

quarterly list must contain the CAS number, the use, and the description for the chemical compound. The applicable invoice will also need to contain a chemical compound description (in accordance with the requirements in 19 CFR 141.86). The chemical compound description found in the quarterly list and the description found on the invoice will need to be identical for each chemical compound so that CBP can link the CAS number to the entered product.

- CBP will process Post-Entry Amendments (PEA) on unliquidated entries within a ninety (90)-day timeframe.

- In consultation with CBP, in the post-release environment, test participants may have the ability to choose an exam location, other than the port of arrival, that contains accommodations CBP considers amenable for a thorough exam. Examinations identified prior to release which have extenuating circumstances would be considered by CBP for exam at an alternate exam location within the port of arrival limits. Other than the exemptions created by this incentive, no other aspects of 19 CFR Part 151 are waived.

- If a test participant who is an importer of record files an entry in ACE or ACS for merchandise arriving by vessel in multiple containers and a portion but not all of the merchandise covered by that entry is selected for examination, the test participant will receive a release message and will be allowed to take possession of all merchandise except the merchandise subject to further examination. ACE and ACS entries filed in ABI will receive an electronic notification of the release. The test participant will be required to file the entry summary and pay the estimated duties on all merchandise covered by the entry within the period prescribed by law. Any changes necessary to the entry summary filing because of the results of the examination must be corrected by a Post-Summary Correction (PSC) (if an ACE entry) or via a PEA if an ACS entry. This incentive will *not* be available on any entry where the decision about admissibility of a product resides with a government agency other than CBP. This incentive also will not be available for any shipments that arrive to the customs territory of the United States by conveyances other than vessel.

For a test participant who completes the Product Safety portion of the Trusted Trader application, if CPSC and CBP jointly approve, the following additional Product Safety incentives will be provided:

- CPSC will provide the participants with a product-specific CPSC point of contact who can assist in providing National Electronic Injury Surveillance System (NEISS) Product Codes for entry lines.
- CPSC will provide access to the participants with special training concerning product safety compliance, internal controls, and CPSC audit trails.
- CPSC will allow the participants the opportunity to apply for external participation coverage of multiple business units (multiple IOR numbers).
- CPSC will consider expansion of benefits to all products of approved participants if the entry line(s) contains all the applicable NEISS product code(s).
- CPSC will reduce product safety tests on goods imported by the participants.
- CPSC laboratories will grant priority "front of the line testing" to participants when product safety testing is conducted.
- CPSC may allow products to be destroyed by participants in lieu of requesting redelivery to CBP of the product.
- Additional benefits tailored to specific industry needs may later become available.

B. Test Participant Roles and Responsibilities

Trusted Trader program test participants will be required to:

- Agree to comply with applicable CBP laws and regulations, except for the regulatory requirements explicitly waived in this document;
- Agree to comply with applicable CPSC and FDA laws and regulations;
- Complete a Trade Compliance Questionnaire;
- Submit a copy of the company's customs policies and procedures;
- Make relevant importation records (i.e., those records and documents listed in the Appendix to 19 CFR Part 163, commonly known as the "(a)(1)(A) list") available to substantiate compliance with trade laws for CBP to review;
- Perform annual risk assessments to identify risks that could impact compliance with CBP laws and regulations;
- Develop and execute an annual self-testing plan based on risk and implement corrective action in response to errors and internal control weaknesses disclosed by self-testing;
- Maintain results of testing for five (5) years and make test information available to CBP upon request;
- Develop, document, and implement a system of internal control designed to provide reasonable assurance of

compliance with CBP laws and regulations:

- Make appropriate adjustments to internal controls; and
- Maintain an audit trail from financial records to CBP declarations, or an alternate system that ensures accurate values are reported to CBP;
- Make appropriate prior disclosures, PEAs, and/or PSCs;
- Notify the Trade Compliance Branch, Office of Field Operations, *TrustedTrader@cbp.dhs.gov* of major changes to the company's corporate structure through reorganization, merger, acquisition, etc. Such notification must be made prior to or upon the affected date of the change by way of formal correspondence in the C-TPAT portal system;
- Notify the CBP SCSS of any suspicious activities, anomalies, and/or security breaches that affect the test participant's supply chain;
- Notify its SCSS and National Account Manager (NAM) prior to or immediately of any major changes that may affect the partner's security to include change in ownership of the company or sourcing from a new country;

• Submit an Annual Notification Letter (ANL) and an Annual Security Profile Review to CBP. Once accepted and established in the Trusted Trader program test, the importer may submit an ANL and an Annual Security Profile Review to CBP simultaneously. If a trusted partner's C-TPAT certification date is different than the date the partner submits its ISA ANL (i.e. the importer joined the Trusted Trader program test as a C-TPAT member), the trusted partner may synchronize these dates if it chooses to do so by sending an email requesting such to *TPPB-ISA@dhs.gov*. The Annual Security Profile Review submission will remain unchanged, requiring the member to update the member's security profile. However, the ANL will be streamlined and will require a summary of the following:

- Organizational changes (e.g., mergers, acquisitions, divestitures) and/or additions/deletions of importer of record numbers from the Trusted Trader program test participants;
- Personnel changes that could have an effect on the department responsible for import compliance;
- Changes in import activity (e.g., changes in the types of commodities imported, countries of sourcing/manufacturing, special trade programs being claimed, and brokers utilized);
- Changes to internal control policies and procedures;

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○ Risk assessment and self-testing results to include action taken to correct deficiencies; and

○ A summary of any PEAs, PSCs, and prior disclosures made to CBP.

• Provide CBP with the name and contact information for the company's Compliance Officer;

• Commit to working with business partners and CBP to maintain the C-TPAT supply chain security criteria as outlined in the C-TPAT Importer Security Criteria found on the CBP Web site at: http://www.cbp.gov/sites/default/files/documents/importer_security_profile_overview_3.pdf;

• Provide complete and accurate company information in response to C-TPAT and ISA inquiries and respond to these inquiries in a timely manner;

• Comply with C-TPAT program requirements to ensure integrity at each stage of the test participant's supply chain;

• Cooperate with the C-TPAT validation and re-validation processes including assisting the CBP SCSS in planning for and conducting validations and re-validations to include site visits at domestic and foreign locations (if applicable);

• Maintain security integrity throughout the supply chain, conducting periodic self-assessments in line with the changing risks and complexity of international business and trade;

• Cooperate with CBP, domestic and foreign port authorities, foreign customs administrations and others in the trade community, in advancing the goals of C-TPAT and the Container Security Initiative (CSI);

• Create and provide CBP with a C-TPAT supply chain security profile, which identifies how the importer of record (IOR) will meet, maintain, and enhance internal policy to meet the C-TPAT importer security criteria; and

• Undergo a trade compliance review meeting, if deemed necessary by CBP, to ensure that the test participant is maintaining and updating trade compliance procedures and meeting the program requirements.

• If the applicant concurrently applies for the Product Safety portion of the Trusted Trader program test, Trusted Trader program test participants will also be required to:

○ Agree to comply with all laws and regulations administered by CPSC;

○ Complete a Product Safety questionnaire;

○ Maintain an internal control system that ensures the integrity of product safety;

○ Include the Product Safety point of contact information in the Annual

Notification Letter (ANL) submitted to CBP;

• Participants importing FDA regulated goods agree to allow CBP to share participant C-TPAT certification status with FDA in order to receive FDA incentives.

C. Eligibility Requirements for Test Participants

To be eligible to apply for the Trusted Trader program test, the applicant must meet the following criteria:

• Be an active U.S. importer or Non-Resident Canadian Importer who meets the requirements set forth in 19 CFR Part 141, including in particular, sections 141.17 and 141.18 (19 CFR 141.17–141.18);

• Have written policies and procedures pertaining to its import process;

• Have a business office staffed in the United States or Canada;

• Have an active Importer of Record (IOR) number or a CBP-assigned number;

• Possess a valid continuous importation bond filed with CBP;

• Have at least two (2) years of importing history before the date that the application for the test program is submitted;

• Conduct an assessment of its supply chain based on C-TPAT's security criteria for importers including:

○ Business partner requirements;

○ Container security;

○ Physical security and access controls;

○ Personnel security;

○ Procedural security;

○ Security training and threat awareness; and

○ Information technology security;

• Implement and maintain security measures and supply chain security practices meeting security criteria established in the C-TPAT Importer Security Criteria document;

• Have a designated company officer who will be the primary cargo security officer responsible for C-TPAT;

• Create and provide CBP with a C-TPAT security profile, which identifies how the importer meets C-TPAT's Importer Security Criteria;

• Maintain books and records to establish compliance with the laws and regulations administered or enforced by CBP, including but not limited to, records sufficient to ascertain the correctness of any entry and to determine the duties, taxes and fees that may be due; and

• Applicants requesting consideration for the Product Safety potential incentives listed in Section III. A. of this document must concurrently complete

the Product Safety portion of the Trusted Trader Program application.

At this time, the Trusted Trader program test is not open to current ISA partners.

D. Completion of the Trusted Trader Program Test

After the test period is over, if CBP decides to implement the Trusted Trader program, CBP will transition all existing ISA partners into the Trusted Trader program and will discontinue the ISA program. ISA partners will be given an opportunity to "opt-out" of being transitioned into the Trusted Trader program. CBP will announce any such changes in the **Federal Register**. If CBP decides to implement the Trusted Trader program after the test period, CPSC will consider continuation of the Product Safety portion of the Trusted Trader program and any changes, including termination, will be announced in the **Federal Register**.

E. Suspension of Certain CBP Regulations Under the Test

For purposes of this test, the following title 19 (19 CFR) regulations will be waived, to the extent described, for test participants:

• Section 141.89 (*Additional information for certain classes of merchandise*) will be waived only as to waive the requirement to submit the use and CAS number on each invoice for chemical compounds classified in Chapters 27, 28, and 29, HTSUS.

Instead, CBP will allow a quarterly submission of the CAS number, the use, and the description for the chemical compound before the calendar year quarter. The description on the quarterly list must contain the CAS number, the use, and the description of the chemical compound. The applicable invoice also must contain a chemical compound description (in accordance with the requirements in 19 CFR 141.86). The chemical compound description found in the quarterly list and the description found on the invoice must be identical for each chemical compound so that CBP can link the CAS number to the entered product; and

• Section 151.6 (*Place of examination*) will be waived only insofar as allowing all non-security related examinations to occur at an exam location of the test participant's choosing. The chosen exam location must contain accommodations amenable to a thorough exam. The importer will still bear any expense involved in preparing the merchandise for CBP examination and in closing the packages. In addition, all of the

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