United States Customs and Border Protection (CBP) Empty Residue Reporting

Background

In 2009, Customs and Border Protection (CBP) issued a ruling that amended a long standing practice of allowing empty shipments containing residue to enter the United States requiring no manifesting or reporting of these empties to CBP.

The amended ruling now requires all empty shipments containing residue returning to the United States to be manifested by the border crossing carrier and reported to CBP.

Residue as defined by CBP is any product or material left in the rail conveyance after the unloading process.

CBP has provided a FAQ regarding this ruling and can be found with the following link:

http://www.cbp.gov/linkhandler/cgov/trade/trade_outreach/advance_info/itt_faqs.ctt/itt_faqs.doc

This FAQ is currently a working document and subject to revision. Please refer to this document from time to time to take advantage of newly revised material.

How does this new ruling impact the rail industry

CBP has established a threshold for residue of 7% or less of the rail car capacity. This will determine how CBP will handle the manifest reporting once received.

- If the residue is less that 7% these rail shipments will not require broker entry and CSX upon manifest reporting to CBP will obtain an automated section 321 release.
- If the residue weight is in excess of 7% of the car capacity then the manifest reported to CBP will require a broker and the broker will be required to make entry to facilitate release of the car into the United States.

Currently CBP is looking for informed compliance for residue reporting for rail carriers to begin early in 2012.
CSX is currently developing system enhancements to facilitate the capture/retention and handling of residue information. CSX will be working closely with our customers on any changes required to provide residue information on the release or billing of any affected rail cars. CSX will continue to monitor additional guidance or policy from CBP as it becomes available.