

U.S. Consumer Product Safety Commission

Market Surveillance and Import Compliance



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Views expressed in this presentation are those of the staff and do not necessarily represent the views of the Commission

Requires a Multifaceted Approach

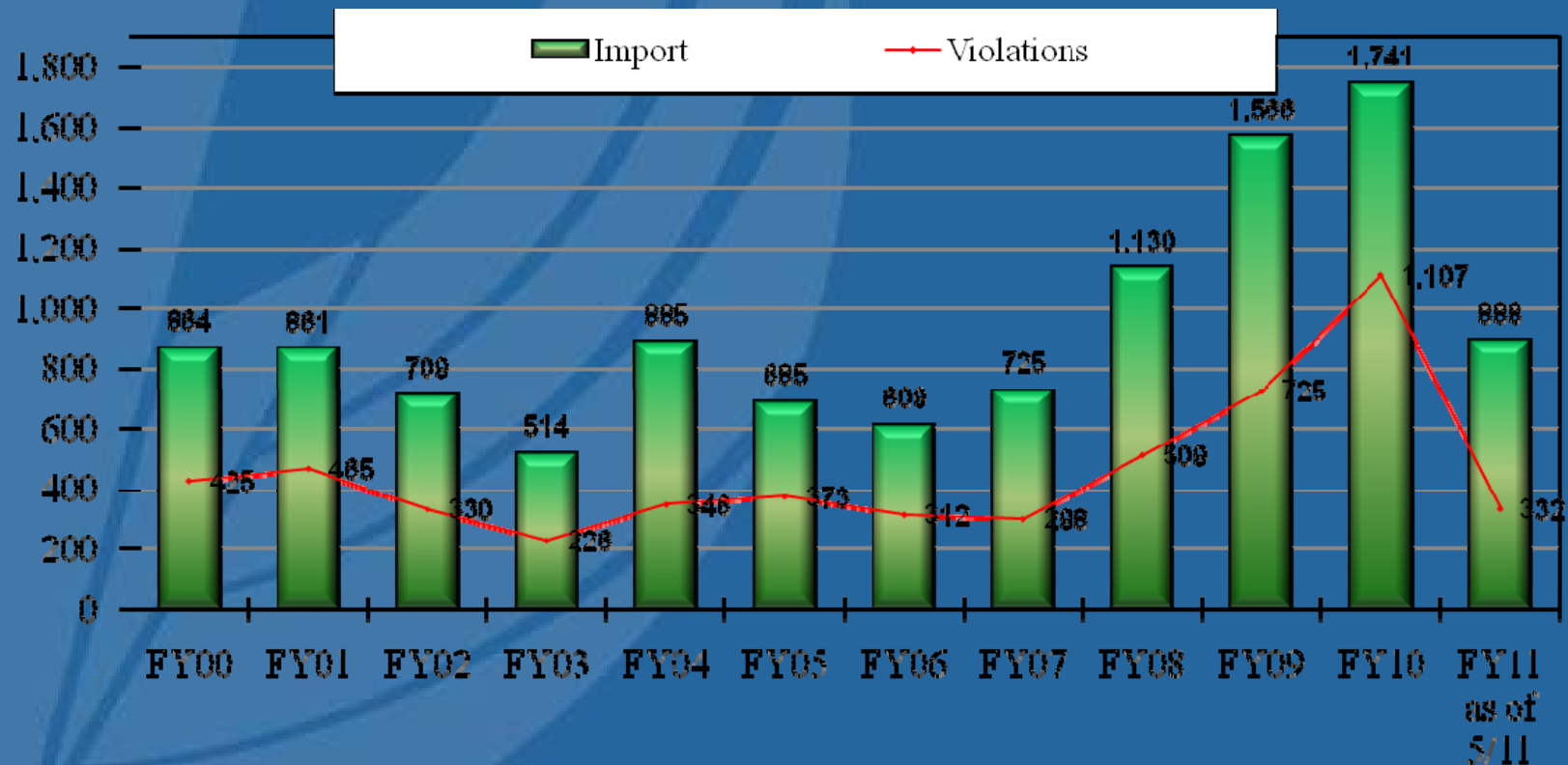
- Import surveillance
- Retail surveillance
- Internet surveillance



Import Surveillance

- Close and careful scrutiny of the import documentation filed by the import broker for anomalies
- Physical screening of products by CPSC Field Investigators
- CPSC collocated at busiest ports, and working with U.S. Customs and Border Protection inspectors
- Various agencies collocate analyst staff at the Commercial Targeting Analysis Center (CTAC) in downtown Washington DC, which leverages targeting ability – identifying most likely at-risk products

Import Samples Collected



Importer Rules (CPSIA)

- ▣ Prohibited Acts (15 USC 2068)
 - Import any product not in conformity with rule, standard or ban
 - Fail to furnish certificate or present false certificate of conformity
 - Unauthorized use of a safety mark

- ▣ Imported Products (15 USC 2066)
 - Product refused admission shall be destroyed unless ...
 - Upon application by importer, Secretary of the Treasury permits the export in lieu of destruction

What Must be Certified?

- ▣ Any product that is subject to a consumer product safety rule or similar rule, ban, standard, or regulation *and* which is “*imported for consumption or warehousing*” or “*distributed in commerce.*”
- ▣ Certification is the responsibility of the importer; however, importers and manufacturers should have a clear understanding of *exactly which standards need to be met.*
- ▣ Foreign manufacturers/suppliers should insist on a list of which mandatory and consensus standards apply.

Content of Certificates

- ▣ Certificates must:
 - Identify the product, manufacturer (importer) issuing the certificate, and any third party on whose testing the certificate depends, by name, address, and phone number
 - Must spell out the *date and place where the product was manufactured* and date and place of testing
 - Must show contact information for person maintaining test records
 - Must specify each applicable standard or ban

Availability of Certificates

- ❑ Certificates must “*accompany*” each product or shipment of products covered by the same certificate.
- ❑ A copy of the certificate must be “*furnished* to each distributor or retailer of the product” (no requirement to provide to ultimate consumer)
 - Not necessarily a paper copy.
- ❑ A copy of the certificate must be made available to the Commission and Customs *upon request*.

Third-Party Testing

- ▣ The requirement for third party testing applies to every children's product that is subject to a "children's product safety rule."
- ▣ For children's products, certification is based on testing by an independent, third-party laboratory that is accredited under rules issued by the Commission.
- ▣ The Commission must promulgate rules over time to give greater specificity to the requirements for third-party testing.

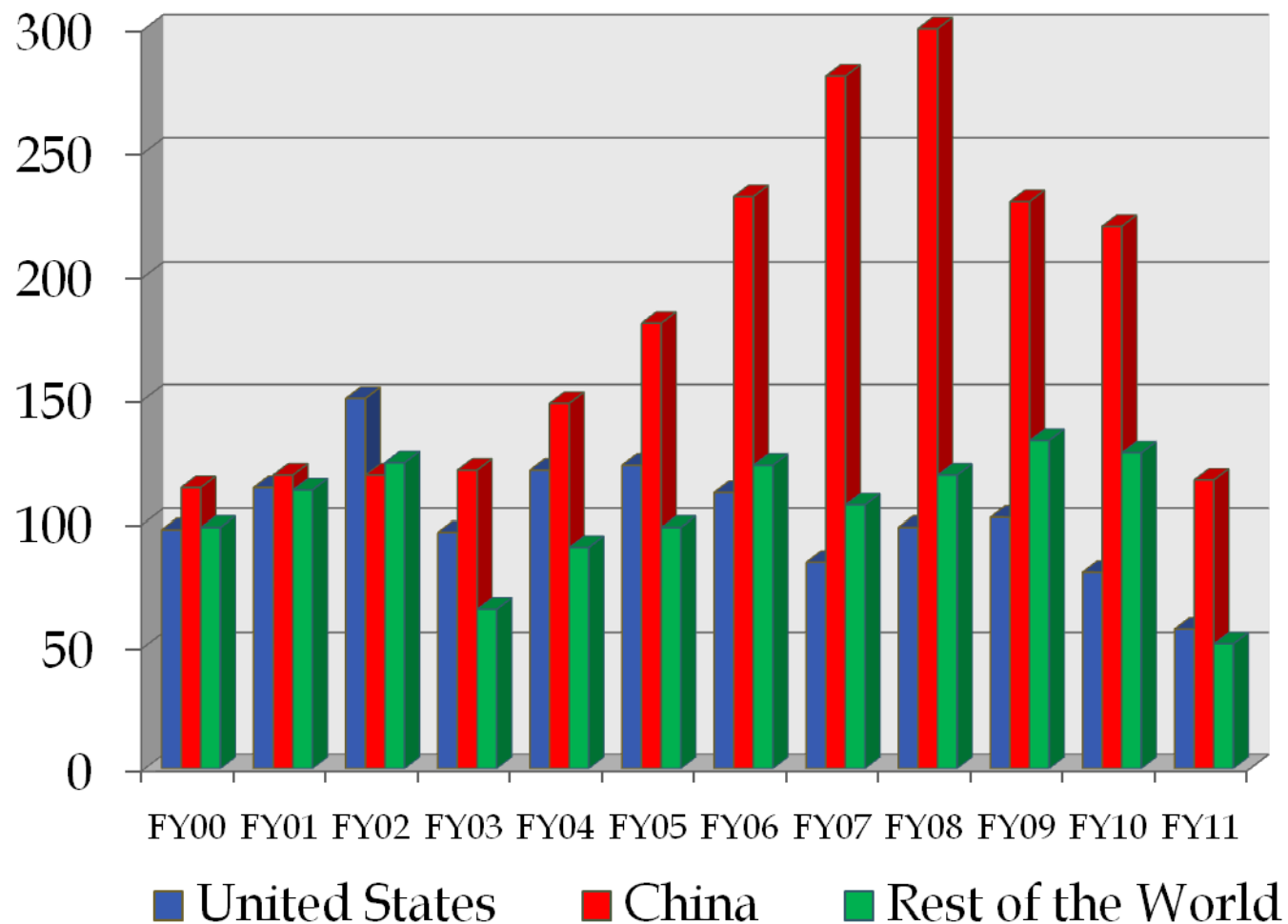
Tracking Labels

- ▣ Required on all children's products
- ▣ Requires a label or permanent mark on product
 - “to the extent practicable”
- ▣ Mark must enable the consumer to ascertain:
 - Manufacturer or private labeler
 - Date and place of production
 - Cohort/ Batch information

Resolution of a Detention

- ▣ Release
- ▣ Reconditioning
- ▣ Voluntary Exportation/Destruction
- ▣ Seizure by CBP or CPSC (CPSC began detaining shipments under its authority on June 14, 2010)
- ▣ Refusal of Admission

Recalls by Product Origin



Manufacturer's Role

- ▣ Preventive action is better than corrective action, for everyone
- ▣ Importer / Supplier must work as a team.
- ▣ Everyone wins or everyone loses.
- ▣ Long term cost exceeds the cost of
- ▣ Immediate recall
- ▣ Long-term Repercussions: Damage to Brand Name and “Made in My Country”

Retail Surveillance

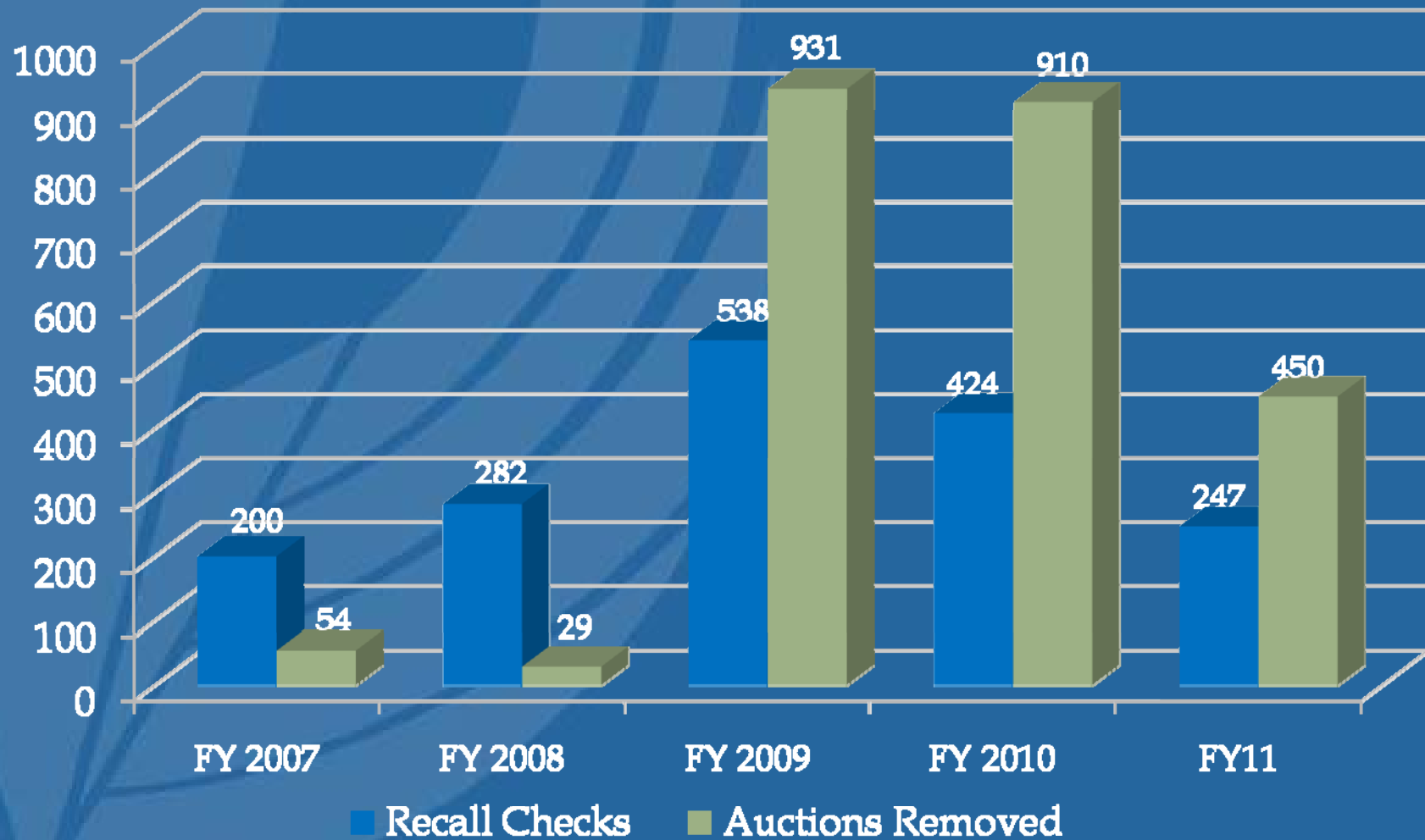
- Targeted blitzes focused on holiday toy safety, children's products, lead content and poor quality electrical products
- Includes in-store screening of products to insure products are properly labeled, are contained in proper child resistant packaging, when required, and meet generally accepted industry voluntary standards. Includes on-site XRF testing, when feasible
- If there is a question about whether the product may pose a hazard, official samples are collected for rapid lab analysis



Internet Surveillance

- No longer a new challenge– many firms sell their products exclusively from Internet websites, and there would be no CPSC oversight of these sellers at all if Internet surveillance was not conducted.
- CPSC dedicates investigative staff to Internet surveillance, some full-time
- Visit *importer and wholesaler* chat rooms, group listserves, and Internet auction sites to develop leads regarding retailers and wholesalers who might be offering obvious violative, recalled or dangerous products

Internet Surveillance



Trends

- Improved communication between foreign manufacturers and importers
- Reduction in lead-related violations and toy small parts violations at ports
- Improved self-policing of internet auction sites
- Fewer reports of recalled products being offered for sale at second hand, thrift/resale stores
- Continuing decline in toy recalls since 2008 and toy-related deaths of children under age 15

CONTACT INFORMATION

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