

News In Brief

Los Angeles/Long Beach Terminals Closed 4/21

The marine terminals in Los Angeles and Long Beach will be closed for two shifts on Tuesday, April 21st to discuss the terms of the latest agreement. We expect to see other marine terminals on the west coast having similar closures before the general membership of the ILWU vote on the proposed contract before May 22nd.

CBP Commissioner Releases New Vision and Strategy

By: Daniel Meylor

This week U.S. Customs and Border Protection's (CBP) Commissioner, Gil Kerlikowske, announced the release of CBP's Vision and Strategy taking them into the year 2020. This document details CBP's plans and goals along with CBP's mission objective for the second half of this decade. Here is a link to the document:

<http://www.cbp.gov/newsroom/national-media-release/2015-04-08-000000/commissioner-kerlikowske-marks-first-year-cbp>

The following articles were written by Daniel Meylor

CBP Issues List of Forms for Other Government Agencies

U.S. Customs and Border Protection (CBP) filed a list of all the various agency forms that will be required electronically via ACE by November 1, 2015. This table groups the forms and data requirements by the associated agency. It also breaks out which forms will be satisfied by the input of a PGA (Participating Government Agency) data set or by the submission of a document through a Document Image Systems (DIS). The article also explains which data or forms will be required before release on an entry or required after release with the entry summary. This article can be found at:

<http://www.cbp.gov/sites/default/files/document/s/ACE%20November%201%20PGA%20Forms%20Status.pdf>

CPSC Receives Petition to Amend Standard for Flammability of Clothing Textiles

The Consumer Product Safety Commission (CPSC) has announced in a Federal Register Notice (FRN) that they have received a petition to amend the standard for flammability of clothing textiles. The FRN proposes a change in the instructions (16 CFR 1610) for the testing of plain surface textile fabrics and raised surface textile fabrics. The FRN with the proposed instructions can be found at:

<http://www.gpo.gov/fdsys/pkg/FR-2015-04-08/pdf/2015-07907.pdf>

CPSC will accept comments until June 8, 2015.

FDA Proposes Changes for Foreign Food Facility Registrations and U.S. Agents

The U.S. Food and Drug Administration (FDA) has issued a Federal Register Notice (FRN) proposing new registration requirements for foreign food facilities. It would require that a U.S. agent designated by a foreign food facility be confirmed by FDA. Only after the U.S. agent confirms that it has agreed to serve as the agent for the foreign food facility will FDA approve that facility and issue a registration number. FDA will send an email to the designated U.S. agent, using the email provided in the registration application, and will deny registration if the U.S. Agent does not reply back with a confirmation.

The proposed rules are intended to deal with concerns from the industry that, under current procedures, U.S. agents listed on foreign food facility registrations may be unaware that they have been named to serve in that capacity. Increases in liabilities for the U.S. Agent were enacted in 2011, including that U.S. agents would take responsibility for certain charges from FDA such as re-inspection fees. The DUNS number would also help verify if the designated U.S. agent is a legitimate entity in the United States.

The FRN also includes requirements for both domestic and foreign food facilities to obtain a DUNS number to be included in the registration application in addition to an email address for the owner, operator, or agent that is in charge of the facility. It also includes increased penalties for foreign facilities that do not keep their registrations current. Comments for the proposed regulations will be accepted up to June 8, 2015. The FRN with instructions on how to submit comments can be found at:

<http://www.gpo.gov/fdsys/pkg/FR-2015-04-09/pdf/2015-08018.pdf>

Correction and Further Info on Disputing Demurrage and Per Diem Charges Assessed During Port Congestion

We gave the wrong email address in our last memo for the submission of requests for assistance and support documents to Federal Maritime Committee (FMC) for submission to the FMC. The correct email address is complaints@fmc.gov

If you do want to take advantage of this assistance please state in your cover email message, a description of the inappropriate charges and why you think they are inappropriate (typically you will be describing the dates involved, and how, as specifically as you can, the congestion prevented the pick-up and return of the container). Also attach ALL relevant documentation - the invoice and any and all other documentation that the CADRS staff will need in order to understand these charges.

Department of Treasury Releases Latest Report on Currency Manipulation

On April 9th, the U.S. Department of the Treasury released its semiannual Report to Congress on International Economic & Exchange Rate Policies, covering the second half of 2014. The report does not name China, or any major U.S. trading partner, as a currency manipulator, although the report does find China's currency to be undervalued. Several members of Congress have been very concerned about accusations of currency manipulation by China and their response to this report bears watching. The actual report can be found at:

<http://www.treasury.gov/resource-center/international/exchange-rate-policies/Documents/Report%20to%20Congress%20on%20International%20Economic%20and%20Exchange%20Rate%20Policies%2004092015.pdf>

New Advanced Report to Improve Measurement of GDP

On April 2, the Census Bureau has scheduled the initial release of "Advance Report: U.S. International Trade in Goods" for July 30. This will be a new report that will provide more timely statistics on exports and imports of goods. This report will enable decision makers to improve their measurements of the U.S. economy. It will be published **monthly** and will be released 4-7 business days in advance of the "U.S. International Trade in Goods and Services" report. This new report will present advance statistics for the reference month; for example, the July 30 release will feature advance statistics for June 2015.

California's Strict "Made in USA" Law for Apparel Upheld Again

California's Business and Professional Code prohibits any labeling as "Made in the USA" if a unit or part thereof has been entirely or substantially made or manufactured outside the United States. This section of the California code, Section 17533.7, is firmer than the Federal Trade Commission ACT which requires that products only be in substantial part of domestic origin.

The original complaint filed by AG Adriano Goldschmeid Inc. (AGAG) and Nordstrom stated that the California law makes it impossible to comply with the Textile Fiber Products Act, requiring that U.S. origin textile products be identified as "U.S. Origin" on the label. Southern California District Judge Sabraw ruled in November against those claims and indicated that a modified label such as "Made in the USA from Imported Fabrics" would not be contrary to California law.

On April 8, Macy's and Citizen's for Humanity filed a motion that included the argument that the modified label was not allowed under California law because section 17533.7 prohibits the use of the word "U.S.A" all together on any imported merchandise. Southern California District Judge Sammartino agreed with the earlier ruling and found that the modified labels are allowed under California law.



By **John Salvo**, *President*