



# NCBFAA

The National Customs Brokers & Forwarders Association of America, Inc.

## News Release

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**For Immediate Release**

## FCC RF Rule Overstates Customs Broker Role

**Washington DC:** The National Customs Brokers and Forwarders Association of America, Inc. (NCBFAA) has [petitioned the Federal Communication Commission \(FCC\)](#), to reconsider the responsibilities assigned to customs brokers when handling radio frequency (RF) devices.

In the final rule published on November 2, 2017, the FCC inappropriately equates brokers with importers and consignees, who have an ownership interest in the product, are primary parties to the transaction, and are most likely to be familiar with the product's technical characteristics.

Because of its imprecise definition of the importer responsibility, NCBFAA told the FCC that the rule "imposes unreasonable responsibilities on a customs broker and creates uncertainty as to who made the determination of FCC compliance."

The NCBFAA petition also pointed out that the FCC's final rule "fails to consider the growing e-commerce environment, where often a customs broker-importer relationship does not exist."

The objectionable provision in the FCC's final rule states: "No radio frequency device may be imported into the Customs territory of the United States unless the importer or ultimate consignee, or their designated customs broker, determines that the device meets one of the conditions of entry set out in this section."

National had raised concerns about the provision throughout the rule making - in formal comments and meetings with staff. When the final rule brushed aside broker objections, NCBFAA decided to file the Petition, requesting the Commission to take a second look at the issue.

NCBFAA's Petition explained the role of the broker and told the Commission, "To the extent customs brokers are included in this rule, the responsibilities assigned to brokers should be reasonably proportionate to their function in the supply chain."

If the FCC agrees to revisit the rule, NCBFAA committed to work with the Commission and other stakeholders to find a more effective way to achieve RF device safety for imported products.

Headquartered in Washington, D.C., the NCBFAA represents more than 1,000 member companies with 110,000 employees in international trade - the nation's leading freight forwarders, customs brokers, ocean transportation intermediaries (OTIs), NVOCCs and air cargo agents, serving more than 250,000 importers and exporters. Established in 1897 in New York, NCBFAA is the effective national voice of the industry. Through its various committees, counsel and representatives, the Association maintains a close watch over legislative and regulatory issues that affect its members. It keeps them informed of these and other related issues through its weekly Monday Morning eBriefing, and various meetings and conferences throughout the year.

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