

BRIEFINGS

ROUTING SLIP

IMPORTER SECURITY FILING

- In recent outreach events, Customs has emphasized that it expects importers to begin filing the required 10 Importer Security Filing (ISF) data elements when the Interim Final Rule goes into effect on January 26, 2009, even though enforcement extends only to six of the elements. Customs will be generating performance reports on filers that will be distributed and considered in 2010 when full enforcement begins.
- Customs continues to hold ISF outreach events. Space is limited and Customs encourages interested parties to register [online](#).

NEW DRUG PILOT

The Food and Drug Administration (FDA) has [announced](#) a voluntary, two-year Secure Supply Chain (SSC) pilot program. This pilot program is intended to provide the FDA with experience in risk-based import reviews, and may eventually give participants faster clearance times and fewer reviews. The FDA is seeking approximately 100 applicants, and each applicant can include up to 5 different pharmaceuticals. A Federal Register notice will be published shortly, but can already be [viewed](#) on the FDA web site.

NEW USTR

President-Elect Obama has nominated former Dallas Mayor Ron Kirk to be the new United States Trade Representative.

2009 Training Seminars

- Details on the firm's 2009 seminar schedule are on our website at www.millerco.com. It includes two new advanced seminars: Advanced Import/Export 201 and Advanced FTZ.
- Our next session, a free, client-only FTZ 101, is scheduled for February 17-18.
- March 3 and 4 is our Advanced Classification Seminar. Register now by e-mail to Penny Freeman at pfreeman@millerco.com.

FTR ENFORCEMENT

Customs has issued a set of "Guidelines" on its planned enforcement of the Census Bureau's Foreign Trade Regulations (FTR), taking an aggressive stance on its own jurisdiction and authority over the FTR. The Guidelines set forth Customs approach for investigating FTR violations and mitigating and aggravating factors for assessing fines for violations. The firm has issued a summary and analysis of this big step in export enforcement. Contact Mark Teerink with questions.

2009 HTSUS

The U.S. International Trade Commission (ITC) has posted the [2009 Harmonized Tariff Schedule](#) to its website. The updated HSTUS reflects implementation of the U.S.-Oman Free Trade Agreement (FTA) and the Dominican Republic-Central America-U.S. FTA (DR-CAFTA) for Costa Rica.

ZONE MANAGEMENT

The Foreign-Trade Zones Board has published a proposal to give Grantees a new and very different option for designating foreign-trade zone sites. A major change would be the establishment of "usage-driven" sites that may be secured through administrative boundary modification proceedings in thirty (30) days without requiring the removal of zone status from other property. These "usage-driven" sites will require a warehousing or manufacturing company to commit to activating its operation after the site is designated with zone status. Please contact Marshall Miller or Scott Taylor with any questions on this very different approach. 74 Fed. Reg. [1170](#) (January 12, 2009).

2008 C-TPAT

- Customs has issued a report detailing Customs-Trade Partnership Against Terrorism (C-TPAT) program developments for 2008, including certification of 1448 new members, validation of 3469 supply chains, and adding Third Party Logistics Providers (3PLs) to the program.
- C-TPAT participants are [reminded](#) that they may be targets for smugglers and can face consequences for supply chain security breaches. Customs recently suspended two C-TPAT participants after seizing 110 packages of marijuana hidden in a trailer operated by a C-TPAT carrier destined for a C-TPAT importer.

AES UPDATES

- The 2009 Schedule B and HTS tables are available for [download](#). AES will accept outdated 2008 codes only during a 30 day grace period from December 31, 2008.
- On October 1, 2008, Census and the AESDirect Help Desk began the [process](#) of moving all user accounts to the upgraded Account Maintenance features. By January 30, 2009, all AESDirect program users must make the upgrade or risk being unable to access their account, which could lead to exporting delays.

'08 AG ACCOMPLISHMENTS

Customs has [published](#) a list of 2008 agriculture-related accomplishments, which include increased plant pest interception and more outreach to port, trade, and government personnel. Also of note, Customs revealed that it had issued a \$3.33 million penalty to an importer after finding wood-boring insects in solid wood packing material.

LACEY ACT DECLARATION

The Animal and Plant Health Inspection Service (APHIS) has posted the "Plant and Plant Product Declaration Form 505" on its web page. APHIS has also provided a link on its Lacey Act web page to its Genus and Species Plant Look Up [tool](#). Since the Declaration Form has now been posted, mandatory electronic filing is expected to begin sometime in Spring 2009.

FTA

- President Bush has issued Proclamation 8331 to implement CAFTA-DR for Costa Rica, effective January 1, 2009. 73 Fed. Reg. [79585](#) (December 30, 2008).
- President Bush has issued Proclamation 8332 to implement the U.S.-Oman FTA, effective January 1, 2009. 100% of consumer and industrial products between the countries became duty free immediately. 73 Fed. Reg. [80289](#) (December 31, 2008).

FOOD NOW COOL

The U.S. Department of Agriculture (USDA) has published a comprehensive Final Rule on country of origin labeling (COOL) for agricultural food products, including beef, pork, chicken, fish, and certain nuts. This rule goes into effect March 16, 2009. 74 Fed. Reg. [2658](#) (Jan. 15, 2009).

FY 2008 ITDS REPORT

The fiscal year 2008 report to Congress on International Trade Data System (ITDS) development, implementation, and participation by other federal agencies has recently been [posted](#) to the ITDS website.

FULL VEU FOR CHINA

The Bureau of Industry and Security (BIS) has fully implemented the Validated End User program for companies in the People's Republic of China. The VEU program permits the exportation of controlled products to specified companies without obtaining individual licenses. Contact Mark Teerink for more information on the [VEU program](#).

BIS SEEKS COMMENTS

BIS is seeking comments on the impact of U.S. export controls on manufacturer decisions to use or not use U.S.-origin parts and components in their products. BIS wants to assess the impact of such decisions on the U.S. economy. Comments are due by February 19, 2009. 74 Fed. Reg. [263](#) (Jan. 5, 2009). BIS is also seeking comments on the impact of U.S. regulation of foreign-made items incorporating U.S.-origin encryption software or technology. Comments are due by March 9, 2009. 74 Fed. Reg. [413](#) (Jan. 6, 2009).

COUNTERFEIT GOODS

Immigration and Customs Enforcement (ICE) has [released](#) its counterfeit goods seizure statistics for fiscal year 2008. The seizures totaled more than \$272.7 million in counterfeit and pirated goods, a 38% increase in domestic value over the 2007 fiscal year.

IMPORT SAFETY

Following up on its 2007 "Action Plan for Import Safety," the Federal Interagency Working Group on Import Safety has issued guidance on ["Good Importer Practices"](#) for complying with U.S. safety and security requirements. Comments on the guidance are due by April 15, 2009. 74 Fed. Reg. [1692](#) (Jan. 13, 2009).

TSCA

The Environmental Protection Agency (EPA) has issued a Proposed Rule to establish standards and requirements for the EPA's Central Data Exchange (CDX) for importers to electronically submit Toxic Substances Control Act (TSCA) notices and support documents. Comments on the Proposed Rule are due February 20, 2009. 73 Fed. Reg. [78261](#) (Dec. 22, 2008).

MOTOR VEHICLES

The National Highway Traffic Safety Administration (NHTSA) has issued a Final Notice of recommended best practices for importers of motor vehicles and motor vehicle equipment. 73 Fed. Reg. [79207](#) (Dec. 24, 2008).

PEAs

The Port of Chicago has issued a pipeline that outlines modifications to the Post-Entry Amendment (PEA) process. Chicago Pipeline [08-50](#) (Dec. 29, 2008).

GREENWELL RETIRES

Jerry Greenwell, the Census trade ombudsman, is retiring after 36 years of service in the Foreign Trade Division of the U.S. Census Bureau.

FOREIGN-TRADE ZONES BOARD ACTIVITY AS OF 1/15/09		
	APPROVED	CURRENTLY AUTHORIZED
ZONES	272	254
SUBZONES	634	528
PENDING		
ZONES		1
SUBZONES		20
MISCELLANEOUS		32
AVERAGE PROCESSING TIME (MONTHS)		
ZONES		8
SUBZONES		10