



# The American Companies Supply Chain Logistics Gazette

April 2010

## New Vessel Manifest Confidentiality Web Request Form

U.S. Customs and Border Protection has posted a vessel manifest confidentiality request [form](#) to its website. The web form can be filled out and submitted online. This form may be used pursuant to 19 CFR 103.31, which 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. In addition to electronically filing certifications, certifications can be mailed. CBP's web form can be used for inward and/or outward vessel manifest confidentiality requests. Both initial and renewal certifications are valid for a period of two years only.

## ITA Lists AD/CV Duty Scope Rulings and Anticircumvention Inquiries

The International Trade Administration has published its quarterly [list](#) of recently completed antidumping and countervailing duty scope rulings and anticircumvention determinations; terminated scope and anticircumvention inquiries; and pending scope inquiries and anticircumvention rulings.

## USTR Lists the Country/Tariff Number Pairs That May Lose/Gain GSP on July 1<sup>st</sup> Due to CNLs

The Office of the U.S. Trade Representative has published a [notice](#) announcing the availability of 2009 full calendar year import statistics relating to the Generalized System of Preferences competitive needs limitations (CNLs) for the 2009 GSP Annual Review.

The USTR has also made available four computer-generated lists indicating the possible GSP changes due to the CNLs.

## Phase IV of Lacey Act Enforcement Begins April 1

The U.S. Department of Agriculture's (USDA) Animal and Plant Health Inspection Service (APHIS) has updated guidance on the Lacey Act, which enters implementation phase IV on April 1, 2010. For complete details, contact your American Companies representative.

## NY/Newark Prioritizes C-TPAT Importers in NIIs

CBP's New York/Newark Port has issued an Informational Pipeline stating that it will give Customs-Trade Partnership Against Terrorism importers the benefit of expeditious completion of any non-intrusive inspections (NII) designated for their containers. According to NY/Newark sources, this is a national NII policy for C-TPAT importers, and is not limited to this one seaport. For additional details, contact your American Companies representative.

## CBP's Top 10+2 ISF Issues, New Measure of Timeliness

CBP has posted a [presentation](#) providing an update on the implementation of the 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. In its presentation, CBP identifies the top ISF issues, as well as information on the measurement of ISF timeliness, etc.

## President Announces Initial Actions on Export Control System Reform (Encryption Products, Etc.)

The White House has posted a [fact sheet](#) on the President's National Export Initiative, which covers the initial results of the Administration's efforts to reform the U.S. export control system, including an upcoming change for encryption products, and the government-wide export advocacy effort.

## Details of CPSC Draft Proposed Rule on the CPSIA Definition of Children's Products

The Consumer Product Safety Commission has posted a [draft proposed rule](#) that would interpret the term "children's product" as used in the Consumer Product Safety Improvement Act of 2008 and provide additional guidance on the factors that must be considered when evaluating what is a children's product. The Commissioners are scheduled to finalize on March 31, 2010 the version of the proposed rule that will be published for comment in the *Federal Register*.

The American Companies

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## **CEH Sues 4 Retailers for High Cadmium, Lead in Their Jewelry**

Independent testing commissioned by the Center for Environmental Health has found more jewelry with high levels of cadmium, leading CEH to initiate [legal action](#) on March 9, 2010 to end cadmium threats in jewelry from retailers Claire's, American Eagle Outfitters, Up Against the Wall, and Buckle.

## **CBP Officials Discuss C-TPAT Validations in China and Elsewhere at February COAC Meeting**

During the February 25, 2010 Departmental Advisory Committee on Commercial Operations of U.S. Customs and Border Protection and Related Homeland Security Functions (COAC) meeting, a CBP official provided an update on the Customs-Trade Partnership Against Terrorism. Highlights of this update include: (1) 22 C-TPAT Members Validated in 3rd Round of U.S.-China Joint Validations; (2) C-TPAT Suspensions for Failed Validations Have Increased; (3) CBP Has Accepted Over 120 Foreign Country Validations; (4) New C-TPAT Branch to Ensure Validation Uniformity, Consistency; and (5) Extended C-TPAT Validation Cycle, Mexican Security Issues Under Consideration.

## **New FDA AoC Code for Certain Electronic Components Required, or Entries to be Held**

U.S. Customs and Border Protection has issued a [CSMS message](#) which announces that the Food and Drug Administration has created a new Affirmation of Compliance (AofC) code for use in identifying manufacturers of electronic product components incorporated into finished products being imported. CBP states that the new affirmation and qualifier should be used to name the certifying component manufacturer (CCM) of the certified EPRC component incorporated in the finished product being imported. The name of the CCM manufacturer must be the one that appears in the referenced product (ACC) and/or annual report (ANC) affirmations. Contact your American Companies representative for complete details.

## **Census' New Schedule B Commodity Search Tool**

The Census Bureau has posted a notice announcing that a new [search tool](#) is available to assist exporters and filers determine their correct export commodity code (Schedule B number). Census states that the current keyword-based search engine will be retired on April 30, 2010.

## **Port of NY, NJ Launches Clean Truck Program**

On March 10, 2010, the Port Authority of New York and New Jersey and the Environmental Protection Agency launched the Port's [Clean Truck Program](#), which aims to replace up to 636 of the oldest, most polluting trucks serving the Port of New York and New Jersey with newer models that generate less pollution and greenhouse gas emissions.

## **FMC to Investigate Liner Trades for Inadequate Vessel Space and Containers**

The Federal Maritime Commission has ordered an [investigation](#) into current conditions and practices in the U.S. liner trades, including vessel capacity and equipment availability, as well as potential impediments to the flow of ocean-borne import and export trades. FMC will use the information obtained to determine its policies with respect to vessel and equipment capacity-related issues.

## **EPA Provides Free Online Access to TSCA Inventory**

The Environmental Protection Agency is, for the first time, providing free access to the public portion of the Toxic Substances Control Act (TSCA) Inventory on the EPA web site. EPA is also making this information available on Data.gov, a free web site developed by the Obama Administration to provide public access to government information. Contact the American Companies for details.

## **EPA Issues Final Rule on Electronic Submission of TSCA Section 5 Notices**

The Environmental Protection Agency has issued a [final rule](#) to establish electronic reporting requirements for TSCA Section 5 Premanufacture and Significant New Use Notification submissions and support documents, and to make certain other revisions to EPA's TSCA Section 5 notification requirements. The final rule is effective April 6, 2010, with certain phased compliance.

## **Details of CBP's Proposed Rule to Discontinue Paper Courtesy Notices of Liquidation for ABI Summaries**

CBP has issued a proposed rule to amend 19 CFR Part 159 to discontinue mailing paper courtesy notices of liquidation to filers whose entry summaries are filed in the Automated Broker Interface. The proposed changes would not affect CBP's continuing legal obligation to post the official bulletin notice of liquidation in the customs house at all ports of entry pursuant to 19 CFR 159.9(b). Written comments on this proposed rule are due by May 17, 2010. For a copy of the proposed rule, contact your American Companies representative.

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