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RE: Change of practice for Toxic Substance Control Act (TSCA) positive or negative certification.

Dear Valued Customer:

This is our annual notification of TSCA requirements and instructions for how to declare TSCA certification. As shipper or importer of record of a chemical substance into the United States, in bulk or as part of a mixture, or as shipper or importer of record of an article which contains a chemical substance or a mixture, you must make a certification to U.S. Customs and Border Protection regarding the product's compliance under TSCA (19 CFR 12.121; 49 CFR Part 710).

➤ **Important Change in NGJ Policy**

Please note that this policy change took effect on January 1, 2008, and this letter is intended to serve as a reminder of the change.

Due to increased scrutiny and penalty action by U.S. Customs and Border Protection (CBP) in the enforcement of the TSCA reporting requirements, we are amending our procedures for how we require importers to declare TSCA certification. The most significant change in our procedures is that we will no longer accept blanket TSCA certificates. Instead we are instructing importers to type the appropriate TSCA certification statement(s) (positive or negative) on their signed commercial invoice or appropriate entry document for each product subject to TSCA certification. This may be a departure from your current TSCA certification procedure, but we believe this is the most evidential way to demonstrate your compliance with the requirement that the TSCA certification(s) is provided at time of importation.

Why did I receive this letter? We sent you this letter because our records indicate you shipped or imported (i.e., acted as importer of record for Customs purposes) merchandise subject to TSCA within the past year.

What is TSCA certification? Under the applicable regulations, the importer of a chemical shipment must certify at the U.S. port of entry for shipments entering commerce that either:

- The shipment is subject to TSCA and complies with all applicable rules and orders under that Act; or
- The shipment is not subject to TSCA.

How do I make a TSCA certification? An importer will satisfy the certification requirement and discharge their obligations related to the import by signing their invoice with one of the following brief statements typed or preprinted on it.

Positive certification for shipments subject to TSCA:

"I certify that all chemical substances in this shipment comply with all applicable rules or orders under TSCA and that I am not offering a chemical substance for entry in violation of TSCA or any applicable rule or order under TSCA."

Negative certification for other shipments:

"I certify that all chemicals in this shipment are not subject to TSCA."

What happens if I don't provide the required certification? Failure to provide the required certification for chemical substances, or mixtures of chemical substances, or articles containing chemical substances or mixtures, will result in detention at the U.S. port of entry, refusal of entry, and possible penalties.

I import multiple kinds of chemical substances. Some of these goods require a "positive" TSCA statement, while others require a "negative" TSCA statement. May I include both statements on the same entry document? Yes, however your entry document must differentiate and clearly declare positive or negative TSCA certification for each of the chemical substances.

Where can I find more information on TSCA? If you have any questions about TSCA, send us an e-mail request to compliance.us@ngjensen.com, or call us at (888) 645-2497 and ask for our trade/compliance services department.

Are there any other invoice requirements for shipments of chemicals? For some chemicals, yes. The invoice used for shipments of chemical compounds classified in chapters 27, 28 and 29 of the Harmonized Tariff Schedule must include the use and Chemical Abstracts Service (CAS) number of the chemical (19 CFR 141.89). CAS numbers can be searched online at <http://chemfinder.cambridgesoft.com/reference/chemindex.asp>.

- **NGJ Solutions:** Please note that NGJ has developed and made available Proforma Express, a web-based software application for entry document preparation and submission for your use at no charge. Proforma Express can also preprint the TSCA statement directly on your Customs invoice automatically.

If you have questions about whether your merchandise is classified in chapters 27, 28 or 29 of the Harmonized Tariff Schedule, please contact us.

Thank you for your attention to this important matter. Do not hesitate to contact us if you require additional information.

Sincerely,

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