



# U.S. Customs and Border Protection

**Office of International Trade  
Importer Self-Assessment - Product  
Safety Pilot Program Addendum  
August 2014**

# Table of Contents

**QUICK REFERENCE GUIDE.....3**

**1. INTRODUCTION**

1.1 PURPOSE AND PILOT PROGRAM OVERVIEW .....6

1.2 BACKGROUND .....6

1.3 ISA-PS PILOT PROGRAM APPLICATION PROCESS OVERVIEW .....6

**2. PILOT PROGRAM DESCRIPTION AND REQUIREMENTS**

2.1 APPLICANT.....7

2.2 ELIGIBILITY.....7

2.3 BENEFITS.....7

2.4 REQUIREMENTS.....8

2.5 CBP & CPSC WEBSITES.....9

**3. APPLICATION PROCESSING, ACCEPTANCE AND DENIALS**

3.1 APPLICATION.....9

3.2 APPLICATION REVIEW.....9

3.3 CBP AND CPSC APPLICATION REVIEW MEETING .. 10

3.4 CBP AND CPSC ACCEPTANCE.....10

3.5 PARTICPATION RENEWAL.....10

3.6 CBP AND CPSC DENIAL.....11

**4. REVOCATION PROCEDURES**

4.1 REVOCATION.....11

4.2 REVOCATION RESPONSE OR APPEAL.....11

## Appendixes

- F. ISA-PS/CPSC Addendum
- G. ISA-PS/CPSC Questionnaire
- H. Annual Notification Requirements

## **IMPORTER SELF-ASSESSMENT PRODUCT SAFETY PILOT PROGRAM QUICK REFERENCE GUIDE**

### **Purpose:**

The Importer Self-Assessment – Product Safety (ISA-PS) pilot program is a partnership between U.S. Customs and Border Protection (CBP), the Consumer Product Safety Commission (CPSC) and importers to ensure product safety compliance for commodities regulated by CPSC. ISA-PS pilot program is a voluntary approach to product safety compliance, which provides recognition and support to participating companies.

### **Requirements:**

- Be an active member in ISA and comply with all ISA requirements and obligations.
- Complete an ISA-PS/CPSC Questionnaire and sign an ISA-PS/CPSC Addendum (an addendum to the ISA Memorandum of Understanding).
- Agree to comply with all laws and regulations administered by CBP, as well as the CPSC including, but not limited to: Pub. L. 112-28, 125 Stat. 273 (August 12, 2011), the Consumer Product Safety Improvement Act of 2008, Pub. L. 110-314, 122 Stat. 3016 (August 14, 2008), the Consumer Product Safety Act (codified at 15 U.S.C. 2051-2089), the Federal Hazardous Substances Act (codified at 15 U.S.C. 1261-1278), the Flammable Fabrics Act (codified at 15 U.S.C. 1191-1204), the Poison Prevention Packaging Act (codified at 15 U.S.C. 1471-1477), the Refrigerator Safety Act (codified at 15 U.S.C. 1211-1214), the Virginia Graeme Baker Pool and Spa Safety Act (codified at 15 U.S.C. 8001-8008), and the Children's Gasoline Burn Prevention Act, Pub. L. 110-278, 122 Stat. 2602 (July 17, 2008) (codified at 15 U.S.C. 2056 note).
- Maintain an internal control system that ensures the integrity of product safety.
- Notify CBP of any major organizational changes that may impact the importer's product safety controls.
- Submit an annual written notification to CBP that sets forth the importer's ISA-PS pilot program point of contact and acknowledges that the importer continues to meet the requirements of the ISA-PS pilot program.

## **Benefits:**

- CPSC will provide the participant with a product-specific CPSC point of contact who can assist in providing National Electric Injury Surveillance System (NEISS) Product Codes for entry lines.
- CPSC will provide access to the participant with special training concerning product safety compliance, internal controls, and CPSC audit trails.
- CPSC will allow the participant the opportunity to apply for external participation coverage of multiple business units (multiple IOR numbers) identified in the ISA-PS/CPSC Addendum.
- CPSC will consider expansion of benefits to all products of approved participants if the entry line(s) contains all the applicable NEISS Product Code(s).
- CPSC will reduce product safety tests on goods imported by ISA-PS pilot program participants.
- CPSC laboratories will grant priority “front of the line testing” to ISA-PS pilot program participants when product safety testing is conducted.
- CPSC may allow products to be destroyed by the ISA-PS pilot program participant in lieu of requesting redelivery to CBP of the product.
- CPSC will acknowledge the participation of ISA-PS pilot program in CPSC’s “Fast-Track Product Recall Program.”
- Additional benefits tailored to specific industry needs may later become available.

## **ISA-PS Pilot Program Application Process Overview:**

- The Importer will complete and submit an ISA-PS/CPSC Addendum (an addendum to the ISA Memorandum of Understanding).
- The Importer will complete and submit an ISA-PS/CPSC Questionnaire.
- CBP and/or CPSC staff will review and vet the application package.
- CBP and/or CPSC staff will perform a formal domestic site visit with the applicant.
- CBP and/or CPSC staff may perform a formal foreign site visit with the applicant.
- If CBP and/or CPSC staff finds the company ISA-PS pilot program ready, CBP and CPSC will finalize the partnership by signing the ISA-PS/CPSC Addendum.
- The ISA-PS pilot program participant will receive the benefits of ISA-PS pilot program.

**Participation:**

ISA-PS pilot program participants are responsible for continuing to comply with the requirements of the pilot program and are also responsible for sending annual notification to CBP stating that they are still in compliance with the pilot program guidelines.

# **IMPORTER SELF ASSESSMENT - PRODUCT SAFETY PILOT PROGRAM**

## **1. Introduction**

### **1.1 Purpose and Pilot Program Overview**

The Importer Self-Assessment – Product Safety (ISA-PS) pilot program is a partnership between CBP, the Consumer Product Safety Commission (CPSC) and importers to ensure product safety compliance. ISA-PS pilot program is a voluntary approach to product safety compliance, which provides recognition and support to participating companies. The ISA-PS pilot program offers meaningful benefits that can be tailored to industry needs and requires that importers demonstrate readiness to assume responsibilities for managing and monitoring their own product safety compliance through self-assessment.

### **1.2 Background**

On July 17, 2002, CBP initiated the Importer Self Assessment (ISA) Program which was developed by CBP under its regulatory audit authority, which allows interested importers to assess their own compliance with CBP laws and regulations.

In July 2007, President Bush issued Executive Order 13439, requesting the creation of an Interagency Working Group to improve the safety of imported products. The working group consisted of representatives from Departments and agencies. The working group focused its efforts on the import life cycle of a product, from production in a foreign country through the U.S. ports-of-entry to its final consumption or use by American consumers.

An action plan was presented to the President on November 6, 2007 consisting of 14 broad recommendations and 50 action steps. CBP has been designated to represent the Department of Homeland Security on this initiative and is responsible for multiple action steps, ranging from harmonizing government procedures concerning imports, creating an automated system reflecting a “single window” concept and being an active participant in establishing good importer practices for foreign collaboration, capacity building and developing voluntary certification programs. The execution of these action items has led CBP and CPSC to collectively work together with the trade community in the development of ISA-PS pilot program.

### **1.3 ISA-PS Pilot Program Application Process Overview**

- The Importer will complete and submit an ISA-PS/CPSC Addendum (an addendum to the ISA Memorandum of Understanding).

- The Importer will complete and submit an ISA-PS/CPSC Questionnaire.
- CBP and/or CPSC staff will review and vet the application package.
- CBP and/or CPSC staff will perform a formal domestic site visit with the applicant.
- CBP and/or CPSC staff may perform a formal foreign site visit with the applicant.
- If CBP and/or CPSC staff finds the company ISA-PS pilot program ready, CBP and CPSC will finalize the partnership by signing the ISA-PS/CPSC Addendum.
- The ISA-PS pilot program participant will receive the benefits of ISA-PS pilot program.

## **2. Pilot Program Description and Requirements**

### **2.1 Applicant**

Importers that apply for the pilot program are required to identify the business units that will participate. The Importer of Record (IOR) number(s) must be identified to the twelfth (12) digit. All corresponding IOR number(s) must be documented in the ISA-PS/CPSC Addendum, ISA-PS/CPSC Questionnaire and the annual notification requirement letter.

### **2.2 Eligibility**

To be eligible for the ISA-PS pilot program, the importer must be an active ISA member and comply with all of the ISA program requirements and obligations.

The ISA-PS pilot program is an expansion of the ISA program. Membership in the ISA-pilot program contingent on the company being an active ISA importer. The programs are linked in this manner yet remain independent programs.

CBP and CPSC staff reserves the right to utilize their discretion to approve or disapprove an application.

### **2.3 Benefits**

The ISA-PS pilot program provides opportunities for importers who want to demonstrate product safety compliance and receive related benefits. The pilot program offers meaningful benefits that can be tailored to industry needs. The ISA-PS pilot program participant will receive ISA benefits, which are outlined in the Importer Self Assessment Handbook, Benefits Section or U.S. Customs and Border Protection Importer Self Assessment MOU. In addition to receiving the ISA benefits, a participant in the ISA-PS pilot program will also receive the following benefits:

- CPSC will provide the participant with a product-specific CPSC point of contact who can assist in providing National Electric Injury Surveillance System (NEISS) Product Codes for entry lines.
- CPSC will provide access to the participant with special training concerning product safety compliance, internal controls, and CPSC audit trails.
- CPSC will allow the participant the opportunity to apply for external participation coverage of multiple business units (multiple IOR numbers) identified in the ISA-PS/CPSC Addendum.
- CPSC will consider expansion of benefits to all products of approved participants if the entry line(s) contains all the applicable NEISS Product Code(s).
- CPSC will reduce product safety tests on goods imported by ISA-PS pilot program participants.
- CPSC laboratories will grant priority “front of the line testing” to ISA-PS pilot program participants when product safety testing is conducted.
- CPSC may allow products to be destroyed by the ISA-PS pilot program participant in lieu of requesting redelivery to CBP of the product.
- CPSC will acknowledge the participation of ISA-PS pilot program in CPSC’s “Fast-Track Product Recall Program.”
- Additional benefits tailored to specific industry needs may later become available.

## **2.4 Requirements**

In order to participate in the ISA-PS pilot program, an importer must:

- Be an active member in ISA and comply with all ISA requirements and obligations.
- Complete an ISA-PS/CPSC Questionnaire and sign an ISA-PS/CPSC Addendum.
- Agree to comply with all laws and regulations administered by CBP, as well as the CPSC including, but not limited to: Pub. L. 112-28, 125 Stat. 273 (August 12, 2011), the Consumer Product Safety Improvement Act of 2008, Pub. L. 110-314, 122 Stat. 3016 (August 14, 2008), the Consumer Product Safety Act (codified at 15 U.S.C. 2051-2089), the Federal Hazardous Substances Act (codified at 15 U.S.C. 1261-1278), the Flammable Fabrics Act (codified at 15 U.S.C. 1191-1204), the Poison Prevention Packaging Act (codified at 15 U.S.C. 1471-1477), the Refrigerator Safety Act (codified at 15 U.S.C. 1211-1214), the Virginia Graeme Baker Pool and Spa Safety Act (codified at 15 U.S.C. 8001-8008), and the Children’s Gasoline Burn Prevention Act, Pub. L. 110-278, 122 Stat. 2602 (July 17, 2008) (codified at 15 U.S.C. 2056 note).
- Maintain an internal control system that ensures the integrity of product safety.
- Notify CBP of any major organizational changes that may impact the importer’s product safety controls.



- Submit an annual written notification to CBP that sets forth the importer's ISA-PS pilot program point of contact and acknowledges that the importer continues to meet the requirements of ISA-PS pilot program.

The importer may meet the requirements of the ISA-PS pilot program by using internal resources or using an objective third party exercising due diligence and reasonable care.

## **2.5 CBP and CPSC Websites**

CBP and CPSC maintain information about the ISA-PS pilot program as well as other regulatory information on the following websites:

<http://www.cbp.gov/>

<http://www.cpsc.gov/>

## **3. Application Processing, Acceptance and Denials**

### **3.1 Application**

Applications will be filed by completing the ISA-PS/CPSC Addendum and an ISA-PS/CPSC Questionnaire in Microsoft Word format and/or Adobe Acrobat Professional. Completed applications must be submitted electronically via e-mail to [isa@dhs.gov](mailto:isa@dhs.gov) or via U.S. mail (either a paper copy or on a compact disc) to the following address:

U.S. Customs and Border Protection  
Office of International Trade  
Director, Interagency Collaboration Division  
1400 L Street, NW  
12th Floor  
Washington, DC 20229

### **3.2 Application Review**

After the applicant has submitted the ISA-PS/CPSC Questionnaire and ISA-PS/CPSC Addendum, CBP and/or CPSC staff will review the applicant's submission. The application review will include a CPSC staff risk assessment to determine the applicant's readiness to assume responsibilities for self-assessment. The risk assessment will include an examination of the applicant as identified by the IOR number(s) listed on the ISA-PS/CPSC Addendum and its scope will include the laws and regulations administered by CPSC set forth above (refer to ISA-PS Pilot Program Participation Requirements). CBP and/or CPSC staff will perform a formal domestic site visit with the importer. At the discretion of CBP and/or CPSC it may also be necessary to perform a formal visit

with the applicant at a foreign facility. The purpose of these site visits is to determine if the applicant is ready to assume the responsibilities of product safety self-assessment and to equip CBP and CPSC with the knowledge of the importer's internal control procedures as appropriate.

If CBP and CPSC staff determines that the applicant is ready to assume all the responsibilities of self-assessment, they will sign the ISA-PS/CPSC Addendum and return a copy to the importer.

If CBP and CPSC staff determines that the applicant is not ready to assume the responsibilities of self-assessment, CBP and CPSC staff will continue to work with the applicant to strengthen its product safety program.

CBP and CPSC staff reserves the right to utilize their discretion to approve or disapprove an application.

Further, in selecting applicants for participation in the ISA-PS pilot program, CBP and CPSC reserve the right to establish priorities for the processing and approval of applications.

### **3.3 CBP and CPSC Application Review Meeting**

Applicants should provide CBP and CPSC staff with a corporate overview which should include areas of the company's commitment to product safety compliance, corporate structure and line of authority. Applicants should also demonstrate domestic and foreign documented controls of imported products, self-testing plans, relevant trainings and facility tours.

Upon completion of required site visits, an assessment will be conducted by CBP and CPSC staff. Successful completion will result in the acceptance into the ISA-PS pilot program. If corrective action is needed, assessment results may be provided to the applicant for guidance to address necessary modifications, reviews and inquiries.

### **3.4 CBP and CPSC Acceptance**

When it has been determined by CBP and CPSC staff that the applicant has adequate procedures and controls for the ISA-PS pilot program, CBP and CPSC will sign the addendum and CBP will send a letter to the applicant with a copy of the signed addendum. The letter will notify the applicant of its acceptance into the ISA-PS pilot program.

### **3.5 Participation Renewal**

Participation renewal letters advising CBP of the importer's interest to remain engaged in the ISA program and ISA-PS pilot program are required on an annual

basis. Renewal letters must contain the information cited in Appendix H. Renewal letters must be printed on company letterhead and signed by the responsible Company Officer with authority to bind the company within 30 days of the anniversary of the ISA program. One letter will satisfy the participation renewal requirement for both the ISA program and the ISA-PS pilot program, the renewal letter due date will be the anniversary date of the ISA program.

### **3.6 CBP and CPSC Denial**

If CBP and CPSC determine that the applicant is not ready to assume the responsibilities of self-assessment, CBP and CPSC staff will continue to work with the applicant to strengthen its product safety program.

If CBP and CPSC staff determines that an ISA-PS pilot program applicant should not be approved, CBP will issue a written denial notice to the applicant.

Upon completion of corrective action, within 90 days a written request demonstrating corrective action should be submitted electronically via e-mail to [isa@dhs.gov](mailto:isa@dhs.gov) or via U.S. mail (either a paper copy or on a compact disc) to the following address:

U.S. Customs and Border Protection  
Office of International Trade  
Director, Interagency Collaboration Division  
1400 L Street, NW  
Washington, DC 20229

## **4. Revocation Procedures**

### **4.1 Revocation**

CBP and CPSC may revoke ISA-PS pilot program participation for the following reasons:

- Participation in the pilot program was obtained through fraud or misstatement of fact.
- The ISA-PS pilot program participant is convicted of any felony or has committed acts that would constitute a misdemeanor or felony involving theft, smuggling, or any theft-connected crime.
- The ISA-PS pilot program participant refuses to cooperate with CBP and/or CPSC in response to an inquiry, audit or investigation.
- The ISA-PS pilot program participant fails to comply with or fulfill the terms and conditions of the ISA-PS pilot program, including the MOU, the addendum and any applicable Federal Register notices.
- The ISA-PS pilot program participant fails to comply with applicable laws and regulations.

## 4.2 Revocation Response or Appeal

If CBP and/or CPSC staff believes that there is a basis for the removal of an ISA-PS pilot program participant, a written removal notice will be sent to the ISA-PS pilot program participant.

The importer will be offered the opportunity to respond to the removal notice. The response is to be received within 30 days of the date of the removal notice. All responses to removal notices should be submitted electronically via e-mail to [isa@dhs.gov](mailto:isa@dhs.gov) or via U.S. mail (either a paper copy or on a compact disc) to the following address:

U.S. Customs and Border Protection  
Office of International Trade  
Director, Interagency Collaboration Division  
1400 L Street, NW  
Washington, DC 20229

CBP and CPSC will issue a final written decision on the removal within 30 days of the receipt of the response to the revocation.

However, in the case of willfulness or disregard of public health interests and/or safety concerns removal from the ISA-PS pilot program may be effective immediately without opportunity for prior written response. The removed participant will be given an opportunity to respond within 30 days to the notice. All responses to removal notices should be submitted electronically via e-mail to [isa@dhs.gov](mailto:isa@dhs.gov) or via U.S. mail (either a paper copy or on a compact disc) to the following address:

U.S. Customs and Border Protection  
Office of International Trade  
Director, Interagency Collaboration Division  
1400 L Street, NW  
Washington, DC 20229

APPENDIX F

ISA-PS/CPSC ADDENDUM

**U.S. CUSTOMS AND BORDER PROTECTION  
IMPORTER SELF-ASSESSMENT - PRODUCT SAFETY PILOT PROGRAM  
CPSC ADDENDUM (AN ADDENDUM TO THE ISA MEMORANDUM OF  
UNDERSTANDING)**

(Company name) requests to participate in the Importer Self-Assessment – Product Safety (ISA-PS) pilot program. We acknowledge that the primary objective of the ISA-PS pilot program is to ensure product safety compliance through a cooperative partnership between U.S. Customs and Border Protection, U.S. Consumer Product Safety Commission and the Importer. This agreement is made between \_\_\_\_\_, hereinafter referred to as the Account, U.S. Customs and Border Protection hereinafter referred to as CBP, and U.S. Consumer Product Safety Commission hereinafter referred to CPSC.

The Account, CBP and CPSC recognize the need to maintain an efficient and compliant product safety process. This addendum to the ISA memorandum of understanding is designed to strengthen the Account's ability to comply with CBP and CPSC requirements through effective internal controls and cooperative interchanges of ideas and information with CBP and CPSC.

The ISA-PS pilot program represents an opportunity to establish a joint informed compliance effort, in a process built on knowledge, trust and the desire to maintain an ongoing partnership between CBP, CPSC and the Account. The ISA-PS pilot program provides CBP and CPSC with the means to recognize and support the Account's efforts to achieve compliance and offers the Account the opportunity to demonstrate compliance and receive related benefits.

This addendum to the ISA memorandum of understanding does not exempt the Account from statutory penalties or sanctions in the event of noncompliance. However, the extent to which the Account has shown compliance with the terms of this addendum to the ISA memorandum of understanding will reflect favorably and may be a mitigating factor toward any CBP decision or recommendation on final case disposition.

The following are the Account, CBP and CPSC's responsibilities under this addendum to the ISA memorandum of understanding.

**ACCOUNT ROLES AND RESPONSIBILITIES**

- Be an active member in ISA and comply with all ISA requirements and obligations.
- Complete an ISA-PS/CPSC Questionnaire and sign an ISA-PS/CPSC Addendum.

- Agree to comply with all laws and regulations administered by CBP, as well as the CPSC including, but not limited to: Pub. L. 112-28, 125 Stat. 273 (August 12, 2011), the Consumer Product Safety Improvement Act of 2008, Pub. L. 110-314, 122 Stat. 3016 (August 14, 2008), the Consumer Product Safety Act (codified at 15 U.S.C. 2051-2089), the Federal Hazardous Substances Act (codified at 15 U.S.C. 1261-1278), the Flammable Fabrics Act (codified at 15 U.S.C. 1191-1204), the Poison Prevention Packaging Act (codified at 15 U.S.C. 1471-1477), the Refrigerator Safety Act (codified at 15 U.S.C. 1211-1214), the Virginia Graeme Baker Pool and Spa Safety Act (codified at 15 U.S.C. 8001-8008), and the Children's Gasoline Burn Prevention Act, Pub. L. 110-278, 122 Stat. 2602 (July 17, 2008) (codified at 15 U.S.C. 2056 note).
- Maintain an internal control system that ensures the integrity of product safety.
- Notify CBP of any major organizational changes that may impact the importer's product safety controls.
- Submit an annual written notification to CBP that sets forth the importer's ISA-PS pilot program point of contact and acknowledges that the importer continues to meet the requirements of ISA-PS pilot program.

The Importer may meet the requirements of the ISA-PS pilot program by using internal resources or using an objective third party exercising due diligence and reasonable care.

### **CBP & CPSC ROLES AND RESPONSIBILITIES**

- CPSC will provide the participant with a product-specific CPSC point of contact who can assist in providing National Electric Injury Surveillance System (NEISS) Product Codes for entry lines.
- CPSC will provide access to the participant with special training concerning product safety compliance, internal controls, and CPSC audit trails.
- CPSC will allow the participant the opportunity to apply for external participation coverage of multiple business units (multiple IOR numbers) identified in the ISA-PS/CPSC Addendum.
- CPSC will consider expansion of benefits to all products of approved participants if the entry line(s) contains all the applicable NEISS Product Code(s).
- CPSC will reduce product safety tests on goods imported by ISA-PS pilot program participants.
- CPSC laboratories will grant priority "front of the line testing" to ISA-PS pilot program participants when product safety testing is conducted.
- CPSC may allow products to be destroyed by the ISA-PS pilot program participant in lieu of requesting redelivery to CBP of the product.

- CPSC will acknowledge the participation of ISA-PS pilot program in CPSC’s “Fast-Track Product Recall Program.”
- Additional benefits tailored to specific industry needs may later become available.

This addendum to the ISA memorandum of understanding governs the Account’s activities under the following Importer of Record (IOR) number(s):

**[INSERT CORRESPONDING IOR NUMBER(S)]**

The Account may use third parties to fulfill roles and responsibilities of this agreement. The signature of the Account must be that of an authorized officer capable of binding the Account and making the appropriate changes for corrective product safety actions.

This agreement shall enter into force upon each party’s signature and shall remain in effect until notification of termination or failure to perform as agreed.

IN WITNESS WHEREOF, the undersigned, being duly authorized, have signed this agreement.

**FOR THE ACCOUNT**

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

**FOR U.S. CUSTOMS AND BORDER PROTECTION**

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

**FOR U.S. CONSUMER PRODUCT SAFETY COMMISSION**

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date



APPENDIX G

ISA-PS/CPSC QUESTIONNAIRE

**U.S. Customs and Border Protection  
Office of International Trade**

**Internal Control Questionnaire for Product Safety**

**Introduction**

**U.S. Customs and Border Protection (CBP) is entrusted with enforcing over 400 laws for 40 other government agencies, including the U.S. Consumer Product Safety Commission (CPSC). The purpose of this Internal Control Questionnaire is to obtain information about the company's internal controls related to imported product safety. The questionnaire is designed to give the CBP a general understanding of the company's import operations and internal control structure.**

**I. General**

- A. Provide the name, title, and telephone number of the official(s) preparing information for this questionnaire.
- B. Provide an overview of the company's types of imported merchandise that are regulated by CPSC.
- C. List all of the company's IOR numbers to the twelfth digit. If applicable, please identify those IOR numbers that are not certified under the ISA program.

**II. Control Environment**

- A. Organizational Structure, Policy and Procedures, Assignment of Responsibilities
  - 1. Provide a copy of the company's organizational chart and related department descriptions. Include the detail to show the location of the office(s) relevant to imports and product safety.
  - 2. Identify the key individuals (position/title) in each office responsible for import product safety compliance (may be included on the organization chart).
  - 3. If the company has operating policies and procedures manuals for import product safety operations, provide a copy of the manuals (preferably in electronic format). Provide the position of the individual who approves these policies and procedures manuals.
- B. Employee Awareness Training
  - 1. What specialized product safety training is required for key personnel involved with importations?
  - 2. What product safety experience do key personnel involved in import-related activities have?

3. Who in other departments are responsible for reporting product safety related activities to persons involved with importations?
4. What training is provided to personnel in other departments responsible for reporting product safety activities related to imports?
5. How does the company obtain current information (e.g. new legislation, product recalls, safety standards, etc.) on product safety requirements?
6. Does the company use the CPSC and/or the CBP web site to obtain information or conduct training?

### **III. Risk Assessment**

- A. How does the company identify, analyze, and manage risks related to import product safety to protect against unsafe consumer products being imported? What are the inherent risks of the product(s)? Are separate risk assessments made or considered based on product type or other relevant facts?
- B. What risks related to import product safety activities has the company identified, and what control mechanisms has it implemented to control these identified risks?
- C. What are the vulnerable points in the import life cycle for your product and how do you address the vulnerabilities?
- D. How does the company determine products that are primarily intended for a child 12 and under?
- E. How do you address the traceability or tracking of a product to the retailer level?

### **IV. Control Procedures**

#### Prevention:

- A. Please explain your procedure for placing orders with manufacturers or suppliers both foreign and domestic for your products. For example, does the company provide designs and bills of material to the manufacturer or are products ordered from showrooms?
- B. If the company designs the merchandise produced by a foreign manufacturer, how does the company ensure product specifications are met and the product complies with applicable safety standards and certifications (voluntary and/or regulatory)? How does the company ensure substandard materials are not used?

- C. If the company orders merchandise from showrooms, how does the company ensure the product complies with applicable safety standards and certifications (voluntary and/or regulatory)?
- D. What procedures related to the manufacturing processes, including test laboratories when applicable, are designed to protect against unsafe consumer products being imported?
- E. What corrective action procedures do you employ when problems are identified?
- F. Does the company utilize any markings for samples imported for prototype testing or note such product at the time the entry documentation is filed?
- G. What permanent distinguishing marks does the firm utilize on its products and packaging so that a consumer or retailer can identify if a product is involved in recalls?
- H. Please explain your procedures for the following as they relate to Import Safety:
- “vetting” suppliers (formal steps taken prior to establishing business ties);
  - factory profiles;
  - factory visits, including visits prior to establishing business ties and subsequent visits;
  - verification of production capabilities;
  - controls over sub-contracting practices by the supplier;
  - quality control standards;
  - restrictions associated with particular countries or commodities;
  - controls over ethical standards.
- I. Does the company utilize contractual language or business arrangements for any of the procedures identified above?
- J. What are the controls to ensure the safety of products, where the company is not the importer of record but the merchandise is specifically designed for the company (e.g. landed duty paid shipments)?
- K. What are the company’s procedures for ensuring that safety tests performed abroad conform to U.S. regulatory requirements? If the company utilizes a third party for certifications, is the third party recognized by an accredited organization?
- L. What are the company’s procedures for ensuring it maintains records and quality assurance programs in compliance with U.S. regulatory requirements?

- M. What are the company's procedures for ensuring products are labeled in compliance with U.S. regulatory requirements?
- N. Does the company provide incentives to consumers to return product registration cards for durable infant or toddler products? If so, what?
- O. What are the control activities designed to identify unsafe goods before they enter the commerce of the United States?
- P. What are the company's procedures for notifying the U.S. CPSC if unsafe products are identified?
- Q. What are the company's procedures for notifying CBP if unsafe products are identified and other shipments are in-transit to the U.S.?
- R. What are the control activities to ensure immediate steps are taken to limit exposure and harm to the consumer in the event that unsafe products are identified after they enter the U.S. commerce (such as tracking procedures or product recalls).

**V. Information and Communication**

- A. How does the company coordinate safety issues between its various internal departments?
- B. Describe the procedures the company uses to disseminate relevant product safety information to all other effected departments.
- C. Describe the procedures for other departments to communicate on matters affecting the safety of imported merchandise with those responsible for importations.
- D. Describe the procedures for those responsible for importations to participate in major planning processes involving the safety of imported products.

**VI. Monitoring**

- A. What oversight and monitoring activities do those responsible for importations use to ensure compliance with product safety requirements?
- B. Does the importer maintain documentation of tests and the test results? How long are these records maintained?
- C. When action is warranted, how and to whom are the results reported?

- D. What level of management are the results of non-complying or poor test results communicated to for action? What authority does that person have relative to product safety?

**VII. Miscellaneous**

- A. Please identify any recent technological innovation and/or new science based safety standards related to your product(s).
- B. Does your company participate in any domestic or international standard-setting organizations?
- C. If someone other than the actual manufacturer is listed on the entry data, please provide the name of the actual manufacturer(s) and their address (es).

APPENDIX H

ANNUAL NOTIFICATION REQUIREMENTS

## **IMPORTER SELF ASSESSMENT – PRODUCT SAFETY PILOT ANNUAL NOTIFICATION REQUIREMENTS**

The purpose of this document is to provide instructions for preparing the Importer Self-Assessment – Product Safety Pilot (ISA-PS) Annual Notification Letter (ANL). All approved ISA-PS companies must follow these instructions.

The purpose of the ANL is to ensure that the participant continues to meet the requirements of the ISA-PS Program and informs U.S. Customs and Border Protection (CBP) and Consumer Product Safety Commission (CPSC) of any business modifications that may have a potential impact on the company's product safety management. Examples of such modifications are significant changes to the company organization, personnel, commodities, brokers, or trade programs.

The ISA-PS participant must submit its first written ANL to the Director, Import Safety and Interagency Requirements Division 13 months after its ISA Program acceptance date, which is the date that the Assistant Commissioner, Office of International Trade signs the ISA-PS Memorandum of Understanding (MOU). The ANL is due every 12 months thereafter. The company representative that signed the MOU submitted to CBP, or an equivalent, should sign the ANL.

Below is information that is required to be included in the ANL. Please note that this list is not all-inclusive and represents the minimum requirements.

- Summary of organizational and personnel changes
- Summary of changes to product compliance management including any new or modified employee awareness training
- Demonstrate knowledge of products and applicable U.S. requirements
- Summary of changes in verification of product and firm compliance with U.S. requirements throughout the supply chain and product life cycle
- Summary of corrective and preventative action when the imported product or firm is not compliant with U.S. requirements

*(\*An amended MOU must be prepared and attached to the ANL if additional importer of record numbers and/or merged/acquired entities with its own unique importer of record number will be added to an ISA approved business unit/division.)*

The ANL should be sent to the Director, Interagency Collaboration Division via email [isa@dhs.gov](mailto:isa@dhs.gov) or to the following address.

U.S. Customs and Border Protection  
Office of International Trade  
Director, Interagency Collaboration  
1400 L Street, N.W.  
Washington, D.C. 20229-1143



Attached is an example ANL demonstrating how the minimally required information could be incorporated. If there are any questions regarding the ANL requirements, please contact the company's national account manager or email your questions to the Director, Interagency Collaboration at [isa@dhs.gov](mailto:isa@dhs.gov).

[ON COMPANY LETTERHEAD]

DATE

U.S. Customs and Border Protection  
Office of International Trade  
Director, Interagency Collaboration Division  
1400 L Street, NW  
Washington, DC 20229

Dear Director:

In accordance with the requirements for Importer Self-Assessment (ISA) and Importer Self-Assessment – Product Safety (ISA-PS) (Company Name) is hereby submitting its annual notification letter. (Company Name) was formally approved for participation in the ISA program on (date) and approved for participation in ISA-PS pilot program on (date).

During the past year, we have complied with all applicable CBP and CPSC laws and regulations. We have, and continue to maintain, a system of business records that demonstrates the accuracy of CBP compliance as described in the ISA Memorandum of Understanding (MOU). We also have, and continue to maintain, a system of business records that demonstrates the accuracy of CBP and CPSC product safety transactions as described in the ISA-PS/CPSC Addendum.

(Company Name) has performed a review of the internal control system and corrective action, where necessary, has been taken to ensure that the system meets the requirements of the ISA program and the ISA-PS pilot program.

(Company Name) has performed periodic transactional testing based on risk and corrective action, where necessary, has been taken. Test results will be maintained for five years at our location, (specify location address) and are available for review upon request.

In compliance with ISA reporting requirements, (Company Name) has summarized (below or attached) changes to its organization, personnel, and import activity along with the results of internal control adjustments/changes and transactional testing as follows:

*(Note: The five key elements listed below are the minimum reporting areas but are not all inclusive. The key elements can be included in the body of the letter or as an attachment.)*

## **Organizational and/or Personnel Changes**

*(Note: If a company elects to add/delete business unit(s) or organization changes due to mergers and/or divestitures, an amended Memorandum of Understanding is required. Additionally, please include an organizational chart and related department descriptions. Identify the key individuals (position and title) in each office responsible for import product safety compliance; may be included on the organization chart.)*

## **Summary of changes to product compliance management**

*(Note: Please include changes, if any of documented product safety control policies, specifications, procedures, and recordkeeping since being accepted into ISA-PS. Demonstrate how the importer's quality assurance program has prevented noncompliant goods from entering the United States commerce.)*

## **Demonstrate knowledge of products and applicable U.S. requirements**

*(Note: Please include the importer's strategy to recognize whether the product is intended for commercial sale or use in the U.S. or for foreign markets. Display how the importer continues to stay informed to any new or modified requirements relating to the imported product.)*

## **Summary of product and firm compliance with U.S. Requirements throughout the supply chain and product life cycle**

*(Note: Please include the importer's method of recognizing potential hazards or other compliance problems associated with the product. Explain how the importer continues to control, monitor, and verify product compliance prior to the arrival of the product in the United States.)*

## **Summary of corrective and preventative action when the imported product or firm is not compliant with U.S. requirements**

(Company Name) will continue to meet the requirements of the ISA program and the ISA-PS pilot program as specifically listed in the ISA MOU and ISA-PS/CPSC Addendum.

*(If Company elects to add/delete business units; an amended MOU will be necessary. In addition the company should identify any organizational changes made during the past year.)*

If you have any questions, our company contact for ISA program and the ISA-PS pilot program is (Name, Title). You can contact him/her at (Telephone Number, e-mail address).

Sincerely,

(Signature-Should be the same individual who signed ISA MOU or company officer equivalent)

(Your Name)

(Your Title)

(Company Name)

# Office of International Trade Importer Self-Assessment Handbook



U.S. Customs and Border Protection  
1300 Pennsylvania Avenue, N.W.  
Washington, D.C. 20229  
1-800-BE-ALERT  
<http://www.dhs.gov>  
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