

## Import Safety



### *New Import Safety Programs To Result In Intense Scrutiny of Importers*

In response to recurring public health scares and large-scale product recalls, many arising from supposedly contaminated or defective imports, the U.S. Government has made import safety a high priority and launched multiple and broad-based initiatives to identify and investigate imports that could present health, safety, or environmental risks. 2010 will mark the first year of implementation of many of these programs, which will present new obligations and risks to U.S. importers and their foreign suppliers.

Congress has passed legislation imposing additional burdens at many points in the supply chain, including product safety and testing certification, supplier oversight, importer registration and payment of fees, and product traceability programs. In December, U.S. Customs and Border Protection (CBP) announced the creation of the Import Safety Commercial Targeting and Analysis Center, combining resources from numerous agencies to monitor and investigate import safety issues. Beyond this specific coordination effort, CBP and other federal agencies such as the Department of Agriculture, the Food and Drug Administration, the Consumer Product Safety Commission and the Environmental Protection Agency are deploying sophisticated tools relying on information technology aimed at identifying higher risk imports and determining whether inspection, detention, or other enhanced scrutiny of imports is necessary. Authorities will review key information required for all imports such as classification, countries of origin and exportation, and supplier identification to evaluate import safety risk levels. Importantly, these new initiatives will apply regardless of importer size, thus placing significant burdens on small- and medium-size importers that have not traditionally been the principal targets of CBP's import compliance initiatives.

Given the wide applicability and broad scope of these developments, importers of nearly all products need to review their import and product safety compliance programs to identify the necessary enhancements or modifications that result from these new requirements. Failure to do so could lead to significant supply chain disruptions and increased risk of government attention through audits, penalties, and other enforcement measures.

Should you have any questions, please contact the Arent Fox attorney with whom you work or a member of Arent Fox's International Trade Practice Group.