

Reasonable care checklist

Importer contact : _____

phone / email: _____

Relationship to vendor:

RELATED: Yes _____ No _____ -

(related means : blood or half blood relations, owning, controlling 5% or more of outstanding voting stock)

If the commercial invoice is vague, we will need a better description of goods:
(including use and composition of goods)

Valuation:

Do commercial invoices reflect all costs paid to foreign supplier? Yes ___ no ___

If no – are there assists (dies, molds, designs, etc) add'l costs for packing, royalties, commissions, etc.

HTS Classification:

- does importer hold any binding rulings?
- component materials
- special requirements (CFR 12)
- shippers advise of HTS?

Marking:

Are all goods clearly marked with country of origin? Yes ___ no ___.

Other government agencies:

Are goods subject to any other government agency? FDA, FCC, EPA, FWS, etc?? Do any goods resemble trademarked or copyrighted items (example, Disney, NASCAR, etc) If so, please provide your licensing for these items. Are goods subject to anti dumping or countervailing cases? Are goods eligible for any special trade agreement? (NAFTA, GSP, etc)

The Customs Modernization Act (Title VI of the North American Free Trade Agreement Implementation Act [P.L. 103-182, 107 Stat. 2057]) became effective December 8, 1993. Its provisions have fundamentally altered the relationship between importers and CBP by shifting to the importer, the legal responsibility for declaring the value, classification, and rate of duty applicable to entered merchandise.

To ensure imported products are in compliance with all applicable U.S. statutes and regulations, importers should have a good understanding of the products they are importing, the applicable regulatory requirements, and the compliance history of the products and the firms involved in the products' design, production and handling. The importer should have sufficient knowledge of the product, its intended use, its inherent vulnerabilities and risks, and the methods by which it is grown, harvested, manufactured, processed, packed, received, transported, stored, imported, and distributed. The importer should know the regulatory framework(s) that govern(s) the products in the country(ies) of production (if any); the compliance status of the products it imports; the foreign firms that manufacture those products; and other firms with which it conducts business involved in the product's life cycle. Actions an importer should consider taking are described below. By taking the appropriate actions to know their products and understand the applicable requirements, importers can enhance their ability to identify and minimize potential hazards to their consumers.

- Know what you are importing.
- Know the details of the product you import, such as its use, the packaging, size, quantity, quality, product composition, specifications, safety concerns, etc. These details can make a difference as to which U.S. requirements apply, and whether the product is in compliance with all applicable U.S. statutes and regulations.
- Know whether the product is intended for commercial sale or use in the United States or for foreign markets, as this can help you to determine whether the product has been manufactured to comply with U.S. requirements, and is properly labeled. Some imported products are not intended for commercial use/distribution, or are intended solely for foreign markets and, therefore, might not need to meet U.S. requirements for commercial use/distribution in the United States. For example, some products are made in the United States for sale in other countries, and, therefore, may not meet U.S. requirements. However, if they are subsequently offered for import into the United States (commonly referred to as "American Goods Returned"), they must meet U.S. requirements to be lawfully imported.
- Know which regulatory requirements apply.
- Know which U.S. requirements apply to the imported product, and to its manufacturer. General information about these requirements typically appear on the website of the federal agency(ies) with jurisdiction over the product.⁶
- Become familiar with the U.S. regulatory agency's policy statements, guidance, and other available information that it publishes to assist industry and end users. These generally appear on the website(s) of the agency(ies), may answer questions about the importation process, and may provide helpful recommendations on how to comply with U.S. requirements.
- Seek assistance so you know the applicable U.S. requirements and help ensure compliance. Importers can develop internal expertise or seek outside consultants for assistance in understanding, regulatory requirements. As resources permit, agency personnel may respond to general questions, and may issue additional guidance or provide training concerning the statutes and regulations they administer.
- Know the risks and compliance history of the products you import, and of the firms that manufacture, distribute, or transport those products.
- Know the potential hazards or other compliance problems associated with the product.
- Know if any of the firms or individuals involved in the product's life cycle have previously experienced product-safety problems. For example, know if agencies with jurisdiction over the foreign manufacturer or other entities in the supply chain have previously identified violations relating to product safety by searching the agencies' websites.

- Know where to find enforcement information on the agency with jurisdiction's website, if available to the public, that can aid in understanding an agency with jurisdiction's concerns related to specific products and their foreign sources, as well as problems previously found. Determine whether the firm has corrected those problems.
- Know if the manufacturer(s) and the product are compliant with applicable U.S. requirements. Ask to see official documentation of compliance.
- Know if the manufacturer and the product are compliant with, applicable requirements imposed by the country of production. Ask to see official documentation of compliance. Violations of other country's requirements can alert you to potential problems with your goods.
- Investigate a firm's reputation, and verify its legitimacy by using available public-source information (such as the Internet) or, if possible, by interviewing other customers of the firm. If the product is sold through a trading company, distributor, or other third party, consider investigating that firm's reputation and legitimacy as well.
- Determine whether a firm is a subsidiary of a larger company, and whether the importer has recourse against the parent company if the subsidiary defaults on its obligations. Manufacturers may be more likely to comply with U.S. requirements and make a safe product if the importer has recourse against them or their parent company, if they are a subsidiary.
- Be familiar with the relevant U.S., foreign, and international organizations, such as trade associations, that can alert you to emerging problems with the imported products. Communicate with sources known to provide reliable information about compliance or quality issues relative to the products imported.
- Be alert to information that suggests the product is subject to counterfeiting or other fraudulent activities, such as an offer to sell the product at a price significantly below market value, or a history of prior counterfeiting.
- Know, if possible, whether the product was or could have been exposed to pesticides, other chemicals, or contaminants or improper storage conditions during its growth, harvesting, manufacture, processing, packing, receipt, transportation, storage, importation, or distribution and, if so, whether those circumstances could affect compliance and/or product safety. The existence of these conditions can alert you to potential safety problems.