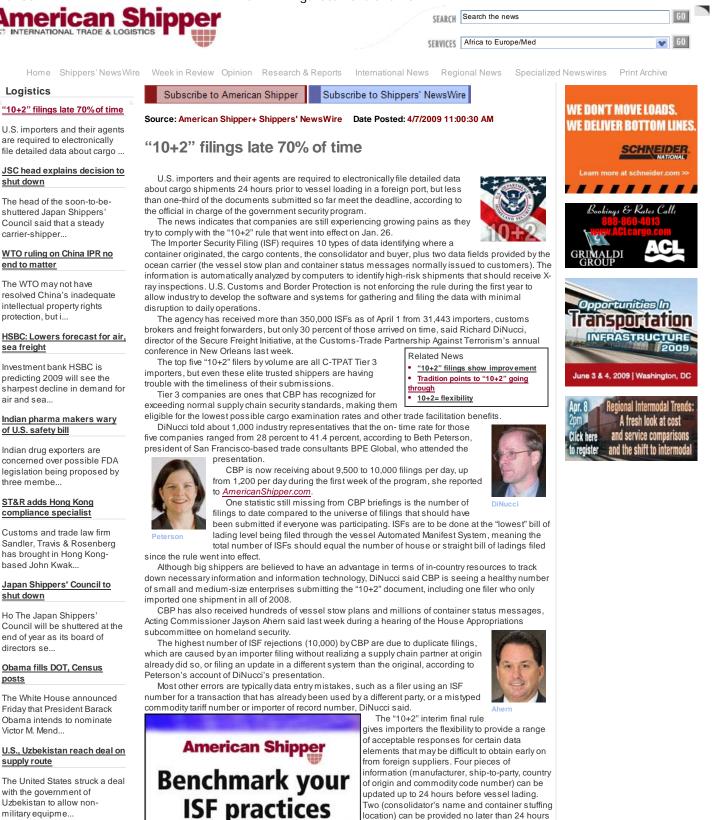


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# Two (consolidator's name and container stuffing location) can be provided no later than 24 hours

prior to vessel arrival at a U.S. port. So far, importers are eschewing the flexible arrangements and filing accurately the first time, DiNucci said. Less than 1 percent of the filings have been updated using the extended time windows. The ship-to-party, manufacturer, stuffing location, and consolidator data fields, for example, have only been updated in 0.5 percent of the transactions. Part of the reason for this

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on the interim rules.

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could be cost, because an importer that is using a logistics partner to do the filing will have to pay a service fee for the extra filing work.

Some shippers are still having trouble getting their ocean carriers to speed up issuance of a bill of lading number that is

required as a cross-check on the ISF form. DiNucci encouraged importers to contact CBP if problems persist so that the agency can lean on the carrier to speed up the bill of lading process.

CBP plans to issue the first report cards -- now being called progress reports -- to filers by the end of the month to let them know how well they are doing with providing accurate or timely information, DiNucci said. The agency is leaning towards issuing a batch report to companies doing the filing themselves, or multiple customers, every 60 days.

"For this to be a success, ISF filers need progress reports on a daily basis so they can improve their ISF filing in time to comply with the mandatory ISF regulations that are less than 10 months away," Peterson opined. New data elements required for 10+2:

Many companies have hesitated to implement "10+2" until they better understand the process and have systems in place to support the ISF filing. Early on, some mistakenly held out hope that the new Obama administration would put the brakes on a program that raises costs for importers and potentially could delay cargo if shipping data is unavailable by the filing

deadline. CBP has insisted that shippers should start filing as soon as possible to learn from mistakes since errors are not being penalized. But the leniency policy will change next year, DiNucci reminded the audience, and CBP will be less inclined to overlook filing errors by companies that failed to take advantage of the 12month grace period.

#### Manufacturer (or supplier) name and address Seller (or owner) name and address

- Buyer (or owner) name and address
- Ship to name and address
- Container stuffing location
- Consolidator name and address
- Importer of record number or foreign trade zone applicant ID number
- Consignee number(s)
- Country of origin
- U.S. Commodity Harmonized Tariff Schedule
- number

"If you come to me on Jan. 25, 2010 and you have made no attempt to file by then, there's nothing for us to talk about," DiNucci warned.

DiNucci advised importers to:

Begin the classification process sooner than for preparation of the customs entry so that the information is available in time for the ISF.

- Decide who will transmit the ISF and how.
- Know all your supply chain partners.
- Require suppliers to provide "10+2" data sooner than before.

• Add data fields to existing forms such as the commercial invoice, purchase order and advance ship notice to capture as much of the required information through normal business processes.

DiNucci strongly encouraged industry compliance managers to participate in trade surveys about the ISF and said he is extremely interested in seeing the results to learn how people are coping with the implementation so far.

<u>American Shipper</u> is conducting an ISF benchmark survey through the end of this week. <u>Give your</u> input on "10+2" here.

DiNucci also appeared to shut the door on applying "10+2 to other modes in the future. "We have no intention of implementing other modes. We are not going into other modes. Our focus is ocean."

CBP officials in the past have suggested that "10+2" eventually could be modified for air and surface freight transportation once the huge challenge of implementing the rule for the ocean environment is mastered.

However, the difficulty of obtaining advance commercial data for ocean shipments could be multiplied in the air cargo environment where speed is of the essence and shipments are exported in a matter of hours instead of days.

Another factor is that expanding the regulation would require new legislation from Congress because the SAFE Port Act only authorizes "10+2" for ocean shipments. <u>— Eric Kulisch</u>

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