

Client Alert

New Opportunity to Influence CPSC's Proposed Certificates of Compliance Rules

June 19, 2014

After voluminous comments were submitted by a diverse cross-section of companies, trade associations and individuals, the Consumer Product Safety Commission (CPSC) decided to reopen the comment period for a proposed rule amending 16 C.F.R. Part 1110 *et. al.*, commonly known as the "1110 rule." The CPSC will also conduct a public workshop with stakeholders to gather input on how to better enhance the 1110 rule. Companies and other stakeholders thus have a renewed opportunity to raise concerns and recommend workable solutions.

The CPSC first published the proposed changes to the 1110 rule in May 2013. The proposed changes, which would replace the existing 1110 rule in its entirety, include changes to who is required to certify, what information is listed on the certificate, and when and how long the certificates must be issued and maintained. Importantly, if finalized, the proposed rule would require electronic filing of certificates with each shipment as a requirement for imported products to make entry into the United States. Additional background information can be found in a previous [news alert](#).

Since the expiration of the July 2013 deadline to submit comments, the CPSC had been silent on next steps. At its May 2014 meeting, however, wherein the CPSC reassesses and reallocates resources within its annual Operating Plan, it [approved the staff's recommendations](#) pertaining to the proposed 1110 rule:

1110 Rule from FR to DA/TR: Staff recommends changing the 1110 Rule from FR to DA/TR in the FY 2014 mandatory standards work. The 1110 Rule NPR was published in FY 2013, and an FY 2014 FR was planned. Based on issues raised by commenters during the comment period, as well as requests from stakeholders, staff recommends reopening the comment period and conducting a public workshop with stakeholders to gain a better understanding of how to enhance the 1110 Rule more effectively. If the Commission concurs, staff will submit to the Commission a *Federal Register* notice to reopen the comment period and hold a public workshop during FY 2014.

Recent Happenings in APRM June 2014

- [Supreme Court Permits Lanham Act Challenge to Beverage Label Regulated by the FDA](#)
- [Highlights from ACI's 2014 Consumer Products Regulatory & Litigation Program](#)
- [Updates on the Accessibility Front](#)
- [Substantial Harm to Consumer Product Sector Expected Under Proposed Prop 65 'Reforms'](#)
- [New Opportunity to Influence CPSC's Proposed Certificates of Compliance Rules](#)
- [DOJ and FTC State that Antitrust is Not a Roadblock to Cybersecurity Information Sharing](#)

By changing the designation from "Final Rule" to "Data Analysis/Technical Review," the CPSC is indicating that a final rule will not be published this fiscal year (which ends on September 30, 2014). The CPSC has not released any additional information, including the date of the workshop, but companies and other interested parties should be prepared to reengage the CPSC on this topic.

For more information, please contact the professional(s) listed below, or your regular Crowell & Moring contact.

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