
❖SPC&B Safety News❖

A Newsletter for Clients of Sharretts, Paley, Carter & Blauvelt, P.C.

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CPSC Publishes Detention FAQs



As discussed in our *Safety News* of April 27, 2010, the Consumer Product Safety Commission (CPSC) has implemented a new detention policy whereby the agency issues its own detention notices directly to the importer, rather than having Customs & Border Protection (CBP) act as an intermediary. To assist the importing public to understand the changed procedures, the CPSC recently published a list of Frequently Asked Questions, which are set forth below for your ready reference.

To learn more about how your company should respond to a detention or other CPSC enforcement action, please contact Gail Cumins at gcumins@spcblaw.com, Alli Baron at abaron@spcblaw.com, or Donna Shira at dshira@spcblaw.com, or call us at 212-425-0055.

CPSC Detention of Products at Import (updated June 30, 2010) Frequently Asked Questions (FAQs)

Q: Why is CPSC going to issue Notices of Detention?

A: CPSC has the authority to determine the admissibility of consumer products and some hazardous substances offered for import. Accordingly, if it is necessary to detain a product in order to determine its admissibility into the United States, CPSC is best situated to control that process. Issuance of Notices of Detention by CPSC will eliminate CBP as the information conduit in the admissibility process and will allow the importer and/or his broker to deal directly with CPSC.

Q: When will CPSC staff begin issuing detention notices?

A: June 14th, 2010.

Q: What information will the Notice of Detention contain?

A: All information relevant to the detention will be included on the notice, including the reason for the detention, and the contact information for the CPSC Investigator responsible for processing the detention.

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75 Broad Street
New York, New York 10004
Phone: 212-425-0055
Fax: 212-425-1797
212-742-2180

SHARRETTS, PALEY, CARTER & BLAUVELT, P.C.

www.spcblaw.com

Email: customs@sharretts-paley.com

1660 L Street, N.W.
Washington, D.C. 20036
Phone: 202-223-4433
Fax: 202-659-3904

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Q: Who will receive the Notice of Detention?

A: Notices of Detention will be sent to the importer of record and the Customs broker handling the transaction. CBP will receive copies of all Notices of Detention.

Q: Will CPSC take custody of the detained products?

A: No. Any products detained by CPSC will continue to be held in a bonded facility regulated by CBP.

Q: As the importer of the detained product or broker handling the transaction, may I present information to support the admissibility of the product?

A: Yes, the importer and/or broker are encouraged to submit any reasonable testing results or other evidence that would support the admissibility of the detained product. The Notice of Detention will allow 5 working days for the recipient to respond. Reasonable extensions of time to produce necessary evidence will be allowed under certain circumstances. CPSC is seeking to receive a quick response from the importer and/or broker in order to expedite resolution of the detention.

Q: If CPSC detains merchandise, will the remainder of the shipment that does not contain detained product be released?

A: CPSC only detains products described in the Notice of Detention. The importer and/or his broker should contact CBP if it wishes to obtain release of remaining products in the shipment.

Q: Will there be constructive detentions?

A: No. Products will not be constructively detained at the importer's premises.

Q: How long will detentions last?

A: CPSC will try to make admissibility decisions on products within 30 days of detention.
