

**The Month So Far: November 7 through 13, 2015**

**ANIMAL AND PLANT HEALTH INSPECTION SERVICE**

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*Related Resources for Non-Children's Products:*

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[Third Party Testing FAQ](#)

*THIRD PARTY TESTING is required to support a certification of compliance to the rules shown below for children's products that are manufactured after the effective dates listed with each rule. The laboratories in this list have been accepted as accredited to test products to one or more of these children's product safety rules, as identified in the accreditation scope for each laboratory. A manufacturer of a children's product that must comply with one or more of these rules must support its certification of compliance with test results from one of these laboratories. -CHECK THE: [List of Accredited Testing Laboratories](#)*

- Search the [CPSC Recalls and Safety News Page](#)

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- [PNY Recalls Portable Lithium Polymer Battery Packs Due to Fire Hazard](#)
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- [STIHL Recalls Edgers, Trimmer/Brushcutters, Pole Pruners and KombiMotors Due to Fire Hazard](#)
- [Belle Investment Recalls Richie House Boys' Jackets Due to Entanglement Hazard](#)
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- [Fireworks Over America Recalls Space Monkey Multi-effect Fireworks Due to Burn, Fire, Impact Hazards](#)

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**November 10, 2015**

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<i>Quarterly IRS Interest Rates Used in Calculating Interest on Overdue Accounts and Refunds on Customs Duties</i>		<i>Page 2</i>
<i>Modification of One Ruling Letter, Revocation of One Ruling Letter and Revocation of Treatment Relating to the Tariff Classification of Plastic Heat Shrink Tubing</i>		<i>5</i>

*EFFECTIVE DATE: This action is effective for merchandise entered or withdrawn from warehouse for consumption on or after January 11, 2016.*

*In NY H80297 and NY 843391, CBP classified certain plastic heat shrink tubing under heading 8546, HTSUS, as “electrical insulators”. It is now CBP’s position that plastic heat shrink tubing is properly classified, by operation of GRI 1, in heading 3926, HTSUS, specifically in subheading 3926.90.99, HTSUS, which provides for: “Other articles of plastic and articles of other materials of headings 3901 to 3914: Other: Other.”*

*Pursuant to 19 U.S.C. § 1625(c)(1), CBP is modifying NY H80297, revoking NY 843391, and revoking any other ruling not specifically identified to reflect the tariff classification of the subject merchandise according to the analysis contained in Headquarters Ruling Letter (“HQ”) H118307, set forth as an attachment to this notice.*

**ISSUE:** *Whether the heat-shrink tubes are classified in heading 3926, HTSUS, which provides for “Other articles of plastics and articles of other materials of headings 3901 to 3914” or, in heading 8546, HTSUS, which provides for “Electrical insulators of any material”?*

*The instant merchandise consists of plastic tubing that is used to provide a protective seal or jacket. Note 2(s) to Chapter 39, Section VII, HTSUS, excludes “[a]rticles of Section XVI”, which includes heading 8546, HTSUS. Accordingly, before considering whether the articles are classifiable in heading 3926, HTSUS, as a plastic article, it must first be determined whether the subject merchandise is classifiable as*

an electrical appliance of Section XVI, in heading 8546, HTSUS, which provides for “electrical insulators.”

In order to be classified as an electrical insulator of heading 8546, HTSUS, an article must serve two functions: (1) it must fix, support, or guide an electrical current, and (2) it must also insulate the electric current conductors from each other. See Headquarters Ruling Letter (HQ) 088157, dated July 2, 1992, citing to HQ 089276, dated July 24, 1991. See EN 85.46. Furthermore, EN 85.46 lists three types of electrical insulators: suspension insulators, rigid insulators, and leading-in insulators. A picture of the subject Insultube 500–546, which is currently discontinued, is available on amazon.com.<sup>1</sup> We note that the instant plastic tubing does not share physical characteristics nor, is it a device that fixes or guides electrical currents. Instead, the subject merchandise is used to form a protective jacket for wires that are buried underground. Thus, we find that the instant articles are not described by heading 8546, HTSUS.

CBP has previously classified substantially similar merchandise in heading 3926, HTSUS. In HQ 082619, dated February 26, 1990, CBP was presented with polyethylene and ethylene vinyl acetate heat shrinkable tubing, and found that the articles were classifiable in heading 3926. ...



<sup>1</sup> Fi-Shock 500-546 Rolls High Tensile 50-Foot Insultube

In light of the foregoing, we find that the heat shrinkable tubing at issue is classified in heading 3926, HTSUS, specifically subheading 3926.90.99, which provides for “Other articles of plastics and articles of other materials of headings 3901 to 3914: Other: Other.” The 2015 general duty rate is 5.3% ad valorem.

**HOLDING:** By application of GRI and pursuant to Note 2(s) of Chapter 39, Section VII, the subject heat shrink tubes are classifiable under heading 3926, specifically subheading 3926.90.99, which provides for “Other articles of plastics and articles of other materials of headings 3901 to 3914: Other: Other.” The 2015 duty rate is 5.3% ad valorem.

**Revocation of 3 Ruling Letters and Revocation of Treatment Relating to the Tariff Classification of An Anti-Theft Device . . . . . 12**

**EFFECTIVE DATE:** *This action is effective for merchandise entered or withdrawn from warehouse for consumption on or after January 11, 2016.*

In NY 888345, CBP classified anti-theft device under 3215.90.5000 HTSUS, which provides for “Printing ink, writing or drawing ink and other inks, whether or not concentrated or solid: Other: Other.” It is now CBP’s position that the anti-theft device is properly classified in subheading 3926.90.9995, HTSUS, which provides for “Other articles of plastics and articles of other materials of headings 3901 to 3914: Other: Other.”

...  
The anti-theft device consists primarily of two components: a plastic shell housing and an ink capsule. Because the anti-theft device is a composite good, it must be classified pursuant to GRI 3, which states, in pertinent part: When, by application of rule 2(b) or for any other reason, goods are, prima facie, classifiable under two or more headings, classification shall be effected as follows:

\* \* \*

(b) Mixtures, composite goods consisting of different materials or made up of different components and goods put up in sets for retail sale, which cannot be classified by reference to 3(a), shall be classified as if they consisted of the material or component which gives them their essential character, insofar as this criterion is applicable.

...

GRI 3(b) requires that classification be based on the component that provides the article with its essential character. As noted above, EN (VIII) to GRI 3(b) provides that when performing an essential character analysis, the factors that should be considered are the bulk, quantity, weight or value, or the role of a constituent material in relation to the use of the goods. There have been several court decisions on “essential character” for purposes of classification under GRI 3(b). [citations omitted] “[E]ssential character is that which is indispensable to the structure, core or condition of the article, i.e., what it is.” Home Depot USA, Inc. v. United States, 427 F. Supp. 2d at 1293 quoting A.N. Deringer, Inc. v. United States, 66 Cust. Ct. 378, 383 (1971). In particular, in Home Depot USA, Inc. v. United States, the court stated “[a]n essential character inquiry requires a fact intensive analysis.” 427 F. Supp. 2d 1278, 1284 (Ct. Int’l Trade 2006). Therefore, a case-by-case determination on essential character is warranted in this situation.

The ink capsule of the anti-theft device is enclosed within the plastic shell housing, which is clamped onto the garment. The plastic shell is the only visible component of the anti-theft device. The shell prevents the ink cartridge from breaking and ruining the merchandise unless the device is tampered with. Additionally, the plastic shell housing accounts for the majority of the bulk and weight of the anti-theft device. The primary function of the anti-theft device is to prevent shoplifters from stealing garments. The plastic shell housing serves as a physical and visual deterrent to would-be shoplifters. The anti-theft device is visible on the garments onto which it is affixed. Furthermore, the garments are unusable if the device is not removed using the removal tool. The ink housed in the plastic shell is an additional deterrent, however, it is incapable of operating on its own. By contrast, the plastic shell housing can function as a theft deterrent without the ink cartridge. Thus, the role of the plastic shell housing is indispensable to the use of the device. Based on the analysis of these factors, we find that the plastic shell housing provides the merchandise with its essential character. Therefore, based on the information available, the merchandise is properly classified as an article of plastic under heading 3926 HTSUS.

Prior CBP rulings have classified similar anti-theft devices in heading 3926 HTSUS. For example, in HQ 082561 (Nov. 25, 1988), the legacy Customs Service classified Colortag anti-shoplifting device under heading 3926 HTSUS. Similarly, in NY N801735 (Sept. 28, 1994), Customs classified an anti-theft device consisting of a plastic shell containing ink under heading 3926 HTSUS. See also, NY 868503 (Nov. 11, 1991), NY 855458 (Aug. 29, 1990). Consequently, our holding is consistent with prior rulings.

**HOLDING: By application of GRI 3(b), the anti-theft tag is classified in heading 3926 HTSUS, more specifically in subheading 3926.90.9995, which provides for “Other articles of plastics and articles of other materials of headings 3901 to 3914: Other: Other.” The 2015 column one, general rate of duty is 5.3 percent ad valorem.**

**Revocation of a Ruling Letter, Modification of Two Ruling Letters and Revocation of Treatment Relating to Classification of Cyclosporine, CAS #59865–13–3 . . . . . 18**

**EFFECTIVE DATE: This action is effective for merchandise entered or withdrawn from warehouse for consumption on or after January 11, 2016.**

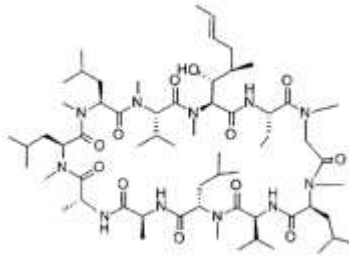
Pursuant to section 625(c)(1), Tariff Act of 1930 (19 U.S.C. 1625 (c)(1)), as amended by section 623 of Title VI (Customs Modernization) of the North American Free Trade Agreement Implementation Act (Pub. L. 103–182, 107 Stat. 2057), this notice advises interested parties that CBP is revoking a ruling and to modify two rulings pertaining to the classification of cyclosporine (CAS 59865–13–3).

...

In the 1994 rulings, CBP classified the product in subheading 2941.90.10, HTSUS, which provides for: “Antibiotics: Other: Natural: Other.” In the 2001 ruling, CBP classified cyclosporine under subheading 2933.90.90 (now 2933.99.90), which provides for: “[H]eterocyclic compounds with nitrogen heteroatom(s) only: Other: Other: Other: Drugs.” We have determined that these three rulings are in error with respect to the classification of cyclosporine and that NY R04986, dated October 10, 2006 provides the correct classification for the merchandise in subheading 2933.79.85, HTSUS, which provides for:

*“Heterocyclic compounds with nitrogen hetero-atom(s) only: Lactams: Other lactams: Other: Other.” Therefore, this ruling revokes NY G81655, and modifies NY 801521 and NY 801775 with respect to classification of cyclosporine (CAS 59865–13–3).*

...



*In NY G81655, we stated the following:*

*Cyclosporine is a cyclic peptide, consisting of 11 amino acids, produced as a metabolite by the fungus, Beauveria nivea. It is indicated for use as an immunosuppressant agent for the prevention of organ rejection in kidney, liver, and heart allogeneic transplants (i.e., transplants involving individuals who are antigenically distinct). We note that the International Nonproprietary Name (INN) for Cyclosporine is “Ciclosporin,” which is listed in Table 1 of the Pharmaceutical Appendix to the Tariff Schedule.*

*A report issued to this office by the U.S. Customs laboratory in New York notes the lack of any evidence in the scientific literature indicating Cyclosporine’s ability to kill other microorganisms or inhibit their growth. CBP Laboratory Report No. NY20111634S, dated October 7, 2011, a supplement to the report referred to in NY G81655, states, in pertinent part, the following: “In our opinion, Cyclosporine is a Lactam ... ” In both NY 801521 and NY 801775 we described cyclosporine as “an antibiotic which is used as an immunosuppressive drug.”*

**ISSUE:** *Whether cyclosporine is classifiable as an antibiotic of heading 2941, and if not, whether when classified by structure, it is a lactam of subheading 2933.79.85.*

...

*In Lonza, Inc. v. U.S., 46 F.3d 1098 (Fed. Cir. 1995), the court stated that “antibiotics are commonly understood to mean substances, produced either naturally or synthetically, that exhibit an ability to kill or inhibit the growth of microorganisms.” Id.*

*In the 1994 NY rulings, we described cyclosporine as an antibiotic that is used as an immunosuppressant. Though originally isolated in 1970 from samples submitted for the screening program for antifungal antibiotics, antifungal activity proved both modest and restricted. Tribe, Henry T., “The Discovery and Development of Cyclosporin”, Mycologist, Volume 12, Part 1, February 1998. ([http://www.fungi4schools.org/Reprints/Mycologist\\_articles/Post-16/Medical/V12pp020-023cyclosporin.pdf](http://www.fungi4schools.org/Reprints/Mycologist_articles/Post-16/Medical/V12pp020-023cyclosporin.pdf)).*

*Furthermore, “no effect was found on tumour cells of mice in vitro, nor on survival of leukaemic mice, these facts indicating that immunosuppression was not linked with general cytotoxic activity.” Id. Therefore, cyclosporine has not been shown to inhibit neoplasms or to inhibit pathogenic microorganisms. Rather, cyclosporine is the first line treatment in organ transplants as an immunosuppressant to decrease the chance of rejection of the new organ. Also, the immunosuppressant activity of cyclosporine is now being used to treat autoimmune diseases such as psoriasis, uveitis, rheumatoid arthritis and others. Id. Therefore, in accordance with the terms of heading 2941, HTSUS, and the EN thereto, cyclosporine is not classifiable as an antibiotic because it does not exhibit antibiotic activity and is not used as such. Hence, it is classified by its structure.*

*A heterocyclic compound is an organic compound “composed of one or more rings, and which contain in the ring(s), in addition to the carbon atoms, atoms of other elements.” General EN, Subchapter X, Chapter*

29, HTSUS. Cyclosporine meets this description, thus it is a heterocyclic compound; as nitrogen is the only element other than carbon found in the ring structure of cyclosporine, it is a “heterocyclic compound with nitrogen hetero-atom(s) only,” properly classified in heading 2933, HTSUS. Furthermore, in accordance with the CBP Laboratory Report, Cyclosporine is a lactam of subheading 2933.79, HTSUS, because the molecules contain one or more amide functions in a ring.

**HOLDING:** Cyclosporine, CAS #59865–13–3, is classified in heading 2933, HTSUS. Specifically, the merchandise is classified in subheading 2933.79.85, HTSUS, which provides for: “Heterocyclic compounds with nitrogen hetero-atom(s) only: Lactams: Other lactams: Other: Other.” The column one, general rate of duty is free.

**Proposed Revocation of Ruling Letter and Proposed Revocation of Treatment Relating to the Tariff Classification of Saytex HP 7010, Also Known as Brominated Polystyrene (CAS #88497–56–7) . . . . 26**

**DATES:** Comments must be received on or before December 10, 2015.

In NY N074315, CBP classified Saytex HP 7010, also known as Brominated Polystyrene (CAS #88497–56–7) in subheading 3824.90, HTSUS, which provides for: “Prepared binders for foundry molds or cores; chemical products and preparations of the chemical or allied industries (including those consisting of mixtures of natural products), not elsewhere specified or included: Other.”

Pursuant to 19 U.S.C. 1625(c)(1), CBP intends to revoke NY N074315 and any other ruling not specifically identified, in order to reflect the proper classification of Saytex HP 7010, also known as Brominated Polystyrene (CAS #88497–56–7) according to the analysis contained in proposed HQ H257795, set forth as Attachment B to this document. Additionally, pursuant to 19 U.S.C. 1625(c)(2), CBP intends to revoke any treatment previously accorded by CBP to substantially identical transactions.

...

We have reviewed NY N074315 and find it to be in error. The product was incorrectly described as a mixture in that ruling. For the reasons set forth below, we hereby revoke NY N074315.

**FACTS:** In NY N074315, CBP described the merchandise as follows:

Saytex HP 7010, also known as Brominated Polystyrene, is a mixture composed of 68% bromine and 32% polystyrene. The product is a flame retardant polymeric additive indicated for use in engineering plastic applications.

The specification data provided by Albemarle clarifies that the product is not a mixture of two unreacted components with a ratio of 68% bromine and 32% polystyrene. The product is in the form of the reacted product, that is, a chemically modified polymer. It contains by weight 68% of bromine.

**ISSUE:** Is Saytex HP 7010, also known as brominated polystyrene (CAS #88497–56–7), properly classified in heading 3824, HTSUS, as a “chemical product or preparation. . . not elsewhere specified or included”, or in heading 3903, HTSUS, as “polymers of styrene, in primary forms”?

**LAW AND ANALYSIS:**

...

Heading 3824, HTSUS, provides, in relevant part, for chemical products and preparations which are “not elsewhere specified or included.” Therefore, if the merchandise is described by heading 3903, HTSUS, it is not classified in heading 3824, HTSUS.

Heading 3903, HTSUS, provides for polymers of styrene, in primary forms. The specification data submitted by Albemarle confirms that Saytex HP 7010, also known as brominated polystyrene (CAS #88497–56–7), is a chemically modified polymer. Chemically modified polymers are classified according to their constituent polymeric material – polystyrene. The merchandise is classified in heading 3903, HTSUS. As such, it cannot be classified in Heading 3824, HTSUS.

**HOLDING:** Pursuant to GRIs 1 and 6, Saytex HP 7010, also known as brominated polystyrene (CAS #88497–56–7), is classified in heading 3903, HTSUS, and specifically in subheading 3903.90.50, which provides for “Polymers of styrene, in primary forms: Other: Other.” The column one, general rate of duty is 6.5 percent *ad valorem*.

MESSAGING SERVICE

CSMS [15000847](#) ACE-CERTIFICATION DEPLOYMENT for Monday, November 16, 2015 at 17:30 ET  
 CSMS [15000846](#) Addendum: ACE Production Deployment Saturday, 11/14/15 at 2100 ET – 0400 ET  
 CSMS [15000845](#) ACE PRODUCTION Deployment Saturday, November 14, 2015 at 2100 ET – 0400 ET  
 CSMS [15000844](#) Time Correction: ACE Certification Deployment today, Tuesday, 11/10/15 at 1930ET  
 CSMS [15000843](#) ACE CERTIFICATION Deployment today, Tuesday, November 10, 2015 at 2100 ET  
 CSMS [15000842](#) ACE Entry Summary Rejections - 11/10/2015  
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 CSMS [15000840](#) Update: 2015 ACE Customer Satisfaction Survey for Trade Extended to November 16, 2015  
 CSMS [15000839](#) Guidance for using the ACE Portal to file a Truck manifest  
 CSMS [15000838](#) I want to file entries in the PGA Pilot!  
 CSMS [15000837](#) [same as above, 15000838]  
 CSMS [15000836](#) ACE Production Deployment Tuesday, November 10, 2015 at 0600ET – 0630AM ET  
 CSMS [15000835](#) RESOLVED - ACE REPORTS ISSUE is RESOLVED 11/08/2015  
 CSMS [15000834](#) ACE REPORTS ISSUE 11/8/2015 - Report data is not current  
 CSMS [15000833](#) ACE PRODUCTION Deployment Tomorrow, Saturday, November 7, 2015 at 2200 ET

**FEDERAL COMMUNICATIONS COMMISSION**RULES

Radio Frequency Devices, FCC Form 740 Temporary Suspension **CORRECTION**

*The Temporary Waiver of the requirement to file FCC Form 740 concerning imported Radio Frequency (RF) devices in fact **goes into effect July 1, 2016, NOT**, as indicated in the notice, December 7, 2015.*

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Food Advisory Committee

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For details or additional information please contact: [bywierbicki@tdllp.com](mailto:bywierbicki@tdllp.com)

**FDA Recalls Market Withdrawals, & Safety Alerts**

- [Trader Joe's Issues Voluntary Allergy Alert on Tree Nuts In Trader Giotto's Butternut Squash Triangoli](#)
- [Halo, Purely for Pets® Issues Voluntary Recall of Sensitive Cat Turkey Dry Food Due to Mold](#)
- [Brett Anthony Foods Issues Allergy Alert on Undeclared Chestnuts in Whole Foods Brand Wild Mushroom Soup Sold in Illinois, Indiana, Michigan, Missouri, Minnesota and Nebraska Stores](#)
- [Inaffit, LLC Issues Voluntary Nationwide Recall of Natureal Due to Undeclared Sibutramine](#)
- [Zenobia Company LLC. Recalls Ground Flax Seed Meal Because of Possible Health Risk](#)
- [Blue Buffalo Company, Ltd. Voluntarily Recalls Limited Production of Kitty Yums Chicken Recipe Cat Treats Due to the Presence of Propylene Glycol](#)
- [World Variety Produce, Inc. Voluntarily Recalls Italian Pine Nuts Because of Possible Health Risk](#)
- [Brett Anthony Foods Issues Allergy Alert on Undeclared Peanut, Egg, Sulfite in Whole Foods Brand Tofu Curry Cous Cous Box 16oz](#)

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**FOREIGN ASSETS CONTROL OFFICE****Blocking or Unblocking of Persons and Properties**

Publication of the names of two individuals and four entities whose property and interests [\[TEXT\]](#) [\[PDF\]](#) in property are blocked pursuant to Executive Order 13224 of September 23, 2001, "Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten To Commit, or Support Terrorism."

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Drawn Stainless Steel Sinks from the People's Republic of China [\[TEXT\]](#) [\[PDF\]](#)

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Certain Welded Carbon Steel Pipes and Tubes from Turkey [\[TEXT\]](#) [\[PDF\]](#)

Seamless Refined Copper Pipe and Tube from Mexico [\[TEXT\]](#) [\[PDF\]](#)

Steel Wire Garment Hangers from the People's Republic of China [\[TEXT\]](#) [\[PDF\]](#)

For details or additional information please contact: [bywierbicki@tdllp.com](mailto:bywierbicki@tdllp.com)



Determinations of Sales at Less Than Fair Value:Welded Line Pipe from the Republic of Korea; Amended [\[TEXT\]](#) [\[PDF\]](#)Preliminary Affirmative Less Than Fair Value Determination:Certain Polyethylene Terephthalate Resin from the People's Republic of China; Correction [\[TEXT\]](#) [\[PDF\]](#)Subsidies:Quarterly Update to Annual Listing of Foreign Government Subsidies on Articles of Cheese Subject to an In-Quota Rate of Duty [\[TEXT\]](#) [\[PDF\]](#)Requests for Nominations:Advisory Committee on Supply Chain Competitiveness [\[TEXT\]](#) [\[PDF\]](#)**INTERNATIONAL TRADE COMMISSION**NOTICESRequests for Proposals:International Harmonized System; Amendments [\[TEXT\]](#) [\[PDF\]](#)Antidumping or Countervailing Duty Investigations, Orders, or Reviews:Complaints:Certain Aquarium Fittings and Parts Thereof [\[TEXT\]](#) [\[PDF\]](#)[\*Aquarium Fittings\*](#)[\*Certain Welded Line Pipe from Korea and Turkey\*](#)[\*Magnesia Carbon Bricks from China and Mexico\*](#)[\*Electronic Devices Including Strengthened Glass and Packaging\*](#)[\*Cut-to-Length Carbon Steel Plate from China, Russia, and Ukraine\*](#)[\*Narrow Woven Ribbons with Woven Selvedge from China and Taiwan\*](#)[\*Computer Cables, Chargers, Adapters, Peripheral Devices and Packaging\*](#)**PRESIDENTIAL DOCUMENTS**ADMINISTRATIVE ORDERSTrans-Pacific Partnership Agreement; Intention To Enter [\[TEXT\]](#) [\[PDF\]](#)Iran; Continuation of National Emergency [\[TEXT\]](#) [\[PDF\]](#)Weapons of Mass Destruction; Continuation of National Emergency [\[TEXT\]](#) [\[PDF\]](#)**CALIFORNIA**[Office of Environmental Health Hazard Assessment](#)**Proposition 65 - [Diaminotoluene \(mixed\) Delisted Effective November 20, 2015 as Known to the State of California to Cause Cancer](#)**

The Office of Environmental Health Hazard Assessment (OEHHA) of the California Environmental Protection Agency is removing a chemical from the list of chemicals known to the state to cause cancer, for purposes of the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65).

**Synthetic Turf Studies** - OEHHA is convening three in-person public workshops and a webinar to provide input on our study of potential chemical exposures and health impacts from synthetic turf fields.

[We have a document that gives information on the overview of the study elements.](#)

The webinar November 16th. [Sign up to attend a workshop or webinar](#)

**Proposition 65 -[Partial List of Comments](#)** on the Notice of Intent to List Chemicals by the Labor Code Mechanism: Tetrachlorvinphos, Parathion, Malathion, Glyphosate

**CalEnviroScreen/Environmental Justice- [OEHHA is releasing two series of web maps](#)** that provide results for each of the 19 indicators that make up CalEnviroScreen 2.0. One map series shows results for each of the twelve Pollution Burden indicators and the combined Pollution Burden scores. The other shows the seven Population Characteristics indicators and the combined Population Characteristics scores.

**[Proposition 65 List dated 08/25/15](#)**

For details or additional information please contact: [bywierbicki@tdllp.com](mailto:bywierbicki@tdllp.com)

**Latest 60 Day Notices**

[AG Number 2015-01159\(View Details\)](#)

Chemical: Lead

Source: Footwear Made With Leather, Vinyl or Imitation Leather Materials

[AG Number 2015-01158\(View Details\)](#)

Chemical: Lead

Source: Clothing Made with Leather, Vinyl or Imitation Leather Materials

[AG Number 2015-01157\(View Details\)](#)

Chemical: Lead

Source: Jam, Marmalade and Preserves Containing Ginger

[AG Number 2015-01156\(View Details\)](#)

Chemical: Lead

Source: Wallets, Handbags, Purses and Clutches Made with Leather, Vinyl or Imitation Leather Materials

[AG Number 2015-01155\(View Details\)](#)

Chemical: Lead

Source: Spirit Western Belt & Holster

[AG Number 2015-01154\(View Details\)](#)

Chemical: Lead

Source: Topical Skin Care Products Containing Zinc Oxide as an Active Ingredient

[AG Number 2015-01153\(View Details\)](#)

Chemical: Lead

Source: Mops with Painted Handles

[AG Number 2015-01152\(View Details\)](#)

Chemical: Lead

Source: Painted Metal Clamps

[AG Number 2015-01151\(View Details\)](#)

Chemical: Cadmium

Source: Ojio Arriba Raw Organic Cacao Powder

[AG Number 2015-01150\(View Details\)](#)

Chemical: Di(2-ethylhexyl)phthalate (DEHP)

Source: JOT pencil case/bag

[AG Number 2015-01149\(View Details\)](#)

Chemical: Cadmium

Source: Sunfood Superfoods Cacao Nibs

[AG Number 2015-01148\(View Details\)](#)

Chemical: Di(2-ethylhexyl)phthalate (DEHP)

Source: Fish Cooking Tools

[AG Number 2015-01147\(View Details\)](#)

Chemical: Di(2-ethylhexyl)phthalate (DEHP)

Source: Suction Hooks

[AG Number 2015-01146\(View Details\)](#)

Chemical: Di(2-ethylhexyl)phthalate (DEHP)

Source: Kitchen Tongs

[AG Number 2015-01134\(View Details\)](#)

Chemical: Lead and lead compounds

Source: ginMe Organic Roasted Seaweed

[AG Number 2015-01133\(View Details\)](#)

Chemical: Lead

Source: Canned Crabmeat

For details or additional information please contact: [bywierbicki@tdllp.com](mailto:bywierbicki@tdllp.com)

[AG Number 2015-01132\(View Details\)](#)

Chemical: Di(2-ethylhexyl)phthalate (DEHP)

Source: Steering Wheel Cover

[AG Number 2015-01131\(View Details\)](#)

Chemical: Di(2-ethylhexyl)phthalate (DEHP)

Source: Sink Mats

[AG Number 2015-01130\(View Details\)](#)

Chemical: Di(2-ethylhexyl)phthalate (DEHP)

Source: Backpacks

[AG Number 2015-01129\(View Details\)](#)

Chemical: Lead and lead compounds

Source: Canned Mussels

[AG Number 2015-01128\(View Details\)](#)

Chemical: Di(2-ethylhexyl)phthalate (DEHP)

Source: Vinyl/PVC Handheld Exercise Weights

[AG Number 2015-01127\(View Details\)](#)

Chemical: Di(2-ethylhexyl)phthalate (DEHP)

Source: Vinyl/PVC Tool Grips

[AG Number 2015-01126\(View Details\)](#)

Chemical: Di(2-ethylhexyl)phthalate (DEHP)

Source: Vinyl/PVC Handheld Exercise Weights

[AG Number 2015-01125\(View Details\)](#)

Chemical: Di(2-ethylhexyl)phthalate (DEHP)

Source: Vinyl/PVC Tote Handles

[AG Number 2015-01124\(View Details\)](#)

Chemical: Tris(1,3-dichloro-2-propyl) phosphate (TDCPP)

Source: Children's Play Tents

[AG Number 2015-01123\(View Details\)](#)

Chemical: Benzophenone

Source: Sunscreen

[AG Number 2015-01122\(View Details\)](#)

Chemical: Di(2-ethylhexyl)phthalate (DEHP)

Source: Walkers with Vinyl/PVC Seat Upholstery, Walker Hand Bags with Vinyl/PVC Shoulder Straps

[AG Number 2015-01121\(View Details\)](#)

Chemical: 4,4'-Methylenedianiline

Source: Nylon Cooking Utensils

[AG Number 2015-01120\(View Details\)](#)

Chemical: Di(2-ethylhexyl)phthalate (DEHP), Diisononyl phthalate (DINP)

Source: Go-To-Work Kit, G-Tek Gloves, 34-C232/L, Go-To-Work Kit, Ear Plug (red cord), 265-100C/NRR32

[AG Number 2015-01119\(View Details\)](#)

Chemical: Di(2-ethylhexyl)phthalate

Source: Rainwear, UPC NO. 084298010156

[AG Number 2015-01118\(View Details\)](#)

Chemical: Lead and lead compounds

Source: Harris Inferno Propane Torch UPC725636411937

[AG Number 2015-01117\(View Details\)](#)

Chemical: Lead and lead compounds

Source: American Valve Ball Valve, 1/2" UPC611918068787

For details or additional information please contact: [bywierbicki@tdllp.com](mailto:bywierbicki@tdllp.com)

[AG Number 2015-01116\(View Details\)](#)

Chemical: Lead and lead compounds

Source: Kobalt Adjustable Block Plane #0118007 UPC820909630470

[AG Number 2015-01115\(View Details\)](#)

Chemical: Lead and lead compounds

Source: Roberts Slotted Blade Carpet Knife UPC075378102533

[AG Number 2015-01113\(View Details\)](#)

Chemical: Lead and lead compounds

Source: Conduit Bending Level

[AG Number 2015-01112\(View Details\)](#)

Chemical: Lead and lead compounds

Source: Dietary Supplements

[AG Number 2015-01111\(View Details\)](#)

Chemical: Lead and lead compounds

Source: Dietary Supplements

[AG Number 2015-01110\(View Details\)](#)

Chemical: Lead and lead compounds

Source: Dietary Supplements

[AG Number 2015-01109\(View Details\)](#)

Chemical: Lead and lead compounds

Source: Dietary Supplements

[AG Number 2015-01108\(View Details\)](#)

Chemical: Lead and lead compounds

Source: Dietary Supplements

[AG Number 2015-01107\(View Details\)](#)

Chemical: Lead and lead compounds

Source: Dietary Supplements

[AG Number 2015-01106\(View Details\)](#)

Chemical: Lead and lead compounds

Source: Dietary Supplements

[AG Number 2015-01105\(View Details\)](#)

Chemical: Lead and lead compounds

Source: Dietary Supplements

[AG Number 2015-01104\(View Details\)](#)

Chemical: Lead and lead compounds

Source: Dietary Supplements

[AG Number 2015-01103\(View Details\)](#)

Chemical: Lead and lead compounds

Source: Dietary Supplements

[What's New](#)[HEALTH CANADA](#)[Search Database for Notices](#)[Consumer Product Safety Canada Consumer Product Safety Act Page](#)***Report an Incident Involving a Consumer Product or a Cosmetic***Incident report forms: [www.healthcanada.gc.ca/reportaproduct](http://www.healthcanada.gc.ca/reportaproduct) ***Recalls & Safety Alerts:*****Recalls:**

Mahindra USA, Inc. recalls Mahindra eMax Compact Tractors

<http://healthycanadians.gc.ca/recall-alert-rappel-avis/hc-sc/2015/55810r-eng.php>

STIHL Limited recalls certain pole pruners, trimmers, brushcutters and KombiMotors

<http://healthycanadians.gc.ca/recall-alert-rappel-avis/hc-sc/2015/55804r-eng.php>For details or additional information please contact: [bywierbicki@tdllp.com](mailto:bywierbicki@tdllp.com)

Loblaw Companies Ltd recalls Life at Home® Indoor M5 Multicolour LED (70s) Seasonal Lights

<http://healthycanadians.gc.ca/recall-alert-rappel-avis/hc-sc/2015/55802r-eng.php>

PNY Technologies Inc. recalls T10400 Portable Lithium Polymer Battery Pack

<http://healthycanadians.gc.ca/recall-alert-rappel-avis/hc-sc/2015/55798r-eng.php>

SharkNinja Operating LLC recalls Ninja® BL66X series professional blender to provide new warnings and instructions

<http://healthycanadians.gc.ca/recall-alert-rappel-avis/hc-sc/2015/55796r-eng.php>

WakaWaka North America recalls WakaWaka Adaptor Kit

<http://healthycanadians.gc.ca/recall-alert-rappel-avis/hc-sc/2015/55670r-eng.php>

\* \* \*

***BROWSE THE INDIVIDUAL FEDERAL REGISTER PAGES FOR THIS PERIOD:***

[Monday November 9, 2015](#) [Tuesday, November 10, 2015](#)

[Thursday, November 12, 2015](#) [Friday, November 13, 2015](#)

[\*Access Past Issues\*](#)

**Partner Government Agencies** – Each agency has the ability to move at a different pace depending on many factors. See relevant information below for some of the PGA’s. Please note that this is not a comprehensive list of all PGA’s or all requirements. This information is intended to highlight the major areas at this time. It also provides information in relation to the February 28, 2016 mandatory date to file ACE Entry Summary and ACE Cargo Release. If your commodity requires data be sent to multiple agencies, please see each agency below as all relevant agencies will need to coordinate for a pilot filing.

**NHTSA (DOT)** – NHTSA data is required to be filed electronically via the PGA message set in ACE on February 28, 2016. It is one of three PGA’s requiring data be transmitted into ACE by this date. NHTSA is accepting filers for all NHTSA data. At this time in the pilot, a conference call will be held for the first successful filing. Thereafter, a filer will be able to file NHTSA entries without holding a conference call.

**APHIS (Lacey Act)** – Lacey Act data is required to be filed electronically via the PGA message set in ACE on February 28, 2016. It is one of three PGA’s requiring data be transmitted into ACE by this date. APHIS is accepting filers for Lacey Act data. At this time in the pilot, a conference call will be held for the first successful filing. Thereafter, a filer will be able to file entries with Lacey Act data without a conference call.

**FDA** - FDA data is required to be filed electronically via the PGA message set in ACE on February 28, 2016. It is one of three PGA’s requiring data be transmitted into ACE by this date. To file only FDA disclaimers, contact only the CBP staff listed in the CSMS message. Importers and Filers will need to work directly with FDA prior to requesting participation in the PGA Pilot program for any other FDA program, including Prior Notice.

**EPA** – EPA data will be required to be filed electronically via the PGA message set in ACE in July, 2016. To file only EPA disclaimers, contact only the CBP staff listed in the CSMS message. Importers and Filers will need to work directly with EPA prior to requesting participation in the PGA Pilot program for other EPA programs.

1. Contact EPA (Roy Chaudet, [Chaudet.roy@EPA.gov](mailto:Chaudet.roy@EPA.gov)) about interest in the pilot and provide the name of the importer, the commodity, and the port.
2. EPA will take a look and make sure there are no concerns about the particular importer. A broker can recommend any number of importers for EPA to look at.
3. EPA will get back to interested party about the importer and lay out the process for (1) testing in CBP’s certification environment, and (2) war room call for the first production filing.

## ACE Certification PGA Testing

In some cases, the Filer is the actual entity which both submits the Entry to CBP ACE and develops their own software. But in most cases, the Filer uses an ABI program from a software vendor or ABI web-based service provider to create the entry data sent to CBP.

The following steps describes the typical sequence of steps to be taken when the Filer and software vendor are distinct entities.

- 1) The Filer works with their software vendor to confirm if the vendor is already testing or is set up to test in the CBP ACE Certification (CERT) environment. (Before the Filer or software vendor can begin testing, they must be set up in the ACE Certification (CERT) environment through the Client Representatives.)
- 2) To set up a new Filer or software vendor account, the Filer or software vendor will send an e-mail to the CBP Client Rep to request to be setup in the Certification environment *for the appropriate PGA*. Key setup information includes:
  - a. Filer code
  - b. Filer name
  - c. Port code
  - d. Agency (In CERT, CBP sets up the filer to test ALL program codes for an Agency).
  - e. Vendor Name (or self-programmer)
  - f. Point of contact name, email, phone
- 3) CBP Client Rep branch sets up Filer profile and software vendor profile in the ACE Certification environment, as necessary.
- 4) CBP Client Rep branch sends Filer profile and software vendor profile information to the CBP ITDS technical team.
- 5) CBP ITDS technical team loads the Filer profile and software vendor profile data into the ITDS database.
- 6) Filer and software vendor work with the PGA business team to create the flat-file that contains Entry data and PGA data. (The test submission must conform to the CATAIR message specification for the Entry, and the PGA must conform to the PGA Message Set message specification, as well as any Supplemental Guidance documents.)
- 7) Filer and software vendor works with CBP Client Rep and ITDS technical team, and PGA to coordinate test submissions to the ACE Certification environment.
- 8) Filer/vendor would then submit the file to the Certification environment.

Note that the task of creating, testing, correcting, and retesting the test file is an iterative process that can take several weeks.

CBP Client Reps supporting ACE ITDS are: COONEY, MICHAEL F ([michael.f.cooney@cbp.dhs.gov](mailto:michael.f.cooney@cbp.dhs.gov)); MORISHITA, TSUTOMU ([tsutomu.morishita@cbp.dhs.gov](mailto:tsutomu.morishita@cbp.dhs.gov)); BARELA, MICHAEL G ([michael.g.barela@cbp.dhs.gov](mailto:michael.g.barela@cbp.dhs.gov))