



The American Companies Supply Chain Logistics Gazette

March 2010

American Companies releases additional products to track your Importer Security Filings

The American Companies has now released the following tools to better manage your ISF' process:

- Auto E-Mail when an ISF is incomplete in our system
- AmeriWeb – providing visibility to all ISF's at the product code and shipment level
- Booked Shipments vs. ISF's filed reports
- Enhanced ISF Quality Assurance Reports

The American Companies continues to upgrade its suite of Importer Security Filing Tools to allow for better control and visibility. The above combined with our ISF Web Portal which allows any pre-authorized entity to file an ISF anywhere on the globe, affords The American Companies remains to remain at the forefront of Importer Security Filing service providers. Our offerings not only provide for speedy a filing but also insuring that compliance remains core to our suite of tools and services. With fully staffed back end management and support processes The American Companies stands ready to support the global trade community's needs. If you are an American Companies client and wish to explore the use of the above tools please contact your customer service representative or techsupport@shipamerican.com and our team will be happy to assist you. If you are not a current customer or simply wish to ask questions please contact 10plus2@shipamerican.com.

CBP Updates, Expands its 10+2 FAQs

On January 28, 2010, U.S. Customs and Border Protection updated and expanded its frequently asked questions [document](#) on its 10+2 interim final rule that requires Security Filing information from importers and additional information from carriers for vessel (maritime) cargo before it is brought into the U.S.

Final Results of AD Duty Admin Review of Italy Pasta

The International Trade Administration has issued the [final results](#) of its antidumping duty administrative review of certain pasta from Italy for the period of July 1, 2007 through June 30, 2008.

Brazil Again Delays Final List of U.S. Products for Add'l Duties Due to Cotton Dispute

Brazil's Ministry of Development, Industry and Foreign Trade has [announced](#) that Brazil's Foreign Trade Chamber has again postponed publication of its final list of U.S. products that may be subject to additional duties of up to 100% due to the U.S.' noncompliance with World Trade Organization findings in the upland cotton dispute. The final list will now be published on March 8, 2010, instead of March 1, 2010.

CPSC to Discuss "Civil Penalty Factors" Final Rule at March 3rd Meeting

The Commissioners of the Consumer Product Safety Commission will hold an open [meeting](#) on March 3, 2010 to discuss a final rule on civil penalty factors. (As required by the CPSIA, the maximum civil penalty amounts under the CPSA, the FFA, and the FHSA greatly increased on August 14, 2009 to \$100,000 (from \$8,000) for each "knowing" violation and to \$15,000,000 (from \$1,825,00) for any related series of violations.) A live webcast of the meeting can be viewed at www.cpsc.gov/webcast/index.html. No registration is necessary to view the live webcast.

CPSC to Shift from CPSIA Implementation to Enforcement in FY 2011

In its latest budget request, the CPSC stresses that its focus will be shifting from implementation of the CPSIA to enforcement of it in fiscal year 2011, which begins October 1, 2010. CPSC states that this increased focus on CPSIA enforcement will center around the following three elements of its Compliance program: regulatory enforcement, import surveillance, and defect investigations. In FY 2011:

- Staff work will evolve from development of the CPSIA mandated rules to enforcing those rules.
- CPSC plans to expand its enforcement at ports to stop unsafe products from entering the country
- CPSC plans to increase its resources and ability to identify and recall defective products not covered by regulations and to strengthen CPSC's defect investigation capacity.

Contact the American Companies for complete details.

The American Companies

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Washington State to Field Test “Pilot Rule” on Chemical Reporting for Children’s Products

Washington State will soon begin field testing a “[pilot rule](#)” on requiring manufacturers (including importers) to disclose chemicals of concern used in children’s products, pursuant to the state’s 2008 Children’s Safe Product Act.

BIS Publishes Compliance Guidelines

The Department of Commerce’s Bureau of Industry and Security (BIS) has posted to its website a [document](#) titled Compliance Guidelines: How to Develop an Effective Export Management Compliance Program and Manual to assist exporters of dual-use items in establishing, or enhancing, an EMCP.

CEH Warns Four Retailers of High Cadmium Levels in Their Jewelry

The Center for Environmental Health has [notified](#) four retailers – Saks Fifth Avenue, Justice, Catherines, and Aeropostale – that independent lab testing has found significant levels of cadmium in adult and children’s jewelry purchased from their stores in December and January. According to CEH sources, cadmium as such is only regulated in the state of Washington, however CEH has initiated legal action against the four retailers under California Proposition 65, which requires certain labeling of chemicals known to cause cancer, birth defects or other reproductive harm. CEH sources note that even though they are seeking legal action under Proposition 65, their ultimate goal is removal of cadmium from the jewelry or removal of these harmful products from the marketplace, not just proper labeling under California law.

CBP Posts Overview of 2009 C-TPAT Accomplishments

U.S. Customs and Border Protection has posted an [overview](#) of the accomplishments of the Customs-Trade Partnership Against Terrorism (C-TPAT) during 2009. According to CBP, highlights of C-TPAT accomplishments during 2009 include strong validation numbers, continued member growth and increased quality assurance.

APHIS Updates its Lacey Act Primer

The Animal and Plant Health Inspection Service has updated its Lacey Act Amendment postings by issuing a February 2010 version of its [Lacey Act Primer](#). The updated primer has been expanded by the addition of new pages illustrating how the Lacey Act Amendment declarations (paper, electronic, blanket, and reconciliation) are completed.

FTC Warns 78 Retailers on “Bamboo” Rayon Products

The Federal Trade Commission has sent [letters](#) to 78 retailers nationwide warning them that they may be breaking the law by selling clothing and other textile products that are labeled and advertised as “bamboo,” but are actually made of manufactured rayon fiber that is derived from bamboo. The letters, which were sent at the end of January, make the retailers aware of the FTC’s concerns about possible mislabeling of rayon products as “bamboo,” so the companies can take corrective steps to avoid Commission action.

ITC Institutes Patent Investigation of LCD Modules Brought by Sharp Against Samsung

The International Trade Commission has instituted a section 337 patent-based [investigation](#) of certain liquid crystal display modules and products containing the same, and methods for making the same pursuant to a complaint. (The products at issue in this investigation are liquid crystal display modules for products such as LCD televisions.)

Customs Facilitation, Reauthorization Bill Introduced in Senate (S.1631)

On August 6, 2009, Senate Finance Committee leaders introduced the "Customs Facilitation and Trade Enforcement Reauthorization Act of 2009" ([S.1631](#)) to strengthen customs facilitation and trade enforcement efforts within CBP and ICE. As introduced, S. 1631 would (partial list):

- Reorganize CBP to Emphasize Commercial Operations
- Require More C-TPAT Benefits, New Entry Facilitation Partnership Program
- Create Import Safety Group, Etc.
- Strengthen IPR Enforcement
- Amend Forced/Child Labor Law to Include Coerced Labor, Add Civil Penalties, Debarment, Etc.
- Streamline Drawback Process
- **Repeal Provision Prohibiting Use of 10+2 Data for Commercial Enforcement, Etc.**
- Designate Enforcement Officers at 40 Ports, Raise Informal Entry Limit
- Amend HTS for Articles Exported and Returned
- Allow \$325 Million in MPF Collections for ACE/ITDS
- Require Joint Strategic Plan and More Advance Trade/Congressional Consultation

On October 20, 2009, the Senate Finance Committee held a hearing on S. 1631. To date, no further action has been taken on S. 1631.

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