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**CPSC UPDATE**

June 2, 2010

By: David J. Evan ([devan@gdlsk.com](mailto:devan@gdlsk.com))

**CPSC to Begin Issuing Detention Notices**

On June 2, 2010, the Consumer Product Safety Commission (“CPSC”) along with U.S. Customs & Border Protection (“CBP”) conducted a webinar regarding CPSC notices of detention. To date, detention notices with regard to alleged CPSC violations have been issued by CBP. CPSC intends to take over this role and issue its own notices with more detailed information starting on or about June 14, 2010. Below is a summary of the presentation:

- Detention notices will be issued by a CPSC compliance investigator or field officer.
- Notices will contain the following information:
  - Description of the suspected violation;
  - Relevant statute; and
  - CPSC contact information
- Notices will be issued to the importer with copies to the customs broker and CBP; importer can choose to receive the notice by email or fax.
- Only the goods described on the detention notice will be detained.
- The importer will deal directly with the CPSC.
- The importer has 5 business days to provide information to resolve the initial detention (e.g., provide test reports which support compliance). Extensions will be granted on a case by case basis.
- Conditional Release - CPSC can allow conditional release under Customs bond pending their investigation results. Conditional release will be considered on a case-by-case basis, e.g., for goods which do not present an imminent hazard. Merchandise cannot be distributed during the release period. If conditional release is not granted, goods will be kept at a CBP bonded facility pending resolution.
- CPSC’s goal is to resolve the detention within 30 days. However, goods will not be deemed excluded if CPSC fails to make a determination within 30 days. This is significant as the importer will not be able to file a protest on the 31<sup>st</sup> day as is the case when goods are detained by CBP.

Please feel free to contact this office should you have any questions.