品或物质
委员会，如1109.4(b)所定义
本章中，拟使用的
在制造或组装
成品，且不旨在
供消费者销售或使用，作为
成品。

部件证书是指
a 的自愿合规证书
组件部件，如本
条款。

收货人，就本部分而言，
指保管或
交付进口成品
CPSC证书数据所针对的
所需的，并可能承担法律
由CPSC对所需的
成品证书数据，如
第1110.15节所述。

电子申报指以电子方式提交成品所需数据要素

产品证书，如
1110.11，以该格式录入ACE
1110.13(a)(1) 中要求的。

成品上所需的数据元素
电子证书指以下一组
和证书中所用且
可通过电子方式访问，格式按1110.9(c)所述。

成品指一种消费品
产品或其他产品或物质，
或消费品的一部分或
物质，受消费品
《消费品安全法》下的产品安全规则，或
委员会执行的任何其他法律下的类似规则、禁
令、标准或法规，且为消费或仓储而进口，或在
商业中分销，并且是

包装、销售或为销售而持有，以供或为
供消费者使用。

成品证书是指
成品的合规证书
本节所定义的产品，即
是1110.5 要求的。共有两种
成品证书类型：
儿童产品证书（CPC）
和一般合格证书
（GCCs).

成品认证方指
被要求签发成品的当事方
依据1110.7的产品证书。
依据第14(a)(1)和(2)条
《消费品安全法》（15 U.S.C. 2052, 2063(a)(1),
及 2063(a)(2)），成品认证人必须是本节所定义的
进口商，或制造商或

第
CPSA第3(a)(11)和(12)条（15 U.S.C. 2052(a)(11)和(12)）。

一般合格证书(GCC)指依据 CPSA 第 14(a)(1)条、15 U.S.C.2063(a)(1) 为成品签发的合规证书。就本部分而言，进口商指登记进口商(IOR)

有资格为进口
《关税法》下的成品
1930年法案，经修订（19 U.S.C.
1484(a)(2)(B)），可能是所有者，
购买方，或授权报关
代理人；但前提是，如果进口商记录（IOR）是
授权报关代理人，报关
报关代理人可以识别所有者，
购买者或收货人
授权海关的产品的
报关代理人进行报关，作为当事方
负责遵守CPSC
作为……一部分的证书要求
成品证书数据已提交
CPSC的PGA数据集。成品用
通过邮寄进口的产品，或
a *de minimis*关税豁免依据 19
U.S.C. 1321(a)(2)(C)被主张，该
进口商，以便CPSC的
证书要求的是当事方

eligible to make entry for the finished products pursuant to CBP statutes and regulations, who may be an owner, purchaser, consignee, or authorized customs broker. For purposes of this rule, CPSC will not typically consider a consumer purchasing or receiving products for personal use or enjoyment to be the importer responsible for certification.

Manufacturer as defined in section 3(a)(11) of the CPSA, means any person who manufactures or imports a consumer product. 15 U.S.C. 2052(a)(11).

Owner or purchaser, for purposes of this part, means a party who has a financial interest in imported finished products for which CPSC certificate data are required, including the actual owner of the finished products, who may be held legally responsible by CPSC for the required finished product certificate data as set forth in § 1110.15.

Private labeler as defined in section 3(a)(12) of the CPSA, means an owner of a brand or trademark on the label of a consumer product which bears a private label. 15 U.S.C. 2052(a)(12). A consumer product bears a private label if: (i) the product (or its container) is labeled with the brand or trademark of a person other than a manufacturer of the product; (ii) the person with whose brand or trademark the product (or container) is labeled has authorized or caused the product to be so labeled; and (iii) the brand or trademark of a manufacturer of such product does not appear on such label.

Product Registry means a database created and maintained by CPSC that facilitates the electronic submission of required data elements on a finished product certificate, as provided in § 1110.11, by a finished product certifier as stated in § 1110.7(a), who is required to eFile the finished product certificate pursuant to § 1110.13(a)(1). This definition includes any CPSC successor system.

Third party conformity assessment body means a testing laboratory whose accreditation has been accepted by the CPSC to conduct certification testing on children's products, as required in § 1107.2 of this chapter.

§ 1110.5 Finished products required to be certified.

Finished products subject to a consumer product safety rule under the CPSA, or similar rule, ban, standard, or regulation under any other law enforced by the Commission, which are imported for consumption or warehousing, or are distributed in commerce, must be accompanied by a finished product certificate.

§ 1110.7 Who must certify finished products.

(a) *Imports.* Except as otherwise provided in a specific rule, ban, standard, or regulation enforced by CPSC, for a finished product manufactured outside of the United States that must be accompanied by a certificate as set forth in § 1110.5, the importer, as defined in this part, is the finished product certifier that must issue a finished product certificate that meets the requirements of this part.

(b) *Domestic products.* Except as otherwise provided in a specific rule, ban, standard, or regulation enforced by the Commission, for a finished product manufactured in the United States that must be accompanied by a certificate, as set forth in § 1110.5, the manufacturer is the finished product certifier that must issue a finished product certificate that meets the requirements of this part. However, if a finished product manufactured in the United States is privately labeled, the private labeler is the finished product certifier that must issue a finished product certificate that meets the requirements of this part, unless the manufacturer issues the finished product certificate.

§ 1110.9 Certificate language and format.

(a) *Language.* An eFiled finished product certificate must be in the English language. All other certificates, including hard copy and electronic certificates, must be in the English language and may also contain the same content in any other language.

(b) *Format.* Finished product certificates for finished products manufactured outside the United States and offered for importation into the United States for consumption or warehousing are required to be eFiled using the format required in § 1110.13(a)(1). All other finished product certificates must be made available as provided in § 1110.13(b) and (c), and may be provided in hard copy or electronically, as set forth in subsection (c) of this section.

(c) *Electronic certificates.* An electronic finished product certificate meets the requirements of § 1110.13(b) and (c) if it is identified prominently on the finished product, shipping carton, or invoice by a unique identifier and can be accessed via a World Wide Web uniform resource locator (URL) or other electronic means, provided that the finished product certificate, the URL or other electronic means, and the unique identifier are accessible, along with access to the electronic finished product certificate itself, to the Commission, CBP, distributors, and retailers, on or before the date the finished product is distributed in commerce. If the electronic finished product certificate is password protected, the password must be provided at the same time as the certificate when requested by CPSC or CBP.

§ 1110.11 Certificate content.

(a) *Content requirements.* Each finished product certificate must:

(1) Identify the finished product(s) covered by the certificate. Finished product certificates must contain at least one of the following unique identifiers: global trade item number (GTIN), model number, registered number, serial number, stock keeping number (SKU), universal product code (UPC), or alternate identifier, along with a sufficient description to match the finished product to the certificate. Finished product certificates may also include other identifiers, such as lot number, model style, and model color, that may assist with product identification.

(2) State each consumer product safety rule under the CPSA, or similar rule, ban, standard, or regulation under any law enforced by the Commission, to which the finished product(s) are being certified. Finished product certificates must identify separately all applicable rules, bans, standards, or regulations.

(3) Identify the finished product certifier that is certifying compliance of the finished product(s), as set forth in § 1110.7, including the party's name, street address, city, state or province, country or administrative region, electronic mail (email) address, and telephone number.

(4) Identify and provide contact information (consisting, at a minimum, of the individual's name, street address, city, state or province, country or administrative region, email address, and telephone number) for the individual maintaining records listed in § 1110.17 on behalf of the finished product certifier. The individual can be a position title, provided that the position is always staffed and responsive to CPSC's requests.

(5) Provide the date (month and year, at a minimum) and place (including a manufacturer name, street address, city, state or province, country or administrative region, email address, and telephone number) where the finished product(s) were manufactured, produced, or assembled. For manufacturing runs over a series of days, provide the initial date of manufacture (month and year, at a minimum).

(6) Provide the most recent date and place(s) (including for each third party conformity assessment body or other

依据 CBP 法规和规章有资格为成品办理报关，其可以是所有人、购买人、收货人或授权报关代理人。就本规则而言，CPSC 通常不会将购买或接收产品供个人使用或享用的消费者视为负责认证的进口商。

制造商，如第
CPSA 第 3(a)(11) 条，指制造或进口消费品的任何人。15 U.S.C.2052(a)(11)。

所有人或购买人，就本部分而言，指对需要提交 CPSC 证书数据的进口成品享有经济利益的当事方，包括成品的实际所有人，该人可能依据1110.15 的规定就所需的成品证书数据被 CPSC 追究法律责任。

自有品牌商，定义见第
CPSA第3(a)(12)条所指的，是指在带有自有品牌标识的消费品标签上拥有品牌或商标的所有者。15 U.S.C.2052(a)(12)。消费品在以下情况下带有自有品牌标识：(i) 产品(或其容器)上标注的商标或品牌并非该产品制造商的品牌或商标；(ii) 其品牌或商标被标注在产品(或容器)上的人已授权或促使该产品被如此标注；且(iii) 该产品制造商的品牌或商标未出现在该标签上。

产品注册系统指一个数据库
由 CPSC 创建和维护，用于便利成品认证人依据1110.11 的规定以电子方式提交成品证书所需数据元素，该认证人如1110.7(a) 所述，且依据 1110.13(a)(1) 须电子申报成品证书。本定义包括任何 CPSC 后续系统。

第三方合格评定机构指其认可已被 CPSC 接受、可依据本章1107.2 的要求对儿童产品进行认证检测的检测实验室。

1110.5 需要认证的成品。

受 CPSA 下消费品安全规则或委员会执行的任何其他法律下的类似规则、禁令、标准或法规约束的成品，凡为消费或仓储而进口，或在商业中分销的，必须附有成品证书。

1110.7 谁必须对成品进行认证。

(a) 进口。除另有规定外
在 CPSC 执行的特定规则、禁令、标准或法规中规定，对于在美国境外制造且必须依据 1110.5 附有证书的成品，本部分所定义的进口商即为成品认证人，必须签发符合本部分要求的成品证书。

(b) 国内产品。除
除非委员会执行的特定规则、禁令、标准或法规另有规定，对于在美国制造且必须随附证书的成品(如1110.5所述)，制造商即为成品认证人，必须签发符合本部分要求的成品证书。但是，如果在美国制造的成品带有自有品牌标识，则自有品牌商为成品认证人，必须签发符合本部分要求的成品证书，除非制造商签发该成品证书。

(c) 电子证书。电子成品证书若通过唯一标识符在成品、运输纸箱或发票上显著标明，并可通过万维网统一资源定位符(URL)或其他电子方式访问，且该成品证书、URL或其他电子方式以及唯一标识符连同对电子成品证书本身的访问权限，在成品之日或之前可供委员会、CBP(美国海关与边境保护局)、分销商和零售商访问，则符合1110.13(b)和(c)的要求，前提是该成品在商业中分销。如果电子成品证书设有密码保护，则在 CPSC 或 CBP 要求时，必须在提供证书的同时提供密码。

1110.9 证书语言和格式。

(a) 语言。一份电子提交的成品
产品证书必须采用
英语。所有其他证书，包括纸质和电子证书，必须使用英语，也可同时包含任何其他语言的相同内容。

(b) 格式。成品
在美国境外制造并拟进口至美国供消费或仓储的成品证书，须使用1110.13(a)(1) 要求的格式进行电子申报。所有其他成品证书必须按 1110.13(b) 和 (c) 的规定提供，并可按本节 (c) 小节的规定以纸质或电子方式提供。

1110.11 证书内容。

(a) 内容要求。每
成品证书必须：

(1) 识别成品
受证书涵盖。成品证书必须包含以下至少一种唯一标识符：全球贸易项目编号(GTIN)、型号、注册号、序列号、库存保有编号(SKU)、通用产品代码(UPC)或替代标识符，并附有足以将成品与证书对应的充分描述。成品证书还可包含其他标识符，例如批号、型号款式和型号颜色，以协助识别产品。

(2) 列明成品所认证的、《消费品安全法》项下的各项消费品安全规则，或委员会执行的任何法律项下的类似规则、禁令、标准或法规。成品证书必须单独列明所有适用的规则、禁令、标准或法规。

(3) 指明依据1110.7 对成品合规性进行认证的成品认证人，包括该当事方的名称、街道地址、城市、州或省、国家或行政区、电子邮件地址和电话号码。

(4) 指明代表成品认证人保存1110.17 所列记录的个人，并提供其联系信息(至少包括个人姓名、街道地址、城市、州或省、国家或行政区、电子邮件地址和电话号码)。该个人可以是职位名称，前提是该职位始终有人担任并能回应 CPSC 的请求。

(5) 提供成品制造、生产或组装的地点(包括制造商名称、街道地址、城市、州或省、国家或行政区、电子邮件地址和电话号码)和日期(至少包括月和年)。对于持续数日的生产批次，提供初始制造日期(至少包括月和年)。

(6) 提供最近一次检测的日期和地点(包括每个第三方合格评定机构或其他

party on whose testing the finished product certificate depends, the name, street address, city, state or province, country or administrative region, email address, and telephone number) where the finished product(s) were tested for compliance with the rule(s), ban(s), standard(s), or regulation(s) cited in § 1110.11(a)(4).

(7) Provide the finished product certifier's attestation. For eFiled certificates required in § 1110.13(a)(1), attestations are included in the Product Registry and in CPSC's Partner Government Agency (PGA) Message Set CBP and Trade Automated Interface Requirements (CATAIR) Implementation Guide (including revisions thereto). Paper and electronic finished product certificates described in § 1110.9(b) and (c), and required in §§ 1110.13(a)(2), (b), and (c), must include the following attestation by the finished product certifier:

I hereby certify that the finished product(s) covered by this certificate comply with the rules, bans, standards, and regulations stated herein, and that the information in this certificate is true and accurate to the best of my knowledge, information, and belief. I understand and acknowledge that it is a United States federal crime to knowingly and willfully make any materially false, fictitious, or fraudulent statement, representation, or omission on this certificate.

(b) *Electronic access to records.* In addition to identification of the individual maintaining records, as described in § 1110.11(a)(4), a finished product certificate may include a URL, or other electronic means, which provides electronic access to the required underlying records to support the certificate as specified in §§ 1107.26 and 1109.5(g) of this chapter, or any other applicable consumer product safety rule, ban, standard, or regulation enforced by the Commission.

(c) *Statutory or regulatory testing exclusions:* Unless otherwise provided by the Commission, if a finished product certifier is claiming a statutory or regulatory testing exclusion to an applicable consumer product safety rule or similar rule, ban, standard, or regulation, then in addition to listing all applicable rules, bans, standards, and regulations as required under § 1110.11(a)(2), and in lieu of providing the date and place where testing was conducted for that regulation under § 1110.11(a)(6), a finished product certificate shall identify the applicable testing exclusion.

(d) *Duplicative testing not required.* Although finished product certificates must list each applicable rule, ban, standard, or regulation separately, finished product certifiers are not required to conduct the same third party test on each sample more than once when a rule references, or incorporates fully, another applicable consumer product safety rule or similar rule, ban, standard, or regulation under any other law enforced by the Commission with the same requirement.

§ 1110.13 Certificate availability.

(a) *Accompanying certificates.* A finished product certificate must accompany each finished product or finished product shipment required to be certified pursuant to § 1110.5. Each finished product certificate must describe only one product.

(1) In the case of finished products that are manufactured outside the United States and are offered for importation into the United States for consumption or warehousing, including finished products offered for consumption or warehousing from a Foreign Trade Zone, or finished products eligible for the *de minimis* duty exemption under 19 U.S.C. 1321(a)(2)(C), the finished product certifier must eFile the finished product certificate data elements required in § 1110.11 at the time of filing the entry, or the time of filing the entry and entry summary, if both are filed together, in ACE as provided in CPSC's PGA Message Set CATAIR Implementation Guide (including revisions thereto). In the case of finished products that are manufactured outside of the United States and imported by mail, the finished product certifier must enter the finished product certificate data elements required in § 1110.11 into CPSC's Product Registry before arrival of the product or substance in the United States.

(2) In the case of finished products manufactured in the United States, the finished product certifier must issue the required certificate on or before the date the finished product is distributed in commerce and make the finished product certificate available for inspection immediately, meaning within 24 hours, upon request by CPSC.

(b) *Furnishing certificates.* A finished product certifier must furnish the required finished product certificate to each distributor or retailer of the finished product.

(c) *Availability.* Finished product certifiers must make finished product certificates available for inspection immediately, meaning within 24 hours, upon request by CPSC or CBP.

§ 1110.15 Legal responsibility of finished product certifiers.

Finished product certifiers may, directly or through another entity, maintain an electronic certificate platform. Pursuant to part 1109 of this chapter, a finished product certifier may rely on another party to test or certify component parts or finished products. Also, for purposes of § 1110.13(a)(1), a finished product certifier may rely on another party to enter data into the Product Registry or to certify finished products on their behalf. The finished product certifier, identified in § 1110.7, remains legally responsible for the information in a finished product certificate, including its validity, accuracy, completeness, and availability.

§ 1110.17 Recordkeeping requirements.

Finished product certifiers are required to maintain finished product certificates and the following records supporting such certificates for at least five years from the certificate creation date:

(a) Records of test results on which a GCC is based, and records described in §§ 1109.5(g) and (j) of this chapter (where applicable).

(b) Records of test results and other records on which a CPC is based, as required by § 1107.26, and § 1109.5(g) and (j) of this chapter (where applicable).

(c) Records of test results and other records on which a component part certificate is based, as required by § 1109.5(g) and (j) of this chapter.

§ 1110.19 Component part certificates.

Pursuant to part 1109 of this chapter, component part certificates are voluntary, but may be relied upon by a finished product certifier to issue a finished product certificate. Component part certificates must not be eFiled in ACE upon importation of a component part. Certifiers of component parts, and finished product certifiers that rely on component part certificates to issue a finished product certificate, must meet the requirements in part 1109 of this chapter. Component part certificates must meet the same form, content, recordkeeping, and availability requirements as finished product certificates, described in §§ 1110.9, 1110.11, 1110.13(c), 1110.15, and 1110.17.

Alberta E. Mills,

Secretary, Consumer Product Safety Commission.

[FR Doc. 2024–30826 Filed 1–7–25; 8:45 am]

BILLING CODE 6355–01–P

成品检测所依据的一方
产品证书取决于，名称、
街道地址、城市、州或省、
国家或行政区域、电子邮件
地址和电话号码），其中
成品针对以下进行了测试
符合规则、禁令、
标准或法规中引用的
1110.11(a)(4)。

(7) 提供成品

认证人的证明。对于1110.13(a)(1)要求的电子申报证书，

证明包含在产品中
注册表以及CPSC的合作伙伴
政府参与机构（PGA）消息集
CBP与贸易自动化接口
要求（CATAIR）
实施指南(包括其修订版)。所述的纸质和电子成品证书

在1110.9(b)和(c)中，以及在
1110.13(a)(2)、(b)和(c)必须
包括以下由
成品认证人：

本人特此证明，本证书所涵盖的成品符合本证书所述规则、禁令、标准和法规，且本证书中的信息

证书据其所知是真实且准确的
据我所知、所信。我
理解并确认这是一个
明知并实施下列行为属于美国联邦犯罪：
故意作出任何重大虚假、虚构或欺诈性陈述、表示或

本证书上的遗漏。

(b) 记录的电子访问。在
除识别……之外
保存记录的个人，如
1110.11(a)(4)所述，成品
产品证书可包含一个URL，
或其他电子方式，提供对所需基础记录的电子访问以支持

1107.26 中规定的证书
及本章1109.5(g)款，或任何
其他适用的消费品
安全规则、禁令、标准或法规
由委员会执行。

(c) 法定或监管测试

排除项：除委员会另有规定外，如果成品认证人就行使适用的消费品安全规则或类似规则、禁令、标准或法规项下的法定或监管检测排除，则除列明所有

适用规则、禁令、标准和
根据以下要求所需的法规
1110.11(a)(2)，并代替提供
测试的日期和地点
根据以下规定为该法规进行
1110.11(a)(6)，成品证书应指明适用的测试排除项。

(d) 不要求重复测试。
尽管成品证书
必须列出每项适用规则、禁令、
标准或法规单独认证，成品认证机构不需要进行相同的第三方
对每个样品进行多次测试
当某项规则引用或纳入
完整地，另一适用的消费品
产品安全规则或类似规则、禁令、
标准，或任何其他法律下的法规
委员会执行的与以下相关的法律
同一要求。

1110.13 证书的可获取性。

(a) 随附证书。 A
成品证书必须
随附每件成品或
成品装运所需
依据1110.5进行认证。每
成品证书必须
仅描述一种产品。

(1) 对于在美国境外制造并提供销售的成品

进口至美国，用于
消费或仓储，包括
供销售的成品
消费或仓储，来自
对外贸易区，或符合19 U.S.C.1321(a)(2)(C)项下最低限额关税豁免条件的成品，该成品

认证方必须通过电子方式提交成品
中要求的证书数据要素
1110.11 在提交入境申报时，
或在提交入境申报及入境之时
如果两者一起提交，则摘要
CPSC的PGA中提供的ACE
报文集CATAIR实施指南(包括其修订版)。对于成品

在美国境外制造
州并通过邮件进口的，
成品认证人必须填写
第1110.11条所要求的成品证书数据元素，须

在到货前录入CPSC的产品登记库

产品中物质或
美国。

(2) 对于成品
在美国制造，该
成品认证人必须签发
在日期当日或之前提供所需证书
成品在商业中分销，并使成品证书可立即供检查，即

在24小时内，应CPSC的要求。

(b) 提供证书。成品认证人必须提供

所需的成品证书以
每个分销商或零售商
成品。

(c) 可用性。成品
认证人必须使成品
证书可供查验，即在CPSC或CBP提出请求后24小时内提供。

1110.15 成品的法律责任

产品认证人。

成品认证人可以直接或通过另一实体，

维护电子证书
平台。依据本部分第1109条
chapter，成品认证人可
依赖另一方进行测试或认证
组件或成品。
此外，就1110.13(a)(1)而言，
成品认证人可依赖
另一方将数据录入
产品登记库，或代其认证成品。第1110.7条所确定的成品认证人，

仍对以下承担法律责任
成品中的信息
证书，包括其有效性、
准确性、完整性和
可用性。

1110.17 记录保存要求。

成品认证人员是
要求保存成品
证书以及以下记录
支持此类证书至少
自证书创建之日起五年
日期：

(a) 检测结果记录，其
GCC 依据并记录于
本章1109.5(g)和(j)
（如适用）。

(b) 测试结果及其他记录
儿童产品证书（CPC）所依据的记录，如
1107.26 和1109.5(g) 适用)要求。
及本章(j)款（如

(c) 测试结果及其他记录
组件所依据的记录
证书所依据的，按照
本章第1109.5(g)和(j)条。

1110.19 零部件证书。

依照本章第 1109 部分的规定，
组件证书
自愿的，但可被
成品认证人签发
成品证书。组件
部件证书不得通过电子申报提交于
在零部件进口时通过ACE提交。零部件认证人，以及依赖零部件证书签发成品证书的成品认证人，必须符合本章第1109部分的要求。零部件证书

必须符合相同的格式、内容、
记录保存和可用性
要求作为成品
证书，如 1110.9所述，
1110.11 、1110.13(c)、1110.15 和 1110.17.

阿尔伯塔·E·米尔斯，

消费品安全委员会部长。

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