



Importing into the U.S.:

What Businesses Need to Know



Embassy of the United States of America
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What Will This Pamphlet Do?

This pamphlet is designed to introduce you to the major factors involved in getting your product across the border and into the United States. It is divided into 4 parts: (1) Do you need a broker, a permit or a license? (2) Prenotification requirements for exporters (3) Border Facilitation Programs and (4) Exporter checklist

Inaccurate or incomplete documentation is the most common reason shipments have trouble entering the United States. But if you become familiar with the requirements, and prepare complete and accurate export documentation, you will be well on your way to trouble free border crossings.

1. Do You Need A Broker, A Permit Or A License?

There are two major ways in which your goods can enter the United States: as an informal entry, or as a formal entry, also called a commercial entry.

Informal entries cover personal shipments, commercial shipments and mail shipments that are being entered for consumption, i.e. for use or sale. In most cases informal entry can be used if the merchandise is valued at \$2000 or less. (There are some exceptions such as textiles, certain types of footwear and other goods subject to quota/visa restrictions).

Formal entries are generally commercial shipments supported by a surety bond to ensure payment of duties and compliance with U.S. Customs and Border Protection (CBP) requirements. A bond is like an insurance policy that is payable to CBP in the event that the importer does not comply with import requirements. Having a bond on file allows an importer to take possession of his merchandise before the payment of duties, taxes and fees. Bonds can be obtained from a surety, which is an insurance company that has been authorized by the Treasury Department to write Customs bonds.

Most exports enter the U.S. as a formal entry, and given the greater complexity of the process, the expert services of a customs broker may be valuable. The Web site of the National Customs Brokers & Forwarders Association of America has a searchable membership directory. Alternatively, by visiting the Ports of Entry page on the U.S. Customs and Border Protection site you can find a broker at a particular port of entry. Select the port of entry and scroll down the page to the link for its brokers list.

As well as meeting the U.S. Customs and Border Protection requirements, your exports may have to abide by regulations established by other U.S. agencies. The Federal Trade Commission, for example, is responsible for enforcing import regulations for textiles, wool and fur. Your U.S. customs broker, as well as the agencies in question, can help you understand and deal with these special requirements.

U.S. licenses or permits are required for the import of: alcoholic beverages, firearms and ammunition (Bureau of Alcohol, Tobacco and Firearms); animals and animal products, meat and meat products, plants and plant products, poultry and poultry products, and vegetables (U.S. Department of Agriculture); artifacts and cultural property, trademarked articles (U.S. Customs and Border Protection); biological materials, fruit and nuts, medicines, narcotics and certain drugs, milk, dairy and cheese products (U.S. Food and Drug Administration); hunting trophies, fish and wildlife, and pets (U.S. Fish and Wildlife Service). Note that Wood Packaging Materials (WPM) must be marked with codes that identify the country that treated the material, the treatment facility number assigned by the national plant protection organization, and either the abbreviation HT (heat treatment) or MB (methyl bromide) (CBP WPM page).

A very helpful resource on U.S. customs and entry procedures are the U.S. Bureau of Customs and Border Protection (CBP) pamphlets **U.S. Import Requirements**, and **Importing into the United States**; both are available at the CBP Publications page.

See the back page of this brochure for all Web site addresses.



2. Prenotification Requirements For Exporters

The Bioterrorism Act: If your business produces, processes or handles food for human or animal consumption in the U.S., this Act will almost certainly affect you, and you will have to register with the U.S. Food and Drug Administration (FDA). You will also be required to provide the name of a U.S. entity or individual to act as your agent/contact in the U.S., should FDA officials need to make immediate contact with someone regarding your shipments. You will also be required to notify FDA of your shipments in advance of their arrival at the border. For more information, refer to the FDA Bioterrorism Web page.

The Trade Act of 2002: The U.S. Bureau of Customs and Border Protection announced new regulatory requirements for pre-arrival notice in air, rail and highway modes in July 2003. Under these requirements, traders shipping goods to the U.S. are required to submit certain cargo and conveyance information to U.S. CBP before the goods arrive at the border. For more information, visit the Imports page of the U.S. CBP Web site.

3. FAST: A Canada-U.S. Border Facilitation Program

The **Free and Secure Trade (FAST)** program is a joint United States and Canadian effort designed to ensure security and safety while enhancing the economic prosperity of both countries. The FAST program expedites the clearance of transborder shipments of compliant partners by reducing Customs information requirements, dedicating lanes at major crossings to FAST participants, and physically examining cargo transported by these low-risk clients with minimal frequency. FAST is coupled with C-TPAT, the Customs-Trade Partnership against Terrorism. Utilizing risk management principles C-TPAT seeks to enroll compliant low-risk companies who are directly responsible for importing, transporting, and coordinating commercial import cargo into the United States. The goal is to identify compliant trusted import traders who have good supply chain security procedures and controls to reduce screening of their imported cargo. In turn, this enables CBP to focus screening efforts on import cargo transactions involving unknown or high-risk import traders. Any vehicle using FAST lane processing must be a C-TPAT approved carrier, carrying qualifying goods for a C-TPAT approved importer, and the driver must possess a valid FAST-Commercial Driver Card. The following are the key components:

- ✓ **Importer Registration:** Importers will complete separate applications to the Customs administrations. Importers authorized to use the FAST program for clearance into the United States will have a demonstrated history of complying with all relevant legislative and regulatory requirements, and will have made a commitment to security enhancing business practices as required by C-TPAT.
- ✓ **Commercial Driver Application:** Drivers will complete a U.S./Canada FAST Commercial Driver Application for the U.S. and Canada. The application will be risk assessed by the customs and immigration services of both countries. Applicants identified as low risk will report to an enrollment center where they will be interviewed, have their original identification and citizenship documents reviewed, fingerprinted and have a digital photo taken. Low-risk applicants will then be issued a FAST – Commercial Driver Identification Card.

Customs-Trade Partnership Against Terrorism online application, including FAST registration information is at: <https://apps.cbp.gov/ctpat/>

- ✓ **Carrier Registration:** Carriers will complete the FAST U.S./Canada Border Highway Carrier Application Process requirements that include corporate information, a security profile, and a written U.S./Canada Border Highway Carrier Agreement. In order to qualify for FAST Highway Carrier membership into the U.S. and Canada, two separate applications must be submitted to each country's respective FAST Processing Centers. Each country will perform an independent risk assessment and each country will issue independent approvals for participation. For the United States, a FAST approved carrier will have met all aspects of C-TPAT through the FAST registration process.

4. Exporters Checklist - For Faster Customs Clearance:

1. Include all information required on your Customs invoices. Particularly important is a clear and accurate description of the merchandise.
2. Prepare your invoices carefully. Type them clearly. Allow sufficient space between lines. Keep the data within each column.
3. Make sure that your invoices contain values and unit prices in addition to the information that would be shown on a well-prepared packing list.
4. Mark and number each package so it can be identified with the corresponding marks and numbers appearing on your invoice.
5. Show a detailed description on your invoice of each item of merchandise contained in each individual package.
6. Mark your goods legibly and conspicuously with the country of origin unless they are specifically exempted from country-of-origin marking requirements, and with such other marking as is required by the marking laws of the United States.
7. Comply with the provisions of any special laws of the United States that may apply to your goods, such as laws relating to food, drugs, cosmetics, alcoholic beverages, radioactive materials, and others.
8. Observe the instructions closely with respect to invoicing, packaging, marking, labeling, etc., sent to you by your customer in the United States. He or she has probably made a careful check of the requirements that will have to be met when your merchandise arrives.
9. Establish sound security procedures at your facility and while transporting your goods for shipment.

Web Sites for Additional Information

Federal Trade Commission: www.ftc.gov

National Customs Brokers and Forwarders Association of America:
www.ncbfaa.org

U.S. Customs and Border Protection (CBP): www.cbp.gov

- CBP – Customs Trade Partnership Against Terrorism (C-TPAT):
www.cbp.gov/xp/cgov/import/commercial_enforcement/ctpat/
- CBP – C-TPAT Application: <https://apps.cbp.gov/ctpat/>
- CBP – Free and Secure Trade Program (FAST):
www.cbp.gov/xp/cgov/import/commercial_enforcement/ctpat/fast/
- CBP – Ports of Entry: www.customs.gov/xp/cgov/toolbox/ports/
- CBP – Publication: Importing into the United States:
www.cbp.gov/linkhandler/cgov/toolbox/publications/trade/iius.ctt/iius.doc
- CBP – Publication: U.S. Import Requirements: <http://www.customs.gov/linkhandler/cgov/toolbox/publications/trade/usimportrequirements.ctt/usimportrequirements.doc>
- CBP – Trade Act of 2002, Advance Information:
www.customs.ustreas.gov/xp/cgov/import/communications_to_industry/advance_info/
- CBP – Wood Packaging Materials:
www.customs.gov/xp/cgov/import/commercial_enforcement/wpm/

U.S. Department of Agriculture: www.usda.gov

U.S. Department of Homeland Security (DHS): www.dhs.gov

- DHS – Immigration and Borders: www.dhs.gov/dhspublic/theme_home4.jsp

U.S. Department of Justice, Bureau of Alcohol, Tobacco and Firearms and Explosives: www.atf.gov

U.S. Embassy, Ottawa: www.usembassycanada.gov

- Border Help: www.usembassycanada.gov/content/content.asp?section=can_usa&subsection1=borderissues&document=border_help

U.S. Fish and Wildlife Service: www.fws.gov

U.S. Food and Drug Administration (FDA): www.fda.gov

- FDA – Bioterrorism Act of 2002:
www.fda.gov/oc/bioterrorism/bioact.html
- FDA – Imports: www.fda.gov/ora/import/default.htm
- FDA – Prior Notice of Imported Foods:
www.cfsan.fda.gov/~pn/pnview.html
- FDA – Registration of Food Facilities:
www.cfsan.fda.gov/~furls/ovffreg.html



For further information, contact the Assistant Attaché (Trade),
U.S. Embassy, Ottawa K1P 5T1 Canada, Telephone: 613.238.5335.