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**Textile and Apparel Imports from China to be Monitored
by ITC- By Sandler Travis & Rosenberg PA**

Domestic textile interests hoping to continue restrictions on imports from China won a partial victory this week when House Ways and Means Committee Chairman Charles Rangel asked the International Trade Commission to monitor such imports and report its findings to Congress and the public. Although the ITC monitoring will not include any corresponding analysis, and Rangel said it is only intended to inform the committee, U.S. producers are clearly hoping that it will serve as the basis for measures such as quotas or antidumping duties in the future.

In an Oct. 8 letter to the ITC Rangel reiterated the concerns that have been expressed in recent weeks by U.S. producers and lawmakers that once the existing safeguard quotas on Chinese textiles and apparel expire Dec. 31 there will be a surge in imports from China that will jeopardize jobs not only in the U.S. but also in the developing countries that are among the biggest consumers of U.S.-made textiles. He therefore requested that the ITC:

- provide statistical reports on the volume, value, unit value and import market share of certain textile and apparel imports from China;
- compile this data for each product covered by the existing safeguard quotas at both the three-digit textile/apparel category level and the 10-digit Harmonized Tariff Schedule number level for each product within each category;
- provide preliminary data from U.S. Customs and Border Protection every two weeks and final data from the Census Bureau once a month (and simultaneously post this data on the ITC's Web site);
- publish annual compilations of the monthly reports of the final Census data;
- provide a historical compilation of the volume, value, unit value and import market share of the covered articles from Jan. 1, 2003, to the most recent month available; and

- continue providing these reports until this request is terminated or amended.



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Ways and Means Committee staff indicated in an Oct. 8 meeting with industry members that the committee does not necessarily see the ITC monitoring as a preliminary step toward a possible antidumping or countervailing duty case or Section 421 safeguard investigation against textile and apparel imports from China. Instead, the letter said, the collected data will only be used “to determine whether a more comprehensive investigation is appropriate.” Nevertheless, the letter made reference to the committee’s responsibility to oversee the administration of the AD/CV duty laws and to monitor the operation and success of U.S. trade preference programs for developing countries. In addition, Rangel said in a press release that the committee has a “responsibility to address this issue and, if warranted after reviewing the data, prevent harm to American workers, industry and communities” and that he will work with his colleagues “to develop an appropriate course of action.”

These statements would appear to at least leave open the possibility that the ITC data could be used to develop AD/CV duty cases, invoke Section 421 actions or impose other restrictions against imports from China in the name of protecting the textile industry in the U.S. and/or preference program beneficiary countries. Domestic manufacturers and sympathetic lawmakers have been pressing the Department of Commerce to implement an import monitoring program for China for just this reason but have had little success to date.

Some importers and retailers are reportedly not pleased with Rangel’s request, as they believe an ITC monitoring program represents a special accommodation that no other U.S. industry has been granted. They also worry that the request in and of itself may serve as a warning to companies sourcing from China and thus prompt them to move production to other locations.

**New Mandatory CPSC Import
Documentation Requirements
Effective November 12 - Certificates
of Conformity Must Accompany all
Shipments of Consumer Goods**

SANDLER, TRAVIS & ROSENBERG, P.A.

<http://www.strtrade.com>

STR. CLIENT ADVISORY

New import requirements for consumer goods will take effect Nov. 12 as a result of the Consumer Product Safety Improvement Act of 2008, which became law Aug. 14. Beginning on that date manufacturers and importers must certify in writing that products being imported for warehousing and/or consumption conform with the rules, bans, regulations or standards administered by the Consumer Product Safety Commission. This requirement applies to nearly all categories of consumer goods, including fabrics, wearing apparel, toys, jewelry, sporting goods, refrigerators, furniture, hazardous materials, all-terrain vehicles - even pharmaceuticals subject to child-resistant cap standards.

The new certificates of conformity:

must be based on a "reasonable" testing program;

must be issued jointly or separately by two and sometimes three participants in the supply chain (i.e., manufacturer, importer and any private labeler, as appropriate);

must accompany the product or the shipment of the product; and

thereafter must be furnished to each distributor or retailer of the product.

A separate certificate (or certificates) is required for each product in a container. **If no certificate is issued, or if a false certificate is found to be on hand, the shipment may be refused admission and destroyed.**

Certificates of conformity must include the full contact information of the manufacturer and importer, as well as the person maintaining records of the test results upon which the certification is based; must reference the specific standard to which the product is subject; and must indicate the place and date of manufacture.

Effective Date of Certificate Requirement. CPSC officials have indicated that the certificate of conformity requirement applies to imported goods manufactured or produced on or after Nov. 12. However, no advice has yet been provided as to how the CPSC or U.S. Customs and Border Protection will determine the manufacture or production dates of importations arriving after Nov. 12.

Other New Statutory Requirements. In addition to the certificate of conformity requirement, the CPSIA :
requires manufacturer and importer certification of third-party testing by an accredited laboratory of all children's products, beginning by the end of 2008;

lowers permissible levels of lead content in children's products and paint;

mandates a reduction in the amount of certain phthalates in children's products;

requires permanent tracking labels on children's products;

increases civil penalties for violations of consumer product safety laws; and

provides for potential criminal liability for such violations for corporate officers.

ST&R has been closely monitoring this legislation and can work with you to determine applicability and implementation policies.



USDA Proposes Phased-In Implementation Of New Lacey Act Declaration Requirement For Imported Goods - By Sandler Travis & Rosenberg

Importers of most goods subject to the new declaration requirement under the amended Lacey Act will no longer need to comply with the Dec. 15 statutory deadline under a new proposal from the Department of Agriculture. The USDA is proposing to begin a phased-in enforcement around April 1, 2009, but most importers would not have to comply until at least July 1, 2009. The proposal appears to respond to the concerns that both industry and federal agencies have expressed about their ability to meet the

impending compliance deadline. The USDA has also provided more details about the products that are and are not subject to this requirement.

Enforcement. Under the 2008 Farm Bill, importers of plants or plant products, including wood and wood products, must submit upon entry a declaration that includes the genus and species of the plant(s) used, the value and quantity of the importation and the country of origin of the imported product. U.S. Customs and Border Protection is currently developing an electronic system that will collect this information, and the USDA states that it intends to begin enforcement of the declaration requirement once that process is completed (currently anticipated around April 1, 2009). In addition, the USDA has proposed the following enforcement schedule.

- From the present to March 31, 2009, the USDA will make available on its Web site a paper declaration form that will be accepted after Dec. 15. The department will also conduct domestic and international outreach concerning the declaration requirement. There will be no prosecutions during this time for failing to complete the paper declaration form; however, any person who submits a form containing false information may be prosecuted.
- Beginning April 1, 2009, (or as soon thereafter as an electronic system to collect the required declarations is available), the USDA will enforce the declaration requirement for HTSUS chapters 44 (wood and articles thereof) and 6 (live trees, plants, bulbs, cut flowers, ornamental foliage, etc.).
- Beginning July 1, 2009 (approximate), the USDA will enforce the declaration requirement for the above chapters as well as chapters 47 (wood pulp), 48 (paper and articles thereof), 92 (musical instruments) and 94 (furniture).
- After September 2009 there will be phased-in enforcement for additional chapters, including (but not limited to) 12 (oil seeds, miscellaneous grains, seeds, fruits, plants, etc.), 13 (gums, lacs, resins, vegetable saps, extracts, etc.), 14 (vegetable plaiting materials and products not elsewhere specified or included), 45 (cork and articles thereof), 46 (basket ware and wickerwork), 66 (umbrellas, walking sticks, riding crops), 82 (tools), 93 (guns), 95 (toys, games and sporting equipment), 96 (brooms, pencils and buttons) and 97 (works of art). A specific phase-in schedule for these chapters will be announced later.

Scope. The USDA states that the scope of products that will require a declaration under the Lacey Act amendments is broad and includes certain live plants (not to be replanted), plant parts, lumber, wood pulp, paper and paperboard, and products containing certain plant material or products, which may include certain furniture, tools, umbrellas, sporting goods, printed matter, musical instruments, products manufactured from plant-based resins and textiles. The department has indicated that it does not believe it has the authority to set a *de minimis* standard under which products with only trace amounts of covered plants or plant products would be excluded from the declaration requirement.

Exemptions. There are three categorical exemptions from the new declaration requirement, including common cultivars (except trees) and common food crops. The USDA and the Interior Department are currently working on a joint rulemaking that will define these terms.

Comments/Meeting. The USDA is accepting public comments on its implementation of the declaration requirement, including the above enforcement schedule, by Dec. 8. In addition, the USDA will host a public meeting on these issues Oct. 14 in Washington, D.C. Additional meetings are likely to be held this winter near key port locations and will be announced at a later date.

USDA-APHIS LACEY ACT - http://www.aphis.usda.gov/plant_health/lacey_act/

TSA Gets Tough on Cargo – Air Cargo World



**Transportation
Security
Administration**

Los Angeles -- After more than a year since the law was enacted, the Transportation Security Administration is finally providing specifics on the screening of cargo aboard passenger airlines.

Attendees of the Airports Council International North America Air Cargo Conference held in Los Angeles recently listened intently as Doug Britten, air cargo manager for TSA outlined in blunt terms what will be required of those participating in TSA's Certified Cargo Screening Program, which allows for Certified Cargo Screening Facilities to screen cargo prior to acceptance for shipping by the forwarder or airline.

"If a company chooses to participate (as a CCSF), they will be regulated," said Britten. This is a voluntary program and the "industry will bear the whole burden of this program," he added.

No federal funds will be provided to offset the cost of having to invest in screening equipment, as well as the hiring of employees, which have to be vetted first by the federal government, Britten said.

Britten couldn't provide any cost estimates for those companies considering becoming a CCSF, but said a cost analysis was in the works.

He recommended companies wait until TSA releases the list of approved screening equipment before investing in any devices.

Those companies eligible to become a CCSF include third party logistics providers, manufacturing facilities, warehouses and distribution centers if the center directly tenders cargo to a freight forwarder or air carrier.

CCSFs must adhere to stringent security requirements set by a TSA security program, which will include procedures and a mechanism to prevent unauthorized entry to facilities where certified cargo is being screened.

Cargo handling and storage facilities must be physically secure with fencing, gates and locking devices as well as adequate lighting and alarms system. The facility must also allow for initial and recurring certification by TSA or its approved organization.

The Implementing Recommendations of the 9/11 Commission Act of 2007 mandates 50 percent screening of cargo at the piece level by February 2009 and 100 percent by August 2010. So far, 40 companies have signed up for Phase 1 of the CCSP program, said Britten.

TSA is pursuing a phased approach with limited groups of supply chain companies in 9 U.S. cities throughout the first half of 2008.

Current exemptions and alternate means of screening for shrink-wrapped, strapped and banded shipper pallets will be eliminated, TSA said.

Those companies choosing not to become CCSF are likely to face bottlenecks at the airport. "These changes are expected to cause significant air cargo handling delays at airlines where all screening is currently performed," said a TSA handout distributed at the conference.

"We support the CCSP program," said Steve Alterman, president of the Cargo Airline Association. "We think it is a good way to balance the need for security on passenger airplanes and meet the needs of the shipping public. We hope it works from a political and practical aspect."

Robert W. Moorman

Canadian Thanksgiving Holiday Travel Reminder - USCPB



http://www.cbp.gov/xp/cgov/newsroom/news_releases/10082008.xml

(Wednesday, October 08, 2008)

Blaine, Wash. - U.S. Customs and Border Protection is reminding travelers planning trips across the border this weekend into the United States to make sure they have their proper documents and to anticipate heavy traffic during the celebration of Canada's Thanksgiving on

October 13.

Thanksgiving is an annual one day holiday at the close of the harvest season and is celebrated on the second Monday in October throughout Canada. Border traffic volumes are expected to be greatly increased during this holiday weekend and all travelers are reminded of a few simple steps they can employ to cross the border more efficiently.

All travelers, including U.S. and Canadian citizens, are now asked to present proof of citizenship and identity when entering the United States at land and sea ports of entry. This requirement can be met with a passport, NEXUS frequent crosser card, an enhanced British Columbia or Washington State driver's license, or a birth certificate with a driver's license. Travelers ages 18 and under may present just a birth certificate.

Plan your trip, avoid peak travel times typically between the hours of 7 a.m. and 7 p.m. and consider alternate ports of entry. To avoid long delays during the reconstruction phase of the Peace Arch port of entry, border crossers may want to use the nearby and less heavily traveled Pacific Highway, Lynden or Sumas ports of entry.

Do not attempt to bring unauthorized fruits, meats and dairy/poultry products into the United States from Canada without first checking whether they are permitted. Review the "Know Before You Go" tip sheet

on the CBP.gov Web site for additional information concerning your trip into the United States. (Know Before You Go)

CBP officials continually monitor border crossing times at area ports of entry and plan to fully staff all inspection lanes during peak periods to maintain the flow of traffic.

U.S. Customs and Border Protection is the unified border agency within the Department of Homeland Security charged with the management, control and protection of our nation's borders at and between the official ports of entry. CBP is charged with keeping terrorists and terrorist weapons out of the country while enforcing hundreds of U.S. laws.



Cargo Owners Encouraged to Register with LA/LB PortCheck System for Collection of Clean Truck Fees – Broker Power Inc.

The Port of Long Beach has issued a notice encouraging cargo owners to register with the new computerized system being developed to enable the collection of Clean Truck Fees (CTF)¹ from cargo owners, PortCheck.

PortCheck – similar to the existing PierPass system – is being created to collect the Port of Los Angeles and Port of Long Beach tariff requirements under the Clean Truck Program (CTP).

Ports Will Begin Collect Fee As Soon As Computer System is Operational - According to the notice and port sources, the Ports of Los Angeles and Long Beach will begin collecting the CTFs as soon as the computer system is operational, which is expected to be a few weeks after October 1, 2008.

(At the end of September 2008, the ports announced that they were delaying the imposition of the CTF, and that this fee and certain other components of the CTP would be implemented using a stepped approach.)

PierPass Users Will Have Their Information Automatically Entered into PortCheck - According to the PortCheck Web site, the information for those already registered with PierPass will be automatically entered into PortCheck. This includes both registration and credit information. Those registered with PierPass will only need to confirm their registration on their first visit to PortCheck.

Cargo Owners Encouraged to Register Immediately - Cargo owners are encouraged to register with PortCheck (www.portcheck.org) or PierPass (www.pierpass-tmf.org) immediately in order to claim their cargo when the ports begin assessing the fee.

Note that the PortCheck Web site is under construction, and those wanting to get a start on the PortCheck registration process should register for PierPass.

Long Beach Posted Lists of LMCs That Have Received Approval for Operating Concessions - To ensure that cargo is not delayed, the Port of Long Beach urges all beneficial cargo owners (BCOs) to verify that the Licensed Motor Carriers (LMCs) that haul their cargo have a Port-approved concession. Trucks not associated with a valid concessionaire will be turned away at the gates of the ports.

In order to assist BCOs, the Port of Long Beach has posted lists of the LMCs that have applied for and have received preliminary approval for operating concessions. These lists, which will be updated regularly, can be accessed and downloaded at <http://www.polb.com/concessionlog>.

¹A \$35 charge on every loaded twenty-foot equivalent (TEU) cargo container entering or leaving the Ports of Long Beach or Los Angeles cargo terminals by short-haul (drayage) trucks.

(See ITT's Online Archives or 09/26/08 news, (Ref: [08092607](#)), for BP summary of the ports delaying the CTP fees, with links to other LA/LB CTP notices.)

Port of Long Beach notice available at <http://www.polb.com/news/displaynews.asp?NewsID=457&TargetID=24>

PortCheck Web site available at <http://www.portcheck.org/>



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