

October 31, 2014

Office of the Secretary
Consumer Product Safety Commission
4330 East-West Highway, Room 820
Bethesda, MD 20814

Re: Workshop on Electronic Filing of Certificates as Included in Proposed Rule on
Certificates of Compliance (Docket No. CPSC-2013-0017)

The undersigned organizations provide these comments in response to the announcement by the U.S. Consumer Product Safety Commission (“Commission” or “CPSC”) of a workshop and request for comments on aspects of the proposed rule on certificates of compliance published on May 13, 2013. 78 Fed. Reg. 28080. We represent manufacturers, retailers, importers, logistics service providers and other key stakeholders that manufacture, transport and sell finished products and component parts. Our collective members are committed to providing safe products and a well-functioning and credible product safety regime—one that gives all stakeholders the confidence they need to ensure that products meet all applicable safety standards and regulations.

We commend the Commission for hosting a workshop on September 18, 2014, to engage stakeholders as it considers its proposed rule. In the workshop announcement and request for comments, the Commission references the letter dated March 17, 2014, and signed by 32 trade associations that urged the CPSC to establish a stakeholder forum to discuss the issues surrounding the Commission’s proposal. We appreciate the Commission’s efforts at outreach to understand industry concerns with the proposed rule. We request that the CPSC continue its outreach and closely engage stakeholders, including Customs and Border Protection (CBP), industry, third-party logistics providers and other interested parties, as it considers changes to the current regulations on certificates of compliance.

Moreover, to engage with stakeholders moving forward, we strongly urge the Commission to suspend or withdraw the proposed rule and establish a stakeholder advisory group that will assist the CPSC in its efforts to update the regulations for certificates of compliance. Unless the proposal is suspended or withdrawn, the CPSC staff may be limited in its ability to engage fully and directly with various stakeholders. Manufacturers, retailers and others share the Commission’s goal of enhancing consumer product safety and keeping violative or potentially hazardous products out of the marketplace. Direct and continued engagement with stakeholders is necessary if the Commission hopes to meet its policy objectives effectively.

The Commission must be mindful of the changes to the import entry process that are driven by Executive Order 13659 and the development of the “‘single window,’ through which businesses will transmit data required by participating agencies for the importation or exportation of cargo.” The order directs the Border Interagency Executive Council (BIEC) to “engage with and consider the advice of industry and other relevant stakeholders regarding opportunities to improve supply chain management processes” We encourage the CPSC to continue its leadership activity within the BIEC, but we also affirm our request that the Commission work directly with stakeholders to meet its regulatory objectives when updating its rules on certificates of compliance.

Finally, as expressed in the trade association letter dated March 17, 2014, the CPSC should establish a permanent stakeholder advisory group, as CBP and other federal agencies have, in order to regularize needed input into product safety issues of mutual importance. The Commission must fully understand how the current entry process works and how changes would impact the industry and agencies like CBP and the CPSC itself. We look forward to working with the Commission and furthering our shared commitment to consumer safety.

Sincerely,

American Apparel & Footwear Association
American Cleaning Institute
American Home Furnishings Alliance
American Pyrotechnics Association
Baby Carrier Industry Alliance
Bicycle Product Suppliers Association
Coalition for Children's Product Safety
Consumer Specialty Products Association
Craft and Hobby Association
Fashion Accessories Shippers Association
Fashion Jewelry and Accessories Trade Association
Footwear Distributors & Retailers of America
Halloween Industry Association
INDA, Association of the Nonwoven Fabrics Industry
Juvenile Products Manufacturers Association
Motorcycle Industry Council
National Association of Manufacturers
National Candle Association
National Customs Brokers and Forwarders Association of America
National Retail Federation
Outdoor Industry Association
Outdoor Power Equipment Institute
Power Tool Institute
Recreational Off-Highway Vehicle Association
Retail Industry Leaders Association
Society of Glass and Ceramic Decorated Products
Specialty Vehicle Institute of America
Sports & Fitness Industry Association
Toy Industry Association
Travel Goods Association
United States Council for International Business
United States Fashion Industry Association
Window Covering Manufacturers Association