

Get Your Certificates Ready for the CPSC eFiling Rule for Imported Consumer Products

Alert

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On Dec. 18, 2024, the U.S. Consumer Product Safety Commission (CPSC) unanimously voted to approve a final rule which implements an electronic filing (eFiling) system and revises existing certificate of compliance requirements for certain consumer products. The rule requires importers, domestic manufacturers, and private labelers to eFile certificates of compliance for consumer products regulated by the CPSC that are imported for consumption, warehousing or distribution in the United States. On January 8, 2025, the Final Rule was published in the Federal Register as an amendment to [16 CFR Part 1110](#). The rule is likely to affect many businesses that manufacture or import [children's products](#) and certain types of [general use products](#) that are required by the CPSC to comply with U.S. federal regulations.

WHAT IS THE CPSC EFILING PROCESS?

The rule is changing how importers and manufacturers manage product certificate data. However, it is *not changing* which products are subject to compliance certificates. In fact, the CPSC already requires that manufacturers and suppliers of children's products and certain general use products obtain certificates of compliance before they sell those products in the United States. Certificates of compliance are necessary to show that these products comply with certain safety rules applicable to those products. Therefore, the requirement for certificates of compliance for certain products are nothing new.

Children's products sold in the U.S. must undergo third-party testing, with limited exceptions, and a Children's Product Certificate (CPC) must be issued attesting to the product's compliance with applicable regulations. Third-party testing for children's products must be performed by an [accredited laboratory](#) approved by the CPSC. General-use products that are subject to a specific consumer safety rule or rules—such as all-terrain vehicles, bicycles, wearing apparel, carpets and rugs, mattresses and other products set

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forth in the following [list](#)—may also require specific testing (either by a third-party lab or through a reasonable testing program), and suppliers of these products must obtain a General Certificate of Conformity (GCC) for these products certifying adherence to specific safety regulations.

However, the new eFiling rule has now added another layer to the requirements for certificates of compliance for certain designated products. If these products are imported into the United States, the importer must certify that the product complies with applicable safety rules as well. This means that certain data from the certificates of compliance must be on file so that the U.S. Customs & Border Protection (CBP) can verify that the product meets applicable requirements before it enters the U.S. border. Importers, manufacturers, or private labelers may eFile data elements from the certificates of compliance with the CBP via a [Partner Government Agency Message Set](#). More information about [eFiling certificate data](#) can be learned through the CPSC. Seven data elements are typically required when eFiling: product ID, citation codes, manufacture date, manufacture place, product test date, testing laboratory, and point of contact.

WHAT ARE THE DATES FOR EFILING TO KEEP IN MIND?

In October 2024, the CPSC opened the [eFiling voluntary stage](#) where importers and trade partners can self-register and begin participating in the eFiling requirements. The CPSC is urging businesses to get involved during the voluntary stage to learn how the system works and to test eFiling capabilities for their products. Registration for the voluntary eFiling stage may be accomplished by emailing [eFiling Support](#) with your company name, business account administrator's name and email, importer of record number, broker filer code, and the type of products imported.

The mandatory eFiling date (not the deadline for participation in the voluntary eFiling program) for most regulated consumer products begins on July 8, 2026. However, requirements for regulated consumer products entering a Foreign Zone Trade will begin on Jan. 8, 2027. Companies should remember as these deadlines approach that testing cycles for many products necessary to obtain certificates of compliance with safety rules can take weeks or even months. It is best to engage in testing programs for applicable consumer products as soon as possible to avoid a situation where a company has little time to register for the eFiling of their products before the required deadline.

HOW WILL THE EFILING SYSTEM IMPACT BUSINESSES?

By requiring importers and trade partners to eFile data, product inspections will be more efficient and effective. Inspectors will be able to reduce inspection time and effectively target dangerous products, which will reduce hold times for manufacturers and importers. This may work to shorten the delivery time and cost of shipping of some products. But these benefits come with cost increases; each eFiling for each product that requires a certificate of compliance will likely cost businesses a nominal fee. Additionally,

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businesses may need to hire personnel to help with the eFiling system. The reality is the benefits come with costs, both monetary and non-monetary. But according to the CPSC, the time reduction and effectiveness of the eFiling system outweighs the cost burden on businesses. Businesses must start planning for this cost increase prior to the mandatory requirement dates under this statute discussed above.

WHAT ARE THE PENALTIES FOR FAILURE TO COMPLY WITH EFILING?

The CPSC has not explicitly stated the penalties for failure to comply with the eFiling system. But it is certainly possible or even likely that if an imported product does not have the required certificate of compliance on file, the product may not be allowed to enter the U.S. border. Also, there are potential penalties that the CPSC may impose on businesses for failing to comply with the certification requirement for applicable products. If you do not obtain a CPC for children's products or a GCC for the regulated general use products, or if you provide a false certificate or otherwise fail to comply with the certification requirements, the CPSC will consider this noncompliance a violation of the Consumer Product Safety Act. The violation can lead to civil penalties, criminal penalties, asset forfeiture and/or product recalls.

CONCLUSION

If you are an importer, manufacturer or supplier of imported children's products or general use products that require a certificate of conformity, you will be required to eFile your certificates starting on July 8, 2026. If any of the applicable products will be entering a Foreign Trade Zone, your deadline will be delayed until Jan. 8, 2027. Importers and manufacturers should start preparing for the eFiling process as those dates are quickly approaching. Companies should be cognizant of [16 CFR 1110](#), and familiarize themselves with CPSC literature regarding [the eFiling process](#), if they haven't already. Many of the products that require CPCs or GCCs will need either third-party testing or must undergo other testing through a reasonable testing program required by the CPSC, and any such testing will take time before the appropriate certificate of compliance can be issued. As discussed above, the requirements to obtain a certificate of compliance for certain products has not changed, but you will not be required to eFile data from those certificates if you import any of the relevant products into the U.S.

For more information on the CPSC eFiling rule and how it may impact your compliance obligations, please contact [Michelle Corrigan Erikson](#) or the Stinson LLP contact with whom you regularly work.

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