



LIGHTER
Association Inc.

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www.LighterAssociation.org

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Office of the Secretary
U.S. Consumer Product Safety Commission
4330 East West Highway
Bethesda, MD 20814

Re: Docket No. CPSC-2013-0017, Certificates of Compliance

Dear Madame Secretary:

The Lighter Association has reviewed the Supplemental Notice of Proposed Rulemaking (SNPR) and wishes to comment on two key issues.

Proposed Requirement to Provide Name of Foreign Manufacturer in Certificate of Compliance

First, the SNPR proposes to amend 16 CFR Part 1110.11, Content of Certificate, by adding a new requirement in proposed subparagraph (a)(5):

"Provide the date (month and year, at a minimum) and place (including a manufacturer name, street address, city, state or province, country or administrative region, email address and telephone number) where the finished product(s) were manufactured, produced or assembled...."

The current rule at 16 CFR Part 1110.11, Content of Certificate, provides at subparagraph (c):

"Date (month and year, at a minimum) and place (including city and state, country or administrative region) where the product was manufactured...."

The difference is that under the SNPR, the manufacturer name, address and contact information is required.

As the Commission is well aware, many US manufacturers and distributors have products made at factories in Asia. The identity of the manufacturer is highly confidential, is not shared with the public and has a monetary value in the commercial marketplace. This information would be considered confidential business information under Section 6(a) of the Consumer Product Safety Act and under the Trade Secrets Act. So it is totally inappropriate to require US companies to disclose the name and address of their

foreign manufacturer in a Certificate of Compliance, which many interested parties would have access to during the course of shipment of the goods from Asia to the US.

We would suggest that the Commission revert to the language in the current rule referencing place of manufacture. If the name of the manufacturer is required for compliance purposes at some later date, the Commission could simply request the information from the US manufacturer or distributor, and they could provide it under Section 6(a).

Proposed Requirement that the Certificate of Compliance must be eFiled

Second, the SNPR proposes to amend 16 CFR Part 1110.13, Availability of Electronic Certificate, which is optional now, to require eFiling of all Certificates of Compliance:

"In the case of finished products that are manufactured outside the United States and offered for importation into the United States for consumption or warehousing....., the finished product certifier must eFile the GCC or CPC data elements required under Section 1110.11 in ACE at the time of filing the CBP entry, or the time of filing the entry and entry summary....as provided in CPSC's PGA Message Set CATAIR Implementation Guide." Proposed 16 CFR Part 1110.13(a)(1)

Now this may be feasible for very large companies (as well as companies in the pilot program). However, for most smaller businesses, including many of our members, they have no familiarity with any of the procedures set forth above. So we would suggest that there be a reasonable transition period for the implementation of eFiling. Our suggestion is two years from the date of issuance of any new final rule so smaller manufacturers can get up to speed on the proposed eFiling process. The 120 days effective date in the SNPR is simply not feasible for a transition to eFiling for most US companies.

Thank you for the consideration of our views on the SNPR.

Very truly yours,



Steven A. Burkhart, President

SAB:dhb