



NOAA FISHERIES

Office of International Affairs
and Seafood Inspection

NMFS Webinar: Proposed Rule on Electronic Reporting of Trade Data

Presenters: *Christopher Rogers, Assistant Director, Office of International Affairs and Seafood Inspection*
Dale Jones, Fisheries Program Specialist and ITDS Program Coordinator, Office of Science and Technology

January 26, 2016, 2:00 pm CT

Coordinator: Welcome, and thank you for standing by. At this time all lines have been placed in "listen-only" mode until the question and answer session.

Today's call is being recorded. If anyone has any objections you may disconnect at this time.

I would now like to turn the call over to Laurel Bryant. Thank you, you may begin.

Laurel Bryant: Thank you a lot (Kim) and welcome everybody. Good afternoon on a still snowy day here in DC. My name is Laurel Bryant. I am Chief of External Affairs for NOAA Fisheries Office of Communications.

And today we're here to discuss NOAA Fisheries Proposed Rule for Electronic Reporting of Trade Data. The proposed rule was published on December 29 in the Federal Register.

The comment period is open until February 29. We're going to be conducting this webinar today. We also will have another webinar tomorrow.

And if anybody wants to revisit these calls on the transcript, as well as the audio recordings, once we get those, we will post those online.

All of the information on - with regards to this rule and the discussions are being posted on our web page.

And you can find that by going to nmfs.noaa.gov and look over on our Programs link and click onto "International Affairs." And that's where we will have a splash page again in which all this information will be contained.

Before I introduce our speakers today, I just wanted to kind of go over some words of caution. It is snowing. The government is closed.

So the presenters, myself, and the staff that are behind the scenes we're all [at] different locations. And should anything go wrong with WebEx or you inadvertently get kicked off we have posted a PDF of the PowerPoint on that



NOAA FISHERIES

Office of International Affairs
and Seafood Inspection

website on this splash page. So if anything goes wrong you can always access it there. I hope that's kind of a helpful Plan B.

The other thing is every now and then throughout the day on the conference call numbers, we've had some slowness here and there. So again I would ask your patience in case there's any (hinkyness) with the technology.

With that I want to introduce our speakers. We're joined today on the phone by Chris Rogers, Assistant Director for [the] International Fisheries Division with our Office of International Affairs and Seafood Inspection.

Chris will be taking you through the first half of the presentation. And he will be followed by our colleague Dale Jones, who is a Fisheries Program Specialist and our ITDS program coordinator, with the Office of Science and Technology.

And once Chris and Dale are done with the presentation they'll turn it back over to me. We will have the operator open it up for Q&A and give you the instructions on how to get into the queue to ask your questions. And with that Chris, I'm turning it over to you.

Chris Rogers: Okay, thank you Laurel. (Kerry), can you go to the next slide?

Good afternoon everyone. This is just a quick overview of what we intend to cover in the next half hour and again leaving a half hour period for Q&A at the end.

So we're going to have a brief introduction to the International Trade Data System. For those who are not familiar with that government wide initiative -- an overview of the three NMFS programs for which we currently monitor imports, and to some extent exports depending on the program, and why we're integrating these monitoring programs within the International Trade Data System.

We'll give a description of this transaction from the current entry processing, where we do rely on paper documents, into the future with the International Trade Data System and electronic reporting.

We'll talk about our consolidated trade permit, our message set requirements, our document imaging system requirements, and how entries will be processed in ACE, that's the Automated Commercial Environment that was created by Customs and Border Protection for implementing ITDS.

We'll briefly touch on the responsibilities for this new rule making under these protocols, the importer of record will have a rule, the entry filer, software developers; and also make a pitch for pilot testing in the next couple



NOAA FISHERIES

Office of International Affairs and Seafood Inspection

of months before we go live and into production according to the CBP schedule. And then as I said about 30 minutes at the end for Q&A.

So next slide please, (Kerry). Thanks. So why are we as a National Fishery Service involved [with the] International Trade Data System? Under the Customs Modernization Act of 1993 a national Customs automation program was established, ITDS is the means.

As folks in Customs say, ITDS is the concept but ACE is the instrument. ACE is the software technology -the portal if you will, Automated Commercial Environment for the entry and withdrawal of information on the part of both the trade and the government users. So ITDS is the concept, ACE is the vehicle. A lot of times you will see in documents, ACE/ITDS.

Despite all of the efforts and progress made from 1993 forward there was still a concern that modernization wasn't happening fast enough.

Congress gave another impetus by the Safe Port Act in 2006, in which it mandated ACE/ITDS participation for all government agencies that have a role in making admissibility decisions for inbound shipments.

So any agency that has paperwork information to review to make an admissibility decision was required under the Safe Port Act to participate in the ACE/ITDS Project.

Again, the single window concept was the important way to move forward on gaining efficiency not only for trade but for government users.

Further to that, President Obama issued an Executive Order in February 2014 on streamlining the export import process mandating the full implementation and use by all agencies of this single window ACE/ITDS by December 2016.

So we're under a much tighter schedule as Partner Government Agencies than we were before. And again, why is NMFS participating?

Well, we import here in the US about 90% of our consumable seafood. And several of those products or nations, or subject exporting nations are subject to either monitoring or embargoes under various programs and we'll go through those.

Next slide please (Kerry). So here's just a schematic from Customs and Border Protection on the single window concept.

If you go to the left side of the screen it shows the trade interspersed between Customs and other PGAs as they call them, the "Partner Government Agencies," that have admissibility requirements, information-- lots of forms.



NOAA FISHERIES

Office of International Affairs and Seafood Inspection

You can see that schematically there in the forms. The forms are passed back and forth between the Partner Government Agencies and the trade, communications sometimes in paper, fax, email with CBP and the trade and with the partner agency.

So it can be a very cumbersome process particularly when more than one partner agency has jurisdiction over a particular commodity. And the message to the trade has not been clear or quick in coming.

So under the single window, on the right side all of that communication will happen through that single window.

The trade will communicate via ACE, not only with CBP, but also with the Partner Government Agencies.

All Partner Government Agencies with an interest in that particular commodity based on the harmonized tariff schedule code will see the information in near real-time and be able to make those decisions, [and] communicate them back through ACE to the trades.

So it's an automated and much abbreviated process where paper will not be holding up the show in terms of release decisions.

Next slide please (Kerry). As I mentioned due to the recent executive order there is a transition plan to ACE.

Everybody needs to be aware of these dates, these deadlines that have been published by CBP, the ACE countdown.

Mandatory use of ACE for electronic manifest filing for shippers was accomplished last year. As of November 1 last year entry filing began in the ACE environment.

The so-called legacy environment ACS the Automated Commercial System will be turned off on February 28 just a month from now. So all electronic filing must be done in the new ACE environment as of February 28.

And then in July the first suite of Partner Government Agencies will be collecting their information or excuse me I misspoke there.

As of February 28 that first group of Partner Government Agencies listed there in the middle under February 28, FDA and others will be required to submit [to] the Partner Government Agency electronically as well as the normal Customs entry data.



NOAA FISHERIES

Office of International Affairs and Seafood Inspection

For July that is the key for fishery service, for July of next year not exactly sure of the date yet within the month but July of next year.

And actually Fisheries service is in the suite of partner agencies [and] will be requiring the ancillary data in addition to the Customs, normal Customs entry data that National Marine Fisheries Service needs to make its admissibility decisions on those entry filings.

So that's a key date for National Marine Fisheries Service and anybody who's importing the commodities that we'll address in the next slide.

If [I] just make a note -on the bottom of this slide you'll see "hybrid submissions will no longer be allowed." What that means is there won't be a combination of paper and electronic data from that point on.

In other words all of the Partner Government Agency requirements for data and/or image files must be filed electronically in ACE or the entry won't process electronically, and then of course given the deadline for the Executive Order that final date of October 1 is the target date for all electronic processing of cargo release.

Next slide please. So this proposed rule for National Marine Fisheries Service is to convert our existing processes to the single window for collecting data at the point of entry.

There are three existing paper based programs that will be converted. We call them the Highly Migratory Species program --HMS, the Antarctic Marine Living Resources program,, or AMLR and then the Tuna Tracking and Verification Program -- TTVP.

For each of these programs under this proposed rule an importer permit will be required. It's not our intent to limit entry by any means. So anyone who wants to be an importer for these commodities can continue to do so.

The reason we're imposing a permit requirement is so that we can educate you as an importer on the information requirements and the entry processing protocols in the ACE environment, and be able to reach out when any changes are occurring.

The data will be collected at entry via a message set and also via a document imaging system depending on the particulars of the individual program.

Next slide please. So these three programs will have at least a - to varying degrees- a method set. In some cases a little bit more robust or complicated than others.



NOAA FISHERIES

Office of International Affairs
and Seafood Inspection

The Highly Migratory Species program is looking at imports of tunas for the most part and swordfish, the Antarctic Marine Living Resources program looking at the tooth fish also known as Chilean Sea Bass Import Monitoring program.

And then for those familiar with the NOAA Form 370 Fisheries Certificate of Origin that's part of the Tuna Tracking and Verification Program.

It's used to ensure that product advertised as dolphin safe using a dolphin safe label can be certified that it was in fact harvested in a manner that was dolphin safe.

It also addresses some embargoes we have from - I believe nine countries are currently embargoed as primary producing countries for yellowfin tuna because of dolphin protection concerns.

These three programs, occur approximately 35 codes, under the Harmonized Tariff schedule. Those codes will be the key for the operable business rules we will set up with Customs in the ACE environment and basically signaling that this code is of interest to National Marine Fisheries Service and that additional data is required in order to process the entry.

There are about 700 Harmonized Tariff scheduled codes. We're only addressing a small subset of them in this rule making.

But I must note that in about two weeks' time we expect another proposed rule to come out dealing with the recent efforts of the Presidential Task Force on combating illegal fishing and seafood fraud.

And that program will be proposed to include some additional tariff codes. Not all 700 at this current time but an additional number of codes above and beyond those 35 that are addressed in this rule making.

Next slide please. So as I said the primary product covered in these programs- tunas. Tunas are covered both under the Highly Migratory Species program- looking at the issue of lawful or authorized acquisition.

Was that harvest event authorized by the flag nation of the harvesting vessel, and is the documentation provided at import allow us to ascertain that the harvest was in fact authorized by those flag nations?

So there are forms that are currently used in trade for Bluefin tuna, for example bigeye tuna and swordfish.

But the NOAA Form 370 program a little bit different focus, a little bit different mix of tariff codes, looking primarily at the harvest event but from a



NOAA FISHERIES

Office of International Affairs and Seafood Inspection

different standpoint, not so much the lawful acquisition although that can be ascertained from the information provided but primarily for the methods of harvest and whether they meet the US definition of dolphin safe harvest for those tuna products.

Swordfish again, covered under HMS program, tooth fish covered primarily under the Antarctic Marine Living Resources program.

Some other products may also be covered, krill for example, and any crab that may be coming in from the Antarctic region.

So as I said, before currently paper documents, are submitted primarily post release directly to the National Marine Fisheries Service.

These documents attest to the circumstances and condition of harvest. And we go through those to ensure that the departments were in fact admissible under our laws and regulations. NOAA Form 370 used to screen for dolphin safe labeling as well as those embargoed countries.

In the ITDS environment the requirements under this proposed rule would be for a message set to be filed NA certain data elements from those forms would be provided to ACE directly via the message set.

And then any supplemental documents would be handled through what Customs has set up and calls, the Document Imaging System.

For the Form 370 program if you're a participant and familiar with it these would be things like the Captain Statements or Observer Statements which provide further details to attest to the dolphin safe status of that harvest event.

The next slide please. So this proposed rule as I said would be a transition to the electronic import and export filing via the ACE single window set up by Customs.

I mention export here because a few of the program are international in scope and do require if we export those same products from the US that we also indicate some information about the acquisition these primarily bigeye tuna, Bluefin tuna, swordfish that are covered under some regional fishery management organizations documentation schemes.

We will utilize the ACE in the Partner Government Agency message set to collect the data to facilitate in order to make a decision on admissibility and the quick curve product or shipment release.



NOAA FISHERIES

Office of International Affairs
and Seafood Inspection

We'll utilize the CBP Data Imaging System, the DIS, to collect any required international forms and eliminate the need to collect those forms via paper directly to NMFS.

We will utilize interoperable web services with CBP to automate system to system communications and expedite those - the review of data and those admissibility decisions.

We'll utilize secure file transfer protocol to receive the CBP data for all of the NMFS monitored products.

And again have the information immediately available or as near real-time as possible sometimes prior to good arrival depending on when entries and entry summaries are filed sometimes shortly after release but it certainly expedites the transfer of information to fisheries to allow us to do our monitoring and enforcement work.

One of the key features - we do have two different permits that are currently issued depending on the product.

So this rule would consolidate all of the commodities that we'll be looking at in these programs under one permit. So one permit for anybody who is importing or exporting any of the commodities covered under this program.

We will set this up under the National Permitting System. It's a web based system, self-service. People will be able to go in and get that permit whenever and pay with a credit card a modest fee to allow us to collect what we call administrative cost recovery for those permits.

And that information from that permit file will be passed immediately to CBP. And CBP will validate those permits in ACE. They will be associated with import of record identified on each entry filing.

So with that I'm going to turn it over to Dale Jones who's going to go through very briefly the message set requirements. I think this is probably of greatest interest to entry filers and software developers, so Dale it's all yours.

Laurel:
Coordinator:

Dale, are you on mute?
Ma'am this is (Kim). His line is still connected. Dale you may want to check the mute feature on your phone.

Dale Jones:

I'm on now I believe. And I was having a technical problem there with the phone. So let me start out with Page Number 10.

I want to emphasize and summarize a couple of things that Chris said. One is the fact that as we're moving from the current environment, where ACE is



NOAA FISHERIES

Office of International Affairs and Seafood Inspection

used to collect all of the information, that CBP requires and otherwise we collect paper documents as an agency. This again, as Chris has mentioned, will actually place us in a position to collect everything electronically, whether it will be the original entry or entry summary information that Customs requires or in addition to that which will occur here now will be the “message set” as what we refer to as the particular information that we will also collect through the ACE system that will be keystroked or entered in.

And then the third set of data that will be collected will be what we now collect as paper documents that you’ll send through the DIS.

And one thing I want to emphasize is that we could not and would not ask you to keystroke everything in from those paper documents.

And that is the reason why DIS will still exist and will be a big part of this process as opposed to trying to capture everything through ACE and through the message set.

What we have done intentionally here is to try to limit the information that we collect through the message set to only that information that’s required at the time of import to assure that the import is authorized to be released into trade here in the United States and then the same thing will be done for exports of course.

So as you look at the next six pages, and I’ll just cover them very briefly. What you’re seeing in the different colored excerpt documents that are green is sort of a (salmon) color and blue. And the different pages will be excerpts from a document called the Implementation Guidelines.

And the Implementation Guidelines are available to you. We reference them in some of the documentation that we sent out and you can find them online as well.

But they’re particularly precise or specific rules that will show what you need to enter and build into your message set.

Now that said that’s where some of you may be programmers or software developers. And if you’re not, if you’re a broker or an importer you’ll need to work very carefully with your software developers to take a look at the Implementation Guidelines and then a second document that’s key to this process which is the ACE (CATAIR), and it’s titled, Partner Government Agencies.

And that is the ACE specific directions that are provided by Customs for the technical requirements and how this data should be entered into the message



NOAA FISHERIES

Office of International Affairs and Seafood Inspection

set that Chris has referred to and that is becoming part of the required submission for this rule.

So looking at Page 10 you see an excerpt from the HMS program requirements. And you'll see that there are different items down the left-hand column referred to as PG which is the simple record number.

And these will fall into sequence when an Automated Broker Interface, ABI, filing is done through the different line items on an import.

And the message set for NMFS will follow anything that's required by Customs in their entry and entry summary data.

So we tried not to be duplicative or collect anything through our message set that Customs does not already collect.

So in this document again you'll see down the left side on the PG 14 for example where we're going to collect a license or certificate number. This will be the license or permit as we refer to it that - as Chris talked about earlier.

The PG 22 is the space where they collect different specific numbers codes that show what international document we want to collect.

So whether that's something from the ICCAT or something such as a 370 Form that'll be designated there, there's a code for it. And there's a list of codes and developed and in place by Customs.

So could I see the next page, Page 11? So on Page 11 we see just a schematic that really gives you an idea of how this breaks down.

The Automated Broker Interface that Customs uses and has been using for years collects data through a system called EDI.

And EDI is the 80 character set. And you see that across the top of the page, there's 80 different columns there.

And what the (CATAIR) that I referenced earlier and the Implementation Guidelines do is they will tell you exactly what order and where to place specific information.

So in this example we have an ICCAT swordfish statistical document. And some of their early PG records like 01 are just very general tell you what the product is. A PG 06 tells you where it was harvested. That's data that we need to collect.



NOAA FISHERIES

Office of International Affairs and Seafood Inspection

PG 14 again as a dealer permit number that we'll collect. And it shows you where that goes in. If you look at the grid on the top section of this you'll see exactly what is written into those grids.

So your software developers should build your system for the ACE ABI entry process to be able to collect this data. And I'm happy to be available to help as they put those things in place.

They'll look to for example PG 22 below there. They'll be a specific code or document number so that's an 878 would tell us that this is an ICCAT swordfish statistical document.

So next page, so as we go to blue this is just kind of coded - color coded in our Implementation Guides. This is the AMLR requirement. So it looks quite a bit shorter.

Most of what we see for AMLR is tooth fish. And for the frozen tooth fish process we will require only a preapproval number.

Those of you that are familiar with that process know that we issue that number. We'll collect the number to know that your shipment has already been preapproved along with the entry and a few other data points here. And that's all we'll collect on a frozen tooth fish shipment. We won't even collect the actual digital images through this system.

I will also say a word about DIS that I haven't mentioned earlier quickly and that is that there will probably be several processes for you to upload documents through DIS.

Some folks are now sending those through an email related system where the subject line in the email specifically tells how to send a document, where it's going and what program it's related to for what agency.

And then on top of that some will upload those documents from their computer after they've scanned them in into the ABI system.

So either way the documents will get to Customs and they will get to us as opposed to the cost incurred now with shipping those documents out to us or sending them through different couriers.

So next page, so this is again just a schematic to show you what this would look like. This particular document is a preapproval authorization issued by the National Marine Fisheries Service. And shows you the specific documentation from that form circled or in square blocks in red and then how that translates up to the top part of the form.



NOAA FISHERIES

Office of International Affairs
and Seafood Inspection

Next page, this is from our Tuna Tracking Verification Program, the TTVP also known as the NOAA 370 Program.

And again, this is not specifically all the requirements to that program but again when you look at the implementation guidelines you'll see what occurs there and effectively we'll be collecting different things such as the ocean area of catch where the product was harvested.

The permanent information is not required now but it will be at such time as this rule goes into effect later this year.

The species description under PG 17 is required. And we'll be trying to track detailed information for example such as something like yellowfin tuna where there may be an embargo depending on where the fish was harvested, how and what country harvested it.

Next page, okay this is a copy of the 370 form. And again we simply show where these different data points were taken from on the form, what they mean, and then on the top grid you'll see exactly how those are placed inline as they're filed or entered dependent upon how your software provider sets up that EDI system and conforms to work with the Automated Broker Interface that Customs uses to enter data into their ACE system.

Go to the next page. Okay so the responsibilities that will be in place under the new protocol is that the importer of record will get the International Fisheries Trade Permit.

As Chris mentioned, that'll be through our national permit system and they'll provide the data documents to Customs Brokers.

This is a critical point because as it currently stands sometimes the broker doesn't have the actual documents in front of them and they would need to, under this process, collect those so that they can actually upload them and submit them and they can also pull information from them through the message set.

The entry filer will submit the data and document through ACE and DIS. And then of course as I've mentioned several times, the software developer will have to certify and build the message set software in ACE.

If you haven't done this yet as a filer I would strongly encourage you to place this as your highest priority and get it done.

You saw the dates that Chris mentioned on Slide Number 5. And some of these things are occurring very quickly.



NOAA FISHERIES

Office of International Affairs and Seafood Inspection

Even if you file electronically, anything with an entry or an entry summary, not even counting what will be required in the future in a message set.

As of February 28 you will have to have your software developers ready to file everything through ACE that would be entry and entry summary related for a NMFS product.

I would also add a note here that I didn't refer to earlier and it's not on your slides. Some products of course will have entries required by different agencies.

So in ours for example anything that you require to file as a requirement of the National Marine Fisheries Service would also be a food product so, or nearly everything I should say, would actually be a food product. So the FDA will have prior notice requirements there.

So for all fisheries products that you submit that are going to be a food product, the FDA would also require you to file their prior notice.

So they have their own set of implementation guidelines as would any other federal agency. And this ITDS process, as I like to say, covers everything from fish to firearms.

So all 47 agencies that are involved in import compliance and regulation or export are all part of this and most will have some type of implementation guidelines involving at least a message set, and if not a message set then DIS.

So again if you're not familiar with the process and you do import other products you may need to take a look at those but for us it's primarily going to be the FDA as the other overlapping agency.

So lastly here I would state and reiterate that we have an immediate need for pilot testing of the message set and DIS for all three of those programs.

We'd like to get people on board and up and running as soon as possible. So if you do have an interest in doing that please contact me and I would be happy to work with you and work with your client representative through CBP to get you up and started and testing.

What they typically do is test first through a certification environment. And then actually go into a production environment test where we sort of do a walk-through of the first couple submissions and then after that have you on your way to submitting.

And you can do these now. We don't have to wait till July or until this rule comes out. We can start the pilot testing now for your import processes.



NOAA FISHERIES

Office of International Affairs
and Seafood Inspection

So next slide, so here's some key links that are offered here. The ITDS web links. You can also provide comments on the rule which we strongly encourage and then for pilot testing there's access there.

And as Laurel mentioned at the outset of the webinar she can - you can actually go to the NMFS Web site and find this information.

If you have not received a copy of the "five things" quote unquote document that we put out we would like to get you a copy of that.

You can also pull up an abbreviated version of that down from the website. And there are many links, hyperlinks, and footnote references on there that should get you through almost anything you would need as a reference document to find the details that you need to actually implement, - excuse me, implement this process.

So with that, last page. So I'll stop there and turn it back over to Laurel and Chris and again my apology for the delay on the phone. Thank you.

Laurel Bryant: Thanks Dale, lots of information here folks. Again this is a proposed rule. And I know that Chris and Dale will be looking for those.

And this is a great opportunity to really even help guide Chris and Dale in the program on what kinds of questions and what we need to begin to prepare for in terms of outreach, and training and all those kinds of things that are down the road ahead.

So I just want to open up for Q&A. So I'll turn it to the operator for instruction. I'd like to remind folks, you know, try to, you know, keep that question clear. These are really important to us because these will be guiding our future actions.

And with that operator if you could just give everybody the instructions on how to get into the queue that'd be great? (Kim)?

Coordinator: At this time if you'd like to ask a question please press Star 1. You will be prompted to record your name. Again if you'd like to ask a question please press Star 1, one moment please for the first question.

Again our first question comes from (Zach Smith). Your line is open.

(Zach Smith): Yes. Hi. Thank you very much. I had a few questions. And I'm coming at this from the bycatch rulemaking of the MMPA the international bycatch rule making that's projected to be completed this year.



NOAA FISHERIES

Office of International Affairs
and Seafood Inspection

So my question on that is it seems that this has been designed with that potential rulemaking being underway. I was seeking confirmation of that.

And is it being designed to be flexible enough for those kinds of changes especially down the road if the rulemaking or conceivably through litigation there are changes required as to what is - what has to be reported by import by - well by importers?

And then the other question that I have is related to public access to the extent of how searchable if at all even for purposes of FOIA requests?

And is it being designed in such a way that confidential information can be segregated from other information? There wouldn't be confidential or that could be aggregated for public access? Thank you.

Laurel Bryant: Hey Chris do you want to handle that or do you want me to take that with regard to the traceability rule?

Chris Rogers: I can take both of those questions.

Laurel Bryant: Okay.

Chris Rogers: From the standpoint of this is a separate rule mechanism underway. The proposed rule has already gone out. The comment period has closed. And we're actually preparing the final rule.

This is for as we say leveling the playing field. We have a lot of marine mammal protection regulations mechanisms in place for US fishermen.

And under the statute Marine Mammal Protection Act we are required to screen imports to make sure that fish products were harvested with those same or equivalent, as we say equivalent effectiveness, are comparable that's the standard comparability and effectiveness for marine mammal bycatch mitigation measures.

So once that rule is finalized and the process is implemented to give nations exporting seafood products to the United States what we call comparability filings that their programs marine mammal bycatch mitigation are comparable in effectiveness.

There won't be any particular intersection with this current rule that we're talking about or its requirements.

What would happen though is in the event a country does not receive a comparability finding it would lead to certain restrictions on exports from those countries for particular products from particular fisheries.



NOAA FISHERIES

Office of International Affairs
and Seafood Inspection

So that's where this rule would come into play where we would set up a set of business rules in the ACE environment for a particular tariff code from a particular country of origin.

So again in the event that, that rule leads to any import restrictions they would also be programmed in the ACE environment keyed off of the tariff code and the country of origin in order to exclude them from the US market. Hopefully that answers the question.

The public access to data this - these data are collected by Customs. Some of it under Customs authority these - what we call the Partner Government Agency message set under NMFS authority National Marine Fisheries Service authority.

For the most part they are confidential business information the data because they are referring to the individual transactions of individual companies and therefore would not be disclosed under the Trade Secrets Act or even under the Magnuson Stevens Fisheries Conservation Management Act.

That said aggregate data can be released provided we take the protections to aggregate the data in such a way that the individual business information is not disclosed.

Laurel Bryant: Great, thanks Chris. (Kim) our next questioner?

Coordinator: Yes. Your next question comes from (Amy Highling). Your line is open.

(Amy Highling): Hi. Thank you. I'm a little confused. I'm brand new to this. We just applied for an import license for swordfish.

And we're just notified, actually just got the letter today, about this webinar. So my head is reeling with all of this.

As an importer am I too - am I understanding this correctly that we've got to develop a software system to enter all of this information or is this something that our freight forwarders can - will take care of?

Laurel Bryant: Hey Chris can you kind of take that but also I think probably you and (Amy) should even talk off line.

(Amy Highling): Yes. Yes probably.

Chris Rogers: Yes certainly. You're certainly free to - when your head stops spinning to dial in for tomorrow if you want to get a rehash of it but certainly do call myself or Dale and we can walk you through it.



NOAA FISHERIES

Office of International Affairs
and Seafood Inspection

(Amy Highling): Okay.

Chris Rogers: But yes typically unless you file your own entries you use a Customs broker to do that...

(Amy Highling): Yes.

Chris Rogers: ...for you...

(Amy Highling): Yes.

Chris Rogers: ...it's a complete service with a freight forwarder logistics operation, they'll do the Customs clearance.

So typically these firms have software developed either in house or on contract to write the software. So they're...

(Amy Highling): Okay.

Chris Rogers: ...only writing the software for the ACE environment for the normal Customs entry information, the entry summary information.

And also if other agencies are involved in the commodity as Dale mentioned before as food products, certain prior and notice requirements for Food and Drug Administration will have to be filed through ACE.

So the customer forwarder, freight forwarder, logistics operation is most likely apprised but if not need to alert them that these commodities will be subject to additional data collection in the ACE environment and they'll need to acquire contract or develop the software to do so.

(Amy Highling): Okay, all right.

Laurel Bryant: And I'll also, this is Laurel. I also want to add to that just in terms of outreach and communication on this, as Dale and Chris had both alluded to, this has been a process that's been under development for many, many years.

It's finally kind of hitting. We're transferring some old world to new world. And I know that Chris and Dale they've worked really hard to try to make certain we were targeting the right people. We've been putting it out in FishNews.

We've got things but anybody that wants to send me or Chris an email about folks the need to be included, or something or you have suggestions please send us that information or those ideas because we are trying very hard to be



NOAA FISHERIES

Office of International Affairs and Seafood Inspection

transparent, and inclusive and really get the word out with regard to our program as it relates to this new platform that the federal government as a whole is creating.

(Amy Highling): Oh okay. I think we were notified because we just applied for a sword license. And I think that's how we got the...

Laurel Bryant: Oh good. Well it is coming out from different directions, that's good. But...

(Amy Highling): Okay. All right so...

Laurel Bryant: ...anyways thank you for that question.

(Amy Highling): So I can contact the - on the slide that's up now markwildman@noaa.gov at this telephone number. How do I get in touch with Dale, or Chris or (Kerry)?

(Man): Chris is at the same number as Mark. So you can dial that. Ask for Chris or Mark.

(Amy Highling): Okay perfect. Great, thank you so much. I appreciate it. Thank you.

Dale Jones: And this is Dale, same number and the last four digits #8143 to contact me.

Coordinator: And again our next question comes from (Vol Dere). Your line is open.

(Vol Dere): Hi. We just have a question. If currently we upload the NOAA forms. And with this new program do we still going to have to upload them even though the Customs worker is uploading them too to the ACE systems?

Right now we do it to -the transfer- [the] National Marine Uploading System that's where we put it. Thank you.

Dale Jones: This is Dale. Can I take that? And (Bill) might want to add on. But basically most of the documents come in by paper.

There are some documents that are received by email for the 370 program. And there are some that are I believe are received through email for the Bluefin Tuna program. So these different programs have different processes currently.

In the future when this rule is in effect everything you upload will be through the same system. It'll be a onetime through your broker, through the filer, wherever is filing and that will primarily take care of all of your provision of documents that we would require at the time of filing.



NOAA FISHERIES

Office of International Affairs
and Seafood Inspection

If there were any reason you would be required to file it or provide it ahead of time such as with the preapproval process with our toothfish then you would not have to submit it a second time through the upload process.

(Vol Dere): Oh okay. So the Customs worker will upload it and that will be it. We don't have to re-upload it later on within the ten days?

Dale Jones: Essentially that's correct.

(Vol Dere): Okay. And one more question. Will this start as of February or as of July?

Dale Jones: It'll be required when our rule goes into effect but it'll - the primary portion of it starts with the National Marine Fisheries Service in July. Customs hasn't designated that key date yet.

So I'll let Chris answer the question about the rule. But anything with entry and entry summary outside of the National Marine Fisheries Service requirements just a straight import requirements of Customs if you want to file electronically that portion of it starts in February- February 28th.

Chris Rogers: Right. We are looking for some pilot testing. And that is open and available to do so immediately. And that will help us if there are any glitches that we need to work out before we issue the final rule.

But in issuing the final rule we have to coordinate with Customs and Border Protection. As Dale mentioned in the - and also in that slide they have a July date of some...

(Vol Dere): Yes.

Chris Rogers: ...date in July where it will be required for each of those agencies.

And obviously we need to write a final rule and publish that final rule with an effective date but we can't do it in such a way that there's a conflict with when Customs is ready. So when Customs determines that date in July we'll communicate that. And that will be the switchover date.

(Vol Dere): Oh okay. So for the time being we just continue doing it the same way we're doing it until the date in July it's, you know, until it's like the Fourth of July or the 5th of July correct?

Chris Rogers: Right. But we would encourage you if you...

(Vol Dere): Yes.

Chris Rogers: ...if you at least try and help us out by going through the pilot program.



NOAA FISHERIES

Office of International Affairs
and Seafood Inspection

- (Vol Dere):* Oh okay. And for that we will need to contact you or Dale?
- Chris Rogers:* Dale, or myself, or even if you have a Customs Board Protection client representative that you've been working with or your...
- Man:* Yes.
- Chris Rogers:* ...Customs Broker just work through them.
- Dale Jones:* Customs requires that you work with your client representative. So any of the import parties will have a client rep and if not we can work with you to find out who that is.
- (Vol Dere):* Oh okay. So we just need to have - ask our Customs Brokers to contact our Customs Board Protection and Client Service and that they can tell us who they are correct?
- Dale Jones:* Yes exactly.
- (Vol Dere):* Oh okay, all right. So we'll just contact the Customs Broker for that, and then maybe we can start the pilot too.
- Dale Jones:* That'd be great.
- (Vol Dere):* Okay. Thank you.
- Coordinator:* Thank you. And once again as a reminder if you'd like to ask a question please press Star 1 and please record your name when prompted. One moment please.
- Laurel Bryant:* While we're waiting maybe for another question Dale and Chris it probably would be a good idea with the pilot stuff maybe we can revisit that together and maybe make that information a little more clear and accessible for folks who would be interested and what's involved with that?
- Chris Rogers:* Right. That last link on the second to last slide will take you directly to a CBP site where it'll explain how one - so for a pilot testing there...
- Laurel Bryant:* Excellent.
- Chris Rogers:* ...it will give all the information for participation in the NMFS pilot test.
- Laurel Bryant:* Oh great. That's perfect Chris. Thank you.
- Coordinator:* And I show no further questions.



NOAA FISHERIES

Office of International Affairs
and Seafood Inspection

Laurel Bryant: Okay. Well everybody I really appreciate everyone's time. We had a pretty good call today up to 45 people on the line at one point.

We are going to be doing this again tomorrow same fish time, same fish channel on - and same fish team. And again Chris and Dale are looking for your guidance. They're looking for your questions.

We know this is new to some of our more issue permit program folks and brokers and stuff are enough folks that we generally deal with.

But - so it may be confusing for some but we're anxious to get your feedback. And I look forward to hearing from you more and thanks for joining us.

Coordinator: Thank you. This concludes today's conference. You may disconnect at this time.

END