



New U.S. CBP Requirements For Residue Reporting

Since 1994, containers returning to the United States with only product residues have been allowed to enter as empty for Customs purposes. In August 2008, U.S. Customs and Border Protection (CBP) proposed to change that policy and require residues to be classified, entered and manifested. Last year, CBP announced a new “Residue Manifesting and Entry Test” of their new procedures. The Residue Test began on November 25, 2013, and will run for one year, unless extended. CBP will begin an evaluation of the test approximately 90-days after commencement. If the Residue Test is successful, amendments to the CBP regulations will be proposed.

Although participation in the test is voluntary, CBP has noted that non-participation does not relieve parties from the obligation to manifest and enter residual cargo. This test is nationwide and covers rail, truck, marine and air instruments of international trade i.e. rail cars, trucks, and containers. (CBP has set the residue limit for rail to 7% based on the container’s total capacity by weight or volume.) Full details are available at <https://federalregister.gov/a/2013-20878>.