



## NEWS IN BRIEF

### USTR Lists Potential Retaliatory HTS Numbers in EU Beef Dispute

The office of the U.S. Trade Representative (USTR) has issued a Federal Register Notice listing potential HTSU classifications that may be assessed retaliatory duties for shipments from the European Community (EU). These retaliatory duties are a response to U.S. claims of discrimination in the EU against U.S. beef exports through its phytosanitary requirements, which are not consistent with the EU's WTO obligations. The proposed retaliatory duties are mostly against agriculture and meat products. Comments in reply to the FRN are due by Monday, January 30, 2017. The USTR will have a hearing on this subject on February 15, 2017 at their offices in Washington, DC.

A copy of the FRN can be found at: <https://www.gpo.gov/fdsys/pkg/FR-2016-12-28/pdf/2016-31352.pdf>.

### USDA Will Require Import Certificate on Organic Products shipped from Mexico

The U.S. Department of Agriculture's (USDA) Agricultural Marketing Service (AMS) and Mexico's National Service for Animal and Plant Health, Food Safety and Quality (SENASICA) came together on new requirements for monitoring and enforcing controls for organic products traded between the United States and Mexico. One important mechanism for achieving this goal is the use of import certificates.

In October of 2016, USDA and SENASICA established an agreement to require import certificates for all organic products traded between the United States and Mexico. The first part of this will be a requirement for import certificates for Organic products entering the United States. Going into effect on January 16, 2017, all organic products entering the United States from Mexico must be accompanied by a National Organic Program (NOP) import certificate. Mexico will implement its own requirement for organic products entering Mexico from the United States in early 2017.

More detailed information on this program can be found on USDA's website at: <https://www.ams.usda.gov/content/usda-implements-import-certificate-requirement-organic-products-shipped-mexico>.

### TSCA Certification Rules Change – No More Blanket Certifications

U.S. Customs and Border Protection (CBP) has issued a Federal Register Notice (FRN) announcing the final rule changes to the requirements for the filing of certificates concerning the Toxic Substances Control Act (TSCA) for chemical substances, regarding both positive and negative certification in ACE. Previously, blanket certificates for multiple shipments were accepted by CBP for entries with chemicals included. The FRN requires that importers have a separate statement for each

shipment of chemical substance that is subject to TSCA control whether it be a positive statement or certified as a TSCA exempt chemical substance or article containing chemical substance. The certification can be typed on the commercial invoice or on a separate piece of paper. The certification will also require the contact information of the signer. The information from the certificates will be used to prepare the filing of the electronic document to CBP in ACE.

The new rule goes into effect on January 26, 2017. All entries will have to be filed electronically, via ACE. Carmichael will require importers to have a completed TSCA statement included in the documents for each shipment of TSCA materials before we can file the Customs entry in ACE.

A copy of the FRN can be found at: [https://apps.cbp.gov/csms/docs/22399\\_29170277/2016\\_31055.pdf](https://apps.cbp.gov/csms/docs/22399_29170277/2016_31055.pdf).

### Review of the Security of the Supply Chain

The beginning of the New Year is a good time to review the security of your supply chain. With cargo theft on the rise companies should look at their risk management efforts. Questions about tracking the seals on containers, working with supply chain partners that have made security a priority and a review of anomalies from the past year are all good suggestions for importers to look at.

CBP has its Customs –Trade Partnership Against Terrorism (C-TPAT), a voluntary program for the security of containers coming into the United States. This program has many good suggestions and best practices for protecting your supply chain from theft and other threats that could disrupt the flow of your cargo. We suggest that you take a look at the C-TPAT website to see the types of suggestions that may help you protect your supply chain.

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The link to the website is at:  
<https://www.cbp.gov/border-security/ports-entry/cargo-security/c-tpat-customs-trade-partnership-against-terrorism>.

If you look at this site for suggestions, please consider if the steps you take for your own cargo security are similar to the C-PAT requirements. If so, you might consider joining the C-TPAT program. CBP is reviewing the entire program to update it and it is a priority concern for them.

Being a participant in C-TPAT can also bring privileges on your imports. Some of them are:

- Reduced number of CBP examinations
- Front of the line inspections
- Shorter wait times at the border
- Access to the Free and Secure Trade Lanes (FAST) at the land borders
- Possibility of enjoying additional benefits by being recognized as a trusted trade Partner by foreign Customs administrations that have signed Mutual Recognition with the United States
- Eligibility for other U.S. Government pilot programs, such as the Food and Drug Administration's Secure Supply Chain program
- Business resumption priority following a natural disaster or terrorist attack
- Importer eligibility to participate in the Importer Self-Assessment Program (ISA). Priority consideration at CBP's industry-focused Centers of Excellence and Expertise

If you are interested in becoming a C-TPAT participant, you can contact the Industry Partnership Programs by phone at (202) 344-1180 or email at [industry.partnership@dhs.gov](mailto:industry.partnership@dhs.gov). Please let us know if Carmichael can answer any of your questions or assist you in any way with both C-TPAT and/or your supply chain security review.



By **Todd Boice**, *President*