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Supply Chain Gazette

content by International Trade Today

February 2026

Trump on X: India's 50% IEEPA + Reciprocal Rates to Go to 18%

President Donald Trump announced on social media Feb. 2 that he would be lowering reciprocal tariffs on India from 25% to 18%. A White House official told *International Trade Today* that the 25% tariff that was imposed under the International Emergency Economic Powers Act to punish India for buying Russian oil also will be removed.

Trump called Indian Prime Minister Narendra Modi "one of my greatest friends," and said, "Prime Minister Modi and I are two people that GET THINGS DONE, something that cannot be said for most."

Trump said that Modi agreed to have Indian firms "stop buying Russian Oil, and to buy much more from the United States and, potentially, Venezuela. This will help END THE WAR in Ukraine, which is taking place right now, with thousands of people dying each and every week!"

Trump said the tariffs would be reduced "immediately," but a White House spokesperson did not respond to questions about whether there would be a proclamation or executive order later on Feb. 2 to do so. As of press time, no action had been taken to change the rates.

Trump wrote, "They will likewise move forward to reduce their Tariffs and Non Tariff Barriers against the United States, to ZERO."

Modi posted on X: "Wonderful to speak with my dear friend President Trump today. Delighted that Made in India products will now have a reduced tariff of 18%. Big thanks to President Trump on behalf of the 1.4 billion people of India for this wonderful announcement. When two large economies and the world's largest democracies work together, it benefits our people and unlocks immense opportunities for mutually beneficial cooperation."

Taiwan IEEPA Rate Cut to 15% All-In; 15% Also Applies to Car Parts

Taiwanese auto parts and lumber derivatives subject to Section 232 actions will be subject to a 15% tariff, rather than the 25% rates applicable to most countries, the Commerce Department announced Jan. 15. The reciprocal tariff for Taiwan also will be cut, from 20% to 15%, inclusive of most-favored-nation duties.

That gives Taiwan the same deal as South Korea, Japan and the EU.

Taiwan's main export to the U.S. is semiconductors; the recent Section 232 action leaves the vast majority of chips untaxed, but said new rates could follow months from now (see ITT 01/14/2026).

The Commerce Department didn't say what rate Taiwanese chips might face, but said that "Taiwanese companies building new U.S. semiconductor capacity may import up to 2.5 times that planned capacity without paying Section 232 duties during the approved construction period, with a lower preferential Section 232 rate for above-quota imports.

"Taiwanese companies who have completed new chip production projects in the United States will still be able to import 1.5 times their new U.S. production capacity without paying Section 232 duties."

There will be no reciprocal tariff on generic pharmaceuticals, their generic ingredients, aircraft components, and unavailable natural resources.

The fact sheet said Taiwanese semiconductor and technology companies will make investments in the U.S. "totaling at least $250 billion to build and expand advanced semiconductor, energy, and artificial intelligence production."

Commerce Secretary Howard Lutnick, on CNBC, said Taiwanese chipmaker TSMC's already planned fabrication plant in Arizona counts for $100 billion of that number.

The fact sheet said the Taiwan government "will provide credit guarantees of at least $250 billion to facilitate additional investment by Taiwanese enterprises, supporting the establishment and expansion of the full semiconductor supply chain and ecosystem in the United States."

In the TV interview, Lutnick said companies that make power supply, translators and other components that link chips to the machines in which they work will benefit from that support.

"The objective is to bring 40% of Taiwan's entire production to America … during President Trump's term," he said. "So we become self-sufficient in the capacity of building semiconductors."

He explained that companies that have expanded capacity in the U.S. will be able to import more chips than the scale of their U.S. production without owing Section 232 tariffs. "If they don't build in America, the tariff is likely to be 100%," he said.

He said for those who ask why Taiwan would remove so much manufacturing from its own economy and establish the capacity in the U.S., there's a simple answer:

"They need to keep our president happy because our president is the key to protecting their country." — ***Mara Lee***

IEEPA Ruling Delay Doesn't Improve Government's Chances: Trade Lawyer

The Supreme Court's delay in issuing its much-anticipated decision on the fate of tariffs imposed under the International Emergency Economic Powers Act is not a sign in favor of the government, according to Ted Murphy, a customs lawyer at Sidley Austin. A majority of Supreme Court justices appeared skeptical of the government's defense during oral argument, leading him to believe that the Court will strike down the measures.

Murphy, speaking on a recent podcast hosted by Bloomberg, said the extended timeline more likely reflects the challenge of drafting a single majority opinion capable of uniting justices who raised distinct legal objections during oral argument. "I don't subscribe to the fact that the longer it takes, means that they're trying to find a way to uphold the IEEPA tariffs for the government," he said.

Murphy said he left the argument with the impression that at least seven justices had "some form of problem" with the government's position, even if those concerns varied significantly across the bench. While that does not necessarily mean that the decision "is going to be seven to two," he said it increases the likelihood that the Court will affirm the lower court's decision invalidating the President's use of IEEPA to impose tariffs.

"The justices don't have the same problem" with the government's actions, Murphy said, noting that questions from justices differed substantially from each other. In his view, reconciling those concerns into a cohesive opinion would take time, particularly if the Court intends to strike down what Murphy characterized as one of the President's signature policies.

Murphy added that the case already has moved at an unusually fast pace; the tariffs went into effect in early February 2025, and the Supreme Court heard oral argument roughly nine months later. Given the Court's four-week recess in December and early January, Murphy said he never expected a decision in early January and continues to believe a ruling in the first quarter of 2026 is likely. He said the "next most logical date" for a decision would be Feb. 20.

If the Supreme Court finds the tariffs unlawful, Murphy said, he expects importers will be entitled to refunds of duties already paid. He said he doesn't believe the Court "is going to try to say that the tariffs are unlawful, but only unlawful going forward" while allowing the government to retain revenues collected under an invalid statutory authority.

Murphy also said that even if the Supreme Court doesn't expressly address refunds, additional litigation shouldn't be necessary. Instead, the case would return to the U.S. Court of International Trade, which would issue the appropriate orders directing the refund of unlawfully collected tariffs as part of the normal post-decision process.

That said, Murphy acknowledged that uncertainty remains over how refunds would be administered in practice. He said importers likely will need to rely on existing CBP procedures for refunds, and advised companies to monitor their liquidation dates and file timely protests within the 180-day statutory window.

In the event the IEEPA tariffs are struck down, Murphy said, he expects the administration to move quickly to impose tariffs under alternative statutory authorities that expressly delegate tariff-setting power from Congress to the president. Likely candidates include Section 122 of the Trade Act, which permits temporary tariffs of up to 15%, and Section 338 of the Tariff Act of 1930, which authorizes tariffs of up to 50% on countries that discriminate against U.S. commerce.

Those statutes, Murphy said, could function as stopgap measures while the administration pursues more durable authorities such as Section 232 or Section 301, both of which require formal investigations and procedural safeguards before tariffs can be imposed.

Murphy cautioned that a ruling against the tariffs would not necessarily invalidate other actions taken under IEEPA, including the suspension of the de minimis import exemption. He said tariffs raise distinct constitutional and statutory issues that may not apply to other forms of trade regulation, and separate legal challenges to the de minimis suspension are already pending.

He also said he does not expect a Supreme Court ruling against the tariffs to have a meaningful impact on reciprocal tariff agreements negotiated with foreign governments. In his view, trading partners are unlikely to abandon negotiated arrangements over domestic U.S. legal disputes, particularly given the risk of facing higher tariffs if agreements unravel.

Other countries are "looking more at the forest rather than the trees," Murphy said, and are unlikely to walk away from negotiated trade deals if the government loses. A wrinkle for the Trump administration is that trade agreements require Congressional approval, and Murphy said he does not believe the administration "has any plans to submit these agreements to Congress."

"So I don't know how they get around that specifically," he said. "But my guess is they will say, even if IEEPA doesn't authorize the imposition of tariffs, it would allow us to enter into agreements under this idea of regulating importation."

Section 122 Unavailable Should IEEPA Tariffs Fall, Trade Professional Says

Should the Supreme Court strike down tariffs imposed under the International Emergency Economic Powers Act, Section 122 of the Trade Act of 1974, widely discussed as a potential tool to plug the gap left by the removal of the reciprocal tariffs, may not be available, Bryan Riley, director of the National Taxpayers Union's Free Trade Initiative, wrote in a blog post.

Section 122 lets the president impose tariffs of up to 15% to address balance of payments issues and was passed following President Richard Nixon's use of the Trading With the Enemy Act to impose a 10% duty surcharge to aid the U.S. economy as it went off the gold standard.

Riley claimed that Trump won't be able to turn to Section 122 should IEEPA tariffs disappear, since the U.S. "does not have an international payments problem, fundamental or otherwise, and has not had one since we adopted a floating exchange rate more than five decades ago."

While the statute doesn't define the phrase "fundamental international payments problems," Riley said, its "meaning is clear from historical context." The statute was passed to "address international payments crises that may arise under systems of fixed or managed exchange rates," the post said.

Under the Bretton Woods system, most U.S. trading partners pegged their currencies to the U.S. dollar, which was on the gold standard. However, due to a dwindling gold supply, Nixon ended the gold standard and imposed the 10% duty surcharge to "protect against a possible surge of imports resulting from foreign currencies that were allegedly undervalued," Riley said. The duty was ultimately dropped as part of the Smithsonian Agreement under which other countries "agreed to strengthen their currencies."

After the U.S. adopted a "system of floating exchange rates, which allows currency values to adjust according to market forces," there became no need for the U.S. to "maintain reserves to defend a fixed dollar value," Riley said. Thus, "Section 122 was effectively rendered obsolete and has never been invoked," since it's categorically impossible for the U.S. to face the conditions needed to invoke Section 122, he said.

CBP: Importer Must Provide 'Complete Paper Trail' If Using First Sale

An importer bears the burden of providing a "complete paper trail" if that importer wants to show that the transac-

tions of its middleman vendors and corresponding factory sellers were bona fide sales upon which transaction value may be based, CBP's Apparel, Footwear and Textiles Center said in a recent ruling, HQ H337689.

By providing documentation sufficient for a paper trail, the importer meets the requirements of Treasury Decision 96-87, dated Jan. 2, 1997, which states that first sale entry line items should be entered at the price actually paid or payable between the importer and middleman vendor and not based on the sales prices between the middleman and the factory related to the middleman, according to CBP.

The Oct. 6 ruling involves multiple actors: importer Dreamwear and four middleman vendors—Wuxi Xinhexin, Lucky Zone, Windus, and All Success. The middleman vendors did not manufacture the clothing items, but placed orders with a factory seller, some of which were related parties, CBP said.

The facts under consideration were similar to those in another CBP ruling, HQ H332358, dated June 4, 2025. That ruling involved the same importer, the same first sale issue and some of the same middleman vendors and factory sellers, CBP said. In that ruling, CBP said Dreamwear didn't provide sufficient evidence enabling first sale appraisement to serve as a means to determine transaction value (see ITT 08/18/2025).

The documentation that Dreamwear submitted to CBP in support of its protest included organizational charts of the various middlemen and their related factory sellers, as well as documents—some of which were not translated into English—claiming to show relative bona fide sales. These documents included purchase orders under "FOB Shenzen" sales terms, purchase orders and invoices on an ex-factory basis, and invoices from the various middlemen to Dreamwear, among other documents.

CBP sought to address two issues in the proceeding: whether certain entry lines based upon the transaction value between the Protestant and a third-party unrelated vendor were erroneously rate advanced, and whether the Protestant submitted sufficient evidence to support the use of transaction value of the entered merchandise based upon the sales between the middleman vendor and its related factory seller under the "first sale" principle of appraisement.

For the first issue, CBP consulted with the Apparel, Footwear and Textiles Center of Excellence and Expertise and its Regulatory Audit office to find out the circumstances behind the rate advances of the non-first sale entry lines.

"The loss of revenue for the protested entries was calculated on an entry-by-entry basis. The CEE then prorated the undervaluation and loss of revenue for the protested merchandise on an entry-by-entry basis for administrative purposes in the Automated Commercial Environment," CBP said. "This was why some lines not claiming transaction value on a first sale basis had to be amended to capture the total loss of revenue for each entry. Although non-first sale entry lines were rate advanced, the total undervaluation and loss of revenue calculations were accurate."

A prior ruling affirmed this framework, CBP continued. "Because the proration of the loss of revenue and undervaluation was done on an entry-by-entry basis, we find that the rate advances, which included both first sale and non-first sale entry lines to account for the loss of revenue and undervaluation, are allowable."

For the second issue, CBP affirmed that under T.D. 96-87, the importer bears the burden of providing evidence that supports the argument that transaction value should be based on a sale involving a middleman and the manufacturer or other seller, rather than on the sale in which the importer was a party. These documents may include purchase orders, invoices, proof of payment, contracts, and any additional documents that establish how the parties deal with one another, CBP said.

"For transaction value to be used as a method of appraisement, we must determine if indeed a 'sale' between the parties had occurred," CBP said, citing the 1999 U.S. Court of Appeals for the Federal Circuit decision in *VWP of America, Inc. v. United States*. The agency continued, "No single factor is decisive in determining whether a bona fide sale has occurred. CBP makes each determination on a case-by-case basis and will consider such factors as whether the purported buyer assumed the risk of loss and acquired title to the imported merchandise."

While there is no question that the merchandise manufactured by all four factory sellers was destined for the U.S., CBP "must determine whether the transactions between

each of the middleman vendors and their factory sellers were bona fide sales, i.e., whether the middleman was an actual buyer/seller of the merchandise," the agency said. For Wuxi Xinhexin and Lucky Zone as middleman vendors, CBP must also determine whether the transactions with their related factory sellers were conducted at arm's length, CBP continued.

In scrutinizing the documents, CBP ultimately determined that the documents failed to show which entities assumed the risk of loss, in part because some of the documents were not translated into English. There also was no indication from the documents that the middlemen assumed the risk of loss and title to the goods from the factory door until the goods were loaded onto the ship, nor was there documentation presented regarding inland freight, CBP said.

"While Dreamwear did provide our office with a variety of documents, it did not meet its burden of providing a complete paper trail as required by T.D. 96-87," CBP said. "Accordingly, it is impossible to determine whether the transactions between the various middleman vendors (Wuxi Xinhexin, Lucky Zone, Windus, and All Success) and the corresponding factory sellers (Wuxi Sanxing, DongGuan Lucky Zone, Jiangyin Jinze, and Brilliant HK) constitute bona fide sales for exportation upon which transaction value may be based."

CBP also said Dreamwear failed to meet its burden demonstrating negotiations occurred at arm's length among the middleman vendors and their respective factory sellers. While Dreamwear provided an organizational chart, "this chart falls far short of setting forth detailed descriptions of the roles of each of the parties involved in the multi-tiered transactions," CBP said. "Moreover, according to Dreamwear, Lucky Zone and DongGuan Lucky are related to one another through common family ownership, which raises further concerns regarding arm's length transactions."

Because Dreamwear didn't demonstrate that the sales between Lucky Zone and DongGuan Lucky Zone were bona fide sales negotiated at arm's length, CBP said it would not address whether the costs declared to CBP at the time of entry included all dutiable assists provided by the middleman vendors. Rather, appraisement of the merchandise should be based upon the price paid by the importer, CBP said.

Importers Now Must Go Beyond Just Reasonable Care, Risk Management Provider Says

As CBP shifts its focus from trade facilitation and trade enforcement, conducting reasonable care is no longer enough, and importers must be prepared to do much more, according to the lead analytical content manager for risk management provider Sayari.

"We're observing a shift from a stance of reasonable care to what might be called predictive due diligence, or at least proactive due diligence," Sayari's Colby Potter said during a Jan. 8 webinar on transshipping. "That means there's more expectation, I think, to conduct more thorough work in order to prepare for compliance."

Predictive due diligence means initiating and maintaining a number of activities to ensure import compliance, according to Potter. These activities include conducting a comprehensive audit and upgrade of trade compliance and supply chain programs, internally reassessing how an importer might make country of origin determinations, and determining how an importer makes decisions on Harmonized Tariff Schedule code classifications and valuations, he said.

To get started on these activities, companies must make sure they have an ACE account with CBP, Potter said. They also should develop an internal standards of procedure document to help the company respond to inquiries from regulators, as well as develop a system to track external legislative and regulatory developments via changes to the HTS and new notices in the *Federal Register* and through CBP's CSMS messages.

"That all just helps better understand enforcement priorities and trends," Potter said. "And not to sound like a broken record, but securing a specialized supply chain risk insight solution helps to move beyond surface-level determination—surface-level documentation—that also makes both screening and continuous monitoring easier, more standardized and more scalable, ultimately."

Companies also should screen their supply chains against not only published lists of high-risk countries and facilities, but also facilities that may be connected somehow to these high-risk entities, Potter said during the webinar's question-and-answer session. During the webinar, Potter had

used examples of how companies comply with the Uyghur Forced Labor Prevention Act to demonstrate how companies might bolster their import compliance regimes.

"While the official high-risk facility list will be essential when they're released, they would only serve as a starting point. We've seen this every time compliance centers on some kind of restricted parties list," such as the UFLPA Entity List, the Bureau of Industry and Security entity list or sanctions lists, Potter said. "Companies can't rest on their laurels and screen just against those lists alone. They consistently have been required to go beyond to proactively identify related entities that share owners, operators, [or] locations with listed parties."

For transshipment, that means not only having supply chain visibility but also visibility into a company's broader networks, including networks that might be exposed to restricted regions, Potter continued.

"By implementing a solution that can bulk screen critical suppliers for things that might suggest obfuscation or other questionable activity, we can better detect risky partners before they appear on formal government watch lists," Potter said. Proactive vigilance also will involve monitoring entities that were recently registered or are co-located with non-violators, as these can sometimes signal newly formed shell companies intended for illegal transshipment, he said.

While ACE data is a vital and critical resource, importers should consider using companies that cull trade data from other sources, Potter said. This additional data can help importers make decisions about suppliers, and the companies can provide importers with visibility into the broader trade network. For example, the data can be used to detect patterns such as whether a supplier shares a physical address with a sanctioned entity, he said.

"It can be so difficult to distinguish standard legal transshipment from illicit transshipment, because both versions, legal and illegal, may use the same physical transit points, let's say Malaysia or Korea. So, detection requires sophisticated monitoring of commercial relationships and risks that aren't going to appear on a standard bill of lading," Potter said. Import compliance professionals should monitor transshipment points in their supply chains for a range of risk indicators, including the absence of substantial transformation, he said. — ***Joanna Marsh***

Trade Groups Voice Support for COAC's Calls for More Clarity on Section 232 Tariffs

Public comments submitted to the Commercial Customs Operations Advisory Committee's Jan. 14 meeting were supportive of the committee's recommendations calling for CBP to release clearer and additional guidance on how importers can comply with Section 232 tariffs (see ITT 01/12/2026), particularly when it comes to the valuation of steel and aluminum content.

Marianne Rowden, speaking on behalf of law and lobbying firm Brownstein and Hyatt, voiced support during the meeting's public comments period for the recommendation calling for CBP to clarify more generally the type and nature of documentation required to support a Section 232 tariff claim and provide information that supports valuation methodology.

She also asked if CBP could address how it would regulate the exemption under subheading 9903.81.92 for steel derivatives processed in another country from steel articles that were melted and poured in the U.S..

A representative with the United States Council for International Business said implementing the recommendations would help reduce uncertainty among businesses "that is currently undermining U.S. competitiveness. We and other like-minded associations continue to advocate for broader reforms, including restoration of the exclusion process and enhanced stakeholder consultation."

Another public comment also supported COAC's recommendations, including the one allowing importers to declare "Other than Russia" origin when importers are unable to determine the exact single country of origin but can confirm that the aluminum is not of Russian origin.

COAC members voted in favor of submitting their eight recommendations to CBP.

During the meeting, participants noted that 12 COAC members would be departing at the end of the week because their appointment terms have ended. Twenty members cur-

rently sit on the committee, which means the membership for 2026 totals eight members, for now. Each of the eight remaining members began their two-year appointment on Jan. 15, 2025.

"As we start 2026, there is much work to be done. We have a strong base of members remaining ... . When the new team members are added, there will be challenges, and with that, opportunities for solutions to ensure that the trade continues to move safely and effectively through our great nation," COAC Co-Chair Dave Corn said via written remarks. Corn is one of the departing members whose term ends this week.

CBP Commissioner Rodney Scott said CBP will seek to prioritize the selection and clearance processes for new COAC members to ensure a full committee. The agency put out a call for new members in November (see ITT 11/18/2025).

In addition to receiving COAC's recommendations, Scott introduced Chris Siepmann, the new CBP Office of Trade Relations executive director. Siepmann's experience includes time in the private sector counseling industry on geopolitical risks and emerging tariff and trade policy challenges, Scott said. Siepmann also previously served as director of trade enforcement at the Office of the U.S. Trade Representative.

Kevin Salinger, the Treasury Department's deputy assistant secretary for tax policy, congratulated Siepmann, noting that he has a "big job."

"Our relationship with the trade is as important as ever, considering, among many other things, the way customs brokers are a force multiplier and a front line in protecting U.S. revenues," Salinger said.

Scott noted that CBP implemented 44 presidential trade actions in 2025 and ended the de minimis exemptions, resulting in more than $245 billion collected in tariff revenues as of Jan. 2.

"In 2026 CBP's trade priorities remain focused on the America First trade policy and finding ways to increase and strengthen domestic industry and U.S. manufacturing," Scott said. "We're going to continue to prioritize trade enforcement by deterring illegal transshipments and other forms of evasion, and we're going to hold bad actors accountable, safeguarding our supply chains to prevent dangerous and illicit goods." — ***Joanna Marsh***

GAO: FDA Still Needs to Establish Timelines to Fulfill FSMA Obligations

As the FDA seeks to fully implement its 2022 food traceability regulations by July 2028, the agency still needs to establish timelines for some of its ether Food Safety Modernization Act regulatory requirements to ensure the agency meets its deadlines, according to a Government Accountability Office report released this week. Activities that the FDA still needs to pursue include issuing guidance to protect against the intentional adulteration of food and establishing a system to improve the FDA's capacity to track and trace food that is in the U.S.

The food traceability regulations fall under the FDA's Food Safety Modernization Act (FSMA), enacted in 2011. The agency had Jan. 20, 2026 as its enforcement date for its 2022 food traceability regulations, but it said in March 2025 that it would delay that enforcement date by 30 months (see ITT 03/20/2025).

According to the GAO report, the FDA was to establish a product tracing system to receive information that improves the capacity to effectively and rapidly track and trace food that is in the U.S. or offered for import. The FDA said it began developing that system in 2024 and that it would be ready by the 2028 deadline, according to the report.

As the FDA seeks to meet its deadline, the GAO report recommended that the FDA set goals to identify what results it is seeking to achieve. For instance, in 2015, when the FDA finalized its Foreign Supplier Verification Program rule to ensure the safety of imported food, the agency developed a long-term outcome for that rule, which was to reduce the risk of illness or injury attributed to imported foods, GAO said.

The FDA should implement timelines and establish milestones to ensure it meets the regulations' goals, according to the report. The FDA also should establish a performance management process, so the results of each initiative can be measured, the report continued.

"Establishing time frames for completing the FSMA requirements ... could better ensure success as FDA continues to implement FSMA's preventive framework," the GAO report said. "For those requirements for which FDA is in the early stages of completing or has not yet begun, establishing both milestones and timelines for doing so would also better position FDA to track its progress, identify potential risks, and make adjustments as needed. Completing the requirements would help address stakeholder concerns that industry and others may not have the information they need to effectively implement the rules and FSMA's preventive framework."

The report continued: "If FDA is unable to complete certain requirements as planned, such as publishing a report on the progress in implementing a national food emergency response laboratory network in 2025, informing Congress and stakeholders of when it expects to do so would ... provide additional accountability and support congressional oversight."

CPSC Working on Finalizing Which HTS Codes Will Require E-Filed Certificates

The Consumer Product Safety Commission is busy finalizing its list of what products will need an electronic certificate for import entry, according to CPSC staff participating on a Jan. 8 webinar on e-filing.

"The list is currently [being] finalized, is under terminal review and should be out soon," said John Blachere, international trade specialist in CPSC's Office of Import Surveillance. "Generally, the overall approach [is] that certain [Harmonized Tariff Schedule, or] HTS codes are going to be flagged in ACE, and a signal will be provided for those products that likely need a certificate to be e-filed."

As a result, the ability to flag HTS codes is not live, according to staff on the webinar.

The webinar noted that six months from now, on July 8, importers of regulated consumer products will need to electronically file their products' certificates of compliance. CPSC said in December 2024, when the commission voted in favor of the regulation (see ITT 12/20/2024), that the change would make product inspections more efficient and improve the ability to target high-risk products imported into the U.S. It could also enable CPSC inspectors to identify and seize imported consumer products at the ports should they violate regulated safety standards, and it could reduce inspection frequency and hold times for compliant product importers.

A fact sheet on CPSC's website notes that the e-filing requirement for regulated consumer products entered into a foreign-trade zone will apply on Jan. 8, 2027.

Over the last 24 months, CPSC has been conducting internal expert reviews on which HTS codes would be included on the list, and it has identified approximately 600 HTS codes so far, according to Blanchere. At least half of these will be tariff subheadings that cover some goods that require certification, and some that don't.

Blanchere said that the list is evolving and subject to change. For instance, children's clothing when the age and size ranges are not clearly identified with the HTS classification may still require a certificate of compliance.

"HTS classification changes are routinely made by agencies outside of CPSC. Those changes can cause HTS codes to be added or removed from the posted list as needed. So, recognize that this list is going to change," Blachere said.

While importers will be responsible for complying with this submission change, CPSC's FAQ on its website also note that the agency doesn't intend to request that CBP deny entry of products into the U.S. solely based on failure to eFile certificate data via a Full PGA Message Set or a Reference PGA Message Set.

"To this end, CPSC does not intend initially to have the ACE system send reject messages for missing PGA data, only warning messages. However, CPSC will continue to enforce certificate requirements for imported consumer products and submit requests to CBP to initiate seizure of non-compliant products," CPSC said. "Furthermore, CPSC intends to adjust an entry line's risk score based on certificate data provided via a full PGA message set or a reference PGA message set, which should reduce holds and examinations for compliant products and better focus resources on non-compliant products."

If there are problems with an e-filing, CPSC operations at the port may be notified, according to staff on the webinar.

"But again, just because it's not flagged in ACE does not mean that a certificate is not required," staff on the webinar said. "Importers must make sure that they are focused on the product requirements and that they know their product requirements, because just because a flag isn't there doesn't mean it doesn't require a certificate."

Information on how to register for the program, including registering for the voluntary phase of the program, can be found on CPSC's website, staff said.

CPSC representatives also said new application program interface (API) endpoints are coming, which will enable software developers integrating with CPSC's API to get a lot of the data that is currently only available within the registry application. — ***Joanna Marsh***

International Trade Today
The source for trade compliance news

(ISSN 1932-6289)
PUBLISHED BY WARREN COMMUNICATIONS NEWS, INC.

Warren Communications News, Inc. is publisher of International Trade Today, Export Compliance Daily, Trade Law Daily, Communications Daily and other specialized publications.

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