



FedEx Regulatory Alerts & Updates

Regulatory Alert: CBP Issues WRO on Silica-based Products

July 8, 2021

WHAT ARE THE SPECIFICS OF THIS WITHHOLD RELEASE ORDER?

On June 24, 2021, U.S. Customs and Border Protection (CBP) issued a Withhold Release Order (WRO) against Hoshine Silicon Industry Co. Ltd. and its subsidiaries. The WRO instructs CBP personnel at all U.S. ports of entry to immediately begin to detain shipments containing silica-based products made by Hoshine and its subsidiaries or materials and goods derived from or produced using those silica-based products.

If goods subject to a WRO arrive in the United States, CBP will detain those goods. Importers may either re-export the goods or submit evidence that the goods were not subject to a WRO. Evidence will be evaluated on a case-by-case basis.

Q & A

Q 1 - What can businesses engaged in importing goods from various sources globally do to help avoid WRO detentions?

A 1 - Importers must exercise reasonable care over their supply chains and understand where and how their products are manufactured or produced, in whole or in part. Importers can check CBP's website, which lists all foreign entities and respective commodities subject to an active WRO or Finding.

Q 2 - If one of my shipments is detained by CBP in conjunction with this WRO, how can I demonstrate that the merchandise was not subject to a WRO?

A 2 - The CBP regulation 19 CFR § 12.43 covers proof of admissibility for goods that have been detained in conjunction with a WRO. These regulations provide the process for an importer to submit a signed and dated certificate of origin and a detailed statement demonstrating that the subject merchandise was not subject to a WRO to the CBP Port Director or Commissioner within 3 months after the date the article was imported. A link to the regulation is found below in the Resources section.

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Q 3 - Does this WRO only apply to the silica-based products that are manufactured by Hoshine and its subsidiaries?

A 3 - No, this WRO also applies to goods made in third countries using inputs that were produced by Hoshine and its subsidiaries.

REFERENCES

CBP WRO on Silica-Based Products:

<https://www.cbp.gov/newsroom/national-media-release/department-homeland-security-issues-withhold-release-order-silica>

CBP Resources Page: <https://www.cbp.gov/trade/programs-administration/forced-labor>

19 CFR § 12.43 “Proof of Admissibility”:

<https://ecfr.federalregister.gov/current/title-19/chapter-I/part-12/subject-group-ECFR673f1b37a00878d/section-12.43>

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