

# Current Trade Issues

Import Safety Initiatives

Consumer Product Safety Improvement Act

Lacey Act

Burma JADE Act

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# Import Safety Initiatives

Presidential Executive Order

Strategic Framework for Continual Improvement in Import Safety

Action Plan for Import Safety

CBP Action Plan for Import Safety



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# Presidential Initiative

- Presidential Executive Order 13439
  - Dated July 18, 2007
- A Report to the President
  - Dated September 10, 2007
    - Protecting American Consumers Every Step of the Way: A strategic Framework for continual improvement in import safety
- A Report to the President
  - Dated November 6, 2007
    - Action Plan for Import Safety: A roadmap for continual improvement



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# Strategic Framework

Shift from reliance on “snapshots” at the border to interdict unsafe products, to a cost-effective, prevention-focused “Video” model that identifies and targets those critical points in the import life cycle where the risk of unsafe products is greatest and verifies the safety of products at those important phases.

Risk-based, prevention-focused model to help ensure that safety is built into products before they reach our borders.

- Prevention
- Intervention
- Response



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# Action Plan for Import Safety

- Developed around the Strategic Framework issued on September 12, 2007.
- Developed with input from U.S. departments and agencies, foreign governments, and the private sector.
- Contains 14 broad recommendations and 50 actions steps which:
  - Designate federal government leads
  - Involve actions by both the private and public sector
  - Consist of both short and long term actions



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# Action Plan for Import Safety

## 14 Recommendations

- Safety Standards
- Certification
- Good Importer Practices\*
- Penalties\*
- Foreign Collaboration and Capacity Building
- Common Mission\*
- Interoperability\*
- Information Gathering\*
- New Science
- Intellectual Property Protection\*
- Recall
- Federal-State Rapid Response
- Technology
- Track-and-Trace

\*CBP Focused Recommendations



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# CBP Immediate Actions for Import Safety

- Establish new Division within the Office of International Trade on Import Safety.
- Designate Import Safety as a Priority Trade Issue (PTI)
  - Merge with Agriculture PTI
- CBP Designated as the DHS lead for implementation of the President's Action Plan



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# CBP Immediate Actions for Import Safety

- Develop Importer Self Assessment-Product Safety Initiative
  - In cooperation with CPSC and COAC
- Acceleration of ACE/ITDS
  - All import safety agencies
  - Access to Portal
  - DUNS
  - Product Code



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# CBP Key Initiatives for Import Safety

- Include import safety as a component in ISA
- Revise Bond Guidelines
- Accelerate ACE/ITDS
  - Single Window
  - Sharing of Data
- Collaboration with other departments and agencies
  - Universal “Good Guy” list
  - Targeting/risk determinations
  - Data needs
  - Audits
  - Laboratories
  - Joint Operations
  - Good importer practices
  - Incentives
- Work with private industry to share information



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# Consumer Product Safety Commission

- Huge Player with CBP in Import Safety
- Importer Self Assessment-Product Safety
- CBP audits of CPSC mandatory standards
- CPSIA provides for
  - Co-Location
  - Developing ATS Targeting Rules
- Accelerated ACS/ITDS participation
- Work to automate CPSC Certificates of Conformity



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# Consumer Product Safety Commission

- Consumer Product Safety Improvement Act (CPSCIA)
  - General Certificates of Conformity
    - November 12
    - Includes all products subject to CPSC bans and standards
    - “Accompany Shipment”
    - Based on tests of each product or upon reasonable testing program
    - Must be furnished to distributor or retailer
    - Not necessarily paper
    - Available to CPSC or CBP upon request



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# Farm Bill 2008—Lacey Act

- Section 8204 Prevention of Illegal Logging Practices
- Unlawful to import, export, transport, sell....any plant, with some limited exceptions taken or traded in violation of the laws of a U.S. State, or most foreign laws.
- Effective May 22, 2008
- Requires Import Declaration 15, 2008



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# Farm Bill 2008—Lacey Act

- Section 8204 Prevention of Illegal Logging Practices
- Effective May 22, 2008
- Requires Import Declaration 15, 2008
- Interagency Working Group
- USDA/Department of Interior
  - Define Common Food Crop
  - Define Common Cultivar



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# Farm Bill 2008—Lacey Act

- Declaration Contents
- Scope of products included
  - Limited exclusions
- Phased-In Schedule
- Working interagency, with congress and the trade



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# Farm Bill 2008—Lacey Act

*Proposed Phase-In Schedule of Enforcement of the Declaration Requirement for Goods of, or containing, Plants or Plant Products\* (Specific goods may be exempt\*\*.)*

<p style="text-align: center;"><b>I</b> <b>Present –</b> <b>March 2009</b></p>	<p style="text-align: center;"><b>II</b> <b>April 1, 2009 (or as soon</b> <b>thereafter as an electronic</b> <b>system is available)</b></p>	<p style="text-align: center;"><b>III</b> <b>July 1, 2009 (approximate)</b></p>
<p>PPQ Plant Import Declaration Form will be available on website, and accepted after Dec 15</p> <p>Domestic &amp; International Outreach</p>	<p>HTS Chapters:</p> <p>Ch. 44 (<i>wood &amp; articles of wood</i>)</p> <p>Ch. 6 (<i>live trees, plants, bulbs, cut flowers, ornamental foliage, etc.</i>)</p>	<p>HTS Chapters:</p> <p>Ch. 47 (<i>wood pulp</i>)</p> <p>Ch. 48 (<i>paper &amp; articles of</i>)</p> <p>Ch. 92 (<i>musical instruments</i>)</p> <p>Ch. 94 (<i>furniture</i>)</p> <p><i>PLUS PHASE II</i></p>

*NOTE: Chapter descriptions are for ease of reference only.*

*\* Declaration requirement is effective as of Dec.15, 2008. All declarations submitted must be accurate; false statements are enforceable. Failure to submit a declaration will not be prosecuted and customs clearance will not be denied for lack of a declaration until after the phase-in date above.*

*\*\* Example: In HTS Ch. 6, most live plants not listed under CITES, the ESA or certain State laws would be exempt from this declaration requirement. See the Lacey Act regarding further exemptions.*



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# Burma JADE Act

- Effective September 27, 2008
- Prohibits Rubies and Jadeite from Burma AND jewelry made from rubies and jadeite mined in Burma
- Established non-Burmese covered articles
- Importer and Exporter Declaration
  - Importer use of new HTS numbers and Note
  - Exporter certify system of verifiable controls



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