

PGA Roundup

Panelists: Jennifer Tucker

Deputy Administrator
National Organic Program
U.S. Department of Agriculture

Karen Damon

NCBFAA Regulatory Agencies
Committee Vice Chair /
Livingston International, Inc.

Rhyan Tompkins

ACE Coordinator
U.S. Fish & Wildlife Service

Sabrina Keller

Deputy Director
Import Surveillance
Consumer Product Safety
Commission

Moderator: Mike Lahar

NCBFAA Regulatory Agencies
Committee Chair /
A.N. Deringer, Inc.

Program Sponsored by

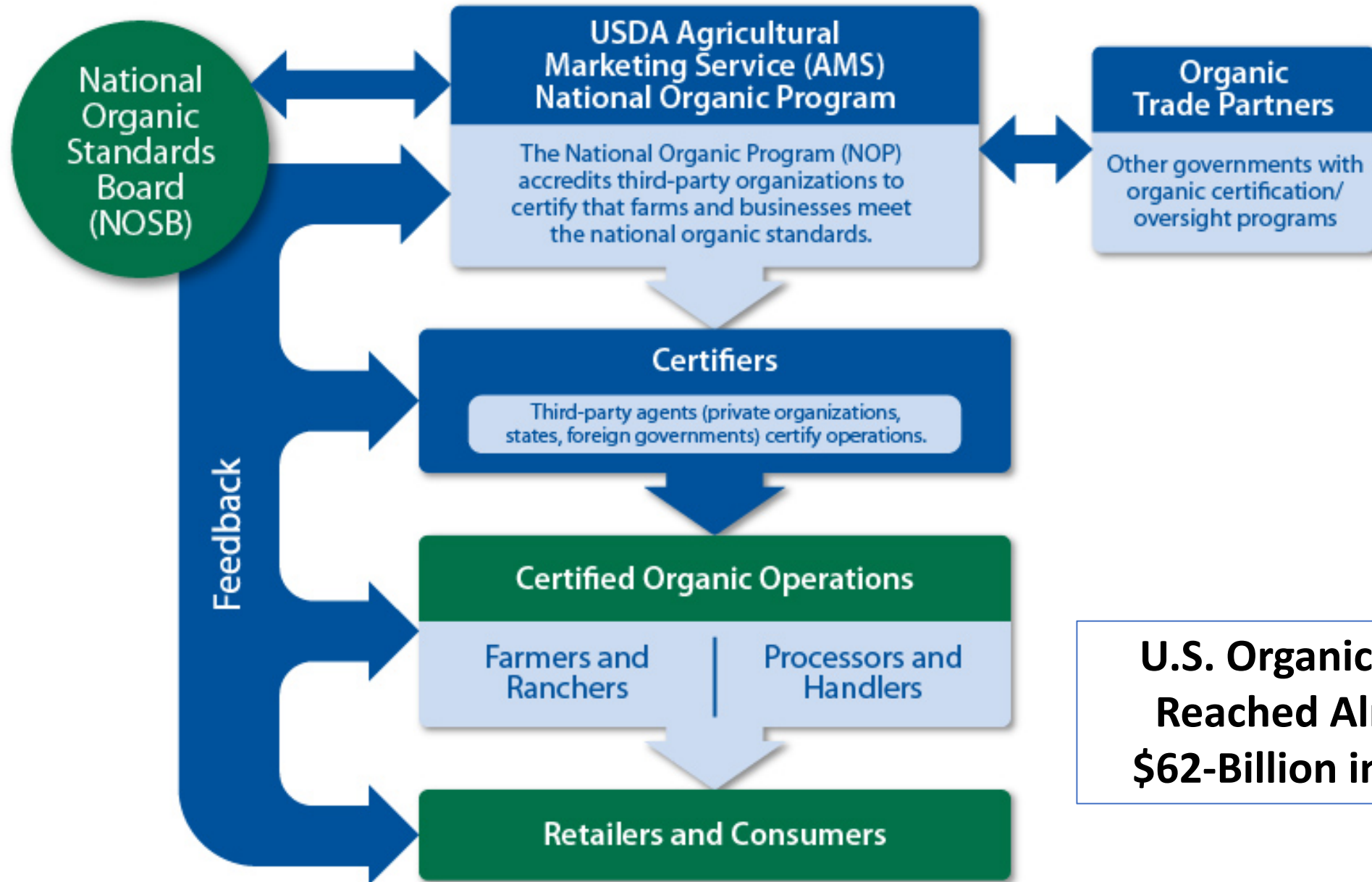
USDA Agricultural Marketing Service (AMS)
National Organic Program (NOP)

NCBFAA - PGA Round-Up: An Organic Report

Jennifer Tucker, Ph.D.
Deputy Administrator, National Organic Program

May 2022

The Public-Private Partnership of Organic Certification and Oversight



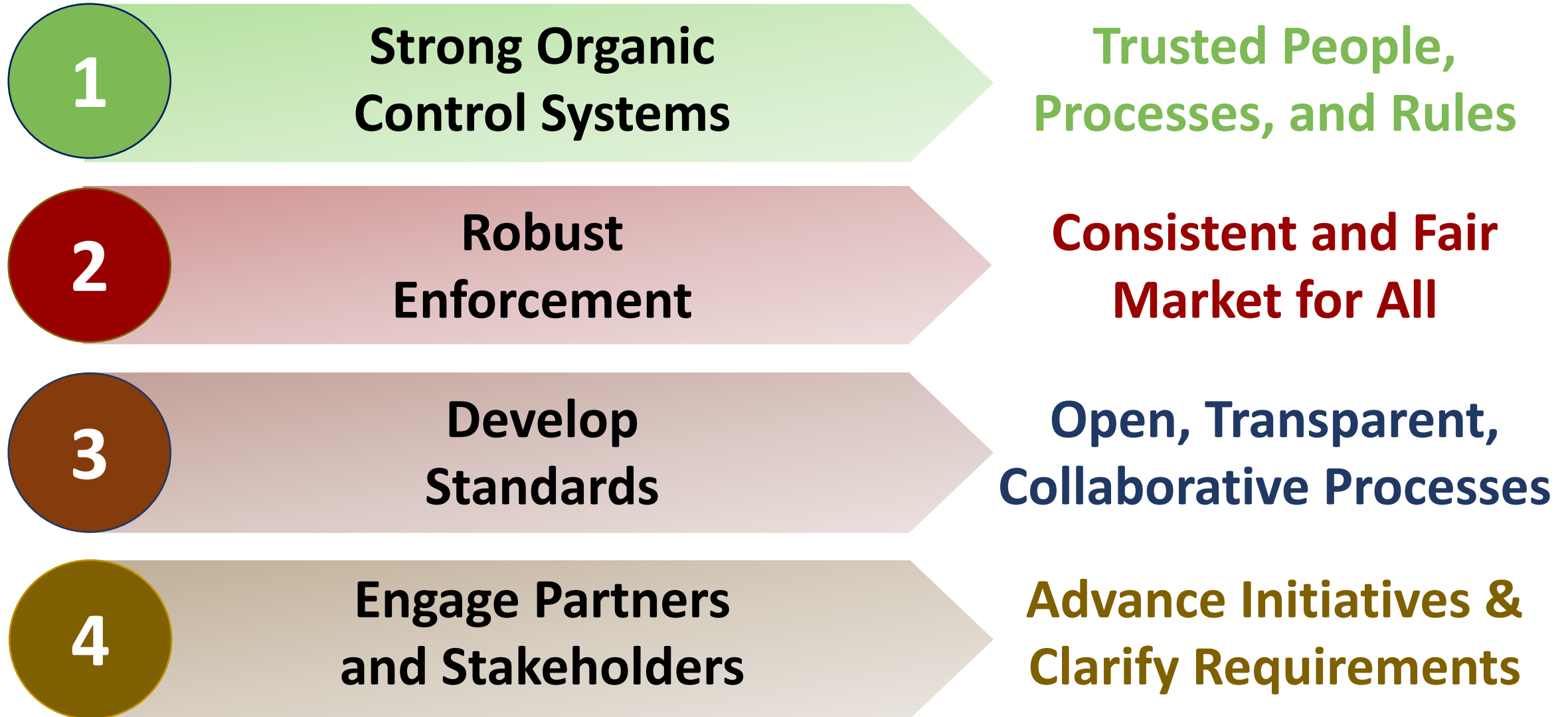
U.S. Organic Sales Reached Almost \$62-Billion in 2020

The National Organic Program (NOP)

- **Mission:**
Protect the integrity of USDA organic products in the United States and throughout the world
- **Vision:**
Organic Integrity from Farm to Table,
Consumers Trust the Organic Label
- **Core Role:**
Implement the Organic Foods Production Act and the USDA organic regulations



National Organic Program Goals



Inter-Agency Coordination to Oversee Organic Imports

- Launched Organic Import Certificate in ACE (April 2020)
- NOP Staff in CBP Commercial Targeting and Analysis Center
- Recently Received Trademark Protection of USDA Organic Seal
- New Data Technology Projects
 - Import Certificate Generator
 - Data Visualization
 - Automation of Data Checks to Align Certificates and CBP Data

Recent Enforcement Successes: Import Oversight

- **Unpermitted Imports from India**
CBP data on imports used to learn about feed imports from India.
- We compared data with business records required under USDA organic regulations.
- Analysis led to the identification of two exporters shipping to U.S. without organic certification
- Led to large civil penalty and increased monitoring data from importer.

Illegally Labeled Olive Oil

- Suspended organic operation continued to ship olive oil labeled as organic to U.S.
- CBP processes and authorities used to deny entry into U.S.
- Involved collaboration of CBP and USDA

Policy: Strengthening Organic Enforcement Rule

Transforming the organic regulations to meet market needs:
Increasing accountability and visibility

Fewer Exemptions

Increase
Handler
Certifications

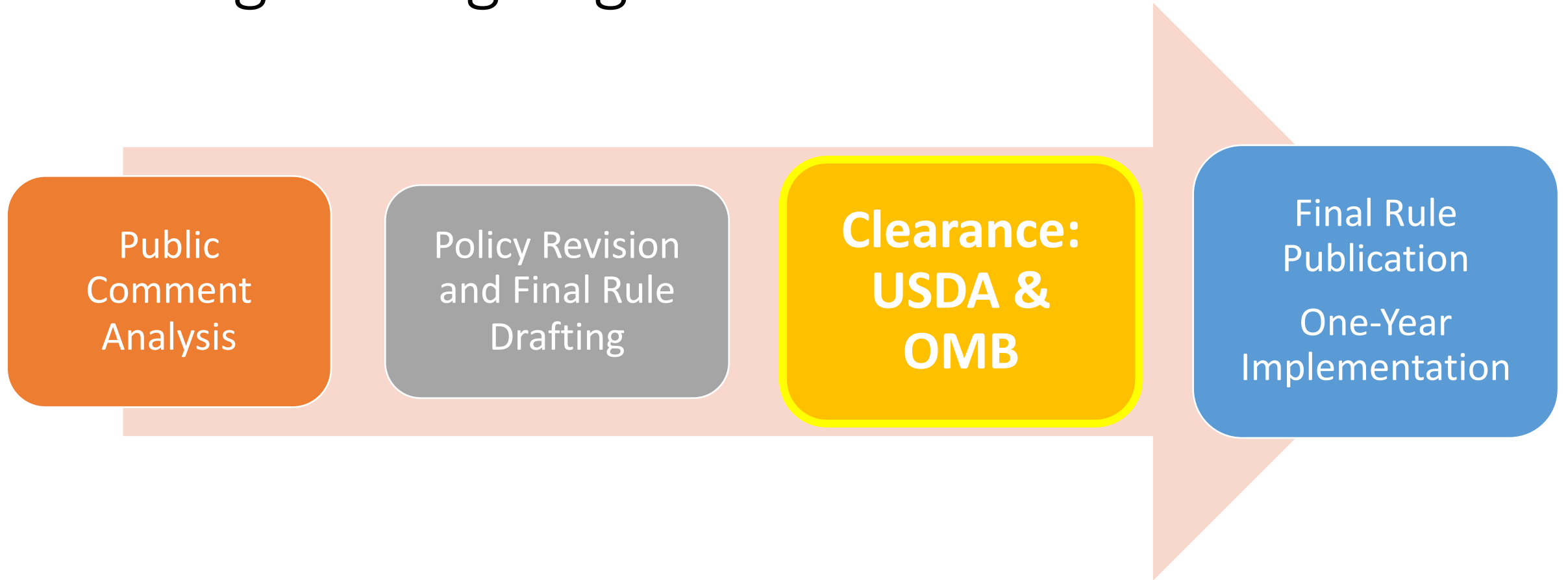
Import Certificates

Electronic
Certificates for
all Imports

Enhanced Oversight

Strengthen
Accreditation
and Certification
Oversight

Strengthening Organic Enforcement Status



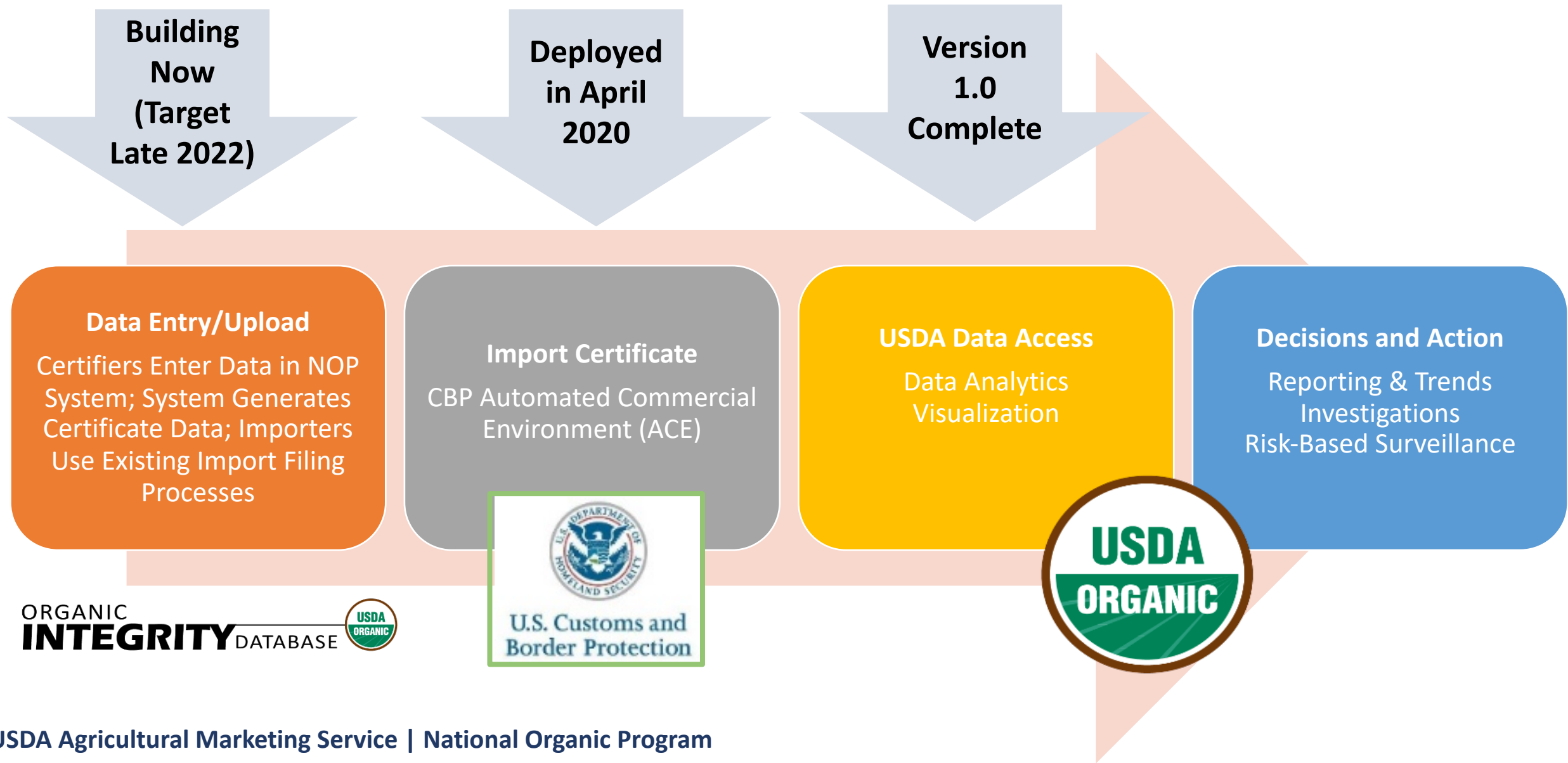
More Information: <https://www.ams.usda.gov/rules-regulations/strengthening-organic-enforcement-proposed-rule>

Electronic Organic Import Certificates

- New electronic oversight tool and process for USDA National Organic Program
- Responds to increasing complexity and length of organic supply chains
- Supports organic integrity by combatting fraud and increasing the traceability of organic products
- Supports organic enforcement to protect the USDA organic seal

Electronic organic import certificates will provide critical organic import data, improving oversight of organic imports

Technology: Import Certificates “To Be”



Key Stakeholders and Actions



What is an HTS Code?

An HTS code is a number given to a specific imported item that helps identify and classify it. HTS codes also are used by governments to determine the amount of duty or taxes that must be paid to bring that item into the country. HTS stands for “Harmonized Tariff Schedule”, which is the list of all code classifications for traded goods.

<https://www.trade.gov/harmonized-system-hs-codes>

In July 2021, new organic HTS codes were added for:

- Blackberries (0810209045)
- Raspberries (0810201023 and 0810201030)
- Strawberries (0810102010 and 0810104010)

0702.00.60

If entered during the period from November 15, in any year, to the last day of the following February, inclusive.....

Greenhouse:

Roma (plum type).....

Round, of a kind described in statistical note 2 to this chapter.....

Other.....

Other:

Cherry.....

Grape.....

Roma (plum type).....

Round, of a kind described in statistical note 2 to this chapter.....

5

25

31

35

45

65

80

Next month, the following organic requests will be reviewed by USITC:

- Onions
- Potatoes
- Cucumbers (some varieties - persian, long seedless). Import data was not adequate for organic gherkins.
- Grapes
- Tomatoes - varieties may be added in the future

Potential future requests include:

- Broccoli
- Brussels sprouts
- Cantaloupe
- Celery
- Corn
- Eggplant
- Iceberg lettuce
- Peaches
- Watermelons

Standard Query

Partners: FAS U.S. Trade

Product Type: Imports - General

Product Groups: Organics-Selected

Community Search: Text [] Go Clear

Values: Value [] Thousands []

Quantity: (None) []

Dates: Series: Annual []

Monthly Range: Jan [] - Dec []

Year Range: 2017 [] - 2022 []

End Month: Jan []

Settings: Precedence: Partner/Product []

Include: All []

Order By: Rank []

In Detail: Summary []

Calculation: Period/Period % Change []

Retrieve Data

Chart Options

Data

Printer Friendly Other Formats Create CSV File Calculation Formulas Change Base Year 2021

Area/Partners of Origin
And General Commodities Imported

January - December
Cumulative To Date Values in Thousands of dollars

| Partner | Product | 2017 | 2018 | 2019 | 2020 | 2021 | Jan - Jan 2021 | Jan - Jan 2022 | Period/Period % Change (Value) |
|-------------|------------------------------------|------|------|------|------|------|----------------|----------------|--------------------------------|
| World Total | Organic Raspberries Fresh <5KG S-J | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| World Total | Organic Raspberries Fresh >5KG S-J | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

Notes:

1. Data Source: U.S. Census Bureau Trade Data
2. All zeroes for a data item may show that statistics exist in the other import type, Consumption or General.
3. Organics-Selected: The organic product group only includes selected codes.
4. Total Organics-Selected: This total represents the sum of all available organic codes in a given year. When comparing this statistic between years, note that the total can be affected by codes that have been added or subtracted.
5. Product Group : Organics-Selected

<https://apps.fas.usda.gov/gats/ExpressQuery1.aspx>

Oversight, Compliance and Enforcement

Scale

Broad-Based,
Industry-
Country Level

Certifier
Level

Operation
Level

Training Programs
Webinars and Fact Sheets
Enforcement Updates
New Rules and Policy (Standards)

Information

Regional Directives

Surveillance Activities

Company-Specific Alerts (Letters)

Region-Country-Commodity Activities
Trade Arrangement Oversight

Evidence

Certifier Non-Compliances,
Settlements, Suspensions

Operation Level Non-Compliances,
Settlements, Suspensions/Revocations

Civil Penalties/Prison

Capability Development

Enforcement

Goal

U.S. Fish & Wildlife ACE Filing Updates

2022 NCBFAA

RAC Town Hall

FWS ACE Coordinator Rhyan Tompkins

FWS ACE Mandatory filing date

- FWS Implementation Guide Finalized (last update in Aug. 2020)
- Current Extended Pilot Phase
 - CERT and PROD environments are Open to all ACE Filers at all FWS authorized ports
 - FWS HTS Flags enforced with a “warning” severity
- Tentative Mandatory Date: TBD
 - Filers using ACE must enter FWS data (or disclaim)
 - Filers will always have the option to file via eDecs



Preparation for FWS Mandatory go Live Date

- Trade – Brokers must familiarize themselves with the nuances of filing and disclaiming FWS declarations in ACE ITDS
- FWS Officers at all FWS Ports need to familiarize themselves with processing ACE eDecs
- Is your software vendor ready?
 - CATAIR coding is complete
- File now - do not wait!
 - EDI
 - Parts
 - Understanding Messaging, Timing and Management of statuses
 - Disclaimers
 - Train employees and customers
 - Troubleshooting

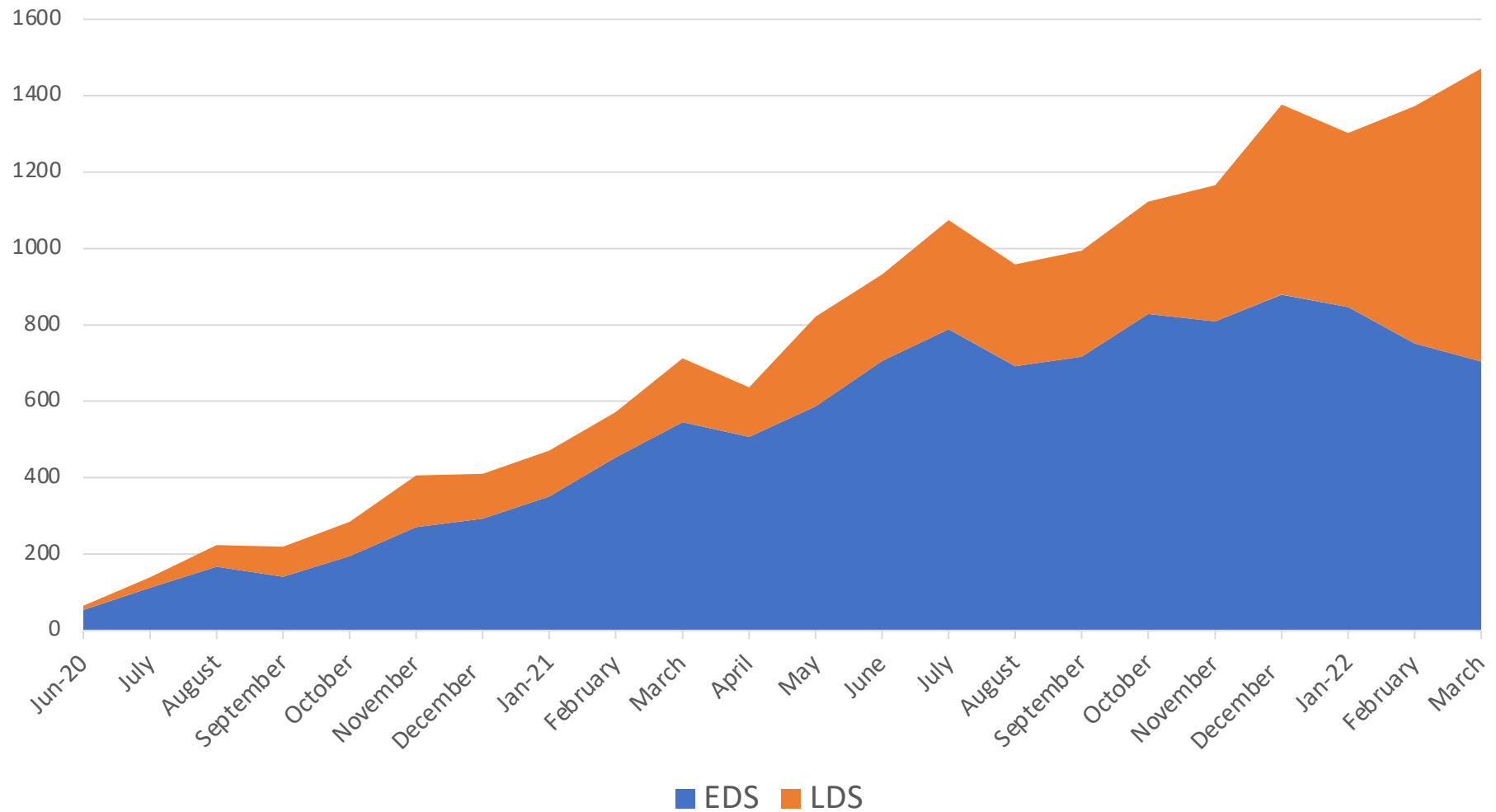


Status of FWS ACE Filings

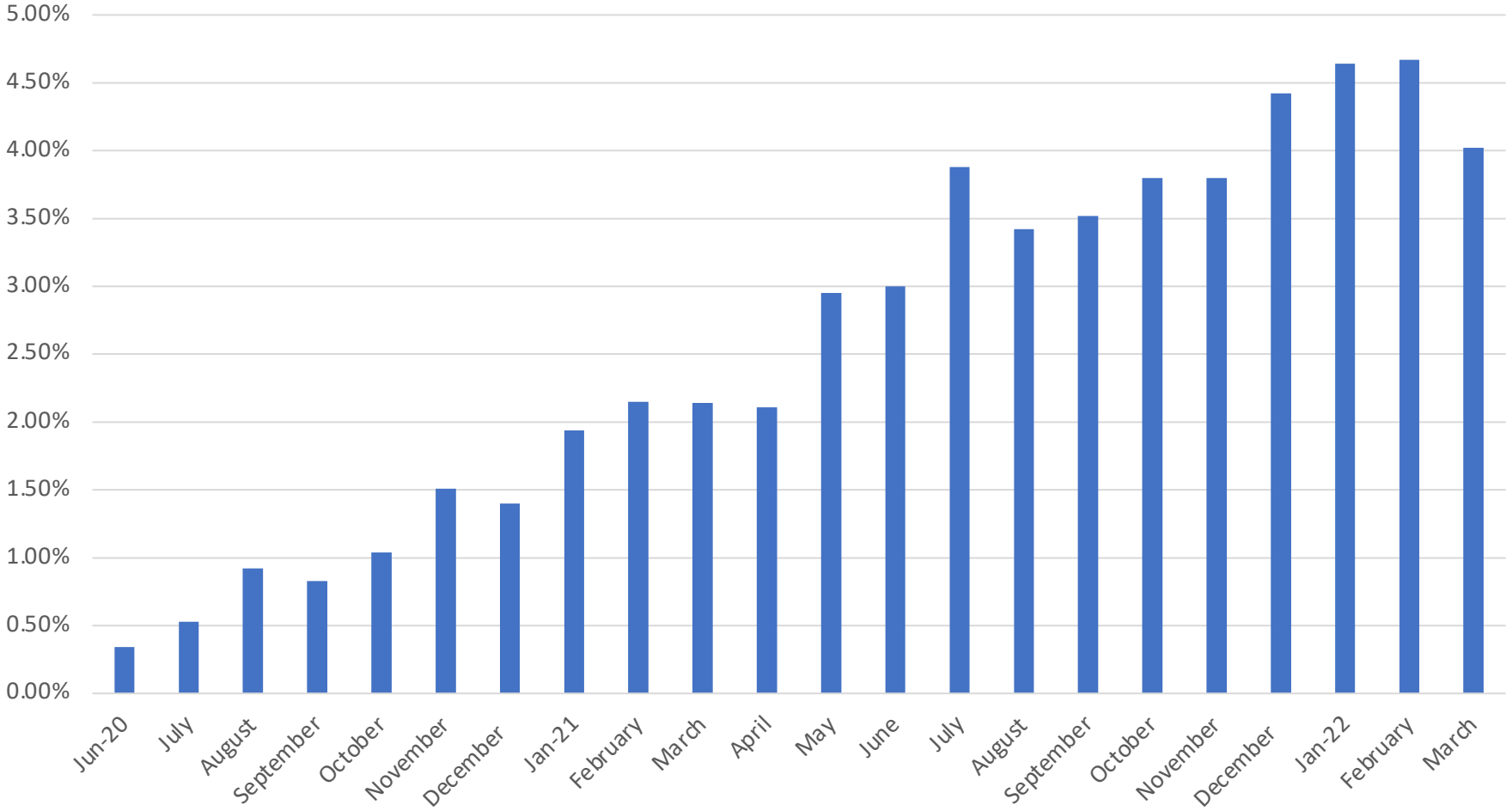
- Over 17,000 ACE import entries processed
- Over 200 separate filers
- March filings
 - 50% EDS
 - 50% LDS



FWS ACE Entries EDS vs. LDS



Percentage of ACE Entries per Total FWS Declared Imports



Prior Notification for Live/Perishable Shipments

- FWS Prior Notification (48 Hours) for Certain Imports
 - FWS requires the trade to notify the FWS inspectors at the port of entry a minimum of 48 hours in advance of the import of any **live or perishable wildlife shipment** that requires clearance by FWS. This prior notification ensures that FWS has staff available to process the shipment in an efficient manner.
 - Conditional release of EDS and LDS will only occur during business hours. Entry will go **FWS Conditional Clearance** during business hours
 - Will not received selectivity results if FWS does not issue a conditional release (**07/51**)
 - After Hours Entries – Filers may use disclaim C, but won't receive conditional release
 - Will receive CBP selectivity, should be held intact pending FWS release in eDecs Portal



FWS Accounts

- Several brokers report that over time, some of their company's employees created new FWS accounts instead of adding users to the existing corporate account. As a practical matter, this means the company unknowingly now has numerous FWS accounts floating around that are not tied to the corporate account
- Getting assistance with Corporate account clean up:
 - Contacted FWS and ask them to provide a list of all accounts containing the company name
 - Instruct employees to only use the account that are linked to the corporate account, providing guidance on how to add themselves as a user to the existing account
 - By getting rid of the "rogue" accounts and training employees not to create new accounts in the future, the company can avoid confusion / rejects when filing the EDS
- DO NOT Share log-ins
- For assistance with changes to FWS accounts, please contact:
jennifer_a_irving@fws.gov



Resources

- View NCBFAA FWS ACE Webinar (March 2022)
 - <https://register.gotowebinar.com/recording/8384337334602092558>
- fws_ace_support@fws.gov



FWS Resources

- FWS web site <https://fws.gov/service/importing-and-exporting>
- FWS Office of Law Enforcement
<https://www.fws.gov/program/office-of-law-enforcement/information-importers-exporters>
- Electronic Declarations (edecs) where you can submit Declarations online: <https://edecs.fws.gov/>
- Electronic Import/Export License (eLicense) used to request a new commercial import/export license or renew/amend an existing license: <https://www.fws.gov/elicense/>
- Electronic Permits (epermits) used to apply for protected species permits such as CITES, Migratory Bird or Endangered Species Permits: <https://fwsepermits.servicenowservices.com/fws/>
- Filing Tips: [ACE Tips for Trade when Filing U.S. Fish and Wildlife Service Data | U.S. Customs and Border Protection \(cbp.gov\)](#)





United States
Consumer Product Safety Commission

U.S. Consumer Product Safety Commission (CPSC)

Sabrina Keller, Deputy Director, CPSC Office of Import Surveillance

Disclaimer: This presentation was prepared by CPSC Staff and may not necessarily reflect the views of the Commission.



1 USG Notification (Messaging)

- CPSC and CBP are modernizing the exchange of the messages to coordinate the exam process.
 - Automates the notification using ACE protocols.
 - Allows CPSC the necessary time to indicate that an examination is required.
 - May delay the notification of a 1USG release for these products.
 - Does not impact the flow of goods through the border, unless CPSC determines that an intensive examination is required at the port.
- Messaging flow works within the existing CBP messaging structures



1 USG Notification (Messaging)

- Filer receives an “Under Review” message from ACE signifying that CPSC is electronically reviewing that entry.
- If, after review, CPSC determines that a shipment requires examination, either at the port or at the importer’s premises, trade will receive additional messaging through ACE.
- If, after review, no such determination is made, a “May Proceed” will be sent by CPSC through ACE to the trade.



1 USG Notification (Messaging)

- The vast majority of shipments will receive a “May Proceed” message. They will be automated system-to-system messages.
- During their review, CPSC staff co-located at the ports, or in coordination with CBP, can signal an intent to examine through either a:
 - Hold Intact Notice,
 - Document Review (a type of Hold Intact),
 - Intensive Exam Request,
 - Documents Required Request (a type of Intensive Exam).



1 USG Notification (Messaging)

- Current status: rolled out to colocated ports nationwide as of March 2021.
- Covers the product categories in our guidance - subject to change without
- prior notification.
- CSMS messaging will be used to notify trade with changes in the ACE Production environments involving this effort.
- CPSC Form 354 – ‘Notice of Conditional Release’ for Exam will now be
- autogenerated in the ITDS/RAM and available in DIS for those Entries provided a Hold Intact.



CPSC's Message Set (eFiling)



eFiling Alpha Pilot Assessment and CPSC Staff's Recommendations for eFiling Beta Pilot

Staff Report

4/26/2017



CPSC's Message Set (eFiling)

| Broker | Number of HTS Codes | Number of Ports | Filing Type |
|-----------------------------------|------------------------|--------------------|-------------------------------------|
| Geodis | 4 | 3 | Reference PGA Message Sets |
| Geodis | 12 | 4 | Full and Reference PGA Message Sets |
| Geodis and Border Brokerage | 20 | 3 | Full and Reference PGA Message Sets |
| Expeditors | 32 | 3 | Reference PGA Message Sets |
| Expeditors | 1 | 1 | Reference PGA Message Sets |
| Geodis | 3 | 5 | Full PGA Message Sets |
| Expeditors | 3 | 4 | Reference PGA Message Sets |
| Expeditors | 2 | 2 | Reference PGA Message Sets |

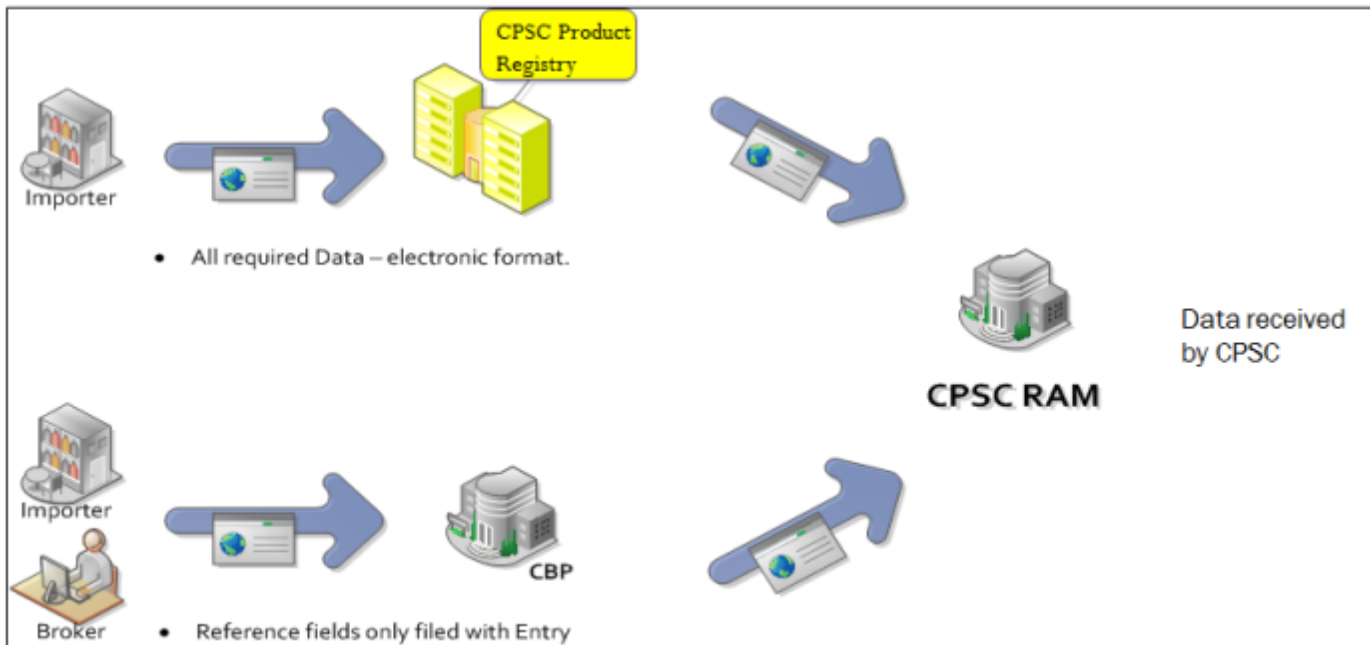


CPSC's Message Set (eFiling)

Full PGA Message Set:



Reference PGA Message Set:



CPSC's Message Set (eFiling)

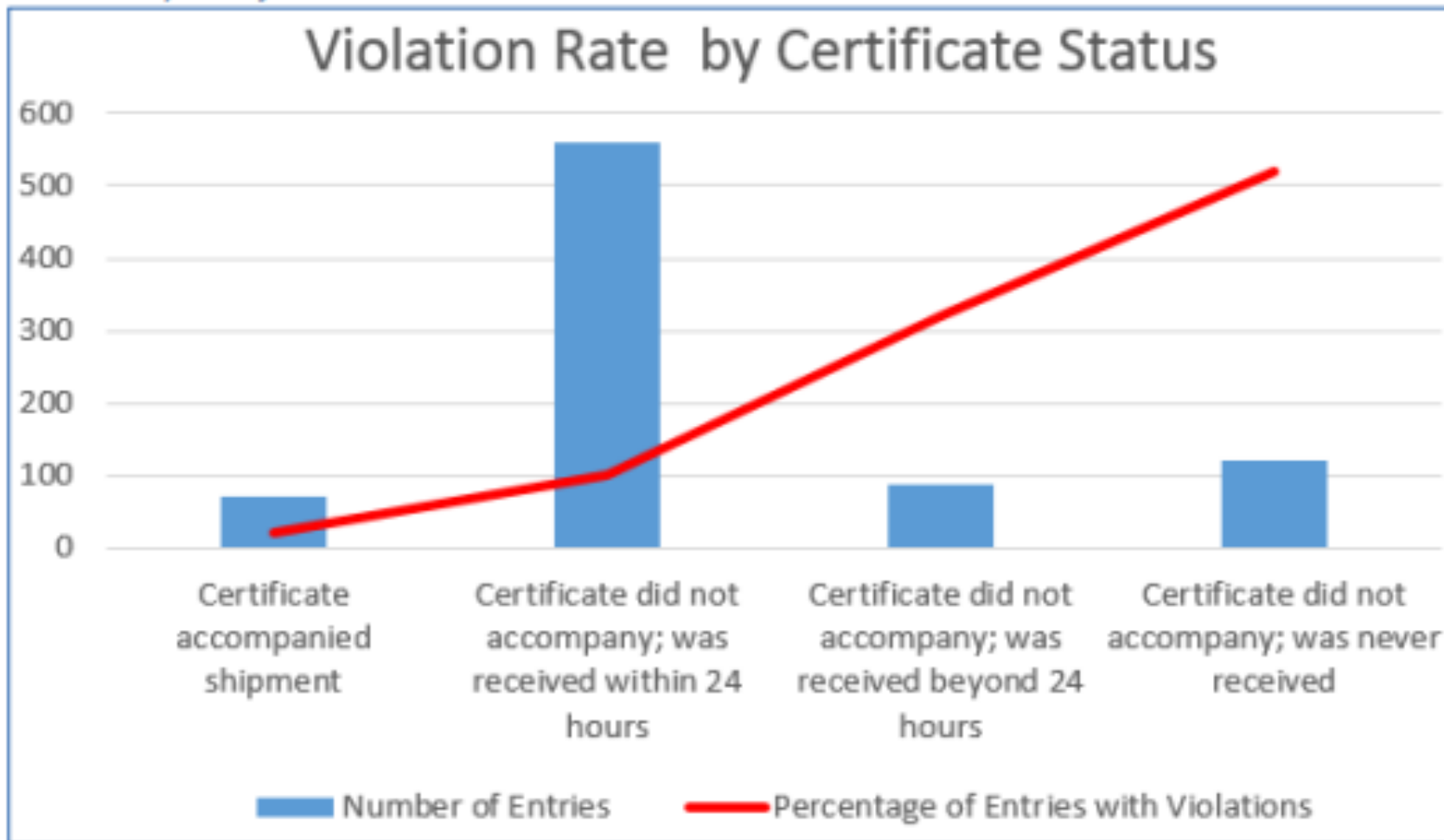


eFiling Certificate of Compliance Study Assessment

*Consumer Product Safety Commission
(CPSC)
Staff Report*



CPSC's Message Set (eFiling)



CPSC's Message Set (eFiling)



United States
Consumer Product Safety Commission

Staff Briefing Package

CPSC Plan to Create an eFiling Program for
Imported Consumer Products

September 23, 2020



CPSC's Message Set (eFiling)

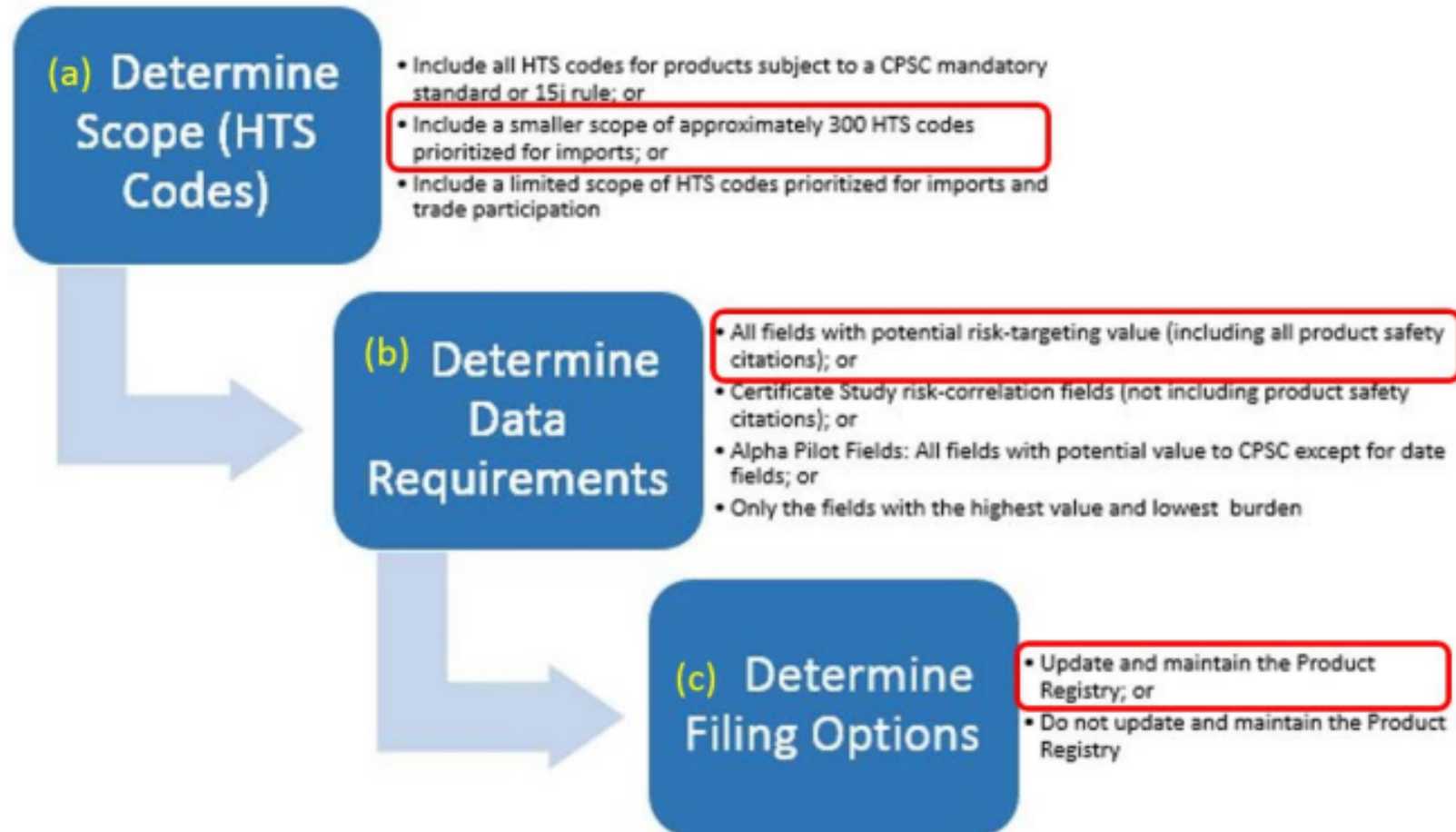
| <i>Data</i> | <i>Option 1</i> | <i>Option 2</i> | <i>Option 3</i> | <i>Option 4</i> |
|---|-----------------|-----------------|-----------------|-----------------|
| 1. Identification of the finished product; | ✓ | ✓ | ✓ | ✓ |
| 2. Each consumer product safety rule or statutory requirement to which the product is being certified; | ✓ | | ✓ | |
| 3. Certifier (name and contact information); | | | | |
| 4. Contact information for the person maintaining records of test results (name and contact information); | | | | |
| 5a. Date when the finished product was manufactured; | ✓ | ✓ | | |
| 5b. Place where the finished product was manufactured (including identity and address of the manufacturer); | ✓ | ✓ | ✓ | ✓ |
| 6a. Date when the finished product was tested | ✓ | ✓ | | |
| 6b. Place where the finished product was tested | | | | |
| 7. Laboratory on whose testing the certificate depends (name and contact information). | ✓ | ✓ | ✓ | ✓ |
| 8. Checkbox to show that a required certificate exists (non-statutory) | ✓ | ✓ | ✓ | ✓ |
| Total Data included in option: | 7 | 6 | 5 | 4 |

| | |
|--|--|
| | Valuable import data; low burden to collect |
| | Valuable import data; medium to high burden to collect |
| | Not valuable for import assessment |



CPSC's Message Set (eFiling)

Decisions for Beta:



Questions?

Thank You

Sabrina Keller
skeller@cpsc.gov
cpsc.gov/imports

