

To: Our Clients and Friends

June 18, 2010

## **Consumer Product Safety Commission Begins Issuing Import Detention Notices**

On June 14, 2010, the Consumer Product Safety Commission (CPSC) began issuing its own detention notices to importers, with copies to the broker and Customs and Border Protection Agency (CBP), on imported products that violate or are suspected of violating consumer safety laws. Until June 14, CBP had been issuing detention notices that cover laws enforced by the both CBP and CPSC.

CPSC's new detention notice will be issued directly by a CPSC compliance investigator or field investigator at the port, and will include detailed information about the suspected violation and governing statute. Once the importer receives the notice, it should contact directly the CPSC officer whose contact information is listed on the notice. The importer will have five business days to provide information requested by CPSC to help resolve the detention. Although extensions may be granted, CPSC's policy is to resolve a detention within 30 days.

CBP will continue to issue detention notices on non-CPSC violations. A decision by CBP to seize a shipment also will be considered a resolution of a CPSC detention. However, CPSC may still issue a Letter of Advice on CPSC matters. If CBP resolves its detention in favor of the importer, the merchandise will not be released until the CPSC detention also has been resolved.

CPSC will allow the conditional release of merchandise pending examination and testing results, provided that the importer posts a CPB bond. Merchandise under conditional release, however, cannot be distributed into commerce. Within 30 days after the conditional release period, CBP may issue a redelivery notice. Such redelivery may still result in the seizure, destruction or exportation of the merchandise. The failure to redeliver will result in liquidated damages.

CPSC enforces a number of laws relating to consumer safety, including the Consumer Product Safety Act, Consumer Product Safety Improvement Act, Federal Hazardous Substances Act, Flammable Fabrics Act, and Poison Prevention Packaging Act.

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