BPE Global Hot Topic – February 2024

Things We Love

Ah, February. Spring is near, and is that romance in the air? Perhaps not so much for us. People hear “Compliance is coming” and run for cover! Well, this month, we thought we’d send a little love your way to help you feel seen and appreciated! Here’s our February edition of “Things We Love.” These practices and tools brighten up our compliance days and fill our hearts with unabashed glee. If you and your compliance programs are in a rut, we hope these might inspire you to spice things up and fall in love again.

1. **Mapped process workflows:** Call me a nerd, but there is nothing more satisfying than taking a written process and converting it into a cross-functional workflow. Mapping often helps to identify areas in the written process that are missing steps because they’re “assumed.” It also holds the teams with responsibilities in that process accountable. Nearer and dearer to my heart, though, as the mom of a kid with dyslexia and ADHD, is a new awareness that walking through a 5-page process document to follow step by step can take a lot of energy and focus for some. Therefore, a visual workflow might be truly beneficial to someone who could more easily “see it” than read it. Although mapping tools abound, if budget is tight, you can still search for online templates.

   We suggest that you be all-inclusive in this effort. Don’t just map the workflow for yourself and file it away. Once you’ve mapped it, get sign off from the cross-functional teams involved to be sure everyone is aligned with the process. As an added step, you can add the workflow as an appendix to the process document. Thereafter, when the process document needs updating, the workflow can be updated as well.

2. **Metrics:** We often sound like we’re beating a dead horse on this one, but metrics are a valuable form of communication, both up and down the management chain. For compliance professionals in the trenches, metrics help to measure progress towards current departmental goals, and help shape future goals. For managers, metrics can help to indicate when more staff may be needed, or whether a team’s work needs to be restructured. Metrics is the love language of the C-suite. Are you cutting costs? Are you efficient? Most importantly, are you compliant? Well-crafted metrics will speak volumes for you.

   It can feel overwhelming to start to develop metrics when the data you need isn’t available in just one place. It takes a while to study systems to understand what information can be pulled. Whether it’s in an ERP System, a CRM system, an external system such as Customs’ ACE, or reports generated by your logistics service providers, we encourage you to take the time to get to know what is where and meet with your IT teams to see how they can help support automation. You’ll fall deeply in love with metrics once you realize how they can help to drive strategy, boost awareness for your department, and support your budget requests.

3. **Searchable Regulations:** Let's face it, opening the CCL Category by Category can get old. I love the Export Compliance Training Institute's downloadable, searchable EAR and searchable CCL. Don't fret if you're in the defense industry. They've got a searchable ITAR as well! These are great in a pinch, when you say "I know I saw it just the other day," but can't remember where. It's also helpful when you run into a cross-reference to another Part that cross-references another Part that cross-references another Part. You know I'm right!

   A word of caution, though. Don't get too used to opening your downloaded version so frequently that you miss any updates to the regulations. Set a reminder on your calendar to download them on a regular basis, and more frequently as you're notified of regulatory changes.

4. **The Code of Federal Regulations historical search tool:** (or the "Wayback Machine" as we affectionately call it.) This tool is helpful to search for historical versions of the EAR when we know the dates around which a Federal Register notice was published, or and hopefully not as often, when someone casually says "oh, that item's controlled now." That's your cue to run to the Wayback Machine to enter your dates to pinpoint when your item was added to the CCL. Clicking "view historical versions" at the top of the CFR main page will pop up fields for you to enter your search date.

   Don't forget, BIS also publishes their top-level list of Federal Register notices issued since 2011. You may wish to start your lookback journey here, since you can open your specific Federal Register notice from this page to review, and then switchover to the Lookback Machine once you're pinpointed dates you want to search for. Of course, the Federal Register notices will give you all the background information for that regulatory change. The historical version of the CFR will give you the regulation itself. There's something here for everyone to love!

5. **Classification questionnaires**: Although these can take a while to build, we have found them love-worthy and promotable because once you've built them, your classification efforts get so much easier. These questionnaires have many benefits. First, you can establish a consistent classification process by repeatedly requesting that the questionnaires be completed. Second, they're a great training tool. You can explain to your engineers the reasons why the questions matter and give them something to think about as they design and develop tomorrow's technology. You can easily add or remove questions as regulations change. You can use the documented answers as your reference when filing your CCATS or license application. But best of all, these allow you to maintain records not only to support your classification determination, but also to be able to say at some future point, "but here you said…." (we've all been there!)

I hope you've been inspired by the things we love and are ready to learn to love them, too! If you have something you love that you'd like to share with us, we'd love to hear about it. Reach out to me at ebernal@bpeglobal.com, and who knows, maybe we can compile and share more of these in the months ahead. It takes a village…and a lot of love!

Let BPE Global know if we can help you with any of your trade compliance needs, including any of this months suggested activities. BPE Global is a global trade consulting and training firm. Evelyn Bernal is a Director of BPE Global. You can reach Evelyn by email at ebernal@bpeglobal.com or by phone at 408-718-0265.