### 64

# Footwear, Gaiters, and the Like; Parts of Such Articles

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### I. Background

### A. Product Area Description

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

### **B.** Product Area Information

### • 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)

### • Other Product Area Information

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.

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.

### 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.

For the purposes of determining the constituent material of the outer sole pursuant to note 4(b) of this chapter, no account shall be taken of textile materials which do not possess the characteristics usually required for normal use of an outer sole, including durability and strength.

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.

### C. <u>NESOI Categories Customs Rulings</u>

In order to determine the complete scope of a NESOI area refer to the HTSUSA or Schedule B manuals and identify the other areas that are specifically defined by the other 10-digit codes under the sub-heading that a particular NESOI area belongs to. The purpose of this section is to provide examples of NESOI classified items only, not to define the scope of a NESOI area. Please be aware that rulings may concern more than one HTSUSA number and 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. New rulings are constantly being handed down by Customs and the rulings below may be amended or overturned at any time. If a NESOI area has no ruling as of the checklist being written it was be denoted below with "No rulings currently exist."

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

You may also search for Customs rulings on other HTSUSA numbers by searching for them in the Search bar. When searching by HTSUSA number the format must be 1234.56.7890, with periods between the fourth and fifth and sixth and seventh digits. Though primarily for imports and HTS codes the overlap among HTS and Schedule B codes allows this database to be used for exports as well. If an exact HTSUSA overlap at the 10-digit level does not exist for a Schedule B code, then the 10-digit HTSUSA code(s) that concord with the 10-digit Schedule B code could be used to identify 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.

HTSUSA	Ruling Number
6401.92.9060 -	N186926
6401.99.9000 -	N175286
6403.19.4090 -	N087755
6405.90.9000 -	N183023

ensure that the NAFTA filter is off.

### **D.** <u>Terminology</u>

**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.

**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.

Import: Sample 40 For Internal Use Only IA: Will Adonizio

	II. Checklists
	FSN: Quote #:
	-
	<u>6401</u>
	Waterproof footwear with soles and uppers of rubber or plastics
A	<u>Description</u>
1 10	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.
В.	Classification
	Protective Metal Toe Cap:
	☐ Yes
	□ No
	Coverage (evaluative to feetween without a protective metal too cap):
	Coverage (exclusive to footwear without a protective metal toe cap):  ☐ Below Ankle, with uppers over 90 percent of the external surface area is rubber or plastics
	Below Ankle, other
	☐ Ankle, but not knee, with uppers over 90 percent of the external surface area is poly(vinyl chloride), whether or not supported or lined with poly(vinyl chloride)
	☐ Ankle, but not knee, other
	□ Knee
	Type of Shoe (exclusive to footwear without a metal toe cap, covering the ankle but not knee):
	☐ Ski / Snowboard boots
	□ Work
	□ Other
	Designed for a protection against water, oil, grease or chemicals or cold or inclement weather (exclusive to footwear without a protective metal toe cap, covering only below the ankle):
	☐ Yes, designed for use with closures
	$\square$ Yes, designed for use without closures
	☐ Not for protection

### C. Price Determining and Identifying Characteristics

See page 20: Chapter 64 Price Determining and Identifying Characteristics.

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FSN:	Ouote #:	

### <u>6402</u>

### Other footwear with outer soles and uppers of rubber or plastics

### A. **Description**

Type of Shoe:

No further description necessary.

### B. Classification

<ul><li>Footwear with straps or thongs,</li><li>assembled to sole with plugs</li><li>(zories)</li></ul>	<ul><li>Sandals and other shoes produced in one piece by molding</li></ul>
☐ Golf shoes	Ski / Snowboard
$\square$ House slippers	$\square$ Tennis, basketball, gym,
☐ Protection	training, etc.
	□ Work
	☐ Other
Protective Metal Toe Cap:	Slip-On Shoe:
□ Yes	☐ Yes
□ No	□ No
Opening:	Intended Wearer:
☐ Heel	☐ Women
□ Toe	☐ Men
☐ Other	☐ Other
Coverage:	Value per Pair:
☐ Ankle	□ Not over \$3
☐ Other	$\Box$ Over \$3, but not over \$6.50
	$\Box$ Over \$6.50, but not
over \$12	
	☐ Over \$12
Material Composition of Uppers	

IPP Item Checklist	For Internal Use Only IA: Will Adonizio
☐ Greater than 90 percent rubber orplastics, upposole	ers non-molded 0.3cm above the outer
Greater than 90 percent rubber or plastics, other	er
☐ Less than 90 percent rubber or plastics  Having outer soles of textile materials:	
☐ Yes	
$\square$ No	

### C. Price Determining and Identifying Characteristics

Bureau of Labor Statistics

See page 20: Chapter 64 Price Determining and Identifying Characteristics.

Import: Sample 40

FSN:	Ouote #:	

### <u>6403</u>

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

### A. **Description**

No further description necessary.

. <u>Classification</u>	T . 1 1747
Type of Shoe:	Intended Wearer:
☐ Golf shoes	☐ Women, girls
☐ House slippers	$\square$ Men, boys
☐ Ski / Snowboard	☐ Other
$\square$ Tennis, basketball, gym, training, etc.	
☐ Work shoes	Coverage:
☐ Other	☐ Ankle
	☐ Other
Assembly:	Pigskin Uppers:
☐ Welt	☐ Yes
☐ Turned	□ No
Other	
Made on a base or platform of wood:	Value per Pair:
$\square$ Yes, not having an inner sole	☐ Not over \$2.50
☐ Yes, other	☐ Over \$2.50
□ No	
Protective Metal Toe Cap:	Outer sole composition:
☐ Yes	$\square$ Leather, with uppers which
□ No	consist of leather straps across the instep and big toe
	$\square$ Leather, Other
	☐ Rubber
	☐ Other

### C. Price Determining and Identifying Characteristics

See page 20: Chapter 64 Price Determining and Identifying Characteristics.

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☐ With uppers of vegetable fibers and having outer soles with textile materials having the greatest surface area in contact with the ground, but not taken into account under the terms of additional U.S. note 5 to this chapter

☐ With uppers of textile materials other than vegetable fibers and having outer soles with textile materials having the greatest surface area in contact with the ground, but not taken into account under the terms of additional U.S. note 5 to this chapter

Other		

Coverage:

IPP Item Checklist	For Internal Use Only IA: Will Adonizio
Other	□ Women
	☐ Men
Intended Wearer:	☐ Other
Construction / Method of Affixing the Sole to the U	<u>Jpper:</u>
☐ Adhesive	☐ Other
☐ Foxing or foxing-like band applied or molded at the sole and overlapping the upper	
Value per Pair with outer soles of rubber or plastic	<u>s:</u>
□ Not over \$3	$\square$ Over \$6.50, but not over \$12
☐ Over \$3, but not over \$6.50	☐ Over \$12
Materials: (Open-toe, open-heel, or slip-on footwed ☐ Less than 10 percent by weight of rubber or plastics, with uppers of vegetable fibers	<ul> <li>ar, without laces / buckles, and house slippers)</li> <li>Less than 10 percent by weight of rubber or plastics, other</li> <li>Other</li> </ul>
<ul> <li>(For footwear with outer soles of <i>Leather or Continuous</i>)</li> <li>Weight breakdown of materials:</li> <li>□ Not over 50 percent by weight of rubber or plast textile materials and rubber or plastics with at liplastics</li> <li>□ Other</li> </ul>	stics and not over 50 percent by weight of
Value per Pair with outer soles of leather or composition  ☐ Not over \$2.50  ☐ Over \$2.50	sition leather:
<ul><li>Intended Wearer:</li><li>☐ Women</li><li>☐ Men</li></ul>	☐ Other

**C.** <u>Price Determining and Identifying Characteristics</u>
See page 20: Chapter 64 Price Determining and Identifying Characteristics.

FSN:	Quote #:

### 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:	Type of Shoe:
☐ Leather or Composition Leather	$\square$ House Slippers
☐ Vegetable Fibers	☐ Other
☐ Wool Felt	
☐ Other Textile Material	
☐ Other	
<ul><li>Intended Wearer:</li><li>☐ Women, girls</li><li>☐ Men, boys</li><li>☐ Other</li></ul>	<u>Disposable:</u> □ Yes □ No
□ Other	
Soles of Wool Felt: (For Uppers of Wool Felt only)	
☐ Yes	
□ No	

### C. Price Determining and Identifying Characteristics

See page 20: Chapter 64 Price Determining and Identifying Characteristics.

FSN:	Quote #:

### 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

<u> 1 y j</u>	DE OI FOOLWEGI Pail.		
	Formed Uppers		Soles
	Other Uppers		Leg Warmers
	Heels		Other
<u>Ma</u>	terial:		
	Cotton		Rubber or Plastics, used for
	Fine Animal Hair		protection, or simply not
	Leather or Composition Leather		suitable to be finished into footwear
	Of Textile Materials of which over 50%		Wood
	of the external surface area is leather		Wool
	Other Textile Material		
	Of Man-made Fibers	Ш	Other
	Rubber or Plastics		

Bureau of Labor Statistics IPP Item Checklist	Import: Sample 40 For Internal Use Only IA: Will Adonizio
Intended Wearer:	•
☐ For Men	□ Other
☐ For Youths and Boys	
Uppers of which less than 50% of the external sur Uppers only)  ☐ Yes ☐ No	face area is textile materials: (For Other
<u>Value per Pair:</u> (For <i>Formed Uppers</i> only – Excluand those <i>Of Textile Materials of which over 50%</i>	<u> </u>
□ Not over \$3	$\Box$ Over \$3, but not over \$6.50
Over \$6.50, but not over \$12	☐ Over \$12

### C. Price Determining and Identifying Characteristics

See page 20: Chapter 64 Price Determining and Identifying Characteristics.

FSN:	Quote #:	

### **Chapter 64**

### III. Price Determining and Identifying Characteristics

Product Identifier (product name/style number):		
Type of construction:		
☐ Adhesive	$\square$ Screwed	
☐ Border Stitched	☐ Stitched	
	☐ Stroebel	
☐ Injection Molded	☐ Turned	
☐ Nailed	☐ Vulcanized	
☐ One-Piece Molded	☐ Welt	
☐ Plugged	☐ Unknown	
☐ Riveted	☐ Other	
☐ Rubber Cup		
Grade of Leather  Specify:  Material(s) of Solar (colors all that apply):		
Material(s) of Soles (select all that apply): Outsole:	☐ Rubber	%
☐ Plastic or PVC%	Leather	
□ Felt%	☐ Other (specify)	<del></del>
Midsole:		
☐ Leather%	☐ Sock Padding	%
□ Felt%	☐ Other (specify)	%
□ EVA%		
Insole:		
□ EVA%	☐ Nylex/Polyester	%
☐ Fabric%	☐ Plastic	%
□ Felt%	☐ Other (specify)	%
☐ Leather%		

Bureau of Labor Statistics IPP Item Checklist		Import: Sample 40 For Internal Use Only IA: Will Adonizio
☐ Microfiber%		
Other Features:		
☐ Badges(specify)	☐ Logos (specify)	
☐ Decorations (specify)	☐ Other (specify) _	
Other Features:		

### **IV.** Transactions Terms and Price

Type of	f Sale:										
□ Mark	ket Sale										
<u>Intra-</u>	<u>Co Tra</u>	<u>nsfer:</u>									
□ Mark	ket-Base	ed									
□ Cost-	Based										
□ Othe	r										
□ Unkn	own										
If off cy	cle, pro	ovide P	ricing (	Cycle fl	ag (Y, N	N, P, or	R):				
Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Is Price											
□ Qua	ntity O	rdered	? Speci	ify:							
□ Clas	s of Sel	ler/Buy	er? S	pecify:							
PRICE	INEOI	ом атт	ON								
Date:	INFOI		Ю1.								
	ted Pri	ra•									
Price 1											
Unit P		-									
	ncy of I	Price:									_
	ry fron		Impor	tod/Evi	orted:						
	Amount				or tea.						
Duty 1	Milouin	(IIIIpo	i to Ulliy	_							
Discounts:											
□ Disc	ount Ty	ype:									
	ar Amo										
□ Cur											
□ % <b>:</b>											
□ Already Deducted? Y N											
Discounts:											
□ Discount Type:											
	□ Dollar Amount:										
□ Cui	rency:										
□%:	-										
□ Already Deducted? Y N											

Comments:					
<b>V.</b>	Comments				
	A. <u>Misclassified Item Comments</u>				
entrie Miscla requir refere	rired for selected items designated on the checklist as misclassified. Complete all is in this section.) The assified items are eligible for initiation only if the DCP 12.1 verification and comment the ements are met. If classification within the SCG during the sample ance period cannot be verified, discard the item quote and reselect an item known to be only classified in accordance with DCP 11.7 - Errors in Disaggregation.				
Verifi	ed Sample Reference Period 10-digit Schedule B statistical classification:				
Verifi	ed Current 10-digit Schedule B statistical classification:				
Expla	nation:				
	B. Comments				

Bureau of Labor Statistics	Import: Sample M40
IPP Item Checklist	For Internal Use Onl
	IA: Will Adonizi