



The American Companies

Supply Chain Logistics Gazette

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Port of NY/NJ Approves Plan for Increased Truck Tolls

On August 19, 2011, the Port of New York and New Jersey Commissioners [approved](#) a plan to increase toll and fare rates in order to fund the Port's capital plan as follows (partial list):

- (i) tolls on trucks using E-ZPass will pay an additional \$2 per axle in September 2011, and then an additional \$2 per axle in December of each year from 2012 -2015, and
- (ii) tolls on trucks paying cash will have the same increase but will be subject to an additional \$3 per axle cash penalty.

As a condition for these toll and fare increases, the Governors of New York and New Jersey directed the Commissioners to immediately commence a comprehensive audit of the Port Authority focusing on both a financial audit of the Port Authority's ten-year capital plan to reduce its size and costs and review of the Port Authority's management and operations to find ways to lower costs and increase efficiencies.

CBP Announces Email Notification for Contacts when C-TPAT SVI Company Changes Occur

U.S. Customs and Border Protection has [improved](#) the C-TPAT Portal Status Verification Interface (SVI) so that it notifies all contacts associated with a Partner Account SVI monitoring page if certain changes have occurred. According to a presentation on this change, CBP deployed the email notification application on August 13, 2011.

EPA Issues Rule to Strengthen TSCA Inventory Reporting

The Environmental Protection Agency has issued a [final rule](#), effective September 15, 2011, to amend the reporting requirements of the Toxic Substances Control Act (TSCA) Inventory Update Reporting (IUR) rule and change its name to the Chemical Data Reporting (CDR) rule.

(The CDR rule requires manufacturers (including importers) of certain chemical substances listed on TSCA's Chemical Substances Inventory to report information about the manufacturing (including importing), processing, and use of those chemical substances.)

CBP Issues Final Rule to Discontinue Mailing Paper Courtesy Notices of Liquidation

CBP has issued a [final rule](#) to cease mailing paper courtesy notices of liquidation to importers of record whose entry summaries are filed electronically through the Automated Broker Interface (ABI). Importers of record whose entries are not filed through ABI will continue to receive paper courtesy notices of liquidation. This final rule is effective September 30, 2011, but its implementation will be delayed until CBP can provide importers with complete liquidation reports electronically through the Automated Commercial Environment (ACE) portal.

CBP has issued a [correction](#), effective August 24, 2011, of its final rule on the discontinuation of electronic courtesy notices of liquidation to importers of record whose entry summaries are filed in ABI. In the preamble of the final rule, CBP mistakenly said that Customs-Trade Partnership Against Terrorism members may receive Import Trade Activity reports for free. According to CBP, Importer Self Assessment, not C-TPAT members, receive free ITRAC reports.

In order to ensure that liquidation information continues to be provided to our clients, TAC offers liquidation dates and a brief liquidation description within our AmeriWeb supply chain management tools. Please call your TAC representative to learn more.

FDA Announces End of the Discretionary Enforcement Period of Rule on Info Required in PN of Imported Food

The FDA has announced that the discretionary enforcement period of the Interim Final Rule on, "Information Required in Prior Notice of Imported Food," ends on September 6, 2011. The Interim Final Rule which was published on May 4, 2011, and became effective on July 3, 2011, is a requirement of the FDA Food Safety Modernization Act (FSMA). FDA issued the Interim Final Rule to require a person submitting prior notice of imported food, including food for animals, to report an additional element of information; the name of any country to which the article has been refused entry. Enforcement of this Interim Final Rule will begin on September 6, 2011. Information on prior notice of imported foods available [here](#). "What You Need to Know About Prior Notice of Imported Food Shipments" available [here](#). Interim Final Rule on information required in Prior Notice of imported food available [here](#)

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CPSC Issues Toy Lab Rules, Testing/Certification of Toys Begins Jan 1

The Consumer Product Safety Commission has issued a [notice](#) announcing the requirements for third-party labs to be accredited to test children's toys pursuant to ASTM F 963-08 and section 4.27 of ASTM F 963-07e1 on toy chests (collectively, the ASTM toy standard), a standard which toys have had to meet for over two years. While publication of this notice would normally trigger the third-party testing and certification requirements 90 days after publication and lift the testing/certification stay of enforcement that has been in place since February 2009, CPSC has decided to only require third-party testing and certification for the toy standard starting January 1, 2012. In addition, CPSC has decided to except certain tangential sections of the toy standard from the testing and certification requirements.

USCIB & AAEI Ask CBP for "Next Gen" C-TPAT

On May 17, 2011, the U.S. Council for International Business (USCIB) and American Association of Exporters and Importers (AAEI) [asked](#) U.S. Customs and Border Protection Commissioner Bersin to consider 18 additional benefits for the "next generation" of Customs-Trade Partnership Against Terrorism (C-TPAT) for Tier 2 and 3 participants, including zero inspections, eliminating CBP Form 28s, basing cargo release on 10+2 data, penalty mitigation, expedited movement of cargo, etc.

WCO Guidance on Using Tax Studies to Examine Related Party Prices

The World Customs Organization's Commentary 23.1 provides guidance on whether, in cases where the buyer and seller are related and Customs has doubts as to the acceptability of the price, a transfer pricing study prepared for tax purposes can be utilized by Customs as a basis for examining the circumstances surrounding a sale. According to the Commentary, the use of a transfer pricing study as a possible basis for examining the circumstances of the sale should be considered on a case-by-case basis. Any relevant information and documents provided by an importer may be utilized for examining the circumstances of the sale, and a transfer pricing study could be one source of such information. Contact TAC for complete details.

FDA Issues Fact Sheet on Import Alerts, Hopes FSMA Will Reduce Them

The FDA has issued an [information piece](#) on Import Alerts, including the factors that lead to them; the process for introducing evidence to counter an alert; their effect on future imports; etc. FDA also discusses the hope that the importer responsibility provisions in the Food Safety Modernization Act will reduce the number of Import Alerts.

President Signs Bill to Reform CPSIA Lead Provision, Testing, Database, Etc.

On August 12, 2011, the President signed into law H.R. 2715, a bill to provide the Consumer Product Safety Commission with greater authority and discretion and to reform aspects of the Consumer Product Safety Improvement Act of 2008.

This new law will make several targeted reforms to the CPSIA children's product requirements, including: making the 100 parts per million lead content limit prospective; introducing a new exemption process for lead content; providing an alternative or exempting small batch manufacturers from third-party testing requirements; generally limiting the phthalates bans to plasticized, accessible components; and allowing CPSC to exclude certain products from the tracking label requirements. The bill will also modify certain aspects of the public database of consumer product safety incidents. Contact TAC for complete details.

CN Petroleum Wax Candles: Most Novelty Candles in Scope

The International Trade Administration has issued its [final results](#) of interpretation for the scope of the antidumping duty order on petroleum wax candles from China (A-570-504), in which it determines that all novelty candles are within the scope of the order, with the exception of three candle types (birthday, utility, and figurine).

APHIS Wants Trade to Switch to Revised Lacey Declaration Form Soon

An Animal and Plant Health Inspection Service official has stated by phone that he expects the trade to switch to the improved Lacey Act Amendment Plant and Plant Product Declaration Form (PPQ 505, dated August 2011) as soon as possible. He expected that importers could be using the new form exclusively after a few weeks have passed. The revised form PPQ 505 is in landscape format and has a new Supplemental Form (PPQ 505B) for additional articles and parts. Note that the majority of Lacey declarations are made using CBP's ABI system and are paperless, so a PPQ 505 is not used. APHIS states that some 20% of declarations are in paper form and use the PPQ form PPQ 505. The paper forms are to be available for CBP's review at the port of entry. After CBP clears the shipment, the importer must mail the forms to APHIS. Contact TAC for complete details.

Import Alerts Available from FDA Web Site

The FDA has made its import alerts available on its Web site. Import alerts may be viewed by country/area, industry, import alert number, and last published date. FDA import alerts may be viewed [here](#). TAC importers of products subject to FDA reporting should check this link regularly to insure there are no alerts on their products.

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