



The American Companies Supply Chain Logistics Gazette

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Confidentiality of Vessel Manifest Information Must be Requested Every Two Years

19 CFR 103.31 allows importers, consignees, and shippers to file certifications for confidential treatment for certain inward and outward vessel manifest information, such as importer and/or shipper names and addresses.

With respect to inward vessel manifests, 19 CFR 103.31 provides that an importer or consignee (or their authorized employee, attorney, or official) may submit a certification for confidential treatment of: **(i)** the importer or consignee names and addresses (including marks and numbers which reveal these names and addresses); and **(ii)** the names and addresses of all of the shippers to such importer or consignee. For information appearing on the outward manifest, 19 CFR 103.31 allows a shipper (or their authorized employee or official) to submit a certification for confidential treatment of the shipper's name and address.

Both initial and renewal certifications are valid for a period of two years only. Renewal certifications should be submitted to the Disclosure Law Officer at least 60 days prior to the expiration of the current certification. According to 19 CFR 103.31, there is no prescribed format for a certification; however, the certification shall include the importer's/consignee's/shipper's Internal Revenue Service (IRS) Employer Number, if available.

According to 19 CFR 103.31, the address to which certifications must be submitted is: Disclosure Law Officer, Headquarters, U.S. Customs Service, 1300 Pennsylvania Avenue N.W., Washington, DC 20229.

U.S. Customs and Border Protection (CBP) sources have previously noted that in order to ensure that requested information is deleted from public disclosure, the importer or consignee should ensure that the company's name and shipper's name is identified to CBP in all known variations that may be used on shipping documentation such as bills of lading, purchase orders and manifests.

CBP sources have confirmed that air, rail, and truck manifest information currently remains confidential. Contact your American Companies representative for complete details.

CBP Began "Full Enforcement" of 10+2 on January 26th

CBP began "full enforcement" of the 10+2 interim final rule on January 26, 2010. Officials recently provided details on how they plan on phasing in enforcement, highlights include:

- CBP will not use the data collected during the one-year delayed enforcement period against the trade; however, for those that did file during this period, it will remain a mitigating factor. Data generated or lack of data submitted beginning on January 26, 2010 and will be looked at it from an enforcement perspective
- CBP will not issue any liquidated damages for ISF issues during the first quarter
- Moving into the second and third quarters, those that do not file will see holds on shipment, NIIs, document reviews, and/or physical examinations
- By the third and fourth quarter, the ISF data generated will be used and CBP will begin to issue liquidated damages claims

Haitian Port & Infrastructure Damaged in Earthquake, Apparel & Other Industries Affected

The U.S. Agency for International Development [reports](#) that the earthquake that hit Haiti on January 12, 2010 caused considerable damage to the Port-au-Prince port and other essential infrastructure, which will affect industrial facilities and operations there for some time, even those that were not directly harmed.

The effect may be particularly strong for the apparel industry, as it accounts for a significant portion of the Haitian economy and industry sources are reporting that as many as one-third of Haiti's apparel factories may have been destroyed. Press reports already indicate a shifting of apparel production away from Haiti to the Dominican Republic and other countries.

The American Companies

<http://www.shipamerican.com>

250 Moonachie Road (HQ Office - Full Service)
Moonachie, NJ 07074 (201-478-4600)

400 OceanGate, Suite 1106 (Full Service)
Long Beach, CA 90802 (562-435-2327)

881 Route 83 (Full Service)
Bensenville, IL 60106 (630-860-0782)

Domestic USA Ground Operations
Domestic USA Air Operations
Asheville NC 828-974-3001

3PL Branch
Fairview, NJ
Carson, CA
Bensenville, IL

BIS Launches On-Line Version of STELA to Track Licenses

The Bureau of Industry and Security has posted a [notice](#) announcing that it has launched an on-line version of its System for Tracking Export License Applications (STELA).

Export license filers may now check the status of export/re-export license applications, classification requests and License Exception AGR notifications online at <https://snapr.bis.doc.gov/stela>. BIS states that since there is now a new on-line service, the phone-based STELA will be eventually phased out.

CBP Discusses its ISA Program at Trade Symposium

At the December 2009 Trade Symposium, CBP officials and importer and broker representatives discussed the Importer Self Assessment program. Highlights of that [presentation](#) include:

- ISA program currently has 198 participants, over 99% compliance rate
- ISA benefits include fewer audits, penalty mitigation, enhanced prior disclosure
- ISA application problems include incompleteness, multiple importer of record numbers, unresolved issues, etc.
- Top countries of origin for ISA applicant imports are China, Mexico, and Japan

CPSC Finalizes Rule on Children's Electronic Devices & CPSIA Lead Content Exemptions

The Consumer Product Safety Commission has issued a [final rule](#), effective January 20, 2010, which finalizes its interim final rule exempting certain components of children's electronic devices from the Consumer Product Safety Improvement Act of 2008 (CPSIA) lead content limits for children's products, as it is not currently technologically feasible for such components to comply.

According to CPSC, the final rule is "virtually identical" to the interim final rule that has been in effect since February 10, 2009, with only certain minor, clarifying changes.

Contact your American Companies representative for complete details.

CPSC Issues Final Rule on Mandatory Recall Notices

The CPSC has issued a [final rule](#), effective February 22, 2010, that establishes guidelines and requirements for mandatory recall notices ordered by the CPSC or a U.S. District Court, as required by the CPSIA. According to CPSC, the final rule makes certain clarifying changes to the March 2009 proposed rule on mandatory recall notices but is otherwise substantially similar. Contact your American Companies representative for complete details.

List of 2010 Apparel Duty Rates Available for Sale

International Trade Today's list of 2010 "General" Column 1 duty rates for knit and woven apparel in Chapters 61 and 62 of the Harmonized Tariff Schedule is available to American Companies clients at a cost of \$25 (to be billed by the American Companies). To order your copy, email InternationaltradeToday@brokerpower.com.

Congress Plans Smaller MTB for Early 2010

According to sources, the House and Senate hope to reach agreement on a smaller House-Senate Omnibus Miscellaneous Trade Bill (MTB) that could be enacted in early 2010. Congress adjourned at the end of 2009 without passing an Omnibus MTB. As a result, hundreds of HTS 9902 tariff numbers, which provided temporary duty suspensions or reductions to certain products, expired on December 31, 2009.

([H.R. 4380](#), the "Miscellaneous Trade and Technical Corrections Act of 2009" was introduced in December 2009 and would renew certain HTS 9902 expired provisions and create certain new HTS 9902 provisions. The Senate is still in the process of vetting the individual MTBs introduced in the Senate in 2009 and those bills have not yet been compiled into a Senate Omnibus MTB.)

PHMSA Proposes Stricter Transportation Requirements for Lithium Cells and Batteries

The Pipeline and Hazardous Materials Safety Administration has issued a [proposed rule](#), in consultation with the Federal Aviation Administration, to amend the Hazardous Materials Regulations (HMR) to reform and strengthen the regulations specific to the transport of lithium cells and batteries. Comments on the proposed rule are due by March 12, 2010. (PHMSA's proposed revisions are intended to enhance safety by ensuring that all lithium batteries are designed to withstand normal transportation conditions, packaged to reduce the possibility of damage that could lead to an incident, and accompanied by hazard communication information.)

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