



January 2026 - Info Expeditor

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## Happy New Year!

CBFANC



## Events Around the Bay

- [P.A.E.I - Professional Association of Exporters and Importers](#)
- [www.paei.org.](#)
- [OWIT NC - Organization of Women in International Trade](#) Check website for updates
- [Monterey Bay International Trade Association \(MBITA\) - Monterey Bay International Trade Association](#) Check Website for updates
- [Norcal W.T.C. - The Northern CaliforniaWorld Trade Center](#) Check Website for updates
- [PTA. - Pacific Transportation Association](#) Check Website for updates

**Wishing You a Happy, Healthy and Prosperous 2026!**

## NCBFAA ALERTS BROKERS TO NEW SEAFOOD REQUIREMENTS PER MMPA EFFECTIVE 1/01/26

*Courtesy of NCBFAA*

Customs Brokers Prepare for New Seafood MMPA Requirements

Dec 26, 2025 | Chris Gillis

Customs brokers and seafood importers are scrambling to understand and comply with NOAA Fisheries new Certificate of Admissibility (COA) requirements that begin Jan. 1, 2026. The COA is required on certain seafood shipments from restricted fisheries, pursuant to the Marine Mammal Protection Act (MMPA).

From what NCBFAA knows right now, it appears that Customs and Border Protection (CBP) will NOT provide ABI flags or messaging to indicate a COA is required for an HTS/country combination. The NCBFAA Regulatory Agencies Committee (RAC) is seeking further clarification, but it seems this is what we are facing.

CBP will have flags on their side and can be expected to hold applicable shipments that are lacking an uploaded COA. The expected lack of visibility for customs brokers will be a

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### CBFANC Social Media

Please connect with us!

- **X Formerly Twitter -** [@cbfanc](#)
- **LinkedIn -** [Customs Brokers and Forwarders Association of Northern California \(CBFANC\) | Groups](#) [| LinkedIn](#)
- **Facebook -** [CBFANC](#)

challenge.

Some customs brokers are working with their software vendor to provide internal programming to alert entry writers to the need for a COA for applicable HTS/Country combinations.

#### MMPA Requirements

As a reminder, the Certificate of Admissibility (COA) requirements under the Marine Mammal Protection Act (MMPA) will be required for certain seafood shipments from certain countries with restricted fisheries. There will **not** be a transition period of soft enforcement, despite the complexity of this new requirement and the confusion surrounding it.

The purpose of the COA is to certify that the shipment was not harvested in a restricted fishery. NOAA identified the restricted fisheries based on target species, area of operation and the gear type used.

During a recent webinar, National Oceanic and Atmospheric Administration (NOAA) Fisheries informed the trade that:

- The need for a COA is triggered by the combination of an HTS code and Country of Origin (not the country of harvest). NOAA has provided a [list](#) to download.
- The COA must be signed by a designated official in either the country of harvest or the country of origin.
- The COA must also be signed by the U.S. importer. This can be the U.S. Importer of Record, the U.S. consignee, or the U.S. customs broker (with a POA) for a non-resident IOR. The importer is attesting that *to the best of their ability, the COA info is correct*.
- NOAA acknowledges that the HTS number provided by the foreign exporter may not be a complete or correct 10-digit subheading. The importer and broker must continue to use reasonable care to provide the correct classification on the entry. NOAA will not require the HTS in the COA to match exactly with the correct HTS on the entry filed with CBP.
- The COA signed by the foreign official must be uploaded at entry.
- A completed COA signed by both the designated foreign official and the U.S. importer, consignee or customs broker (as POA agent) must ultimately be uploaded in DIS. NOAA says they do not require two uploads (as the COA instructions say) but do say they want a completed COA.
- Multiple COAs may be required if the shipment contains more than one targetted species. For example, a shipment with shrimp from Indonesia and Mackerel from Vietnam will require two COAs.
- A COA can be obtained/signed by the government official even after the shipment has departed from the foreign country or arrived in the U.S.
- NOAA Fisheries has published a list of the [designated official](#) for many of the countries.

NOAA advises that questions should be sent to [mmpa.loff@noaa.gov](mailto:mmpa.loff@noaa.gov).

### How to Obtain IEEPA Tariff Refunds

Christopher J. Duncan, Esq - Squire Patton Boggs (US) LLP

The U.S. Supreme Court will soon decide the fate of President Trump's IEEPA tariffs, and most observers believe the Court will issue a decision in January 2026 holding the tariffs unlawful. If so, this could result in billions of dollars of refunds for importers. Two approaches have emerged to seek refunds: (1) the standard administrative process, and (2) a new legal process.

#### Protest Process

Although a few entries including IEEPA tariffs have already liquidated, most entries subject IEEPA tariffs will begin to

liquidate in December 2025.

For unliquidated entries, importers can first seek to extend liquidation for good cause until after the Supreme Court issues its decision. Despite the good cause, CBP has routinely denied extension requests, instead directing importers to file protests after liquidation. If the Supreme Court issues a decision invalidating the tariffs before liquidation of an entry, importers can submit a PSC to remove IEEPA tariffs. If CBP accepts the PSC, CBP will refund the IEEPA duties at liquidation.

If an entry liquidates before a Supreme Court decision, importers can file protests (within 180 days after liquidation). If CBP denies the protest, importers must file a summons in the CIT (within 180 days after protest denial). In a recent case involving a liquidated entry including IEEPA tariffs, an importer protested, CBP denied the protest on the merits, and the importer filed a summons and complaint in the CIT under 28 USC 1581(a) jurisdiction (denial of a protest).

#### *Legal Process*

Some importers have bypassed the protest process and filed lawsuits challenging the IEEPA tariffs directly in the CIT under 28 USC 1581(i) jurisdiction (residual jurisdiction). These importers have asked the CIT to suspend liquidation based on two assumptions: (1) CBP's imposition of the tariffs is not protestable because CBP's duty assessments are ministerial (as is the case for antidumping and countervailing duties), and that CIT cannot reliquidate liquidated or finally liquidated entries.

The CIT has denied the importers' requests, holding suspension of liquidation is unnecessary because the DOJ has conceded the CIT has full reliquidation authority. The CIT also stated in dicta that it would be futile for importers to file protests contesting the constitutionality of the IEEPA tariffs but did not address whether importers can file protests if the Supreme Court invalidates the tariffs.

#### *Our recommendation*

While it is tempting to join the chorus of law firms filing Section 1581(i) lawsuits, our firm recommends importers use the standard administrative process to obtain refunds by seeking liquidation extensions, submitting PSCs, filing protests, and, if necessary, filing 1581(a) actions in the CIT.

The bottom line is CBP, DOJ, and the CIT all agree that these copycat Section 1581(i) lawsuits are unnecessary and premature (2-year statute of limitations after the date of entry). Accordingly, importers and their brokers are best served by using this time while the Supreme Court is deliberating to gather entry records, track liquidation dates, and calculate refunds in anticipation of filing protests if the Supreme Court strikes down the tariffs.

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**CSMS # 67236626 - Periodic Monthly Statement (PMS) Dates for 2026**

*U.S. Customs & Border Protection*



# U.S. Customs and Border Protection

Automated Commercial Environment (ACE) filers who are approved to participate in Periodic Monthly Statement (PMS) can pay duties for shipments entered or released during the previous calendar month. For 2026, those dates are available for reference in the attached file.

For more information on PMS, please download a copy of the Periodic Monthly Statement User guide available at this URL: [Periodic Monthly Statement | U.S. Customs and Border Protection](#)

## Annual State of the Port Dinner Program

*CBFANC Program Committee*

### Annual State of the Port Dinner Program Featuring

#### US Customs and Border Protection Area Port Director

This annual event features U.S. Customs & Border Protection as they present 2025 in review with statistics showing how our port has performed in comparison with other ports on the West Coast. CBP will outline their expectations of upcoming programs to be in place in 2026.

This is the one time of year when you get a chance to directly meet and network with our local Customs & Border Protection officials, other brokers, forwarders, sureties, lawyers, carriers, and others of our membership and guests.

**When:**  
**January 29, 2026**  
**4:30 PM – Registration & No Host Reception — Dinner begins at 6:00 PM**

**Where:**  
**NEW VENUE!**  
**Westin San Francisco Airport, 1 Old Bayshore Highway, Millbrae, CA**

**Early Bird Special Pricing**  
**Members @ \$100**  
**Tables of 10 @ \$950**  
**Guests @ \$115**  
**Guests Table of 10 @ \$1100**  
**Price after Jan. 5th**  
**Members @ \$110.00**  
**Tables of 10 @ \$1050.00**  
**Guests @ \$125.00**  
**Guests Table of 10 @ \$1200**

**Registration closes at 5:00pm, Friday 1/23/25**  
**Walk-ins will not be accommodated**

#### Menu Selections:

**Starter:**  
**Caesar Salad – Chopped heart of Romaine and Kale, Roasted Roma Tomato, Garlic Crouton, Parmesan with**

**creamy Caesar Dressing**  
**Entree ~ choice of ☆**  
**(All meat entrées come with seasonal vegetables, rolls & butter)**  
☆ **Porcini Dusted Bone-In Chicken Breast**  
☆ **New York Steak**  
☆ **Pan-Seared Barramundi Bass**  
☆ **Mushroom Arancini**  
**Dessert:**  
**Salted Caramel Banana Foster Cake**

**Plus Amazing Door Prizes!**

**An Invitation to Sponsor our Annual State of the Port Dinner Event**

*CBFANC Program Committee*

**An Invitation to Sponsor our Annual State of the Port Dinner Event**  
**January 29, 2026**  
**WESTIN SAN FRANCISCO AIRPORT**  
**1 Old Bayshore Highway, Millbrae CA**

This is CBFANC's premier event of the year when the general membership attends, often with their clients invited to enjoy the evening. This event is typically attended by owners, department heads and senior management. This is the one time of the year when you get a chance to directly meet, network with, and show off your wares to the decision makers.

Recognition awards for outstanding achievement are sometimes given out. Government officials present keynote speeches, and a good time is had by all.

Through your sponsorship, you are supporting an organization that works to benefit its members through continued education and improved service standards. In addition, the association is dedicated to keeping its members current on issues affecting our industry. Sponsor this high-profile event, and assure your company's direct exposure to potential new customers.

Do not miss out — secure your spot as a premier sponsor.

\$500 Signage  
\$1000 Parking (includes 1 dinner)  
\$1500 Centerpieces (includes 1 dinner)  
\$2200 Welcoming Reception (includes 2 dinners)

**Again for 2026 - Network Reception Option (Minimum \$2500 Jade Sponsorship):**

Pre-dinner 4:00 to 6:00 p.m., we have in the adjacent room, a networking reception space. You can reserve a table to advertise your company name where you can welcome guests for side conversations. Suggested option: bring a raffle prize which will be raffled off at end of the evening. To win a raffle prize, attendees drop in their business cards and drop by for a conversation with you.

**Sponsor – Platinum** – Minimum Sponsorship \$7,000 (includes table of 10 & 2 networking tables)

**Sponsor – Diamond** – Minimum Sponsorship \$5,000 (includes table of 5 dinners & 2 networking tables)

**Sponsor – Emerald** – Minimum Sponsorship \$4,000 (includes 4 dinners & 1 networking table)

**Sponsor – Ruby** – Minimum Sponsorship \$3,000 (includes 2 dinners & 1 networking table)

**Sponsor – Jade** – Minimum Sponsorship \$2,500 (includes 1 dinner & 1 networking table)

**Sponsor – Gold** – Minimum Sponsorship \$1,000 (includes 1 dinner)

**Sponsor – Silver** – Minimum Sponsorship \$500

**Sponsor – Bronze – Minimum Sponsorship \$250**

All sponsorships include exposure on our website and signage at the event.

Click on the above link to purchase your sponsorship level now.

Call us at 510-864-2233 or Email to [info@cbfanc.org](mailto:info@cbfanc.org) or [program@cbfanc.org](mailto:program@cbfanc.org) about any questions.  
Thank you for your support!

**NCBFAA's NVOCC Day**

*Courtesy of NCBFAA*

**Please join us for NCBFAA's NVOCC Day 2026!**

**January 22, 2026 10 am – 4 pm, Port of New Orleans**

Registration required for NVOCC Day at

<https://bit.ly/NVOCCDay2026>

NCBFAA Member Rate \$100 / Nonmember Rate \$125. Lunch provided.

Email [sbailey@ncbfaa.org](mailto:sbailey@ncbfaa.org) for information

Imagine facing a hefty \$115,000 penalty, just because your shipments were handled by unlicensed or unregistered agents of the FMC. This happened in June 2023 to a company that was not following the FMC rules. The consequences of non-compliance didn't end there. An audit in early 2024 uncovered similar violations, resulting in an additional \$50,000 fine and the appointment of an independent monitor to oversee the company's practices for a full year.

Not understanding your compliance can lead to substantial financial penalties, and repeated violations can result in even greater scrutiny and additional fines. Therefore, regulated entities must proactively ensure compliance with all statutory and regulatory obligations. Don't wait for penalties and oversight to force your hand—take action now to avoid costly mistakes. Do you rely upon agents in other countries to obtain your buy rates? Are you vetting your agents to confirm if they are compliant to FMC as licensed or registered? If not, this could happen to you!

We are delighted to invite you to NCBFAA's NVOCC Day 2026, an event designed to enhance your understanding and skills in the maritime and logistics industry and minimize those above risks. This event promises to keep you informed about the latest industry developments, including the Ocean Shipping Reform Act (OSRA) of 2022 and 2024, and potential changes to detention and demurrage billing allowances. In today's fast-paced maritime industry, Non-Vessel-Operating Common Carriers (NVOCCs) face several risks that demand vigilant attention and proactive management.

These risks include:

- Relationship with Agents: Understanding regulatory obligations and the risks of engaging unvetted agents.
- Benefits of Negotiated Rate Agreements (NRA): Minimizing risks through proper utilization with fewer limitations than Rate Filing.
- House Bill of Lading: Assessing the risks associated with its use.

- FMC Regulatory Audits: Preparing for unexpected audits.
- Insightful discussions on liabilities, common errors, and legal implications.

Registration required for NVOCC Day at:

<https://bit.ly/NVOCCDay2026>

Event Highlights: January 22, 2026 10 am – 4 pm, Port of New Orleans

- Network with industry experts and peers.
- Gain valuable insights into the latest trends and best practices.
- Enhance your professional skills and knowledge.
- Access exclusive resources and support from the NCBFAA.

Registration required for NVOCC Day at

<https://bit.ly/NVOCCDay2026>

NCBFAA Member Rate \$100 / Nonmember Rate \$125. Lunch provided.

Email [sbailey@ncbfaa.org](mailto:sbailey@ncbfaa.org) for information.

### CBFANC Needs YOU!

*Join a CBFANC COMMITTEE*

**CBFANC**

# WE NEED YOU!



**Please join one of our industry Committees!**

[info@cbfanc.org](mailto:info@cbfanc.org)

### CBFANC Needs YOU!!

Please feel free to contact us with your feedback, ideas and topics that should be considered.

Whether you're a legal eagle or proverbial party animal, editor and journalist, nerd or geek - we have a spot for you!

Join one of our committees where you can put your talents and interest to use for the betterment of the organization and our community.

Travel to Washington and lobby for causes important to our industry and the security of our country.

Dreaming of improving standards in our trade - join our Education team:

- Go to WESCON - The premier international trade event in the country!

- Write that expose you always dreamed - join the Newsroom
- Always wanted to hob-knob with the who's who in the trade - join The Agency or Customs
- Are you a graphic designer at heart - come to the virtual side of things on our web committee

To learn more about our wonderful committees and find an area you would like to volunteer for, please click [here](#). As always, any questions at all, please reach out to us at [info@cbfanc.org](mailto:info@cbfanc.org). Thank you!

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