



**PORT (TRADE)
INFORMATION
NOTICE**

NUMBER: 2010 – 12
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SUBJECT: Modification of CBP Ruling for Containers with Residual Chemicals

DISTRIBUTION: Brokers, Entry Filers and Other Interested Parties, Service Port of Blaine

On July 17, 2009 U.S. Customs and Border Protection (CBP) published Customs Bulletin and Decisions, Volume 43, No. 28, providing notice of modification of a Headquarters ruling (HQ 113129) which allowed containers meeting the requirements of 19 U.S.C. 1322(a) and 19 CFR 10.41a as instruments of international traffic (IIT) and containing residual chemicals to be entered as empty containers. This notice is available on the CBP public website at

http://www.customs.gov/linkhandler/cgov/trade/legal/bulletins_decisions/bulletins_2009/vol43_07172009_no28/43genno28.ctt/43genno28.pdf (page 138).

CBP will delay enforcement until further notice in order for the trade community to fully comply with these requirements.

Once a definitive enforcement date is established:

- Instruments of international traffic containing residual chemicals, cargo, goods, etc., must be manifested and entered in compliance with customs laws;
- If qualified, shipments containing residual goods can be entered as American Goods Returned (AGR); and
- Since the exact amount of the residual goods may not be known at the time the advance cargo information is required to be transmitted, the importer may estimate the amount when providing that information to the carrier for transmission to CBP. Additionally, the same estimated amount should be used at the time of entry of the goods. If a more precise amount is obtained after arrival then the entry should be amended.

We encourage importers to take steps to comply with this ruling at their earliest opportunity. Any questions regarding this notice should be directed to Cargo Chief Chris DeMello at 360-332-2661.

Lynn Gardner
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Trade Operations

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DISCLAIMER: This information has been prepared for your convenience by the Customs and Border Protection office at Blaine, Washington. This material is intended to provide guidance. Recognizing that many complicated factors are involved in Customs matters, an importer may wish to obtain a binding ruling under 19 CFR Part 177. Reliance solely on this information may not be considered reasonable care. Importers are referred to Treasury Decision 97-96, which was published in the **Federal Register** of December 4, 1997, and in the **Customs Bulletin** of December 17, 1997, for in-depth information on the concept of reasonable care.

U.S. CUSTOMS AND BORDER PROTECTION