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Office of the Secretary
Consumer Product Safety Commission
4330 East-West Highway, Room 820
Bethesda, MD 20814

Re: Certificates of Compliance Notice of Proposed Rulemaking
(Docket No. CPSC-2013-0017)

The National Association of Manufacturers ("NAM") provides these comments in response to the notice of proposed rulemaking that would amend the existing regulation on certificates of compliance for consumer products. The NAM is the largest industrial trade association, representing small and large manufacturers in every industrial sector and in all 50 states, and is the voice for 12 million men and women who make things in America.

I. Introduction

Manufacturers of consumer products and their component parts are committed to providing safe products and ensuring a well-functioning and credible product safety regime – one that gives all stakeholders the confidence they need that products meet all applicable safety standards and regulations. The proposed revisions to 16 CFR Part 1110 ("part 1110 rules") as proposed by the Consumer Product Safety Commission ("CPSC" or "the Commission") would create expansive new burdens on manufacturers, distributors and retailers and impose significant costs without clear justification by the Commission. Many stakeholders in the regulated community will file comments on this proposed rule which will complement the concerns of manufacturers of consumer products. These comments address significant issues with the proposed rule that are common to manufacturers and other impacted parties.

II. Section 1110.1 – Scope and purpose

The NAM's comments and objections to the general description of the scope of the proposed rule are contained in the comments related to the specific sections that address those general descriptions. As a general matter, the proposed rule is significantly different in its scope and obligations than the requirements of the statute which authorizes it. The Consumer Product Safety Act ("CPSA" or "the Act") states a limited but important role for certificates of compliance. Given the dramatic changes to the part 1110 rules as proposed by the Commission, it is useful to revisit the Act's provisions on the purposes and limitations of these certificates of compliance.

General conformity certification. Section 14(a)(1) of the Act[1] states that "every manufacturer of a product which is subject to a consumer product safety rule . . . or similar rule, ban, standard or regulation . . . (and the private labeler of such product if such product bears a private label) shall issue a certificate which (A) shall certify . . . that such product complies with

[1] 15 U.S.C. § 2063(a)(1)

all rules, . . . applicable to the product . . . , and (B) shall specify each such rule . . . applicable to the product." (emphasis added).

Identification of issuer and conformity assessment body. Section 14(g)(1) of the Act[2] adds that the certificate shall "identify the manufacturer or private labeler issuing the certificate" and any third party testing lab, the "date and place of manufacture, the date and place where the product was tested, each party's name, full mailing address, telephone number, and contact information for the individual responsible for maintaining records of test results." (emphasis added). The CPSA states that these obligations are "minimum" requirements, but they are illustrative of the purpose of the certificate. The certificate serves as a statement by the manufacturer or private labeler as to the compliance of the product with applicable rules, as well as the identity of the manufacturer and the location of the supporting testing lab information.

Availability of certificates. Section 14(g)(3)[3] states that the certificate shall "accompany" the product ("or shipment") and a copy shall be "furnished to each distributor or retailer of the product." Furthermore, "[u]pon request, the manufacturer or private labeler issuing the certificate shall furnish a copy of the certificate to the Commission." (emphasis added).

The CPSC's proposed rule significantly diverges in important aspects from the requirements and limitations of the CPSA. If finalized, elements of the proposal could be arbitrary, capricious and in violation of law. Each of those potentially unlawful provisions will be identified in these comments. In addition, the Commission is proposing to expand its obligations under Section 14[4] well beyond the intent of Congress such that 16 CFR Part 1110 would be made unwieldy, excessively complex and, in some cases, simply impossible of compliance. These instances will be identified in these comments.

In summary, the NAM requests that the entire proposed rule be rejected, and we urge the Commission to work with stakeholders to identify necessary revisions to the current part 1110 rules that will meet the Commission's regulatory objectives without imposing significant burdens on manufacturers and disrupting the supply chain. Manufacturers, distributors and retailers effectively and efficiently comply with the mandates of Section 14 as implemented by the existing part 1110 rules. The preamble of the proposed rule is devoid of any examples of how the current rule is inadequate or in need of change so as to protect consumers or achieve the objectives of the CPSA. Given this lack of need for change, it is unreasonable to require the excessive costs and unworkable obligations included in the proposed rule.

III. Section 1110.5 – Timing of certification

The NAM supports the provision declaring that only finished products are required to have a compliance certificate, since the Act declares that only products "subject to a product safety rule . . ." are within the scope of the compliance certificate obligation. As stated in the preamble of the notice, component part suppliers can and do provide information regarding the compliance testing of their parts and assemblies, but it is only at the finished product stage that the certifier knows all rules applicable to a product and whether a certificate is required. See, 78 Fed. Reg. 28080, 28082 (May 13, 2013). In fact, the language of the proposed rule is not objectionable, in that it restates the statutory requirement.

[2] 15 U.S.C. § 2063(g)(1)
[3] 15 U.S.C. § 2063(g)(3)
[4] 15 U.S.C. § 2063

The preamble adds an interpretation of proposed Section 1110.5 that is inconsistent with the language of the proposed rule and the Act. The preamble states that manufacturers of products "in a category where a subset of the products are subject to a ban must still issue certificates." See, 78 Fed. Reg. at 28082. This interpretation is both unintelligible and contrary to the CPSA. According to Section 14(a) of the Act, only products "subject to" a product safety rule are obliged to provide certificates. The obligation does not attach to products in an undefined "category" of which an undefined "subset" is subject to a ban. Either the product is "subject" to the ban or requirement, or it is not. If a product has been designed and manufactured such that it is not prohibited by the rule or requirement, no certificate is required.

In addition to potentially violating current law, the new obligation for a certificate for a "category" of products is impossible to define or administer and is therefore arbitrary and capricious. For example, what is the "category" of "unstable refuse bins" that requires a "certificate of no applicability?" This particular ban was originally drafted to impose a stability test on all metal refuse bins greater than one cubic yard in volume. However, in 1981 this ban was amended to exempt bins meeting certain specific dimensions. See, 16 CFR Part 1301.1(e). Are these manufacturers which are now exempt from the ban within the "category" of refuse bins now required to provide certificates that the ban does not apply to them? What about refuse bins that might be unstable, in the judgment of the CPSC, although they comply fully with the regulations in 16 CFR Part 1301? What does the certificate say? Does the certifier need to include all of the information specified in the proposed rule, including documents supporting the inapplicability of the rule and the custodian of the relevant documents, and retain them for five years? Does the certifier need to submit a new certificate when the non-regulated product is modified and it is still outside the scope of the ban?

IV. Section 1110.7 – Required certifiers

Section 1110.7(a) – Imports

The NAM opposes the requirement that only the importer can provide the certificate for imported products. This requirement, which is also in the existing rule, is contrary to the authorizing statute and therefore is unlawful. As cited above, Section 14(a) of the Act provides that the "manufacturer" or "private labeler, if there is one," shall issue the compliance certificate. Importers are included in the definition of "manufacturer", so the NAM has no objection to the importer providing the certificate if they so choose. However, it is unlawful for the CPSC to disregard the command in Section 14(a)(1) of the Act that manufacturers and private labelers also are authorized to provide certificates for imported products.

The preamble to the proposed rule states that common carriers are required to provide certificates of compliance if they are importers of record. See, 78 Fed. Reg. at 28083. This interpretation is in violation of Section 3(b) of the Act,[5] which states: "a common carrier . . . shall not . . . be considered to be a manufacturer [including importer] . . . of a consumer product solely by reason of receiving or transporting a consumer product in the ordinary course of its business as such carrier . . . ." The preamble asserts that the inclusion of the word "solely" allows it to ignore the statutory exclusion and impose the obligation to provide a certificate on a common carrier who also is an importer of record for a product. This is an incorrect interpretation of the Act. Common carriers register as importers as a part of their ordinary course of business of delivering mail and packages, not due to any desire to become importers

[5] 15 U.S.C. § 2052(b)

or customs brokers. The exclusion applies, and the Commission cannot require them to provide certificates.

The interpretation in the notice is not only incorrect, but its application in the real world would be overly burdensome without a perceived safety benefit. Does the CPSC does expect that the Postal Service or other common carrier can or should investigate and certify to the compliance of a particular product ordered by a consumer over the Internet and mailed directly to the consumer? The potentially paralyzing impact of the proposed rule on the international flow of goods is one reason why common carriers are expressly excluded from the obligations of the Act.

Section 1110.7(b) – Domestic products

The proposed rule states, in alignment with Section 14 of the CPSA, that either the manufacturer or the private labeler must provide the certificate for domestically manufactured products. However, the preamble to the proposed rule states that the obligation to certify domestically manufactured products has been "shifted" from the manufacturer to the private labeler. See, 78 Fed. Reg. at 28084. The preamble is incorrect, both as a matter of law (since both manufacturers and private labelers are designated by the Act as responsible certifiers) and according to the language of the CPSC's own proposed rule.

The preamble should be changed to acknowledge that either the manufacturer or the private labeler is authorized to issue certificates. Products come to consumers from a variety of commercial entities, including licensors, licensees and retailers, following a variety of commercial models and relationships. It is inappropriate as a matter of law, and fundamentally wrong-headed as a matter of practice, for the CPSC to attempt to pick and choose which of these equally authorized entities should issue the certificate. The objective of the certification requirement is to communicate accurate information to distributors, retailers and, if requested, the Commission. Absent evidence that this discretion has been abused, manufacturers and private labelers should be free to allocate this responsibility to the most appropriate party in the supply chain based on their own market preferences.

V. Section 1110.9 – Form of the certificate

The proposed rule would effectively require that imported products have two certificates: one electronic certificate that is included in the entry documentation and another source of information identified by a website URL on the product or package. The NAM supports the continued implementation of the existing rule that allows access to compliance information for all products, imported or domestic, through a web-based identification description or symbol. However, the requirement in the proposed rule that this information be available without a password or other screening mechanism is a violation of the Act in two respects.

First, the disallowance of a screening mechanism makes the information in the certificate available to any person who chooses to access the compliance database, such as a competitor, consumer or the media. Public availability implicates a host of additional new trade secret concerns, as competitors could use the information to interfere with business relationships. Congress recognized the potential sensitivity of this information and required that it be made available only to distributors, retailers and, if requested, the Commission. See, Section 14(g)(3). Manufacturers, importers and private labelers have created a variety of means to provide access to this sensitive information to the parties authorized to have it, including the use of passwords. We are unaware of any incidents in which these designated parties have been

unable to obtain the required information expeditiously. If the Commission's compliance staff has not been able to obtain reasonable access to information in the certificates, they should proceed against the persons responsible for denying them access. They cannot use their desire for a single certifier to justify ignoring the explicit direction given to them by Congress.

Second, manufacturers are permitted to designate information as "confidential" and not allow its public dissemination except in compliance with Section 6(a) of the Act.[6] Preventing manufacturers or private labelers from protecting their confidential information through a password or other means also is a violation of Section 6(a).

VI. Section 1110.11 – Contents of the certificate

The CPSC seeks through the proposed rule to acquire information that, while interesting and likely useful to the compliance staff in enforcement matters, is far beyond the intent of Congress in enacting Section 14(a) and 14(g) of the Act. Although Section 14(g) states that the CPSC can require additional information beyond the simple identification of the manufacturer and the source of supporting compliance information, the data demands in the proposed rule are excessively burdensome and unrelated to the objectives of this provision of the Act.

Section 1110.11(a) – Content requirements

Section 1110.11(a)(1) – Finished product or component part. The NAM believes that the proposed requirement that the certificate identify the product covered by the certificate as a component part is contrary to Section 14 of the Act. Rather, identification of the product as a finished product or a component should be determined at the option of the manufacturers of finished products and such parts. Sections 1110.5 and 1110.19 of the proposed rule state that only finished products are required to have certificates since "it is only at the finished product stage that finished product certifiers will know all the regulations that apply to a product and whether it must be accompanied by a certificate." See, 78 Fed. Reg. at 28082. Since the current Component Part Rule[7] permits manufacturers of finished products to rely upon component part manufacturer certification provided it is denoted in the finished product certification, it is reasonable that component parts suppliers be permitted, at their option to certify compliance of such parts by issuance of certifications to finished product manufacturers. Commercial standards should govern such obligations within the supply chain without further requirement on the part of the certifier to label the product as a component or a finished product.

As a practical matter, identifying the product in the certificate as either a finished product or component part could be impossible for product certifiers who are unsure whether the products are or will be component parts or final products. In the case of buttons, they may be assembled onto a finished children's product (such as apparel or in a craft set) or sold as-is in bulk (not a children's product subject to certification requirements at all). Moreover, it would be extremely burdensome, impracticable and inappropriate to require certificates of compliance for a replacement part that is packaged for sale separately from the regulated and complete finished good – such as an ATV – the part is intended to repair. The manufacturer should not be required to issue separate certificates for the same item simply to denote that the item may be used as a component or sold on its own as a replacement part. Such discretion should be left to the manufacturer and the commercial marketplace when component part certification may be required as a matter of reasonable business practice.

[6] 15 U.S.C. § 2055(a)
[7] 16 CFR Part 1109

Section 1110.11(a)(2) – Date of initial certification. The new requirement to include the date of "initial" certification is irrelevant and should be struck. The certificate must include information to allow the authorized viewers of the certificate to locate the technical information supporting the declaration of compliance of the specific product referenced in the certificate. See, Section 14(a)(1) and Section 14(g) of the CPSA. If the composition of the product changes such that the test information changes, or if the manufacturer chooses to conduct new tests as part of a compliance assurance plan, that new information is the appropriate supporting information and the previous test information is legally and factually irrelevant to that product. In addition, product models change in ways that may, or may not, require new compliance test data. In these cases, the CPSC fails to define the "initial" test for this requirement, creating unnecessary confusion and the opportunity for inconsistent documentation. The certificate should only require identification of the supporting test data for that product, as required by the Act.

Section 1110.11(a)(3) – Scope of finished product or component part. The new obligation to include the "scope" of products to which the certificate applies is irrelevant and should be struck. The certificate includes the dates of manufacture of the products covered by the certificate and the supporting information for those products. Any obligation to include within the certificate historical data as to the original date of manufacture of similar products, or of products not covered by the certificate, exceeds the authority provided to the Commission by Section 14 of the Act. In addition, for the reasons described above in reference to proposed Section 1110.11(a), there is no obligation to provide component part certificates so there can be no obligation to identify the "component parts to which the certificate applies." The "certificate" applies only to finished product, not its component parts. If the certifier chooses to rely on information from its suppliers for the compliance of the finished product, it should provide that information.

Section 1110.11(a)(5) and (6) – Identity of the certifier. The extreme detail required by proposed Sections 1110.11(a)(5) and (6), as well as Sections 1110.11(a)(7) and (8) as described below, illustrate the highly sensitive information contained in the certificate and support the NAM's position that the certifier must be able to limit access to the information as allowed by Section 6(a) of the Act. This information can be highly confidential, and the disclosure of this information to competitors or the public can effectively destroy a manufacturer's competitive advantage. The certifier must be able to screen access to this information through passwords or other means, while still providing ready access to distributors, retailers or the Commission. See discussion supra re Section 1110.9 (Form of the certificate).

Section 1110.11(a)(7) and (8) – Place of manufacture and testing. Requiring information such as the street address of the foreign manufacturer and detailed information on testing locations also may be confidential business information. In addition, street addresses in many manufacturing countries are nonexistent or approximate at best. Disclosure of the exact identity of the manufacturer presents significant trade secret concerns when this information must be made available to distributors and retailers. Manufacturers have developed processes to protect this information, and those processes must be respected.

Section 1110.11(a)(10) – Attestation. The requirement of an attestation is unnecessary since the obligation to submit truthful information to the government and the penalties for failing to do so are applicable to certifiers under current law. The proposed requirement will add significantly to the certification burden without a commensurate benefit. This simply makes

issuance of certifications more cumbersome and burdensome. Moreover the proposed language creates a potential for individual liability, including criminal liability.

Section 1110.11(c) – Exclusions

This proposed section would require that the certifier include "all applicable testing exclusions . . . and the basis for the statutory or regulatory testing exclusion . . . ." To the extent that this requirement relates to products which are subject to an applicable product safety rule, and the certifier is eligible for exclusions for some elements of those rules, this section is not objectionable. However, if this section is intended to require that a finished product manufacturer who is not subject to a product safety rule is somehow obligated to identify all rules to which they are not subject, this section fails for the same reasons as explained in our comments relating to proposed Section 1110.5. Moreover, exemptions applied to products through either statute – such as an exemption from lead content requirements for youth off-highway vehicles[8] – or a functional purpose exception[9] applies to the replacement parts for those applicable products. This proposed rule could require certificates for parts which may or may not require a certificate dependent upon whether the part is subject to an exception. In the case of ATV replacement parts that could be used for youth off-highway vehicles, there are tens of thousands affected parts (e.g. air filters, batteries, brakes, cables, chains, engine components, etc.). The CPSC should consider ways to eliminate redundant references, not ways to capture them in a certificate.

VII. Section 1110.13 – Availability of certificates

Proposed Section 1110.13 requires that certifiers of imported products must "file the required GCC or CPC electronically with CBP at the time of filing the CBP entry . . . ." However, the preamble to the proposed rule contains the astonishing admission that this requirement may not be possible with the current systems now employed by Customs and Border Protection (CBP):

> "However, we realize that such a requirement may require software upgrades by CBP, CPSC, and stakeholders that must be completed in stages. Additionally, CPSC requires the assistance of CBP to implement and maintain the receipt of certificates in an electronic format . . . . Initially, if the Commission requires electronic filing of certificates at the point of entry, we would likely allow such filing of certificates in two ways: (1) inserting an electronic copy of the certificate with the entry, such as a pdf file of the document; or (2) uploading the 10 required data points on a certificate into CBP's designated system of record."

78 Fed. Reg. at 28089.

Current applicable CBP forms and policies do not permit either of the two options proposed by the Commission. There are no fields available on CBP's entry forms for the 10 data points required for certificates. The CBP also does not allow importers to simply attach a pdf document to the electronic entry documentation. In its April 2012 announcement of a pilot Document Imaging System ("DIS") program, the CBP stated:

- DIS may only be used to transmit documents for ACE Entry Summaries in response to an electronic request.

[8] 15 U.S.C. § 1278a(b)(5)
[9] 15 U.S.C. § 1278a(b)(1)

- Unsolicited document submissions are not allowed; however, for the purposes of PGA forms and invoices/packing lists that are associated to ACE entry summaries certified for cargo release, the trade may submit the required documentation without a prior request by CBP or the participating government agency (PGA).

Information Notice – Document Image System (CBP, April 2012), at 1 (emphasis added). Copy of Notice attached.

The CPSC suggests that certifiers can comply with its electronic filing requirement by attaching a pdf to the electronic entry documentation (the "ACE" process). But as shown above, this is not permitted by the CBP. The only exceptions to the CBP ban on the submission of unsolicited pdf documents are the specific forms from participating government agencies ("PGA's"), but the attached April 2012 policy does not include the CPSC Certificate of Compliance as one of those forms. See DIS Notice, "Documents Included", pages 1-2. Interestingly, the recently announced expansion of the DIS pilot[10] also does not include the Certificate of Compliance.

Attaching a pdf document to the entry documentation is irrational and the NAM's position is consistent with the position outlined by other organizations and stakeholders impacted by the proposed rule. The CPSC recognizes the utility of an electronic "certificate" consisting of a database that is updated by the manufacturer and available to the authorized parties upon request. With the added information included in the proposed rule, a database is even more necessary. If the CBP were to finalize this proposal and allow the submission of a pdf form certificate, certifiers would be forced back to paper documents, requiring new information management systems that have largely been scrapped. Shipments of mixed loads would require multiple scans of paper certificates, and copies of these paper certificates would have to be retained.

Certifiers are therefore placed in a classic Catch-22. They are obligated to file certificates for imported products electronically with the CBP, but the CBP does not allow electronic filing. Perhaps, at some time in the future, the CBP may change its policies and software to allow the filing of some of the data elements in the certificate of compliance, but that change requires thoughtful consideration by all stakeholders – including the CPSC and its regulated community. To require an action that is legally impossible is the height of arbitrary and capricious agency action.

VIII. Conclusion

The CPSC and the regulated community have adjusted to the existing part 1110 rules and have implemented systems that provide the information required to the parties that are allowed to obtain it. The proposed rule does not contain any statement by the Commission that the existing system is flawed or inadequate. There is no allegation that any of the authorized parties have sought to obtain compliance information and have not been able to obtain it. The proposed rule is a solution in search of a problem. Manufacturers and other stakeholders are eager and willing to engage in a dialog with the CPSC and the CBP to address any concerns with the implementation of the existing part 1110 rules. To the extent any problems are identified, manufacturers are committed to help find reasonable solutions to those problems.

[10] U.S. Customs and Border Protection. (2013). Expanded ACE Single Window Document Image System Pilot In Effect July 23, 2013 [Press release]. Retrieved from http://www.cbp.gov/xp/cgov/newsroom/news_releases/national/07262013_11.xml

Until then, the NAM urges that the existing part 1110 rules be retained and that this proposal be rejected. If you have any questions about these comments, please contact Lee L. Bishop of Miles & Stockbridge P.C. at (202) 465-8383 or Erik Glavich of the National Association of Manufacturers at (202) 637-3179. Thank you for your consideration of these comments.

Comments submitted by:

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Information Notice: Document Image System

Effective no earlier than April 6, 2012, U.S. Customs and Border Protection will deliver capabilities within the Document Image System (DIS) to CBP, Participating Government Agency (PGA) and Trade users. The DIS will serve as a single automated gateway for the submission of documents and specific data by participating trade partners to CBP and PGAs.

Via DIS, the trade community will have the ability to electronically send images of specific CBP and PGA forms and supporting information to CBP via the Electronic Data Interchange (EDI) in lieu of conventional paper methods. These documents will be stored in the DIS and made available for CBP and PGA users for review, acceptance or rejection. DIS will provide for the storage of all submitted documents in a secure centralized location in order to link to the corresponding ACE entry summaries.

The trade benefits of DIS include:

- Initiation of single window submissions from Trade to CBP and PGAs,
- Nationwide visibility of CBP and PGAs to trade-submitted documents,
- Central repository for documents submitted by the trade, and
- Reduction in time and cost surrounding paper processes.

Eligibility

Capabilities within the DIS will be available to **ACE entry summary filers** and for **ACE entry summaries** only. This includes ACE entry summaries certified for release. Key eligibility criteria for the initial DIS test include the following:

- Participating importers and/or brokers must be ACE entry summary filers.
- DIS may only be used to transmit documents for ACE Entry Summaries in response to an electronic request.
- Unsolicited document submissions are not allowed; however, for the purposes of PGA forms and invoices/packing lists that are associated to ACE entry summaries certified for cargo release, the trade may submit the required documentation without a prior request by CBP or the participating government agency (PGA). In this case, all imaged documents must be submitted when the entry summary is filed.

For the purposes of this test, original documents must be retained and made available in paper if requested by CBP or PGAs

Documents Included

The CBP forms and commercial documents supported in the first phase of the DIS test are as follows:

- Commercial Invoice
- Packing List
- Invoice Working Sheet

The PGA related forms and documents supported in this first phase of the DIS test are as follows:

- TSCA Import Certification Form
- EPA Form 3520-21 Importation of Motor Vehicles and Engines (off road)
- EPA Form 3520-1 Importation of Motor Vehicles and Engines (on road)
- EPA Form 3540-1 Notice of Arrival of Pesticides and Devices
- EPA Pesticide Label
- EPA Pre-approved Vehicle/Engine Exemption
- APHIS Ingredients List
- APHIS Phytosanitary Certificate
- APHIS Import Permit
- APHIS Transit Permit
- APHIS Notice of Arrival
- APHIS Pre-Clearance 203
- NOAA Form 370 Fisheries Certificate of Origin
- NOAA Toothfish Pre-Approval

Note: The APHIS, EPA and NOAA forms can only be submitted with ACE entry summaries that are certified for release.

Technical Specifications

DIS will allow the Trade to send documents and associated data to CBP using XML messages that may be submitted via:

- Secure FTP, or
- Secure Web Services, or
- Existing ABI MQ mechanism.

There are no technical restrictions on the Multipurpose Internet Mail Extension **(**MIME**)** types that DIS will accept, however, the following are preferred:

- jpeg
- gif
- pdf
- doc
- xls

All responses back to the importer, broker and/or surety, will also be sent in the form of an XML message.

Use of DIS for Export Ocean Manifest Pilot

On March 28, 2012, CBP began a pilot project to have export ocean manifests filed via e-mail into the Document Image System (DIS) in place of the physical paper document being presented at the port. The paper manifest for those pilot participants would be submitted via a readable PDF attachment to an e-mail. The initial phase of this pilot will be conducted at the following Atlanta Field Office ports:

- Ports of Norfolk and Newport News, VA;
- Ports of Wilmington and Beaufort-Morehead City ,NC;
- Ports of Charleston and Georgetown, SC and
- Ports of Savannah and Brunswick, GA.

Requirements for participation

- Pilot participants will submit a readable PDF copy of the paper export manifest via e-mail to CBP;
- The e-mail must contain key manifest data elements in the subject line and body of the email (the key data elements are needed for the system to save, search and process the document).
- Pilot participants will **NOT** be required to present a paper copy of their CBP Form 1302A and/or their paper Bill of Ladings (BOLs) to the ports listed above during the pilot.

It is anticipated that the pilot in the Atlanta Field Office will run for 30 to 90 days. At the end of the pilot period, CBP will determine whether to expand the pilot to the additional CBP Ocean Ports. CBP has updated the AES Trade Interface Requirements (*see* 19 C.F.R. 4.76(b)), to reflect the updated operational standards

and procedures for the electronic submission of outbound vessel manifest information, accordingly.

This pilot is an interim step to the full development of an electronic export manifest that will replace the current paper process. This process should help to alleviate some of the cost (printing, mailing, couriering, etc) associated with the presentation of the paper export manifest to CBP for the trade.

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Additional Resources Available:

CBP announced the specific terms of the DIS test in the April 6, 2012 Federal Register Notice (FR 77 20845).

The Implementation Guide for DIS and related documents are available on the CBP website at:
http://www.cbp.gov/xp/cgov/trade/automated/modernization/ace_edi_messages/catair_main/abi_catair/catair_chapters/document_imaging_igs/

For policy-related questions, contact Monica Crockett at Monica.Crockett@dhs.gov
For technical questions related to ABI transmissions, contact your assigned client representative. Anyone without an assigned client representative should direct their questions to Susan Maskell at Susan.Maskell@dhs.gov.

If you are interested in participating in the export ocean manifest pilot or would like additional details, please contact Mr. Robert Rawls, Outbound Branch Chief, Outbound Enforcement Division, at Robert.Rawls@cbp.dhs.gov or Mr. William Delansky, Branch Chief, Multi-Modal Manifest, Cargo Control and Release, at William.S.Delansky@cbp.dhs.gov.