



THE ASSOCIATION FOR
**DRESSINGS
& SAUCES**

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August 21, 2003

Bureau of Customs and Border Protection (CBP)
Office of Regulations and Rulings
Attention: Regulations Branch
1300 Pennsylvania Avenue, NW
Washington, DC 20229

**RE: Required Advance Electronic Presentation of Cargo Information
Docket Number RIN 1515-AD33**

The Association for Dressings and Sauces (ADS) appreciates the opportunity to provide input regarding the Bureau of Customs and Border Protection's (CBP) proposed rule, Required Advance Electronic Presentation of Cargo Information, which was published in the July 23, 2003 *Federal Register* (68 FR 43573). ADS is an international association of manufacturers of dressings for salads, mayonnaise, mustard and specialty sauces and their suppliers. A list of our members is enclosed.

ADS supports the Bureau of Customs and Border Protection's efforts to ensure the safety of products entering and exiting the U.S. However, we note the numerous differences in the CBP's proposed rule on import/export notification and the Food and Drug Administration's (FDA) proposed rule, Prior Notice of Imported Food Under the Public Health Security and Bioterrorism Preparedness and Response Act of 2002, which was published in the February 3, 2003, *Federal Register* (68 FR 5428). We believe the CBP and FDA have a common goal to ensure the safety and security of product entering the U.S. CBP and FDA import notification requirements should be harmonized and electronic notification systems integrated to reduce duplication of information provided to both Agencies and to reduce regulatory and industry resources needed to implement these proposals. In addition, there must be a coordinated effort between regulatory agencies to prevent confusion and delays of imported shipments at the U.S. port of entry. Detailed comments follow.

Integrated Electronic Notification System

In May 2003, the FDA issued a News Release announcing FDA and CBP's collaboration to streamline the implementation of the prior notice requirements of the Bioterrorism Act by allowing food importers to provide required information on food imports to both Agencies using CBP's Automated Commercial System. It was noted that "in most circumstances" importers would be able to provide the required information to FDA using this integrated system. ADS believes it is important for the FDA and CBP to utilize an integrated electronic system to prevent food importers from submitting duplicate information to more than one Agency.

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Timing Requirements for Data Submission

ADS notes the time frames for advance submission of electronic information outlined for each mode of transportation in the CBP proposed rule is not as restrictive as that outlined in FDA's proposed rule dealing with prior notice of imported shipments. The FDA requires that for all modes of transportation, notification must be submitted by noon the day before the anticipated date of arrival. The proposed CBP time frame is based on the mode of transportation and appears to be more realistic. ADS believes the time frames for prior notification should be harmonized and FDA requirements aligned with those of CBP.

Persons Submitting the Data

There are also differences regarding those persons required to submit the electronic information. The FDA proposal requires that the purchaser, importer, or U.S. agent who resides or maintains a business in the U.S. must submit prior notice. Depending on the mode of transportation, CBP is proposing to allow the carrier, and in some instances, other parties to submit electronic information. ADS believes there should be harmonization between the Agencies on those persons allowed to submit electronic notification.

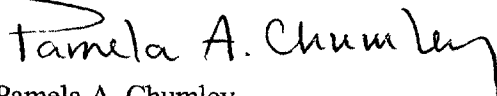
Data Submitted to Agencies

Some of the electronic information to be submitted to the FDA and CBP are the same, but there are some differences in the required information. ADS notes that information on the same imported food product would be required to be submitted to both Agencies by different parties using different electronic systems. ADS questions how issues between both Agencies will be resolved if there is a discrepancy or one Agency refuses the shipment. ADS emphasizes the need for coordinated efforts by both Agencies.

The CBP proposed rule indicates that vessels must submit cargo information at least 24 hours before lading the cargo in the foreign port, as also specified in the "24-hour rule" (67 FR 66319). The proposed rule indicates the manifest data must include the consignee or "to the order of" information. The proposed rule does not address if the manifest data can be changed or amended once the vessel leaves the foreign port. Currently, it is possible for companies that import product, to sell the product to another company while in transit to the U.S. on the high seas. By the time the product reaches the U.S., the consignee information originally submitted could have changed. The CBP proposed rule does not address if new information would need to be submitted each time the product is sold prior to U.S. arrival or if the electronic information can be amended prior to the shipment's arrival.

We appreciate your consideration of these comments.

Sincerely,



Pamela A. Chumley
Executive Director

Enclosures

~~cc: Dockets Management Branch (HFA-305)~~
Food and Drug Administration
5630 Fishers Lane, Room 1061
Rockville, MD 20852



The Association for Dressings & Sauces

Supplier Member List



A & B Process Systems
Access Marketing
Accurate Ingredients, Inc.
Admix, Inc.
AG Processing, Inc.
Ajinomoto USA, Inc.
Alcoa Closure Systems International
Anchor Glass Container Corporation
Archer Daniels Midland Company
Arla Foods Ingredients, Inc.
AVEBE America, Inc.
Baltimore Spice, Inc.
Bender-Goodman Company, Inc.
Blanver USA
Brown Produce Company
Bunge Foods
Butter Buds Food Ingredients
CP Kelco
Cargill Foods
Chemicolloid Laboratories, Inc.
Chianti Cheese Company
Chr. Hansen, Inc.
Citrus and Allied Essences Ltd.
Commercial Creamery Company
ConAgra Foods
Constar International, Inc.
Continental Custom Ingredients, Inc.
Corn Products International
Cryovac Sealed Air Corporation
Curwood, Inc.
Cutler Egg Products, Inc.
DairyChem Laboratories, Inc.
Danisco USA, Inc.
Degussa Texturant Systems
Demeter (1993), Inc.
Eatem Foods Company
Edlong Flavors
Elite Spice, Inc.
Enercon Industries Corporation
Exactapack, LLC
FMC Biopolymers
Fabri-Kal Corporation
Fleischmann's Vinegar Co., Inc.
Fort Dearborn Company
Frencharoma Imports Company, Inc.
French's Ingredients
Ful-Flav-R Food Products Co., Inc.
G.C. Hahn & Company
G.S. Dunn & Company, Ltd.
Gilroy Foods
GRAFCO PET Packaging Technologies
Grain Processing Corporation
Grande Custom Ingredients Group
Gum Technology Corporation
Haliburton International Corporation
Harvest States Oilseed Refining
Hassia USA, Inc.
Ingretec, Inc.
Inovatech Egg Products
International Flavors & Fragrances, Inc.
ISP Food Ingredients
Johnson Diversey
Jungbunzlauer, Inc.
Kalsec, Inc.
Kerr Group, Inc.
Kerry Seasonings
Leone Industries
LifeWise Ingredients, Inc.
Liquid Container/Plaxicon
Mastertaste
Michael Foods, Inc/Papetti's
Mission Flavors & Fragrances, Inc.
Montana Specialty Mills, LLC
Morton Salt
Mr. Chips, Inc.
Nakano Foods
National Starch & Chemical Company
NewBio, Inc.
Opta® Food Ingredients
PTX Food Corp.
Pechiney Plastic Packaging, Inc.
Phoenix Closures, Inc.
Pompeian, Inc.
Portola Packaging, Inc.
Presco Food Seasonings, Inc.
Pretium Packaging
Progressive Plastics, Inc.
Provesta Flavor Ingredients
Purac America
Quest International
Red Arrow Products Co., LLC
Rhodia, Inc.
Ring Container Technologies
Ripon Pickle Company, Inc.
Rodem, Inc.
ROPAK Corporation
Roquefort Association, Inc.
Sakai Spice (Canada) Corporation
Saputo Cheese USA, Inc.
Sartori Food Corporation
Schreiber Foods, Inc.
Schroeder North America Corporation
Scott Turbon® Mixer, Inc.
Sensus America, LLC
Sidel Filling Systems/HEMA Technology
Silliker Laboratories Group, Inc.
Smyth Companies, Inc.
Sokol and Company
Sonstegard Foods Company
Sparboe Foods
Staley/Tate & Lyle
SupHerb Farms
T. Hasegawa Flavors
TIC Gums, Inc.
Todhunter Foods
TricorBraun
Triumbari Containers, Ltd.
Valley Sun Products of California
Van Drunen Farms
Vegetable Juices, Inc.
Weatherchem Corporation
Winpak, Inc.
Wisconsin Spice, Inc.
Wiskerchen Cheese, Inc.



The Association for Dressings & Sauces
Manufacturer Member List



Advanced Food Products
Annie's Naturals
Bear Creek Country Kitchens
Bruce Foods Corporation
Cains Foods, Inc.
Carriage House Companies, Inc.
Chelten House Products, Inc.
Clements Foods Company
The Clorox Company
Creative Foods, LLC
Fish House Foods, Inc.
Food Specialties Company, Inc.
Furst-McNess Company
G&L Food Products, LLC
Gold Pure Food Products Company, Inc.
Golden State Foods
Green Garden Food Products, Inc.
Griffin Foods Company
Hartville Kitchen Foods, Inc.
Intercorp Excelle Foods, Inc.
Ken's Foods, Inc.
Kimlan Foods Company, Inc.
Kraft Foods, Inc.
The Kroger Co.
Leo's Italian, Inc.
Lifehouse, Inc.
Louisiana Fish Fry Products
M.A. Gedney Company
McCormick & Co., Inc.
Mega Alimentos, S.A. de C.V.
Morehouse Foods, Inc.
Morningstar Foods Company
Mrs. Clark's Foods, Inc.
North Coast Processing, Inc.
Olds Products Company
Ott Food Products Company
Pacific Harvest Products, Inc.
Piknik Products Company, Inc.
Plochman, Inc.
Q & B Foods, Inc.
Reily Foods Company
Richelieu Foods, Inc.
Safeway, Inc.
Sara Lee Dressings & Sauces
The C.F. Sauer Company
Seaforth Creamery, Inc.
Seminole Foods
Silver Spring Gardens, Inc.
T. Marzetti Company
TEC Foods, Inc.
Thor-Shackel Horseradish Company
Tulkoff Food Products, Inc.
Unifine Richardson B.V.
Unilever Bestfoods NA
Wing's Food Products
Van Law Food Products, Inc.
Ventura Foods, LLC
The Wizard's Cauldron, LTD.