



FedEx Regulatory News

Avoid clearance delays - The U.S. Department of Agriculture's (USDA) Animal and Plant Health Inspection Service's (APHIS) final stage of enforcement begins March 15, 2021

March 5, 2021

Background information

On March 15, 2021, APHIS Core will enter its final stage of enforcement. At that time APHIS will fully enforce its electronic reporting of the APHIS Core message set in the Automated Commercial Environment (ACE) using "reject" severity flagging for non-compliant entries.

What has changed?

Although the APHIS regulations have not changed, the means through which the trade reports APHIS data has. Effective March 15, 2021, the APHIS message set will be fully enforced in ACE, and failure to report required APHIS data elements will result in a rejection of the Customs entry.

What are the primary impacts of these changes?

Importers of merchandise with a Harmonized Tariff Schedule (HTS) subheading code flagged as a possible APHIS commodity could experience delays in clearance even if the item is not subject to APHIS regulation. It is important that importers review the list of HTS subheading numbers potentially impacted to determine if further action is needed to avoid delays. A full list of affected HTS subheadings can be found [here](#).

If a product is classified under a HTS subheading flagged as "AQ1", the importer should note the Category Type(s) listed and review the corresponding [APHIS Manual\(s\)](#) to ensure the product is not regulated. Products that are not regulated by APHIS but are using a HTS subheading flagged as "AQ1" should include a note on the commercial invoice or accompanying documentation advising that the product is not subject to APHIS regulation.

Products flagged as "AQ1" that are determined to be regulated by APHIS or products classified under a HTS subheading flagged as "AQ2" will require additional information or documentation. Importers should note the Category Type(s) listed for these HTS subheading numbers and review the corresponding [APHIS Manual\(s\)](#) to determine admissibility requirements.

Q&A

Q1: What can I do to ensure there are no delays to my shipments as a result of this change?

A1: Importers that have confirmed their products are **NOT** regulated by APHIS but are flagged as potential APHIS commodities should ensure one or more of the following has been completed:

- Provide a written statement advising the shipment is not subject to APHIS
- Update parts databases with APHIS disclaims
- Ensure Customer Clearance Profiles or SOPs are updated

Importers that have confirmed their products **ARE** regulated by APHIS should:

- Provide any applicable LPCO (License, Permit, Certification, Other)
- Ensure all required APHIS information is on the Customs entry paperwork or within a parts database

Q2: What happens if the HTS subheading has multiple APHIS category types listed?

A2: A product may be regulated under multiple areas of APHIS. The importer should note each Category Type listed and review the corresponding [APHIS Manuals](#) to determine which apply. In these cases, multiple messages sets may need to be transmitted in ACE.

Q3: If a HTS subheading number is not flagged for APHIS, does that mean the product is not regulated by APHIS?

A3: No. HTS flags are only provided as a guide to the import community. The commodity itself determines if the product is regulated. APHIS regulates a very broad range of products covering animals and animal products, plants and plant products, fruits and vegetables, seeds, and miscellaneous processed products. Importers should review the [APHIS Manuals](#) or [contact APHIS](#) to confirm if the product is regulated.

References:

[APHIS Manuals](#)

- [Animal Product Manual](#)
- [Animal Products That Do Not Require An Import Permit](#)
- [Fruits and Vegetables Import Requirements \(FAVIR\) Online Database](#)
- [Plants for Planting Manual](#)
- [Seeds Not for Planting Manual](#)
- [Miscellaneous Processed Products](#)
- [Cut Flowers and Greenery Import Manual](#)

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[APHIS Core Message Set Questions and Answers](#)

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