

NEWS IN BRIEF

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USDA has Added New Data Sets for Filing of Certain Types of Entries

Effective Jan 25, 2021, the U.S. Department of Agriculture (USDA) implemented new data set requirements in ACE filing entries for certain imports. This is part of the ACE project of connecting “other government agency” requirements with the customs entry. The changes include:

APHIS CORES = Animal Plant Health Inspection Service: covers all products that contain any material that are animal origin or plant origin and also used farm equipment (looking for soil). Any items requiring USDA licenses/permits/certificate (health certificate, phytosanitary certificate, certificate of origin)/Other (manufacturer statements) are required to declare APHIS PGA data set. **The HTS flag is AQ1 or AQ2 (cooked processed fruit & vegetable does not require APHIS filing unless the HTS flags for AQ2 or the type of vegetable requires USDA permit or certificate).**

AMS (USDA AMS) = Agriculture Marketing Orders: covers 14 groups of fruit/vegetable under AMAA Section 8e (Agriculture Marketing Agreement Act), AMS Marketing Order inspection is required. This transmission is to initiate AMS inspection process. HTS Flag AM4. 14 groups are: Avocados, Grapefruit, Kiwifruit, Onions, Oranges, Potatoes, Table Grapes, Tomatoes, Pistachios, Dates (other than for processing), Hazelnuts, Olives, Raisins, Walnut.

NOP (USDA NOP) = National Organics Program: covers all products claim as “organic”, include textile products such as organic cotton t-shirt, organic cotton bed sheet, organic candy, organic food, organic supplement, etc. **HTS Flag AM7/AM8** detail

data of each entity is required, such as organic operation facility, entity who certified the organic operation, entity who issues the organic certificate. Even though this has not been fully enforced, but because of the mandatory requirement of Organic certificate and the requirement of organic operation ID for all entities grow/produce/process/package/label the organic products, we have started filing this data and identify which shipments are missing information so our client can start working with their vendors to provide their certified organic operation ID.

Our systems have been updated to comply with these requirements and we have spent time training our employees. For some imports there will be significant additional data required for the entry and coordination with our customers for the needed information to complete the entry filing.

USTR Issues Notice That There is No Need for Further Revisions for EU Large Civil Aircraft 301 Duties

The Office of the U.S. Trade Representative (USTR) issued a Federal Register Notice (FRN) that after the January revision to the list of tariff targets, there is no need for another revision this month of the Section 301 investigation involving a dispute involving Large Civil Aircraft subsidies provided by certain current or former member States of the European Union. The January revisions to the list went into effect on February 8. A copy of the FRN can be found by clicking [here](#).

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Issues New FAQ on Forced Labor in Xinjiang-Uyghur Region

U.S. Customs and Border Protection has issued a new Frequently Asked Questions list on labor that includes the use signed certificate of origin signed by the seller as described in 19 CFR 12.43(a) along with a statement made by the importer as described in 19 CFR 12.43(b).

The seller certificate of origin is not the typical certificate of origin. There is very specific language in 19 CFR 12.43(a) that must be followed to be accepted. The language of 19 CFR 12.43(a) can be found by clicking [here](#). The FAQ can be found on the CBP [website](#).

Carrier Is Stopping Two Different Terminals

There is a new challenge in the Ports of Los Angeles and Long Beach. A carrier is unloading their vessels at two terminals in the same Port complex. Sometimes shipments with more than one container have that shipment partially unloaded at one terminal and the balance at the second terminal. Below are current options when this happens:

1. The carrier issues a new bill of lading for second portion.
2. New entry may be required for the new bill of lading for that second portion of the shipment.
 - I. A new ISF is not required for the new bill of lading. The original ISF can be corrected to add the new bill of lading.
 - The original ISF was true. Changes with new information to an ISF are to be made when they are discovered.
 - II. The entry/entries should include the correct carton count that was unloaded at each location.
3. The old entry that was released needs to be corrected to the correct bill of lading

carton count which the carrier has updated to the manifest. Otherwise, a carton count discrepancy will occur and delay delivery.

4. For every Master bill that is split, the correction needs to be made at the house bill level to match the master bill. The bill quantity needs to be corrected as well as the port of unloading at 2704 or 2709.

5. All entries, including the split bills must be filed at port code 2704.

6. The summary must be corrected to reflect the correct quantity and values for the proper payment of duties and fees.

7. In the event the carriers notify the parties about the split more than 15 days after the arrival and the broker cannot do a bill of lading update.

I. The broker can request CBP at TIU to do the bill of lading update for the shipment if the broker cannot do it.

II. TIU can do the update regardless of pay status.

III. The challenge is that the bill of lading update creates an electronic release in the AMS manifest at both locations?

- If so, the terminals will be able to release all the cargo to the trucker.

IV. If the releases for both portions cannot be created:

- Brokers have the option to correct the carton count for the first entry that had been paid and then file a PSC for the overpaid duty.

- And a second entry for the second portion for the goods in that portion

Note: If the duties that were originally paid are high there is an option to **cancel the first entry to get an immediate refund and not wait for the processing time of a PSC**

- For both scenarios, the second entry that is filed for the second portion will be for the correct amount.

Carmichael will work closely with our customers for their decisions for what is to be done.



By **Todd Boice**, President