Customs Brokers & Forwarders Association of Northern California

P.O. Box 26269, San Francisco, CA
94126 – Tel. (510) 864-2233 – Fax
(415) 663-4200 – WWW.CBFANC.ORG

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~ HIGHLIGHTS ~ NEWS ~ ARTICLES ~ DEPARTMENTS ~

CSMS #16-000725

Title: Updated PGA Pilots Status Report
Date: 8/19/2016 9:48:19 AM
To: Automated Broker Interface, New ACE Programming, Partner Government Agencies
Related: 16-000694, 16-000703
See attachments

An updated PGA Pilots Status Report is now available. This report reflects CBP's current assessment of the PGAs the trade should prioritize, based on technical readiness/programming and regulatory timelines.

CBP is also reminding trade that all programming needs to be completed by December 31, 2016.

Please see the attached PGA Pilots Status Report.

This information is also available on CBP.gov/ace at the following link:

https://www.cbp.gov/trade/ace/features#field-content-tab-group-tab-5

Attachment(s): PGA_Pilots_Status_Report.pdf

Industry News & Port Happenings…

FDA Food Safety Modernization Act Seminar: Focus on Strategic Implementation of Prevention-Oriented Import Safety Programs

Courtesy: Gary C. Cooper, Law Offices of Gary Cooper

The FDA held a comprehensive seminar on the Food Safety Modernization Act (FSMA) in Cost Mesa, CA, on June 7, 2016. Many FDA Headquarters personnel attended and spoke.

Since Customs brokers are likely to be expected to have at least some familiarity with specific requirements for importers under the act, particularly the rules on Foreign Supplier Verification Programs (FSVP), a summary of the information is presented below.

The initial compliance date for FSVP is in May, 2017, so the time is now for importers to start developing an approach to the issues posed by this new requirement. At least one FDA official did say he expects that every importer of food will be inspected at some point for compliance with FSVP (either onsite or electronically). Thus, it is important that some effort be made to be in compliance from day-one.

Below are prominent points from the seminar:

1. The discussions still seem to slant toward larger importers – essentially the multinationals who are already sophisticated in many of the FSMA concepts.

2. FDA will be looking more closely at importers before importation; the border will no longer be considered the primary line of defense for FDA.

3. Implementation and compliance for FSMA is to be phased in and will include education, outreach, technical assistance, inspections, compliance and enforcement.

4. Importers must look closely at the regulations to determine if they apply and at what level. For example, an importer which has its own preventative control plan may be deemed in compliance with most of FSVP; also, very small importers and importers from small suppliers have modified requirements.

5. A “qualified individual” will be required to perform FSVP activities at the import company and this individual must have the education, training and language skills to do the job.

6. The FSVP requirements as stated on paper remain the same: an importer must (a) conduct a hazard analyses of each supplier, (b) evaluate risk posed by a food and the history of the foreign supplier, (c) conduct verification activities, (d) have in place corrective action programs, and (e) maintain records.

7. The FDA will expect an importer to review online information about past performance of a supplier and increase its verification activities if problems are indicated. This may include onsite auditing, sampling and testing, review of supplier records and other appropriate measures.

8. There will be no issuance of “templates” or other sample-type FSVPs other than as indicated in the regulations.

9. While FDA will expect compliance even at first inspections, it will also stress education and allowance of corrective action.

10. Imports Alerts will be used for non-compliant companies and products. In this sense, a company could be prevented from importing while such a control is in place.

11. Onsite audits of a foreign supplier will generally be required when there is a reasonable probability that exposure to a hazard controlled by the foreign supplier will result in serious adverse health consequences or death to humans or animals (called a SAHCODHA hazard).

12. FDA will be developing the “FDA Data Dashboard” to assist importers in evaluating foreign suppliers.

13. There will be a “Voluntary Qualified Importer Program (VQIP)” that could allow expedited review of food imports.

14. VQIP is expensive to join and seminar participants questioned whether there will be actual, tangible benefits.

15. An importer’s suppliers under VQIP will have to have a third-party auditor certification.

16. Third-party auditor certifications may also be necessary if FDA makes a risk-based determination that a particular supplier needs one.

There were a number of group breakouts and discussions and FDA intends to summarize and publish these as well. I will keep you informed if there is anything of interest.

There remains a great deal of complexity in the compliance approaches to this new law so the food industry, large and small, will have to start looking closely now that we are nearing the compliance dates.

Import Fee on Cotton and Cotton-Containing Products to be Lowered

Courtesy: STR Trade Report

Assessments paid by importers of cotton and cotton-containing products under the Cotton Research and Promotion Order will fall 8.3 percent under a direct final rule issued by the Department of Agriculture’s Agricultural Marketing Service. Assessments will be reduced from $0.012013/kg to $0.011012/kg to reflect a decrease in the average weighted price of upland cotton received by U.S. farmers in 2015. The revenues generated by these assessments are used to finance research and promotion programs designed to increase consumer demand for upland cotton in the U.S. and international markets.

This rule also amends the Import Assessment Table, which indicates the total assessment rate due for each HTSUS number subject to assessment, to reflect this change.

This rule will be effective as of Oct. 4 unless significant adverse comment is received by Sept. 6, in which case it will be withdrawn.

FDA Import Operations Website - New & Revamped

FDA Import Website Graphic

From the desk of:
Mary Ellen Taylor, MSPH
Public Affairs Specialist
Office of Communications & Quality Program Management
Office of Regulatory Affairs, FDA, Alameda, CA

"Today the Division of Import Operations is launching a new and revamped website. The site provides easy access to up to date and comprehensive information on most importation issues including personal importation and commodity specific requirements. There are answers to virtually all FDA import questions such as quick access to common entry errors, and there is contact information to reach real people locally and in headquarters. The Imports site is part of the overall FDA website, FDA.GOV. Enclosed is the actual link. We encourage all to book mark it."

http://www.fda.gov/ForIndustry/ImportProgram/default.htm

Quick Links for CBP & ACE Documents	
August 2016	Quick Links to Important Documents

Front Page CBFANC.ORG

Long-time Customs attorney, former U.S. Customs official and member of CBFANC, Michael Jon Horton, died peacefully April 18, 2016, in South San Francisco at age 75. After retiring last year, he became ill and had been in care facilities for the past few months. He was predeceased by his second wife, Julie Horton (nee Feathers). In accordance with his wishes, he will be interred with his parents in Indiana. He is survived by his daughter, Cynthia Horton.

Mike attended U.C. Berkeley and later graduated from Indiana University, Phi Beta Kappa, after returning home to help his ill mother. He was drafted into the Army and served in the Vietnam War. After returning, he went to work as an import specialist for the U.S. Customs Service and started taking law classes at night. After passing the California Bar he went to work for the Tuttle law firm, then was a principal in Horton, Whitely and Cooper. During his later years he worked on his own as a sole practitioner.

Most thought of Mike as a little kinder and a little gentler than most attorneys – yet he had as extensive a knowledge of Customs Law as any. He wrote the published book "Import and Customs Law Handbook" and an online book about his Vietnam experience, "DEROS: A Year In Vietnam" at www.deros.com. His daughter, friends and colleagues will all miss him greatly.

His daughter Cindy can be reached at starshynecollies@gmail.com. Her phone number is 707-350-4300. Cards can be sent to PO Box 187 San Bruno Ca 94066. Donations can be made in Mikes' memory to Planned Parenthood. No services are planned. (Courtesy of Gary C. Cooper)

[Revised 07222016 KDH]

To contact the FDA, please follow the instructions as attached.

Remember, correct and complete information will greatly speed up the processing of your entry. For questions, email is the preferable method of communication.

In adhering to the following guidelines, the FDA will be able to serve you in the most effective and efficient way possible.

Please upload Entry documents into ITACS.

For information and how to access ITACS, please see
http://www.fda.gov/forindustry/importprogram/entryprocess/importsystems/ucm480953.htm

FDA SF Communication Procedures

Overnight Address for CBP Bill Payment

This message is being sent to advise the trade community and the public of the correct overnight address for bill payments. The Port of Atlanta continues to receive bill payments sent overnight to their office. When these payments are received at the port office, they are forwarded to the Bank of America lock box resulting in further delay of payment.

U.S Customs and Border Protection (CBP) utilizes a lock box facility of the Bank of America in Atlanta, Georgia, to receive, process, and post most bill payments. When CBP generates a bill, the address where payment should be sent is printed on the actual CBP bill form (CF 6084).

The address for the Bank of America lock box as reflected on most bills (Duty Bills/Reimbursable Bills/Misc. Bills) is:

For Overnight Express Mailing

Bank of America Lockbox

Lock box 530071

1075 Loop Road

Atlanta, GA 30337-6002

For Regular Mailing

U.S. Customs and Border Protection

P.O. Box 530071

Atlanta, GA 30353-0071

If you have additional questions, please go to www.cbp.gov. and enter “Bill Payment” in the search box.

CSMS# 16-000531 - Deactivation of the ACE STB Mailbox Effective August 1, 2016

Beginning July 23, 2016, all entries where a Single Transaction Bond (STB) is used, use of eBond will be required.

Effective August 1, 2016, the ACE_STB@cbp.dhs.gov mailbox will be deactivated. For Trade parties that file ACS Entries followed by ACE Entry Summaries, or ACE Entry Summaries Certified for ACS Cargo Release, where a Single Transaction (STB) is used, the STB will not be accepted for upload to the ACE_STB mailbox.

To minimize any issues that may arise, please ensure that STBs with effective dates of July 22, 2016 or before, are uploaded into Document Imaging System (DIS), via the ACE_STB@cbp.dhs.gov prior to the August 1, 2016 deactivation date.

After August 1, 2016, those STBs with an effective date on or before July 22, 2016 that have not been uploaded to DIS, can be submitted to the eBondtest@dhs.gov email box. STBS with an effective date of July 23, 2016 or after will not be accepted to any Bond Team email box

Additional eBond information can be found at: http://www.cbp.gov/trade/programs-administration/bonds/ebond.

(Working Calendar as of July 25, 2016)

September 13th	**BIS: Complying with US Export Controls** Via PAEI – click here for more information.
October 13th-16th	**WESCCON 2016** Loews Coronado Bay, San Diego, CA
October 26th	**CPSC & CBP –** CitiGarden Hotel, South San Francisco, CA
February TBA, 2017	**CHB Spring Exam Prep Course** CitiGarden Hotel, South San Francisco, CA