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E & B INTERNATIONAL, INC.

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SUITE A
NORFOLK, VA. 23502

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NOV. 26, 2003

DOCKETS MANAGEMENT BRANCH (HFA-305)
FOOD AND DRUG ADMINISTRATION
5630 FISHERS LANE, ROOM 1061
ROCKVILLE, MD 20852

DEAR SIRs;

RE: DOCKET NUMBER: 2002N-0278

I HAVE ONE OBJECTION TO THE NEW BIOTERRORISM REGULATIONS - REQUIRING IN-BOND SHIPMENTS TO HAVE PRIOR NOTICES FILED ON THEM. F.D.A. SHOULD BE CONCERNED WITH GOODS ENTERING INTO THE COMMERCE OF THE UNITED STATES, NOT GOODS THAT ARE NOT.

PLEASE REALIZE THAT THE INFORMATION REQUIRED TO PROPERLY CLASSIFY THE GOODS FOR F.D.A. IS ON THE COMMERCIAL INVOICE AND PACKING LIST, NOT IN THE TRANSPORTATION DOCUMENTS. CARRIERS THAT MAKE MOST OF THE IN-BOND DOCUMENTS TO THE PORT OF ENTRY DO NOT HAVE ACCESS TO THE INFORMATION THAT IS REQUIRED TO CLASSIFY THE ARTICLES IN THE F.D.A. SYSTEM. THINKING THAT THE EXPORTING AGENT OR FOREIGN SHIPPER WILL HAVE THE KNOWLEDGE AND EXPERTISE TO DO THIS, I THINK, IS WILD IMAGINATION. I KNOW OUR EXPORT PEOPLE ON THIS END WOULD NOT HAVE THE EXPERTISE NEEDED TO FILE THIS KIND OF INFORMATION WITH A FOREIGN GOVERNMENT'S AGENCY.

THE F.D.A. CLASSIFICATION SYSTEM IS AWKWARD AND CUMBERSOME FOR ENGLISH SPEAKING CUSTOMS BROKERS IN THIS COUNTRY, WHO ARE USED TO CLASSIFYING GOODS, LET ALONE THE FOREIGN SHIPPERS, FORWARDING AGENTS OR CARRIERS.

WE HAVE DONE I.T.'S FOR FOOD AND BEVERAGE IN THE PAST. HOWEVER, WE DID NOT HAVE ACCESS TO THE DOCUMENTS OR INFORMATION REQUIRED TO CLASSIFY THE GOODS FOR CUSTOMS OR FOR F.D.A. THE REQUIRED DOCUMENTS ARE THE COMMERCIAL INVOICE AND PACKING LIST. THIS IS PROPRIETARY INFORMATION THAT THE OWNERS OF THE GOODS WILL NOT WANT TO GIVE TO INTERMEDIARIES IN THE TRANSPORTATION CHAIN. THE BROKER AT PORT OF ENTRY, HOWEVER, DOES GET THE NECESSARY DOCUMENTS TO PROPERLY FILE THE PRIOR NOTICES.

WHEN I BROUGHT THIS MATTER UP AT THE RECENT CLASS, THEIR ONLY REASON FOR HAVING IT REQUIRED ON IN-BOND MERCHANDISE IS THE FEAR THAT IT COULD BE TAKEN OFF THE CARRIER PRIOR TO ARRIVAL AT THE DESTINATION. THIS IS CALLED SMUGGLING AND CUSTOMS AGENTS WOULD BE INVOLVED IN HELPING TO INVESTIGATE AS WELL AS THE CARRIER'S INSURANCE CO. THE THOUSANDS OF FIRMS TRYING TO COMPLY ARE NOT THE ONES WHO WILL DO THIS. ONLY THE CRIMINAL ELEMENT, WHO YOU WANT TO GET, WOULD TRY THIS - AND I DOUBT THEY WILL HAVE FILED PRIOR NOTICE ON IT.

AGAIN, PRIOR NOTICE SHOULD BE DONE WHEN CONSUMPTION TYPE ENTRIES ARE FILED, NOT IN-BOND TYPE ENTRIES.

SINCERELY YOURS,
E&B INTERNATIONAL, INC.

M. J. Murphy
M. J. MURPHY
VICE PRESIDENT

2002N-0278

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