

Locking the box



RONALD JASPÁN

Customs and Border Protection instituted a new requirement on Oct. 15 specifying that all ocean containers entering the U.S. be secured with a high-security seal meeting International Organization for Standardization Publicly Available Specification 17712.

The standards require seals to “meet or exceed certain standards for strength and durability so as to prevent accidental breakage, early deterioration (because of weather conditions, chemical action, etc.) or undetectable tampering under normal usage. The standard also requires that each seal be “clearly and legibly marked with a unique identification number.”

This rule, which applies to all importers regardless of C-TPAT status, has been a requirement for C-TPAT members since its inception in 2001.

The burden of ensuring that high-security seals are used on import containers now falls on the importer, even if the importer is a C-TPAT member. Customs will hold the importer responsible — and possibly impose civil penalties — if an import container is found to lack a high-security seal.

Understanding who is responsible for affixing the high-security seal to the container will enable the importer to confirm the use of high-security seals.

- **Importer:** The importer supplies seals to its foreign suppliers and/or foreign consolidators.

- **Container carrier:** The ocean container line provides one seal with every empty container. It is the importer’s responsibility to confirm that high-security seals are used. If the carrier is a C-TPAT member, you can have a high degree of confidence that

high-security seals are used. If the carrier is not a C-TPAT member, a clause should be included in the contractual agreement when rates are negotiated.

- **Foreign supplier:** The foreign supplier picks the consolidator and/or ocean carrier. It is the importer’s responsibility to confirm with the foreign supplier how seals are obtained. The importer should require that the supplier provide written documentation as to how the seals are obtained, along with seal specifications and/or a sample.

- **Foreign consolidator:** The foreign consolidator picks the ocean carrier. It is the importer’s responsibility to confirm with the foreign consolidator how seals are obtained. The importer should require that the consolidator provide written documentation as to how the seals are obtained, along with seal specifications and/or a sample seal.

- **Forwarder:** The forwarder picks the consolidator and/or carrier. It is the importer’s responsibility to confirm with the forwarder how seals are obtained. The importer should require that the forwarder provide written documentation as to how the seals are obtained, along with seal specifications and/or a sample seal.

When an import ocean container is received (opened) in the U.S., it is the importer’s responsibility to ensure that a high-security seal was used. If the importer is not receiving the cargo directly — that is, it is sent directly to a customer or to a third-party warehouse — the importer must communicate the steps listed below to the party that physically receives the container.

- The employee responsible for removing the seal from an ocean container must verify the physical seal number against an anticipated seal

number (manifest, bill of lading, internal document, etc.). The anticipated seal number should be obtained in advance of the container’s arrival, and not from the paperwork that the driver presents upon delivering the container.

- Before removing the seal from the container, the employee should visually inspect the seal, and then physically pull on it to ensure that it has not been tampered with. Under no circumstances should the driver be the one responsible for cutting or removing the seal or verifying the seal number.

- If the seal is not a high-security seal, a designated employee should be responsible for informing the party responsible for loading the ocean container of this transgression. We recommend that you contact the seal manufacturer if you are unsure if a seal meets the ISO/ PAS 17712 standards.

- If the seal number does not match or the seal and/or container appears to have been compromised, a designated employee should be responsible for contacting Customs. If there is a problem with the shipment, Customs will want to inspect the seal. Customs recommends that cut or removed seals, and corresponding paperwork, be saved for six months.

If an ocean container arrives without a seal or without a high-security seal, Customs may not only assess civil penalties against the importer, but also will hold up the container. This could result in canceled orders because of failure to meet delivery dates.

Ronald Jaspán is president of Norman Jaspán Associates Inc., a New York-based management consulting firm. He can be contacted at 516-239-4611, or at ronaldj@njai.com.