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US market readiness checklist for manufacturers

A practical readiness checklist for UK manufacturers and hardware businesses entering the United States — FCC and NRTL approvals, customs and tariffs, state tax nexus, and the contract and liability exposure that catches exporters out. Compiled by Dr Gareth Mills, fractional COO.

1. Product approvals and market entry

- [ ] There is no CE equivalent: map each product to its specific US regime rather than a single mark.
- [ ] FCC: determine Part 15 / Part 18 obligations, Supplier's Declaration of Conformity or certification through a Telecommunication Certification Body, and hold the test reports.
- [ ] Confirm the FCC ID, labelling and user-manual statements appear correctly on product and packaging.
- [ ] Obtain NRTL safety certification (UL, ETL, CSA) where required by code, purchasers or insurers.
- [ ] Check FDA, DOT, EPA, DOE or CPSC scope where applicable, plus energy efficiency and Prop 65 warning requirements.
- [ ] Meet state-level rules that behave like national ones — California Prop 65, California and New York battery and packaging laws.
- [ ] Confirm country-of-origin marking under 19 U.S.C. 1304 and any "Made in USA" claim substantiation under FTC rules.

2. Customs and import compliance

- [ ] Appoint an importer of record and confirm whether that is you, your distributor or a US entity.
- [ ] Obtain a customs bond (single-entry or continuous) and a licensed customs broker.
- [ ] Classify products under the HTSUS and document the ruling or reasoning behind each code.
- [ ] Assess Section 301 and other additional duties, plus any exclusions that apply.
- [ ] Evidence USMCA origin where claiming preference, with certification of origin on file.
- [ ] Confirm export control classification (ECCN / EAR) and screen counterparties against denied-party lists.
- [ ] Meet UFLPA and supply-chain due-diligence expectations with documented supplier traceability.
- [ ] Confirm conflict minerals reporting duties if you supply SEC-reporting customers.

3. Tax and corporate structure

- [ ] Decide the entry structure: direct export, US distributor, or a US subsidiary (typically a Delaware C-Corp or LLC).
- [ ] Test permanent establishment and the US–UK tax treaty position before placing staff or stock in the US.
- [ ] Register for state sales tax where economic nexus thresholds are crossed — they are per state and low.
- [ ] Manage sales tax exemption certificates for resale and manufacturing exemptions.
- [ ] Confirm federal and state income tax filings, franchise tax and payroll registrations for any US employees.
- [ ] Align transfer pricing documentation between the UK parent and any US entity.

4. Legal, contracts and liability

- [ ] Carry US product liability insurance sized for the market; confirm limits with your distributors and channel partners.
- [ ] Use US-law contracts with clear warranty, limitation of liability, indemnity and dispute resolution terms.
- [ ] Review distributor and reseller agreements against state franchise and dealer protection statutes.
- [ ] Register US trade marks with the USPTO and confirm freedom to operate; patent exposure is enforced hard in the US.
- [ ] Assess state privacy laws (CCPA/CPRA and successors) for any personal data you process.
- [ ] Confirm employment structure for US hires — at-will terms, benefits, state registrations and worker classification.
- [ ] Build the recall and corrective action process, including CPSC reporting obligations where in scope.

5. Operations and supply chain readiness

- [ ] Design the US fulfilment model: 3PL location, inventory positioning and lead time to customer.
- [ ] Confirm returns, RMA and field service capability inside the US before first shipment.
- [ ] Validate US voltage, plug, packaging and labelling variants as a controlled product configuration.
- [ ] Plan for tariff volatility with dual-sourcing or nearshoring options modelled in advance.
- [ ] Set the operating cadence and KPIs for the US market so problems surface within the week, not the quarter.