

EXPORTING GOODS TO THE US

(A brief guide)

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1. Introduction:

The United States of America, besides being the largest economy of the world, is also the biggest importer of goods. The value of goods imported by the US from all countries of the world during the year 2017 was US\$2,342.92 billionⁱ. The US has a fairly liberal trade regime in terms of duties imposed on import of goods, as its simple average applied MFN tariff for all products was 4.01% during 2017ⁱⁱ. The US, however, has an elaborate and detailed regulatory regime governing the import of goods into the country. In addition to complying with that regime, requirements stipulated by US Customs and Border Protection (CBP) concerning customs documentations, markings, and other instructions issued from time to time are also to be met for entry of goods into the US

As per the stated position, the current US trade policy agenda rests on supporting national security policy, strengthening the American economy, negotiating trade deals that work for all Americans, enforcing and defending US trade laws, and strengthening the multilateral trading systemⁱⁱⁱ. The Office of the US Trade Representative (USTR) is responsible for developing and coordinating US international trade, commodity, and direct investment policy, and overseeing negotiations with other countries. The US Trade Representative is a Cabinet member who serves as the president's principal trade advisor, negotiator, and spokesperson on trade issues.

The US Department of Commerce is tasked to promote job creation and economic growth by ensuring fair and reciprocal trade, providing the data necessary to support commerce and constitutional democracy, and fostering innovation by setting standards and conducting foundational research and development^{iv}. The Department has one overarching goal of helping the American economy grow, while each of the Department's five strategic goals (accelerate American leadership, enhance job creation, strengthen US economic and national security, fulfill constitutional requirements and support economic activity, and deliver customer-centric service excellence) advances its mission and supports this goal. The Department has 12 bureaus working in pursuit of these goals. One of its bureaus, the International Trade Administration (ITA) is charged with strengthening the competitiveness of US industry, promoting trade and investment, and ensuring fair trade and compliance with trade laws and agreements^v. ITA is organized in three business units; Industry and Analysis, Enforcement & Compliance and Global Markets, to achieve its stated mission.

As per its statement, the United States International Trade Commission (USITC) is an independent, quasi-judicial Federal agency with broad investigative responsibilities on matters of trade. The agency investigates the effects of dumped and subsidized imports on domestic industries and conducts global safeguard investigations. The Commission

also adjudicates cases involving imports that allegedly infringe intellectual property rights. Through such proceedings, the agency facilitates a rules-based international trading system. The Commission also serves as a Federal resource where trade data and other trade policy-related information are gathered and analyzed. The information and analysis are provided to the President of US, the USTR, and the US Congress to facilitate the development of sound and informed US trade policy. The Commission makes most of its information and analysis available to the public to promote understanding of international trade issues^{vi}.

2. The US Import Tariff Regime:

The USITC publishes and maintains the Harmonized Tariff Schedule (HTS) of the United States in its various forms, and updates it regularly to reflect changes in tariff rates and other changes. This Schedule specifies the general, special and other customs duty rates applicable on import of goods. The US uses the Harmonized System (HS) nomenclature of the World Customs Organization (WCO) as the basis for classification of goods in Chapters 1 to 97, while Chapter 98 and 99 of the Schedule are used for Special Classification Provisions. The US Customs and Border Protection (CBP) is the only agency that can provide legally binding advice or rulings on classification of imports under the HTS.

2.1 The HTS:

During 2017, the HTS had 9,879 tariff lines, of which 41.51% were duty free tariff lines, 1.9% were subject to tariff quotas, and the dutiable lines average applied MFN tariff rate was 7.36%. Average MFN (most favored nation) applied duties on different product groups during that period along with their import share and percentage of duty free imports are summarized as under^{vii}:

Product Groups	Average MFN applied duty rate	Imports	
		% Share	% Duty Free
Animal products	2.3	0.5	25.3
Dairy products	17.8	0.1	12.8
Fruit, vegetables, plants	5.0	1.6	24.2
Coffee, tea	3.2	0.6	73.4
Cereals & preparations	3.6	0.7	35.6
Oilseeds, fats & oils	4.5	0.4	33.0
Sugars and confectionery	13.7	0.2	5.6
Beverages & tobacco	15.3	1.2	50.6
Cotton	4.8	0.0	79.7
Other agricultural products	1.2	0.4	66.4
Fish & fish products	1.0	0.9	92.6
Minerals & metals	1.7	10.7	67.6
Petroleum	2.2	5.7	0
Chemicals	2.8	11.0	67.9

Wood, paper, etc.	0.5	4.2	91.5
Textiles	8.0	2.1	13.6
Clothing	11.6	3.9	0.9
Leather, footwear, etc.	3.9	2.7	14.7
Non-electrical machinery	1.2	14.8	78.5
Electrical machinery	1.4	15.3	70.5
Transport equipment	3.0	15.2	13.4
Manufactures, n.e.s.	2.1	7.8	74.3

The latest edition of HTS is effective from January 01, 2018, and its online version is available on the website of USITC^{viii} at <https://hts.usitc.gov/current>.

2.2 Preferential Trade Arrangements:

At present, the US has Free Trade Agreements (FTA) with 20 different countries, including Jordan, Korea, Mexico, Morocco, and Oman. It also has regional Free Trade Agreements with Dominican Republic-Central America (CAFTA-DR) region and with Canada & Mexico under the North American Free Trade Agreement (NAFTA). As Pakistan does not have a free trade agreement with the US, its exports to the US are subjected to the (higher) general rates of customs duty. Exception to this is the exports covered under the US Generalized System of Preference (GSP).

2.2.1 The US GSP:

The US GSP provides preferential duty free treatment to 3569 products/ tariff lines to designated beneficiary countries (BDC), which includes Pakistan. The current US Congressional authorization for the GSP program is extended through December 31, 2020. The relevant law, however, excludes most textiles and apparels articles, watches, footwear, work gloves and leather apparel (other than certain handbags, luggage, travel goods, and flat goods, which are allowed under the GSP) from the benefits of duty free import under the GSP. Other than those products, the US President determines which countries and products are eligible for GSP benefits, based on the recommendations of the USTR. The GSP statute provides that a BDC is to lose its GSP eligibility with respect to a product if the Competitive Need Limitations (CNL) are exceeded and if no waiver is granted by the US President. The two different measures for CNLs are; when the US imports of a particular product from a BDC during any calendar year (1) account for 50 percent or more of the value of total US imports of that product; or (2) exceed a certain dollar value, which is increased by US\$5 million annually. The limit for 2015 was US\$170 million^{ix}.

The GSP rules of origin require that for an imported article to be GSP eligible, it must be the growth, product or manufacture of a BDC, and the sum of the cost or value of materials produced in the BDC plus the direct cost of processing must equal at least 35 percent of the appraised value of the article at the time of entry into the US (also called

as 35 percent value added/ domestic content requirement). Moreover, the imported article must either be shipped directly from the BDC to the US without passing through the territory of any other country or, of shipment from BDC passes through the territory of any other country en-route to the US, the imported articles must not enter the commerce of the other country. The South Asian Association for Regional Cooperation (SAARC) is one of the recognized associations under the US GSP where the association's member countries are considered as one country for purposes of the GSP rules of origin^x. The CBP makes the final determination of rules of origin.

For the GSP eligible articles (at an eight digit level) that can be imported from the BDC (including Pakistan) free of duty, the US HTS mentions the letter/ Special Program Indicator (SPI) **A** in the "Special" tariff column.

Pakistan is among those countries of the world that have an agreement with the US whereby certain textile products are eligible for GSP treatment upon official certification on the commercial invoice that the items are hand-loomed folkloric products of the exporting BDC^{xi}.

2.3 Import Quotas:

An import quota is a quantity control on imported goods for a certain period of time. Quotas are established by legislation, directives, or by proclamations issued by the authority mentioned in the specific legislation. The majority of import quotas are administered by CBP. The US quotas may be divided into two types; absolute and tariff-rate. Tariff-rate quotas provide for the entry of a specified quantity of the quota product at a reduced rate of duty during a given period. There is no limitation on the amount of the product that may be entered during the quota period, but quantities entered in excess of the quota for the period are subject to higher (general) duty rates.

Currently, no commodities are subjected to absolute quotas and/or associated visa requirements in the US^{xii}. The United States, however, maintains 44 tariff-rate quotas (TRQs). Among these, 18 TRQs concern the dairy sector, including milk, cream, butter, ice cream, and cheeses. Other commodities subject to TRQs are beef, mandarins, peanuts, sugar, chocolate, sweetened cocoa powder, olives, satsumas, animal feed, tobacco, and cotton. Driven by market conditions, fill rates may vary significantly between the TRQs and over time. Most quotas with low fill rates are administered on a first come, first served basis^{xiii}.

3. Anti-dumping & Countervailing duties:

The ITA and USITC are responsible for administration of laws and agreements with respect to Anti-dumping (AD) and Countervailing duties (CVD) measures. The ITA is in

charge of the determination of the existence and margin of dumping and subsidy in AD and CVD investigations, while the USITC determines material injury or threat of material injury to the domestic industry resulting from imports of the dumped or subsidized products. In particular, ITA's Antidumping and Countervailing Duty Operations Unit (AD/CVD Operations) is responsible for enforcing US AD and CVD laws. AD/CVD Operations conducts investigations in response to petitions received by the US Department of Commerce from domestic industries and/or labour unions. AD/CVD Operations also conducts subsequent proceedings known as administrative reviews in which importers' actual duty liability is assessed. The Customs Unit within AD/CVD Operations serves as the liaison with CBP on matters pertaining to the collection of AD/CVD duties and issues of potential fraud associated with AD/CVD proceedings.

4. Other Fees/ Charges:

In addition to the applicable customs duties, the imports into the US are also subjected to certain fees/ charges.

4.1 Merchandise Processing Fee:

Formal and informal imports are subject to a Merchandise Processing Fee (MPF)^{xiv}. The fee amounts to 0.3464% of the customs value (not including duty, freight, or insurance charges), with minimum and maximum of US\$25 and US\$485, for formal entries. Consignments qualifying as informal entries, e.g. commercial shipments worth no more than US\$2,500 and personal shipments) are not subject to the ad valorem rate. Instead, flat rates are applied depending on whether the entry or release: (i) is entirely automated (US\$2); (ii) is manual, but not prepared by CBP staff (US\$6); or (iii) requires any preparation by CBP personnel (US\$9). Imports under FTAs or preferential agreements or arrangements may be exempt from the Merchandise Processing Fee. Moreover, with the passage of the Trade Facilitation and Trade Enforcement Act of 2015, MPF is no longer applied to express and postal shipments valued at less than US\$800. The de minimis value provision in the Tariff Act of 1930, below which goods are generally admitted free of duty and taxes, was raised from US\$200 to US\$800 with effect from 11 March 2016.

4.2 Consolidated Omnibus Reconciliation Act (COBRA) Fees:

Importers were not charged inspection fees prior to the passage of COBRA – the Consolidated Omnibus Reconciliation Act of 1985 (PL 99-272). Since 7 July 1986, COBRA fees have been collected for various customs services, including the issuance of customs broker permits, the treatment of dutiable mail packages, and the processing of private vessels, commercial trucks, and passengers and cargo arriving by air, sea or rail^{xv}. Fees vary by mode of arrival and may be assessed per crossing or annually with the help of transponders or decals.

4.3 Harbor Maintenance Tax:

CBP collects a 0.125% tax on all commercial imports arriving by vessel, admissions into foreign trade zones, domestic cargo shipped through a port, and cruise ship passengers. The tax is not collected on exports in accordance with a decision of the US Supreme Court in 1998^{xvi}.

4.4 Agriculture Fees:

The Animal and Plant Health Inspection Service (APHIS), part of the US Department of Agriculture (USDA), collects Agriculture Quarantine Inspection (AQI) fees which it shares with CBP under an agreed allocation. In addition, fees are collected for veterinary and laboratory services, as detailed below^{xvii}:

Type	Amount of Fee
AQI Aircraft Clearance	US\$225.00 per arrival
AQI Commercial Cargo Vessel	US\$825.00 per arrival (cap of 15 payments per calendar year eliminated)
AQI Commercial Truck	US\$7.55 per arrival
AQI Commercial Truck with transponder (one annual payment)	US\$301.67
AQI Commercial Vessel (Cruise) Passenger	US\$1.75 per arrival
AQI International Air Passenger	US\$3.96 per arrival
AQI Loaded Rail Car	US\$2.00 per arrival
AQI Treatment	First year: US\$47.00 Second year: US\$95.00 Third year: US\$142.00 Fourth year: US\$190.00 Fifth year: US\$237.00
Avocado Import Assessment	US\$0.025 per pound
Beef Import Assessment	Varies according to the product and HTS number
Blueberry Import Assessment	US\$0.01984 per kg
Christmas Tree Import Assessment	US\$0.15 per Christmas tree
Cotton Import Assessment	Varies according to the product and HTS number
Dairy Import Assessment	US\$0.01327 per kg of milk solids
Honey Import Assessment	Varies according to the product and HTS number
Mango Import Assessment	US\$0.0075 per pound
Mushroom Import Assessment	Varies according to the product and HTS number
Paper and Packaging Import Assessment	US\$0.00000386 per kg
Pork Import Assessment	Varies according to the product and HTS number
Potato Import Assessment	Varies according to the product and HTS number
Raspberry Import Assessment	Varies according to the

	product and HTS number
Softwood Lumber Import Assessment	US\$0.1483 per cubic metre
Veterinary Diagnostic User Fees	Varies depending on the type of test
Veterinary Services User Fees	Varies by type of service
Watermelon Import Assessment	Varies according to the product and HTS number

4.5 Excise Taxes:

Excise taxes may be levied at the federal, state, local, or municipal level in the United States. Rates vary widely from State to State, and some goods may be subject to taxation at more than one level. They are equally applied on imports and domestic products and services.

5. Customs Requirements:

There are generally three types of Customs clearances in the US; De Minimis (US\$0 to US\$800 – Consolidated Manifest Clearance, duty free clearance), Informal (US\$801 to US\$2,500 – Clearance as Express Consignment, duty and MPF, at fixed rates, payment required), and Formal (US\$2,501 and above – Formal Entry Process, duty and MPF, at ad valorem rate, payment required).

5.1 Commercial Invoice^{xviii}:

As per the CBP guidelines, a commercial invoice, signed by the seller or shipper, or his agent, is acceptable for CBP purposes if it is prepared in accordance with Section 141.86 through 141.89 of the CBP Regulations, and in the manner customary for a commercial transaction involving goods of the kind covered by the invoice.

The invoice is to provide the following information, as required by the US Tariff Act:

- The port of entry to which the merchandise is destined,
- If merchandise is sold or agreed to be sold, the time, place, and names of buyer and seller; if consigned, the time and origin of shipment, and names of shipper and receiver,
- A detailed description of the merchandise, including the name by which each item is known, the grade or quality, and the marks, numbers, and symbols under which it is sold by the seller or manufacturer to the trade in the country of exportation, together with the marks and numbers of the packages in which the merchandise is packed,
- The quantities in weights and measures,
- If sold or agreed to be sold, the purchase price of each item in the currency of the sale,
- If the merchandise is shipped for consignment, the value of each item in the currency in which the transactions are usually made, or, in the absence of such value, the price in such currency that the manufacturer, seller, shipper, or owner would have received, or

was willing to receive, for such merchandise if sold in the ordinary course of trade and in the usual wholesale quantities in the country of exportation,

- The kind of currency,
- All charges upon the merchandise, itemized by name and amount including freight, insurance, commission, cases, containers, coverings, and cost of packing; and, if not included above, all charges, costs, and expenses incurred in bringing the merchandise from alongside the carrier at the port of exportation in the country of exportation and placing it alongside the carrier at the first US port of entry. The cost of packing, cases, containers, and inland freight to the port of exportation need not be itemized by amount if included in the invoice price and so identified. Where the required information does not appear on the invoice as originally prepared, it shall be shown on an attachment to the invoice,
- All rebates, drawbacks, and bounties, separately itemized, allowed upon the exportation of the merchandise,
- The country of origin,
- All goods or services furnished for the production of the merchandise not included in the invoice price.

Further details on this matter are available at the website:

<https://www.cbp.gov/sites/default/files/documents/Importing%20into%20the%20USpdf>

5.2 Markings:

The US customs laws require that each article produced abroad and imported into the United States be marked with the English name of the country of origin to indicate to the end buyer in the United States what country the article was manufactured or produced in. These laws also require that marking be located in a conspicuous place as legibly, indelibly and permanently as the nature of the article permits. Articles that are otherwise specifically exempted from individual marking are also an exception to this rule. Further details in this respect are available at the web site:

<https://www.cbp.gov/sites/default/files/documents/Importing%20into%20the%20USpdf>

6. Import Licensing, Prohibitions, Restrictions and Other Requirements:

The importation of certain goods/ articles may be prohibited or restricted, while some goods/ articles are subject to an import quota or a restraint under bilateral trade agreements and arrangements. Many of these prohibitions and restrictions on importations are stipulated under the laws and regulations administered by United States government agencies other than CBP. These laws and regulations may prohibit entry; limit entry to certain ports; restrict routing, storage, or use; or require treatment, labeling, or processing as a condition of release. The CBP clearance is given only if these various additional requirements are met for all types of importations, including those made by mail and those placed in foreign trade zones.

6.1 Products subject to Import Licensing^{xix}:

Different US agencies enforce import licences required under various statutes for import of the specified products. These are the US Department of Agriculture (USDA), Departments of Commerce (steel), Energy (natural gas), the Interior (fish and wildlife), Justice (firearms, explosives, and drugs), and the Treasury (alcohol and tobacco), and the Nuclear Regulatory Commission. Licences are either automatic or non-automatic. The Steel Import Monitoring and Analysis System, an automatic system designed to provide statistical data five to six weeks in advance of when it would normally become available, was extended until 21 March 2017 under a decision taken in 2013. Licensing requirements apply to all basic steel mill imports from all countries. The category and products requiring import licensing and the concerned Agency for that purposes are summarized as under:

Category	Products	Agency
Animals and animal products	Certain animal and animal products	Department of Agriculture
Controlled substances and listed chemicals	Controlled substances and listed chemicals	Department of Justice, Drug Enforcement Administration
Dairy products	Certain dairy products	Department of Agriculture
Distilled spirits (beverages), wine, and malt beverages	Distilled spirits (beverages), wine, and malt beverages	Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau
Distilled spirits and alcohol for industrial use	Distilled spirits and alcohol for industrial use, including denatured spirits	Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau
Explosives	Explosives, blasting agents and detonators	Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives
Firearms, ammunition, and defence articles	Defence articles on the US munitions list	Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives
Fish and wildlife	Fish and wildlife including endangered species	Department of the Interior, US Fish and Wildlife Service
Natural gas	Natural gas, including LNG and CNG	Department of Energy
Nuclear facilities and materials	Production and utilization facilities, special nuclear materials, source materials, and by-product materials, including when such materials are contained in radioactive waste	Nuclear Regulatory Commission
Plant and plant products	Certain plant and plant products	Department of Agriculture, APHIS
Steel	All basic steel mill products	Department of Commerce, International Trade Administration
Sugar	Raw and refined sugar	Department of Agriculture

Tobacco products	Tobacco products, processed tobacco, and proprietors of export warehouses	Department of Treasury, Alcohol and Tobacco Tax and Trade Bureau
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6.2 Sanitary and Phytosanitary (SPS) Requirements^{xx}:

The United States maintains numerous laws and regulations pertaining to food safety, animal health and plant health including the Federal Food, Drug and Cosmetic Act, the Federal Meat Inspection Act, the Plant Protection Act, and the Federal Insecticide, Fungicide, and Rodenticide Act. The most extensive update of US food safety legislation in decades occurred in January 2011 with the promulgation of the Food and Drug Administration Food Safety Modernization Act. Depending on the product and the type of risk, responsibilities for sanitary and phytosanitary (SPS) matters are divided among federal agencies.

6.2.1 Food and Drug Administration (FDA):

The FDA's responsibilities include the regulation of food (except meat, poultry, catfish and processed eggs, which are regulated by the USDA); food additives; dietary supplements; human and veterinary drugs; medical devices; human biologics; tobacco; and cosmetics. Implementation of the 2011 FDA Food Safety Modernization Act (FSMA), which aims at shifting the regulatory approach from response to prevention of food safety hazards, has been a core activity of the FDA in recent years.

The regulation that addresses imported food requires US based importers to have Foreign Supplier Verification Programs (FSVP) for the human and animal food imported by them. Under the FSVP Rule, importers are required to verify that their foreign suppliers produce food in ways that provide the same level of public health protection as US preventive controls and produce safety regulations, and that the food is not adulterated or misbranded with respect to allergen labelling. Importers are obliged to identify and evaluate known or reasonably foreseeable hazards for each type of food, including biological, chemical, and physical hazards. A FSVP must be developed for each food and each foreign food supplier. Importers may carry out risk-based supplier verification through several means, for example, through annual on-site audits of supplier facilities, sampling and testing, or by reviewing of the supplier's relevant food safety records. The verification may be performed by an independent third party, as long as the importer reviews and assesses the relevant documentation.

The FDA has also developed an International Comparability Assessment Tool (ICAT) to evaluate the food safety systems, including the legal framework and approaches to food industry regulation, of US trading partners. The FDA has concluded systems recognition arrangements with a few countries so far (New Zealand and Canada). These

arrangements recognize the comparability of each other's foods systems, and increase the regulatory cooperation and build reliance in implementing risk-based food facility inspections and follow-up to food borne outbreaks. Systems recognition does not grant market access to the US market. Importers of foods that are within the scope of these arrangements may take advantage of modified requirements of the FSVP rule that are less stringent than the standard FSVP requirements.

6.2.2 Food Safety and Inspection Service (FSIS):

The FSIS of the USDA is responsible for ensuring that imports of meat, poultry and egg products are safe, wholesome, and properly labelled and packaged. Imported goods must be produced under conditions equivalent to the level of protection provided in the United States. The FSIS maintains a list of those countries determined equivalent, which also identifies those establishments in each country certified and eligible to export meat, poultry, or egg products to the United States. Currently, there are some 32 countries determined equivalent and actively exporting meat (beef and pork), poultry, and processed egg products to the United States.

The 2008 Farm Act amended the Federal Meat Inspection Act (FMIA) to transfer food safety inspection authority for Siluriformes fish and fish products from the FDA to the FSIS.

6.2.3 The Animal and Plant Health Inspection Service (APHIS):

The broad mission of APHIS at the USDA is to promote and protect US agricultural health, including the defence against plant and animal diseases and pests. The APHIS regulates imports of live plants; grain, oilseeds, and horticultural products; animals, including semen, embryos and ova; research and exhibition animals; and animal products, to guard against imported pests and diseases.

In cases where both APHIS and FSIS requirements apply to imported goods, APHIS has responsibility for evaluating the disease and pest risks, while the FSIS administers and enforces food safety requirements.

6.2.4 Environmental Protection Agency (EPA):

EPA responsibilities cover, *inter alia*, the registration of pesticides, including herbicides and fungicides, and the establishment of tolerances (maximum residue limits – MRLs) for pesticides in food. EPA uses risk assessment to establish tolerances for each crop use of a pesticide. The list of tolerances (and exemptions) is revised annually in the Code of Federal Regulations (Chapter 40, Part 180) and daily in the electronic Code of Federal Regulations (e-CFR). As of August 2016, EPA had established approximately 277 new tolerances (permanent and temporary) since the last TPR in 2014. The

tolerances are enforced by USDA for meat, poultry and certain egg products, and by the FDA for other foods.

6.2.5 Other federal agencies involved in SPS:

Other notable US federal agencies involved in SPS issues are the CBP, the Agricultural Marketing Service, the Agricultural Research Service, the National Institute of Food and Agriculture, the Centers for Disease Control and Prevention (Department of Health and Human Services), the National Marine Fisheries Service (Department of Commerce), and the Alcohol and Tobacco Tax and Trade Bureau (Department of Treasury).

6.3 Product specific Restrictions/ Requirements:

Restrictions/ requirements applicable on import of important products/ items as are as under^{xxi}:

6.3.1 Cheese, Milk, and Dairy Products:

Cheese and cheese products are subject to requirements of the FDA and the USDA. Most importations of cheese require an import license and are subject to quotas administered by the Foreign Agricultural Service of the USDA. The importation of milk and cream is subject to requirements of the Food, Drug and Cosmetic Act and the Import Milk Act. These products may be imported only by holders of permits from the Department of Health and Human Services of the FDA, and the USDA.

6.3.2 Fruits, Vegetables, and Nuts:

Certain agricultural commodities, including fresh tomatoes, Avocados, Mangoes, Limes, Oranges, Grapefruit, Green peppers, Irish potatoes, Cucumbers, Eggplants, Dry onions, processed dates, Prunes, Walnuts and filberts, Raisins, and Olives in tins must meet United States import requirements relating to grade, size, quality, and maturity. These commodities are inspected; an inspection certificate must be issued by FSIS to indicate import compliance.

Additional restrictions are imposed by APHIS under the Plant Quarantine Act, and the FDA. To find out general import requirements for these products, the APHIS Fruit and Vegetables Import Requirements (FAVIR) database at www.aphis.usda.gov/favir/ may be consulted.

6.3.3 Plants and Plant Products:

The importation of plants and plant products is subject to regulations of the USDA. Import permits are required. Also, certain endangered species of plants may be prohibited or require permits or certificates. The APHIS and its database website mentioned above may be consulted in this respect. The FDA also regulates plant and plant products, particularly fruits and vegetables.

6.3.4 Seeds:

The provisions of the Federal Seed Act of 1939 and regulations of the Agricultural Marketing Service, USDA govern the importation into the United States of agricultural and vegetable seeds and screenings. Shipments are detained pending the drawing and testing of samples.

6.3.5 Wood Packing Materials:

The USDA and APHIS's import regulation for wood packaging material are being enforced by the CBP. The rule requires wood packing material such as; pallets, crates, boxes, and dunnage used to support or brace cargo to be treated and marked. In cases of noncompliance, the wood packing materials will be subject to immediate export along with the accompanying cargo. The approved treatments for wood packaging material are:

- Heat treatment to a minimum wood core temperature of 56°C for a minimum of 30 minutes, or
- Fumigation with methyl bromide.

To certify treatment, the wood packing materials must be marked with the specified International Plant Protection Convention (IPPC) logo. Paper certificates of treatment will not be accepted. For further information, the APHIS Website at www.aphis.usda.gov may be consulted.

6.3.6 Insects:

Insects in a live state that are injurious to cultivated crops (including vegetables, field crops, bush fruit, and orchard, forest, or shade trees) and the eggs, pupae, or larvae of such insects are prohibited from importation, except for scientific purposes, under regulations prescribed by the US Secretary of Agriculture. All packages containing live insects or their eggs, pupae, or larvae that are not injurious to crops or trees are permitted entry into the United States only if they have a permit issued by the APHIS and they are not prohibited by Fish and Wildlife Service of the US Department of Interior.

6.3.7 Livestock and Animals:

Inspection and quarantine requirements of the APHIS must be met for the importation of all cloven-hoofed animals (ruminants), such as cattle, sheep, deer, antelope, camels, giraffes; swine including the various varieties of wild hogs and the meat from such animals; horses, asses, mules, and zebras; all avian species including poultry and pet birds; animal by-products, such as un-tanned hides, wool, hair, bones, bone meal, blood meal, animal casings, glands, organs, extracts, or secretions of ruminants and swine (if

animal by-products for food, drugs, or cosmetics, they are also regulated by the FDA); animal germ-plasm, including embryos and semen; and hay and straw.

A permit for importation must be obtained from APHIS before shipping from the country of origin. In addition, a veterinary health certificate must accompany all animal imports. Entry of animals is restricted to specific ports that have been designated as quarantine stations. All non-domesticated animals must meet the requirements of the Fish and Wildlife Service.

6.3.8 Meat, Poultry and Egg Products:

The US Department of Agriculture maintains a trade prohibition on the importation of poultry and unprocessed poultry products from countries where the H5N1 High Pathogen Avian Influenza strain has been detected. This list can be found on the Centers for Disease Control Website at <http://www.cdc.gov/flu/avian/outbreaks/embargo.htm>. All imported live birds must be quarantined for 30 days at a USDA quarantine facility and tested for the avian influenza virus before entering the country. This requirement also applies to returning US origin pet birds from H5N1 HPAI affected countries. Processed goods from H5N1 affected countries may enter the US, however; entry requires an APHIS Veterinary Services permit and certification that specified risk mitigation measures to eliminate the disease have been performed.

All commercial shipments of meat and meat food products (derived from cattle, sheep, swine, goats, and horses) offered for entry into the United States are subject to USDA regulations and must be inspected by the FSIS of that department, and by CBP's Agriculture Program and Liaison Office. Meat products from other sources (including, but not limited to wild game) are subject to APHIS regulations; to the provisions of the Federal Food, Drug, and Cosmetic Act, which is enforced by the FDA; and the US Fish and Wildlife Service. Poultry, live, dressed, or canned; eggs, including eggs for hatching; and egg products are subject to the requirements and regulations of the APHIS and the FSIS of the USDA.

Inspection certificates from the country of origin must accompany all imported meat, poultry, and egg products. These certificates must indicate the product name, establishment number, country of origin, name and address of the manufacturer or distributor, quantity and weight of contents, list of ingredients, species of animals from which the product was derived, identification marks. The certificate must also bear the official seal of the government agency responsible for the inspection and the signature of an agency official. This certificate must be in both English and the language of the originating country. An FSIS inspector will re-inspect all meat and poultry upon arrival at

a US port of entry. Shipments that pass re-inspection are then allowed to enter US commerce and are treated as domestic product. Meat and poultry shipments remain under bond and subject to recall by CBP until the completion of a re-inspection.

6.3.9 Tobacco-related Products:

Importers of commercial quantities of tobacco products must obtain an import permit from the Alcohol and Tobacco Tax and Trade Bureau (TTB) of the Department of the Treasury. The US Internal Revenue Code defines tobacco products as cigars, cigarettes, smokeless tobacco (snuff and chewing tobacco), pipe tobacco, roll-your-own tobacco.

Tobacco products and cigarette papers and tubes imported into the United States are subject to the payment of federal excise taxes under the Internal Revenue Code unless they qualify for an exemption under the HTS. The imported tobacco products and cigarette papers and tubes may be transferred in-bond to the bonded premises of a manufacturer of tobacco products or to an export warehouse proprietor. TTB regulations require that tobacco products for sale or delivery to the consumer be put in packages that securely hold the product and that bear certain product description notices. These packages may also have to bear health-related notices required by laws administered by the US Federal Trade Commission.

6.3.10 Arms, Ammunition, Explosives, and Implements of War:

These items are prohibited except when a license is issued by the Bureau of Alcohol, Tobacco, Firearms and Explosives of the US Department of Justice, or the importation is in compliance with the regulations of that department. Imported firearms and ammunition are subject to the payment of an excise tax imposed under Chapter 32 of the Internal Revenue Code of 1986. The Alcohol and Tobacco Tax and Trade Bureau of the Department of the Treasury administers this excise tax.

6.3.11 Radioactive Materials and Nuclear Reactors:

Many radioisotopes, all forms of uranium, thorium, and plutonium, and all nuclear reactors imported into the United States are subject to the regulations of the US Nuclear Regulatory Commission in addition to import regulations imposed by any other agency of the United States government. Authority to import these commodities or articles containing these commodities requires a license from the US Nuclear Regulatory Commission, Washington. Radioisotopes and radioactive sources intended for medical use are subject to the import restrictions set forth in 19 USC. §1618a and the provisions of the Federal Food, Drug, and Cosmetic Act, enforced by the FDA.

6.3.12 Household appliances:

The US Energy Policy and Conservation Act calls for energy standards for certain major household appliances, and for these appliances to be labeled to indicate expected energy consumption or efficiency. The US Department of Energy, Office of Codes and Standards is responsible for test procedures and energy performance standards. The Federal Trade Commission, Division of Enforcement, regulates the labeling of these appliances. The Act covers the following household appliances:

- Refrigerators, refrigerator-freezers and freezers;
- Room air-conditioners;
- Central air-conditioners and central air-conditioning heat pumps;
- Water heaters;
- Furnaces;
- Dishwashers;
- Clothes washers;
- Clothes dryers;
- Direct heating equipment;
- Kitchen ranges and ovens;
- Pool heaters; and
- Fluorescent lamp ballasts.

6.3.13 Commercial and Industrial Equipment:

The Energy Policy Act of 1992 (EPACT) calls for energy performance standards for certain commercial and industrial equipment. The US Department of Energy, Office of Codes and Standards, is responsible for test procedures and energy performance standards. The EPACT covers the following equipment:

- Small and large commercial-package air-conditioning and heating equipment;
- Packaged terminal air-conditioners and heat pumps;
- Warm-air furnaces;
- Packaged boilers;
- Storage water heaters;
- Instantaneous water heaters;
- Unfired hot-water storage tanks;
- Large electric motors (one to 200 horsepower) whether shipped separately or as a part of a larger assembly;
- Four-foot medium bi-pin, two-foot U-shaped, eight-foot slim line, and eight-foot high-output fluorescent lamps; and
- Incandescent reflector lamps.

EPACT also calls for water conservation standards for the following plumbing products:

- Lavatory faucets,

- Lavatory replacement aerators,
- Kitchen faucets,
- Kitchen replacement faucets,
- Metering faucets,
- Gravity tank-type toilets,
- Flush o' meter tank toilets,
- Electromechanical hydraulic toilets,
- Blowout toilets, and
- Urinals.

Importation of these products is to comply with the applicable US Department of Energy and Federal Trade Commission requirements.

6.3.14 Toys and Children's Articles:

Toys and other children's articles cannot be imported into the United States unless they comply with applicable regulations issued under the Federal Hazardous Substances Act. Consumer Product Safety Commission's (CPSC) regulations also contain tests used to define hazardous sharp edges and points on toys and other children's articles. Toys or other articles intended for children under the age of three cannot have small parts that present choking hazards. The Child Safety Protection Act (an amendment to the Federal Hazardous Substances Act) and its implementing regulations require warning labeling on toys and games designed for children between the ages of three and six, when these toys or games contain small parts that could present choking hazards. Similar regulations exist for balloons, small balls (small balls for children under age three are banned) and marbles. Electric toys, rattles, pacifiers, and cribs are subject to specific safety regulations. Lawn darts are banned.

6.3.15 Lead In Paint:

Paint and other similar surface coating materials intended for consumer use are banned if they contain more than 0.06 percent lead by weight of the dried paint film. This ban also applies to furniture with paint that exceeds 0.06 percent lead and to toys or other articles intended for children if these toys/articles contain paint that exceeds 0.06 percent lead, such products cannot be admitted into the United States. Although this ban applies to "surface coatings," CPSC can take action, under the Federal Hazardous Substances Act, against other lead-containing products if the lead content results in a substantial risk of injury or illness.

6.3.16 Bicycles and Bicycle Helmets:

Bicycles cannot be admitted unless they meet regulations issued under the Federal Hazardous Substances Act. The CPSC also has mandatory safety standards for bicycle

helmets; such helmets will not be admitted unless they meet CPSC's Safety Standard for Bicycle Helmets and are accompanied by a Certificate of Compliance.

6.3.17 Fireworks:

The fireworks regulations issued under the Federal Hazardous Substances Act set labeling requirements and technical specifications for consumer fireworks. Large fireworks like cherry bombs and M-80s are banned for consumer use. Large reloadable mortar shell fireworks are also banned. Large multiple-tube mine and shell fireworks are subject to specific requirements to prevent tip-over. Fireworks not meeting these requirements cannot be imported into the United States.

6.3.18 Flammable Fabrics:

Any article of wearing apparel, fabric or interior furnishing cannot be imported into the United States if it fails to conform to an applicable flammability standard issued under the Flammable Fabrics Act. These flammability standards cover general wearing apparel, children's sleepwear, mattresses, mattress pads, including futons; and carpets and rugs. Certain products can, however, be imported into the United States in order to finish or process them to render these products less highly flammable and thus less dangerous when worn by individuals. In such cases, the exporter must state on the invoice or other paper relating to the shipment that the shipment is being made for that purpose.

6.3.19 Art Materials:

Art materials cannot be imported into the United States unless they meet the Labeling of Hazardous Art Materials Act (LHAMA) of 1988. LHAMA requires that a toxicologist review art materials for their potential to produce adverse health effects. Art materials must bear appropriate chronic-hazard warnings in addition to any cautionary labeling required by the Federal Hazardous Substances Act. The LHAMA mandated a voluntary standard, ASTM D-4236, with certain modifications, as a mandatory rule under Section 3(b) of the Federal Hazardous Substances Act. This standard also requires that an art material bear or be displayed with a label indicating that it has been reviewed in accordance with the standard, whether or not the product bears a chronic warning statement.

6.3.20 Cigarette Lighters:

Disposable and novelty cigarette lighters cannot be admitted into the United States unless they meet the child-resistant safety standard; this standard is issued under the Consumer Product Safety Act.

6.3.21 Multi-purpose lighters:

A multi-purpose lighter, also known as grill lighter, fireplace lighter, utility lighter, micro-torch, or gas match, is a flame-producing product that operates on fuel (less than 10 oz.), incorporates an ignition mechanism, and is used by consumers to ignite items such as candles, fuel for fireplaces, charcoal or gas-fired grills, camp fires, camp stoves, lanterns, fuel-PSC has fired appliances or devices, or pilot lights, or for uses such as soldering or brazing. Multi-purpose lighters cannot be admitted into the United States unless they meet a child-resistant safety standard issued under the Consumer Product Safety Act. All manufacturers and importers must test lighters, keep records and report the results to CPSC. A Certificate of Compliance is to accompany each shipping unit of the product, or be furnished in another fashion to the distributor or retailer to whom the manufacturer, private labeler or importer delivers the product.

6.3.22 Radiation- and Sonic Radiation-Producing Products:

The following products are subject to the Federal Food, Drug, and Cosmetic Act, Chapter V, Subchapter C— Electronic Product Radiation (formerly called the Radiation Control Health and Safety Act of 1968):

- Television products that incorporate a cathode-ray tube,
- Cold-cathode gas-discharge tubes,
- Microwave ovens,
- Cabinet and diagnostic x-ray equipment,
- Laser products,
- Ultrasound physical therapy equipment,
- Sunlamps,
- CD-ROMs,
- Cellular and cordless telephones,
- Other electronic products for which there are radiation-performance standards.

An electronic product: (a) for which there is a radiation performance standard, and (b) that is imported for sale or use in the United States may only be imported if a declaration (Form FDA 2877) is filed with each importer's entry. Form FDA 2877 is available from the FDA. The declaration must describe the product's compliance status. The importer must affirm that the product was:

- Not subject to a standard (e.g., manufactured prior to the effective date of the applicable federal standard); or
- Complies with the standard and has a label affixed by the manufacturer certifying compliance; or
- Does not comply with the standard but is being imported only for purposes of research, investigation, study, demonstration, or training; or
- Does not now comply with the standard, but will be brought into compliance.

6.3.23 Radio Frequency Devices:

The following are subject to radio emission standards of the US Federal Communications Commission, under the Communications Act of 1934:

- Radios,
- Tape recorders,
- Stereos,
- Televisions,
- Citizens-band radios or
- Combinations thereof
- Other radio frequency devices.

Importations of such products may be accompanied by an FCC declaration (FCC 740) certifying that the imported model or device is in conformity with, will be brought into conformity, or is exempt from, the Federal Communication Commission requirements.

6.3.24 Foods, Cosmetics, etc.:

The importation into the United States of food, drugs, devices, and cosmetics is governed by provisions of the Federal Food, Drug, and Cosmetic Act. The FDA administers this Act. The Act prohibits the importation of articles that are adulterated or misbranded and products that are defective, unsafe, filthy, or produced under unsanitary conditions. The term *misbranded* includes statements, designs, or pictures in labeling that are false or misleading or that fail to provide the information required in labeling. The Act also prohibits the importation of pharmaceuticals that have not been approved by the FDA for admission into the United States.

The US Public Health Security and Bioterrorism Preparedness and Response Act, 2002 directs the FDA to receive prior notification of food, including animal feed that is imported or offered for import into the US. Imported products regulated by the FDA are also subject to inspection at the time of entry. Shipments found not to comply with its laws and regulations are subject to refusal; these shipments must be brought into compliance, destroyed, or re-exported. At the FDA's discretion, an importer may be permitted to bring a nonconforming importation into compliance if it is possible to do so. Some imported foods regulated by the FDA, such as confectionery, dairy products, poultry, eggs and egg products, meats, fruits, nuts and vegetables, are also subject to other agencies' requirements, as mentioned above. Certain aquatic species may also be subject to the requirements of the National Marine Fisheries Service of the National Oceanic and Atmosphere Administration of the US Department of Commerce.

6.3.25 Biological Drugs:

The manufacture and importation of biological products *for human consumption* are regulated under the Public Health Service Act. Domestic as well as foreign manufacturers of such products must obtain a US license for both the manufacturing establishment and for the product intended to be produced or imported. Additional information may be obtained from the FDA at its website: www.fda.gov. Biological drugs for animals are regulated under the Virus Serum Toxin Act, which is administered by the Department of Agriculture. The importation of viruses, serums, toxins and analogous products, and organisms and vectors for use in the treatment of domestic animals, is prohibited unless the importer holds a permit from the Department of Agriculture covering the specific product. These importations are also subject to special labeling requirements.

6.3.26 Biological Materials and Vectors:

The importation into the United States for sale, trade or exchange of items such as the following, which are applicable to the prevention, treatment or cure of human diseases or injuries, is prohibited unless they have been propagated or prepared at an establishment with an unsuspended, unrevoked US license for such manufacturing issued by the Secretary of the Department of Health and Human Services:

- Any virus,
- Therapeutic serum,
- Toxin, antitoxin or analogous products,
- Arsphenamine, its derivatives, or any other trivalent organic arsenic compound. (This prohibition does not extend to materials to be used in research experiments; however, research materials are subject to other requirements.)

Samples of the US licensed product must accompany each importation so that the CBP port director at the port of entry can forward them to the Director, Center for Biologics Evaluation and Research. A permit from the US Public Health Service, Centers for Disease Control and Prevention is required for shipments of any etiological agent; any insect, animal or plant vector of human disease; or for any exotic living insect, animal, or plant capable of being a vector of human disease.

6.3.27 Narcotic Drugs and Derivatives:

The importation of controlled substances including narcotics, marijuana and other dangerous drugs is prohibited except when imported in compliance with regulations of the Drug Enforcement Administration of the US Department of Justice. Examples of some prohibited controlled substances are Amphetamines, Barbiturates, Coca leaves and derivatives such as cocaine, Hallucinogenic substances such as LSD, mescaline, peyote, marijuana and other forms of cannabis, Opiates, including methadone, Opium,

including opium derivatives such as morphine and heroin, Synthetic substitutes for narcotic drugs, and Anabolic steroids.

6.3.28 Drug Paraphernalia:

Items of drug paraphernalia are prohibited from importation or exportation under Section 863, Title 21 of the United States Code. Under the Controlled Substances Act (Title II of Public Law 91-513), the term *drug paraphernalia* means any equipment, product or material of any kind that is primarily intended or designed for use in manufacturing, compounding, converting, concealing, producing, processing, preparing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance whose possession is unlawful under this Act. Items of drug paraphernalia include, but are not limited to, the following:

- Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes, with or without screens, permanent screens, hashish heads, or punctured metal bowls;
- Water pipes;
- Carburetion tubes and devices;
- Smoking and carburetion masks;
- Roach clips, meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;
- Miniature spoons with level capacities of one-tenth cubic centimeter or less;
- Chamber pipes;
- Carburetor pipes;
- Electric pipes;
- Air-driven pipes;
- Chillums;
- Bongs;
- Ice pipes or chillers;
- Wired cigarette papers; or
- Cocaine freebase kits.

6.3.29 Gold and Silver:

The provisions of the National Stamping Act are enforced in part by CBP and by the FBI. Articles made of gold or alloys thereof are prohibited importation into the United States if the gold content is one half carat divergence below the indicated fineness. In the case of articles made of gold or gold alloy, including the solder and alloy of inferior fineness, a one-carat divergence below the indicated fineness is permitted.

Articles marked “sterling” or “sterling silver” must assay at least 0.925 of pure silver with a 0.004 divergence allowed. Other articles of silver or silver alloys must assay not less than 0.004 part below their indicated fineness. Articles marked “coin” or “coin silver”

must contain at least 0.900 part pure silver, with an allowable divergence of 0.004 part below. Articles made wholly or in part of inferior metal and plated or filled with gold, silver or alloys thereof, and that are marked with the degree of fineness must also be marked to indicate the plated or filled content. In such cases, the use of the words *sterling* or *coin* is prohibited.

Under the Hobby Protection Act, which is administered by the Bureau of Consumer Protection of the Federal Trade Commission, any imitation numismatic item must be plainly and permanently marked "copy"; items that do not comply with this marking requirement are subject to seizure and forfeiture. Unofficial gold coin restrikes must be marked with the country of origin. It is advisable to obtain a copy of the legal proclamation under which the coins are issued, or, if the proclamation is unavailable, an affidavit of government sanction of coins should be secured from a responsible banking official.

6.3.30 Counterfeit Articles:

Articles bearing facsimiles or replicas of coins or securities of the United States or of any foreign country cannot be imported. Counterfeits of coins in circulation in the United States; counterfeited, forged, or altered obligations or other securities of the United States or of any foreign government; plates, dies, or other apparatus which may be used in making any of the foregoing, are prohibited importations.

6.3.31 Monetary Instruments:

Under the Currency and Foreign Transactions Reporting Act, 31 USC. 5311 et seq., if a person knowingly transports, is about to transport, or as transported, more than \$10,000 in monetary instruments at one time to, through or from the United States, or if a person receives more than \$10,000 at one time from or through a place outside the United States, a report of the transportation (form FINCEN 105) must be filed with CBP. Monetary instruments include:

- US or foreign coin,
- Currency,
- Traveler's checks in any form,
- Personal and other checks, either in bearer-negotiable form or endorsed without restriction,
- Money orders, either in bearer-negotiable form or endorsed without restriction, and
- Securities or stocks in bearer form.

A bank check or money order made payable to a named person but not endorsed, or that bears a restrictive endorsement, is not considered to be a "monetary instrument."

6.3.32 Pesticides:

The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, 1988, provides the statutory authority governing the importation of pesticides and pesticide devices into the United States. Among other requirements, these regulations require importers to submit to CBP an EPA Notice of Arrival (EPA form 3540-1) that the EPA has reviewed and approved before the importation arrives in the United States. Pesticides not registered in accordance with FIFRA Section 3 will be refused entry into the United States. Pesticide devices are not subject to product registration, but the labels of both pesticides and devices must bear the EPA registration number of the producing establishment. Pesticides and devices will be refused entry if they are identified as adulterated or misbranded, if they violate FIFRA provisions in any other way, or if they are otherwise injurious to health or the environment.

6.3.33 Toxic Substances:

The Toxic Substances Control Act (TSCA), effective January 1, 1977, regulates the manufacturing, importation, processing, commercial distribution, use or disposal of any chemical substances or mixtures broadly defined in Section 3 of TSCA. Section 3 specifies that certain substances be excluded from the definition of “chemical substance” based upon their use. These substances include, but are not limited to:

- Foods,
- Drugs,
- Cosmetics,
- Active ingredients in pesticides.

Importations will not be released from CBP custody unless proper certification is presented to CBP indicating that the import “complies with” or “is not subject to” TSCA requirements, or if it has already been identified as a food, drug, or active pesticide ingredient.

6.3.34 Hazardous Substances:

The Hazardous Substance Act; the Caustic Poison Act; the Food, Drug and Cosmetic Act; and the Consumer Product Safety Act all regulate the importation into the United States of dangerous, caustic, corrosive and hazardous substances. Among the requirements is that such substances be shipped to the United States in packages suitable for household use. The Office of Hazardous Materials Transportation of the US Department of Transportation regulates the marking, labeling, packaging, and transportation of hazardous materials, substances, wastes, and their containers. Hazardous waste is a special sub-category of hazardous substances and is regulated by the Resource Recovery and Conservation Act. Such waste requires a special EPA manifest for both imports and exports. The CBP considers otherwise legitimate commodities that were produced with radiation-contaminated materials to be hazardous

and therefore subject to seizure. The FDA defines a container *suitable for household use* as any retail parcel, package or container that can be readily adapted for fast or convenient handling in places where people dwell.

6.3.35 Refrigerants:

The importation of refrigerants and other ozone-depleting substances are regulated by the Title VI of the Clean Air Act as amended in 1990. Class I includes chlorofluorocarbons (CFCs), methyl chloroform, carbon tetrachloride, halons, and methyl bromide. Class II includes hydrofluorocarbons (HCFCs). Both Class I and Class II substances are commonly used as refrigerants, solvents, and fire-suppression agents. The EPA regulates the importation of all Class I and Class II ozone-depleting substances.

6.3.36 Textile Products:

All textile fiber products imported into the United States must be stamped, tagged, labeled, or otherwise marked with the following information, as required by the Textile Fiber Products Identification Act, unless exempted from marking under Section 12 of the Act:

- The generic names and percentages by weight of the constituent fibers present in the textile fiber product, exclusive of permissive ornamentation, in amounts greater than five percent.
- Constituent fibers must be listed in order of predominance by weight. Any fiber or fibers present in amounts of five percent or less must be designated as “other fiber” or “other fibers” and must appear last in this list.
- The name of the manufacturer, or the name or identification number issued by the Federal Trade Commission of the person(s) marketing or handling the textile fiber product. A word trademark, used as a house mark, that is registered with the United States Patent Office may be used on labels in lieu of the name otherwise required if the owner of such trademark furnishes a copy of the Patent Office registration to the Federal Trade Commission prior to use.
- The name of the country where the product was processed or manufactured.

A commercial invoice is required for each shipment of textile fiber products worth more than \$500. Regulations and pamphlets containing the text of the Textile Fiber Products Identification Act can be obtained from the US Federal Trade Commission. Pursuant to Section 204 of the Agricultural Act of 1956, imported textiles and textile products may, in addition to labeling requirements, also be subject to quota, visa, export-license or other entry requirements, including declarations that identify the fabricated components.

6.3.37 Wool:

The Wool Products Labeling Act of 1939 requires that any imported product containing woolen fiber—with the exception of carpet, rugs, mats, upholsteries and articles made more than 20 years prior to importation—be tagged, labeled, or otherwise clearly marked with the following information:

- The percentage of the wool product's total fiber weight, exclusive of ornamentation not exceeding five percent of the total fiber weight, of:
 - i. Wool,
 - ii. Recycled wool,
 - iii. Every fiber other than wool if the percent by weight of such fiber is at least five percent, and
 - iv. The aggregate of all other fibers.
- The percent of the wool product's total weight composed of any non-fibrous loading, filling, or adulterating matter.
- The name of the manufacturer or importer. If the importer has a registered identification number issued by the Federal Trade Commission, that number may be used instead of the individual's name.

A commercial invoice is required for each shipment of wool products exceeding \$500 in value. The provisions of the Wool Products Labeling Act apply to products manufactured in the United States as well as to imported products. Pamphlets containing the text of the Wool Products Labeling Act and regulations may be obtained from the US Federal Trade Commission.

6.3.38 Fur:

The Fur Products Labeling Act requires that any imported article of wearing apparel made in whole or in part of fur or used fur, with the exception of articles made of new fur whose cost or manufacturer's selling price does not exceed \$7, be tagged, labeled, or otherwise clearly marked to show the following information:

- The name of the manufacturer or importer. If the importer has a registered identification number, that number may be used instead of the individual's name.
- The name(s) of the animal or animals that produced the fur, as set forth in the Fur Products Name Guide and as determined under the FTC's rules and regulations.
- That the fur product contains used or damaged fur when such is the fact.
- That the fur product is bleached, dyed, or otherwise artificially colored when such is the fact.
- That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur when such is the fact.
- The country of origin of any imported furs incorporated in the fur product.

A commercial invoice is required for each shipment of furs or fur products exceeding \$500 in value and must contain the required information.

6.3.39 Dog or cat fur:

The importation, exportation, transportation, distribution or sale of any product that consists or is composed in whole or in part of any dog fur, cat fur, or both, is prohibited. Any such product that is imported will be seized and forfeited, and penalties may be imposed against any person who violates this law. Anyone found to have violated this prohibition may be barred from importing *any* fur product. This prohibition does not apply to the importation, exportation or transportation, for non-commercial purposes, of personal pets that are deceased, including pets preserved through taxidermy. The provisions of the Fur Products Labeling Act apply to fur and fur products in the United States as well as to imported furs and fur products. Regulations and pamphlets containing the text of the Fur Products Labeling Act can be obtained from the Federal Trade Commission.

6.3.40 Trademarks and Trade Names:

Articles bearing counterfeit trademarks are subject to seizure and forfeiture. A counterfeit trademark is defined as a spurious trademark that is identical with, or substantially indistinguishable from, a registered trademark. Articles with marks that copy or simulate a registered trademark that has been recorded with CBP are subject to detention and possible seizure and forfeiture. The CBP may also determine that a registered and recorded trademark should be granted protection against the importation of *parallel*, or *gray-market*, goods. These are goods bearing a legitimate trademark but that were not intended for sale in the United States. Should CBP determine that a registered and recorded trademark receive protection against the importation of gray-market goods, any attempted importation of such goods will subject them to detention and possible seizure and forfeiture. A personal exemption for merchandise bearing an infringing mark is permitted for articles that accompany any person arriving in the United States *when such articles are for his or her personal use and not for sale*. Only one infringing item of each type bearing a registered trademark is permitted. An individual may take advantage of this exemption only once within a 30-day period.

6.3.41 Copyrights:

Articles imported into the United States that are pirated (bootleg, counterfeit) copies of any registered copyright are subject to seizure and forfeiture.

6.3.42 Wildlife and Pets:

The importation of live wildlife (i.e., game animals, birds, plants), any part or product made from them, and of birds' eggs, is subject to prohibitions, restrictions, permits and

quarantine requirements administered by several government agencies. Imports of wildlife, their parts or products must be declared at designated ports of the US Fish and Wildlife Service (FWS) unless an exception is granted prior to the time of import or export. Any commercial importer planning to import wildlife must first obtain a license from the Fish and Wildlife Service. Endangered species of wildlife and certain species of animals and birds are generally prohibited from entering the United States. Such species can only be imported or exported under a permit granted by the Fish and Wildlife Service. Specific information concerning permit requirements should be obtained from the Fish and Wildlife Service or by visiting its website at www.fws.gov. Antique articles (articles that can be certified as being at least 100 years old) may be exempt from certain requirements of the US Endangered Species Act. The Fish and Wildlife Service, Office of Management Authority, should be contacted for details.

6.3.43 Marine mammals:

The taking and importation of marine mammals and their products are subject to the requirements of the Marine Mammal Protection Act (MMPA) of 1972, as amended in 1994. The National Marine Fisheries Service and FWS both have jurisdiction under the MMPA for certain species and import activities. Additional requirements of the US Endangered Species Act and the Convention on International Trade in Endangered Species (CITES) may also apply.

Prior to importing, both agencies should be contacted to learn their exact import requirements. Other import requirements administered by the National Marine Fisheries Service may also apply for certain species covered by the International Commission for the Conservation of Atlantic Tunas, e.g., Atlantic blue fin tuna. See the agency's Website, www.nmfs.noaa.gov for more information. Certain plants, mammals, reptiles, amphibians, fish, snails, clams, insects, crustaceans, mollusks, and other invertebrates may be prohibited from entering the United States unless the importer has a permit from either from the exporting nation's (i.e., the foreign) wildlife authority or from the Fish and Wildlife Service, Office of Management Authority, before the importation takes place.

6.3.44 Matches, fireworks, knives:

The following are all prohibited importations:

- White or yellow phosphorus matches,
- Fireworks banned under federal or state restrictions,
- Pepper shells,
- Switchblade knives,

6.3.45 Obscene, Immoral or Seditious Matter and Lottery Tickets:

Section 305, Tariff Act of 1930, as amended, prohibits the importation of any book, writing, advertisement, circular, or picture containing:

- Any matter advocating or urging treason or insurrection against the United States,
- Any matter advocating or urging forcible resistance to any law of the United States,
- Any threat to take the life of or inflict bodily harm upon any person in the United States.

It also prohibits the importation of:

- Any obscene book, writing, advertisement, circular, picture or other representation, figure, or image on or of paper or other material,
- Any instrument or other article that is obscene or immoral,
- Any drug or medicine for causing unlawful abortion that has not been approved by FDA.
- Any lottery ticket, unless printed in Canada for use in a US—or in some cases, other foreign—lottery.

6.3.46 Petroleum and Petroleum Products:

Importations of petroleum and petroleum products are subject to the requirements of the Department of Energy. An import license is no longer required, but an import authorization may be needed. These importations may be subject to an oil-import license fee, which is collected and administered by the Department of Energy. Inquiries should be directed to the US Department of Energy.

6.3.47 Products of Convict or Forced Labor:

Merchandise produced, mined, or manufactured, wholly or in part by means of the use of convict labor, forced labor, or indentured labor under penal sanctions is prohibited from importation, provided that a finding has been published pursuant to section 12.42 of the CBP Regulations (19 CFR 134 134 12.42) that certain classes of merchandise from a particular country, produced by convict, forced, or indentured labor, either were being, or are likely to be, imported into the United States in violation of section 307 of the Tariff Act of 1930, as amended (19 USC. 1307).

6.3.48 Unfair Competition:

Section 337 of the Tariff Act, as amended, prohibits the importation of merchandise if the US President finds that unfair methods of competition or unfair acts exist. This section is most commonly invoked in the case of patent violations, although a patent need not be at issue. The prohibition of entries of the merchandise in question is generally for the term of the patent, although a different term may be specified.

Following a Section 337 investigation, the USITC may find that unfair methods of competition or unfair acts exist regarding the importation of particular merchandise. After the USITC has issued an order, the president is allowed 60 days to take action to

communicate his approval or disapproval of the USITC's determination. Should the 60 days expire without presidential action, the order becomes final. During the 60-day period, or until the president acts, importation of the merchandise is allowed under a special bond. However, CBP must recall that merchandise if doing so becomes appropriate under the order's conditions once it becomes final. If the president determines that entry of the merchandise in question does not violate Section 337, the bond is canceled.

6.3.49 USTR Actions:

As authorized by the Trade Act of 1974, the United States Trade Representative (USTR) administers Section 301 complaints against unfair foreign trade practices that harm US exporters. USTR actions that may directly affect US importers include the *suspension of concessions*. For example, the USTR may suspend the normal-trade-relations rate of duty and substitute a substantially higher duty rate on designated products from a foreign country found to be discriminating against US products.

6.3.50 Alcoholic Beverages:

Any person or firm wishing to engage in the business of importing into the United States distilled spirits, wines containing at least seven percent alcohol, or malt beverages must first obtain an importer's basic permit from the Alcohol and Tobacco Tax and Trade Bureau (TTB) of the US Treasury Department. Under this act, TTB has the authority to:

- Prevent consumer deception,
- Require that labels on alcohol products provide consumers with "adequate information" regarding the identity and quality of the products, and
- Prohibit false or misleading statements.

6.3.51 Automobiles, Vehicles And Vehicle Equipment:

As a general rule, all imported motor vehicles less than 25 years old and items of motor vehicle equipment must comply with all applicable Federal Motor Vehicle Safety Standards (FMVSS) in effect when these vehicles or items were manufactured. A CBP inspection at the time of entry will determine such compliance, which is verified by the original manufacturer's certification permanently affixed to the vehicle or merchandise. An entry declaration form, HS-7, must be filed when motor vehicles or items of motor vehicle equipment are entered. The HS-7 can be obtained from customs brokers or ports of entry.

Certain temporary importations may be exempt from the requirements for conformance if written approval is obtained in advance from both the US Department of Transportation and the Environmental Protection Agency. This includes vehicles brought in for research, demonstrations, investigation, studies, testing or competitive

events. Also, EPA form 3520-1 and DOT form HS-7 must be submitted to CBP at the time entry for such vehicles is made.

Vehicles imported for temporary use by certain nonresidents or by members of foreign governments or foreign armed forces may not be required to comply with safety, bumper, emission, or theft-prevention standards. Nonconforming vehicles imported by nonresidents for personal use must be exported at the end of one year. Vehicles described in this paragraph may also require EPA and DOT declarations (forms 3520-1 and HS-7, respectively). A DOT bond in the amount of 150 percent of the vehicle's dutiable value must be posted at the port of entry when a noncertified or nonconforming vehicle is imported for permanent use. The importer must also sign a contract with a DOT-registered importer, who will modify the vehicle to conform with all applicable safety and bumper standards and who can certify the modification(s). A copy of this contract must be furnished to CBP with the HS-7 at the port of entry. Furthermore, the vehicle model and model year must be determined to be eligible for importation. For additional information or details on these requirements, US Department of Transportation can be contacted.

The Clean Air Act prohibits the importation of any motor vehicle or motor vehicle engine not in conformity with emission requirements prescribed by the US Environmental Protection Agency. This restriction applies whether the motor vehicle or motor-vehicle engine is new or used, and whether it was originally produced for sale and use in a foreign country or originally produced (or later modified) to conform to EPA requirements for sale or use in the United States. In addition to passenger cars, all trucks, multipurpose vehicles (e.g., all-terrain vehicles, campers), motorcycles, etc., that are capable of being registered by a state for use on public roads or that the EPA has deemed capable of being safely driven on public roads, are subject to these requirements. The term "vehicle" is used below to include all EPA-regulated vehicles and engines. For further information, the US EPA may be contacted and consulted.

Sources:

ⁱ <https://www.census.gov/foreign-trade/balance/c0004.html>

ⁱⁱ <http://tao.wto.org/report/TariffAverages.aspx>

ⁱⁱⁱ <https://ustr.gov/about-us/policy-offices/press-office/press-releases/2018/february/trump-administration-sends-annual>

^{iv} <https://www.commerce.gov/page/about-commerce>

^v <https://www.commerce.gov/doc/international-trade-administration#3/43.42/-112.00>

^{vi} https://www.usitc.gov/press_room/about_usitc.htm

^{vii} <http://stat.wto.org/TariffProfile/WSDBTariffPFView.aspx?Language=E&Country=US>

^{viii} <https://www.usitc.gov/tata/hts/index.htm>

- ^{ix} <https://ustr.gov/sites/default/files/GSP-Guidebook-September-16-2016.pdf>
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