
Chapter 64 Footwear, Gaiters, and the like; Parts of Such Articles

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I. Background

Product Area Description

Footwear is any apparel worn on the feet with the exception of socks. Gaiters are ankle-high shoes with elastic gores in the sides.

Product Area Information

i. Excluded Items

Disposable foot or shoe coverings of flimsy material (for example, paper, sheeting of plastics) without applied soles; Footwear of textile material, without an outer sole glued, sewn or otherwise affixed to the upper (section XI); Worn footwear of heading 6309; Articles of asbestos (heading 6812); Orthopedic footwear or other

orthopedic appliances, or parts thereof (heading 9021); Toy footwear or skating boots with ice or roller skates attached; or Shin-guards or similar protective sportswear (chapter 95)

ii. Common Initiation Problems

Reporters frequently comment that their styles are “fashion” items that are not imported for extended periods of time; they may be imported only during one season. In this case, it is necessary for the National Office to be able to collect updated styles, along with quality-adjustment information. Please explain this to the reporter and assess whether there is sufficient information to allow replacements and quality adjustments during repricing.

iii. Terminology

Athletic footwear – footwear, whether or not principally used for specific athletic games or purposes. Tennis shoes, basketball shoes, gym shoes, training shoes and the like are examples. (Note: There is a difference between “athletic” and “sports” footwear. See the “Sports footwear” definition for further clarification.)

Bottom – the sole up to the breast of the heel.

Casual footwear – footwear constructed with a wedge heel or with an open toe, and so constructed that the heel of the foot is not over one inch above the ball of the foot.

Cement footwear – footwear in which the outer sole is affixed to the upper by an adhesive without sewing. This does not include footwear having vulcanized or injection-molded soles.

Elastomer – the term used for synthetic rubber.

Footwear for men – footwear of American men’s size 6 and larger for males, and does not include footwear commonly worn by both men and women.

Footwear for women – footwear of American women’s size 4 and larger, whether for females or of types commonly worn by both men and women.

Foxing – rubber stripping bonded to the upper and sole around the shoe.

Foxing-like – band which has the same appearance and characteristics as the foxing, however it does not need to be a separate component and need not secure the joint between the sole and the upper.

Formed upper – uppers with closed bottoms, which have been shaped by lasting, molding or otherwise but not by simply closing the bottom.

Gaiters – gaiters are ankle-high shoes with elastic gores in the sides.

Gores – elastic panels that are inserted into one or both sides of a shoe to make the shoe easier to put on. Gores are often used in ankle boots.

Heel – the part of the shoe that lies directly under the heel of the foot. It projects downward and either attaches to or forms the back part of the outsole.

House slippers – footwear with outer soles not over 3.5 mm in thickness, consisting of cellular rubber, non-grain leather or textile material; or footwear with outer soles not over 2 mm in thickness consisting of polyvinyl chloride, whether or not backed; or footwear which when measured at the ball of the foot has sole components (including any inner and mid-soles) with a combined thickness not over 8 mm as measured from the outer surface of the uppermost sole component to the bottom surface of the outer sole and which when measured in the same manner at the area of the heel has a thickness equal to or less than that at the ball of the foot.

Huaraches – type of leather-soled sandal having a woven-leather upper laced to the insole, with the insole machine-stitched to the outsole, and having a nailed-on heel.

Insole – a thin strip of leather, felt, or other material which is placed on top of the midsole. In some shoe constructions, the insole surface forms the inside of the bottom of the shoe, next to the foot; in others, it is covered with a sock lining.

Last – a form over which the shoe is made and which determines its shape.

Lasting insole – the bottom surface of the upper.

Lining – the inside backing material for uppers.

McKay – a shoe construction method that uses tacks and a stitched sole.

Midsole – a layer of leather, rubber, or other material placed between the outsole and the insole.

Open heel shoe – shoes where all or part of the back of the wearer's heel is visible.

Open toe shoe – shoes where all or part of the front of the wearer's toes can be seen.

Outsole (or outer sole) – the piece of leather, rubber, or other material forming the bottom sole, or that part of the footwear which, when in use, is in contact with the ground, often excluding the heel.

Overlay – trimming material attached to the upper.

Pigskin leather – a type of leather used in footwear made from the skins of pigs or hogs. Also referred to as peccary or carpincho leather, it is less sturdy and of lower quality than

the more traditional bovine leather and almost certainly will never be found in athletic shoes.

Protective footwear – Footwear that provides significantly more protection against water, oil, grease, chemicals or cold or inclement weather than ordinary footwear of that kind.

Pump – any shoe not built above the vamp and quarter lines and which is held to the foot without adjustment fasteners. The number of different kinds and styles of pumps is infinite.

PVC – polyvinyl chloride is a plastic material that is resistant to weathering, electrical resistance, and rigidity.

Quarter – the major pattern piece making up the sides of the upper.

Sandal – simple type of shoe construction in which the soles are held on the feet by open-work uppers consisting of strips of material.

Slip-on – any type of shoe into which the wearer merely slips their foot. No further adjustment for its wear is required.

Sports footwear – for classification purposes, footwear that is designed for a sporting activity and must have the provision for the attachment of spikes, cleats, sprigs, clips, bars, etc. It covers ski boots and cross-country ski footwear as well as baseball and football shoes, golf shoes, and boxing and wrestling boots.

Tongue – not considered part of the external surface area of the upper, nor an accessory because it sits below the upper and is partially or completely covered by laces and eyelet facings and stays. It is completely disregarded in the determination of the surface area measurement.

Turn or turned footwear – footwear constructed wherein the seam is on the inside and is then "turned" inside out after stitching. Some slippers fall into this classification.

Upper – the material making up the "top" part of the shoe, including all of the parts of the shoe other than the welting, outsole, and heel, assembled and ready for lasting and bottoming.

Vamp – the top or front part of the upper over the toe and lacing area.

Vulcanize – a method of construction in which the outsole and the foxing (molding) are attached with cement to an assembled upper and insole by hand and then heated to ensure a firm bonding. It is quite prominent in sneakers, men's leather boots, and workboots with heavy soles.

Welt (commonly referred to as the Goodyear Welt) – footwear constructed with a welt, a narrow strip of leather that extends around the outside of the sole, stitched between the upper and the sole.

Work footwear – specialized footwear for men or women that has outer soles of rubber or plastics, is of a kind designed for use by persons employed in occupations that are not conducive to the use of casual dress, or similar lightweight footwear (e.g., agriculture, construction, etc.,) and has special features to protect against hazards in the workplace, such as a metal toe-cap.

Zoris – footwear with straps/thongs attached to the sole by plugs.

iv. Other Product Area Information

Please note that companies may offer more than one type of import price, some including applicable discounts associated with the imports, and some excluding such information. Please collect the type of import price that includes any such discounts that the importers receive.

1. Section/Chapter Note info

The terms "rubber" or "plastics" include woven fabrics or other textile products with an external layer of rubber or plastics being visible to the naked eye; for the purpose of this provision, no account should be taken of any resulting change of color. The term "leather" refers to goods of heading 4107 and 4112 to 4114.

The material of the upper shall be taken to be the constituent material having the greatest external surface area, no account being taken of accessories or reinforcements such as ankle patches, edging, ornamentation, buckles, tabs, eyelet stays or similar attachments.

The constituent material of the outer sole shall be taken to be the material having the greatest surface area in contact with the ground, no account being taken of accessories or reinforcements such as spikes, bars, nails, protectors or similar attachments.

The term "sports footwear" applies only to footwear designed for a sporting activity and has, or has provision for the attachment of spikes, sprigs, cleats, clips, bars, or the like, as well as skating boots, ski boots, and cross-country ski footwear, snowboard boots, wrestling boots, boxing boots, and cycling shoes.

The term "waterproof footwear" means footwear designed to protect against penetration by water or other liquids, whether or not such footwear is primarily designed for such purposes.

The term "formed uppers" refers to those that have been shaped by lasting, molding, or otherwise, but not simply closing at the bottom.

The terms “tennis shoes,” “basketball shoes,” “gym shoes,” “training shoes” and the like covers athletic footwear other than sports footwear, wither or not principally used for such athletic games or purposes.

The expression “work footwear” encompasses, in addition to footwear having a metal toe-cap, specialized footwear for men or for women that has outer soles of rubber or plastics, is a kind designed for use by persons employed in occupations that are not conducive to the user of casual, dress, or similar lightweight footwear, and has special features to protect against hazards in the workplace (e.g. resistance to chemicals, compression, grease, oil, penetration, slippage, or static-buildup).

The term “house slippers” covers footwear with outer soles not over 3.5 mm in thickness, consisting of cellular rubber, non-grain leather or textile material; or footwear with outer soles not over 2 mm in thickness consisting of polyvinyl chloride, whether or not backed; or footwear which when measured at the ball of the foot has sole components (including any inner and mid-soles) with a combined thickness not over 8 mm as measured from the outer surface of the uppermost sole component to the bottom surface of the outer sole and which when measured in the same manner at the area of the heel has a thickness equal to or less than that at the ball of the foot.

The term “footwear for men, youths and boys” covers footwear of American youths’ size 11-1/2 and larger / men’s size 6 and larger for males, and does not include footwear commonly worn by both sexes. The term “footwear for women” covers footwear of American women’s size 4 and larger, whether for females or of types commonly worn by both sexes. The term “footwear for children” covers footwear of American children’s size 8-1/2 and larger, up to the sizes in the above categories. The term “footwear for infants” covers footwear of American children’s size 8 and smaller. The term “unisex footwear” covers men’s or boy’s shoes that are commonly worn by both sexes.

In heading 6406, the term "parts" does not include pegs, protectors, eyelets, hooks, buckles, ornaments, braid, laces, pompons or other trimmings (which are to be classified in their appropriate headings) buttons or other goods of heading 9606.

2. Links to Informed Compliance Publications

All footwear and footwear parts imported into the United States must be defined according to the classification numbers provided in the HTS. Therefore, obtaining a correct description is critical. Also, all importers should have detailed specifications, as is required on customs documentation. There are several documents that can aid importers in classification.

The Informed Compliance Publication for footwear is available at http://www.cbp.gov/linkhandler/cgov/trade/legal/informed_compliance_pubs/icp022.ctt/icp022.pdf This is one of the documents that importers may have

consulted, and provides a user friendly format for understanding how an item should be classified.

Additionally, all footwear importers are required to fill out CF 5523, or an equivalent form. This form requires the importer to provide necessary classification information, including details required for this checklist. The International Footwear Association also produces an invoice, 19 CFR 141.89, that many footwear importers choose to use. It is available at <http://www.legacywwl.com/documents/footwear.pdf>

For more information regarding invoice requirements, please refer to pages 173-177 in the CBP's Importing into the United States: A Guide for Commercial Importers; <http://www.cbp.gov/linkhandler/cgov/newsroom/publications/trade/ius.ctt/ius.pdf>

II. Checklists

FSN: _____ Quote #: _____

-

Primary Classification (all 4-digit Harmonized Codes)

Waterproof:

- Yes
- No
- N/A

Uppers Fixed / Assembled to Sole:

- Yes
- No
- N/A

Upper Composition:

- Plastic or PVC
- Rubber
- Leather

- Textile Materials
- Other _____

Secondary Classification (specific 4-digit Harmonized Codes)

	Page(s)
6401 – Waterproof footwear with soles and uppers of rubber or plastics	11
6402 – Other footwear with outer soles and uppers of rubber or plastics	12 – 13
6403 – Footwear with outer soles of rubber, plastics, leather, or composition leather, and uppers of leather	14
6404 – Footwear with outer soles of rubber, plastics, leather, or composition leather, and uppers of textile materials	15
6405 – Other Footwear	16
6406 – Parts of Footwear	17

6401

Waterproof footwear with soles and uppers of rubber or plastics

A. Description

Waterproof footwear with outer soles and uppers of rubber or plastics, the uppers of which are neither fixed to the sole nor assembled by stitching, riveting, nailing, screwing, plugging, or similar processes.

B. Classification

Type of Shoe:

Ski / Snowboard

Work

Protection

Other _____

Coverage:

Ankle, but not knee

Knee

Other _____

Closures:

Yes

No

N/A

Protective Metal Toe Cap:

Yes

No

N/A

Material Composition of Sole and

Uppers External Surface Area:

Greater than 90 percent PVC, and not otherwise supported or lined

Greater than 90 percent rubber or plastics, excluding foxing or foxing like band

Other _____

C. Price Determining and Identifying Characteristics

See Pages 16-17: Chapter 64 Price Determining and Identifying Characteristics.

6402

Other footwear with outer soles and uppers of rubber or plastics

A. **Description**

No further description necessary.

B. **Classification**

Type of Shoe:

- | | |
|---|--|
| <input type="checkbox"/> Ski / Snowboard | <input type="checkbox"/> Made on a base or platform of cork |
| <input type="checkbox"/> Work | <input type="checkbox"/> Made on a base or platform of wood |
| <input type="checkbox"/> Footwear with straps or thongs,
assembled to sole with plugs (zories) | <input type="checkbox"/> House slippers |
| <input type="checkbox"/> Golf shoes | <input type="checkbox"/> Sandals and other shoes produced in one
piece by molding |
| <input type="checkbox"/> Protection | <input type="checkbox"/> Other _____ |
| <input type="checkbox"/> Tennis, basketball, gym, training, etc. | |

Protective Metal Toe Cap:

- Yes
 No
 N/A

Slip-On Shoe:

- Yes
 No

Opening:

- Toe
 Heel
 Other _____

Intended Wearer:

- Women
 Men
 Other _____

Coverage:

- Ankle
 Other _____

Material Composition of Sole and

Uppers External Surface Area:

- Greater than 90 percent rubber or
plastics
 Other _____

Value per Pair:

- Not over \$3
 Over \$3, but not over \$6.50
 Over \$6.50, but not over \$12
 Over \$12
 N/A

Foxing or Foxing-like Band:

- Yes
 No

Uppers 0.3cm above the top of outer sole are entirely of non-molded construction, formed by sewing the parts together and having exposed on the outer surface a substantial portion of functional stitching:

- Yes
- No

C. Price Determining and Identifying Characteristics

See Pages 16-17: Chapter 64 Price Determining and Identifying Characteristics.

6403

Footwear with outer soles of rubber, plastics, leather, or composition leather, and uppers of leather

A. **Description**

No further description necessary.

B. **Classification**

Type of Shoe:

- Ski / Snowboard
- Golf shoes
- Other _____

Intended Wearer:

- Women, girls
- Men, boys
- Other

Assembly:

- Welt
- Other _____

Coverage:

- Ankle
- Other _____

Made on a base or platform of wood:

- Yes
- No
- N/A

Work Footwear:

- Yes
- No
- N/A

Style of Shoe:

- House Slippers
- Tennis shoes, Basketball shoes,
Gym shoes, Training shoes, etc.
- N/A

C. **Price Determining and Identifying Characteristics**

See Pages 16-17: Chapter 64 Price Determining and Identifying Characteristics.

6404

**Footwear with outer soles of rubber, plastics, leather, or composition
leather, and uppers of textile materials**

A. **Description**

No further description necessary.

B. **Classification**

Leather Concentration of Uppers:

- Over 50 percent is leather
 Other _____

Coverage:

- Ankle
 Other _____

Intended Wearer:

- Women, girls
 Men, boys
 Other

Foxing or Foxing-like Band:

- Yes
 No

Value per Pair:

- Not over \$3
 Over \$3, but not over \$6.50
 Over \$6.50, but not over \$12

- Over \$12
 N/A

Type of Shoe:

- Ski or Snowboard boots
 Protection
 House Slippers
 Tennis shoes, Basketball shoes,
Gym shoes, Training shoes, etc.
 Other _____

Material Composition of Sole and
Uppers External Surface Area:

- Greater than 90 percent
rubber or plastics
 Other _____

C. **Price Determining and Identifying Characteristics**

See Pages 16-17: Chapter 64 Price Determining and Identifying Characteristics.

6405
Other Footwear

A. Description

This heading covers all footwear having outer soles and uppers of a material or combination of materials not referred to in the preceding headings of this Chapter. The headings includes in particular:

- (1) Footwear, with outer soles of rubber or plastics, and the uppers made of material other than rubber, plastics, leather or textile material;
- (2) Footwear with outer soles of leather or of composition leather, and the uppers made of material other than leather or textile material;
- (3) Footwear with outer soles of wood, cork, twine or rope, paperboard, furskin, textile fabric, felt, nonwovens, linoleum, raffia, straw, loofah, etc. The uppers of such footwear may be of any material.

B. Classification

Material of Upper:

- Leather or Composition Leather
 Textile Material
 Other _____

Type of Shoe:

- House Slippers
 Other _____

Intended Wearer:

- Men, boys
 Women, girls
 Other

Disposable:

- Yes
 No
 N/A

Type of Textile Material:

- Vegetable
 Wool Felt

- N/A
 Other _____

C. Price Determining and Identifying Characteristics

See Pages 16-17: Chapter 64 Price Determining and Identifying Characteristics.

6406
Parts of Footwear

A. Description

This section covers parts of footwear (including uppers whether or not attached to soles other than outer soles); removable in-soles, heel cushions and similar articles. Also covered in this heading are gaiters, leggings, and similar articles, and parts thereof. The term “parts” does not include pegs, protectors, eyelets, hooks, buckles, ornaments, braid, laces, pompons or other trimmings (which are to be classified in their appropriate headings) or buttons or other goods of heading 96.06.

For a further description of this section please review the pertinent Explanatory Notes for Chapter 64, accessible via the following link:

\\Ipsrv11\regions\Explanatory_Notes\2007-2011

B. Classification

Type of Footwear Part:

- | | |
|---------------------------------------|--------------------------------------|
| <input type="checkbox"/> Formed Upper | <input type="checkbox"/> Heel |
| <input type="checkbox"/> Other Upper | <input type="checkbox"/> Leg Warmer |
| <input type="checkbox"/> Sole | <input type="checkbox"/> Other _____ |

Material:

- | | |
|---|--|
| <input type="checkbox"/> Leather or Composition Leather | <input type="checkbox"/> Wood |
| <input type="checkbox"/> Wool or Fine Animal Hair | <input type="checkbox"/> Rubber or Plastic |
| <input type="checkbox"/> Cotton | <input type="checkbox"/> Other _____ |
| <input type="checkbox"/> Other Textile Material | |

Value per Pair:

- | | |
|---|--|
| <input type="checkbox"/> Not over \$3 | <input type="checkbox"/> Over \$3, but not over \$6.50 |
| <input type="checkbox"/> Over \$6.50, but not over \$12 | <input type="checkbox"/> Over \$12 |

C. Price Determining and Identifying Characteristics

See Pages 16-17: Chapter 64 Price Determining and Identifying Characteristics.

FSN: _____ Quote #: _____

Chapter 64 Price Determining and Identifying Characteristics

Type of construction:

- | | |
|---|--|
| <input type="checkbox"/> Adhesive | <input type="checkbox"/> Stitched |
| <input type="checkbox"/> Foxing | <input type="checkbox"/> Vulcanized |
| <input type="checkbox"/> Injection Molded | <input type="checkbox"/> Turned |
| <input type="checkbox"/> Nailed | <input type="checkbox"/> Rubber Cup |
| <input type="checkbox"/> One-Piece Molded | <input type="checkbox"/> Stroebel |
| <input type="checkbox"/> Plugged | <input type="checkbox"/> Border Stitched |
| <input type="checkbox"/> Riveted | <input type="checkbox"/> Welt |
| <input type="checkbox"/> Screwed | <input type="checkbox"/> Other _____ |

Grade of Leather

Specify: _____

Material(s) of Soles (select all that apply):

Outsole:

- | | |
|--|---|
| <input type="checkbox"/> Plastic or PVC _____% | <input type="checkbox"/> Rubber _____% |
| <input type="checkbox"/> Felt _____% | <input type="checkbox"/> Leather _____% |
| | <input type="checkbox"/> Other (specify) _____% |

Midsole:

- | | |
|---|---|
| <input type="checkbox"/> Leather _____% | <input type="checkbox"/> Sock Padding _____% |
| <input type="checkbox"/> Felt _____% | <input type="checkbox"/> Other (specify) _____% |
| <input type="checkbox"/> EVA _____% | |

Insole:

- | | |
|---|---|
| <input type="checkbox"/> Leather _____% | <input type="checkbox"/> Fabric _____% |
| <input type="checkbox"/> Felt _____% | <input type="checkbox"/> Microfiber _____% |
| <input type="checkbox"/> Plastic _____% | <input type="checkbox"/> Other (specify) _____% |
| <input type="checkbox"/> Nylex/Polyester _____% | |

Other Features:

- Logos (specify)_____
- Badges(specify) _____
- Decorations (specify) _____
- Other (specify) _____

Name and Style Number of Footwear Selected:

Other Features of Descriptive Information (optional)

III. Additional Essential Information

COMMENTS

NESOI Categories Customs Rulings

In order to access the NESOI Customs rulings provided below, please click on the following link or type it into your browser: <http://rulings.cbp.gov/>

Next, type the Customs ruling number into the Search bar at the top of the screen and click the green “GO” button. While the following are the default settings, please make sure that the Collection selection is set to “All”, not “HQ” or “NY”. While many of these rulings are from the New York office, some are from Customs Headquarters. Please also ensure that the NAFTA filter is off.

Please be aware that these rulings may concern more than one HTSUSA number. You may also search for Customs rulings on other HTSUSA numbers by searching for them in the Search bar. HTSUSA numbers entered in the search bar must be searched for in the following format 2933.69.6021.

Note that the Rulings listed may not be exhaustive of the Customs Rulings currently applicable for a specific HTSUSA number, please feel free to search for additional rulings. If you have any questions regarding a Customs ruling please contact the IPP Classification team (Classification_Team_IPP@bls.gov) via the IPPQues process.

<u>HTSUSA</u>	<u>Ruling Number</u>
6401.92.9060	– N186926
6401.99.6000	– 857073, 083643
6401.99.9000	– N175286
6403.19.4090	– N087755
6403.19.7091	– 966915
6405.90.9000	– N183023

MISCLASSIFIED ITEM COMMENTS (Required for selected items designated on the checklist as misclassified. Complete all entries in this section.)

Misclassified items are eligible for initiation only if the DCP 12.1 verification and comment requirements are met. If classification within the SCG during the sample reference period cannot be verified, discard the item quote and reselect an item known to be correctly classified in accordance with DCP 11.7 - Errors in Disaggregation.

Verified Sample Reference Period 10-digit HS statistical classification:

Verified Current 10-digit HS statistical classification:

Explanation:

Transaction Terms and Price

Type of Sale: <input type="checkbox"/> Market Sale <u>Intra-Co Transfer:</u> <input type="checkbox"/> Market-Based <input type="checkbox"/> Cost-Based <input type="checkbox"/> Other <input type="checkbox"/> Unknown																																			
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Is Price Related To: <input type="checkbox"/> Quantity Ordered? Specify: _____ <input type="checkbox"/> Class of Seller/Buyer? Specify: _____																																			
PRICE INFORMATION: Date: _____ Reported Price: _____ Price Basis: _____ Unit Priced: _____ Currency of Price: _____ Country from which Imported/Exported: _____ Duty Amount (imports only): _____																																			
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