

September 24, 2025

Martin Makary, M.D.
Commissioner
Food and Drug Administration
10903 New Hampshire Ave
Silver Spring, MD 20993

Dear Commissioner Makary,

The National Customs Brokers and Forwarders Association of America (NCBFAA) is concerned about the impact of a potential government shutdown on import and export trade processing -- an important function of your agency and an important feature of the Trump Administration's America First Trade Policy. NCBFAA represents customs brokers and freight forwarders, who are on the frontlines of import and export trade.

We all know safe and efficient trade supply chains are necessary to both the economic and physical security of this nation. Your agency plays a critical role to prevent unsafe products from entering the country and to keep legitimate trade flowing. The two go hand in hand: facilitating the movement of compliant product allows agencies to focus enforcement more sharply on noncompliant shipments.

That is why we need the FDA to designate enough "excepted" employees to ensure that safe and effective import trade processing continues in the event of a prolonged government shutdown. More specifically:

- Frontline staff at the ports are critical. But just as important are staff in regional offices and headquarters to conduct document reviews or provide technical expertise. We know that FDA maintained enforcement staff at the ports during previous shutdowns. However, smaller border ports, particularly those along the southern border, experienced seriously reduced FDA staffing. This created lengthy back-ups, congestion, costly demurrage for the trade and inefficiencies in sorting through compliant versus noncompliant shipments. We urge you to provide sufficient staff at all ports to support FDA's critical import and export processing functions.
- Provide points of contact for importers and customs brokers during a government shutdown.
- Customs and Border Protection (CBP) is expected to stand up a "war room" if a government shutdown occurs. We urge your agency to be present in the war room. This is important for a coordinated and effective government effort to meet the trade processing challenges of a shutdown.
- CBP will conduct regular calls with the trade to report on developments as they occur and to learn of trouble spots from the trade. Your agency's participation in these calls is essential, as well as your willingness to troubleshoot problems.

- Rapid communication with the trade during a shutdown is essential. NCBFAA can reach thousands of customs brokers/forwarders within minutes to provide guidance or other useful information that will in turn be spread to hundreds of thousands of importers. Please feel free to utilize NCBFAA as a resource to spread the word on policies and procedures relating to import/export processing.

We hope that a government shutdown can be averted. In the meantime, NCBFAA stands ready to work with your agency if a government shutdown does occur. Please let us know how we can best help you.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jose D. Gonzalez", with a stylized flourish at the end.

Jose D. Gonzalez
President