

**PORT (CARGO)
INFORMATION
NOTICE**┆
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┆NUMBER: 2017-010
ISSUE DATE:**AUG 25 2017****SUBJECT:** Extension of Hazardous Material Cargo Processing for Otay Mesa**DISTRIBUTION:** All Calexico, Otay Mesa, Tecate, and San Diego Customhouse Brokers, Importers and Other Interested Parties**PURPOSE:**

To establish uniform guidelines for the safe examination and handling of dangerous cargo in order to protect Customs and Border Protection (CBP) employees, the public, and the environment from the hazards associated with its processing. In addition, to ensure compliance with all statutes and regulations (Federal, State, and Local) pertinent to hazardous materials.

This Port Information Notice supersedes PIN 2016-012 (and all other port Haz-mat notices noted below). Effective September 11, 2017, the port will increase the days and hours of operation for processing northbound hazardous material shipments. See the "ACTION" section below for extension days and hours.

REFERENCE:

Port (Cargo) Information Notice MU95-012 dated April 27, 1995
Port (Cargo) Information Notice 96-001 dated October 2, 1995
Port (Cargo) Information Notice 98054 dated September 11, 1998
Port (Cargo) Information Notice 2002-028 dated July 17, 2002
Port (Cargo) Information Notice 2009-004 dated November 24, 2008

BACKGROUND:

U.S. Customs and Border Protection makes every effort to maintain procedural uniformity across all its ports of entry. However, due to the physical differences in the construction and layout of the ports of entry, local geography, and the potential danger of hazardous material and waste, procedures sometimes have to be adapted to those needs. Hazardous cargo entry processing has evolved over the past few years since the last Port Information Notice (PIN) was issued, and questions from the trade community indicate that an updated PIN is necessary.

DEFINITIONS:

1. **Chemical** - Any element, chemical compound or mixture of elements and/or compounds (29 CFR 1910.146).
2. **Dangerous Cargo/Goods** - any chemical, substance, or material which is a physical hazard or a health hazard, including biological and radiological materials, pharmaceuticals, pesticides and devices, and wastes of the above.

3. **Hazardous Chemical** - any chemical that is a physical hazard, environmental hazard or a health hazard. (29CFR 1910.1200).
4. **Hazardous Material** - a substance or material which has been determined by the secretary of Transportation to be capable of posing an unreasonable risk to health, safety, and property when transported in commerce, and which has been so designated (49CFR 171.8).
5. **Hazardous Substance** - any substance designated or listed in 49 CFR 172.101 where exposure to which or may result in adverse effects on the health or safety of employees.
6. **Hazardous Waste** - any material that is subject to the "Hazardous Waste Manifest Requirements of the U.S. Environmental Protection Agency as specified in 40 CFR 262 (see 49 CFR 171.8), or to the manifest requirements of any state.
7. **Health Hazard** - any chemical for which there is statistically significant evidence, based on at least study conducted in accordance with established scientific principles that acute or chronic health effects may occur in exposed employees. (29 CFR 1910.1200)
8. **Material Safety Data Sheet** - written or material concerning a hazardous chemical, prepared in accordance with OSHA regulations {29 CFR 1910.1200(g)}, and used to describe health hazards to workers, including effects of exposure and first aid treatments.
9. **Physical Hazard** - any chemical for which there is scientifically valid evidence that it is a combustible liquid, a compressed gas, explosive, flammable, an organic peroxide, an oxidizer, pyrophoric, unstable (reactive), or water-reactive, (29CFR 1910.1200).
10. **Profile** - a document used in the waste industry to provide health and safety information about the waste. There is no set definition of a hazardous waste profile, but the profile includes information about the generator of the waste, the transporter; the name, type, physical state (solid, liquid, gas, etc.), packaging, and physical characteristics (color, odor, pH, flash point, etc.)

Note: Attached to this PIN is a quick reference guide entitled "Definition and Guidelines" for use in importing hazardous cargo.

ACTION:

Northbound hazardous cargo may now enter at Otay Mesa Export Facility from Monday thru Friday from 6 a.m. to 8 a.m. Processing and inspection of these entries will continue from 8 a.m. until completion.

To ensure that CBP has the appropriate safety equipment and properly trained personnel on site the day of arrival, brokers and filers must notify U.S. Customs and Border Protection by 12:00 p.m. the day prior to the intended day of entry, excluding weekends and holidays.

Otay Mesa HAZMAT example: An entry presented prior to 12:00 p.m. on Monday would be able to cross Tuesday at 6 a.m. Entries received after 12:00 p.m. on a Monday will be able to cross Wednesday at 6:00 a.m. If Monday is a holiday, then CBP must receive notification prior to 12:00 p.m. the preceding Friday for entry on Tuesday. Entries that are filed in person must be picked up between 3:00 and 5:00 the same day in order to make entry the following day. Entries filed electronically will receive an electronic notification the same day. Entries

submitted prior to 12 p.m. for import crossing will be processed and can cross upon receiving authorization. Entries submitted for import crossing after 12 p.m. will be processed the following day.

Notice to CBP must include a copy of either the pertinent Material Safety Data Sheet (MSDS) for hazardous materials or a profile for the hazardous waste shipment.

NOTE: For the purpose of this information notice, documentation means an MSDS, chemical profile {19 CFR 142.3(a) (5)}, Uniform Hazardous Waste Manifest EPA Form 8700-22 (1 signed original and 1 signed copy, reference PIN# 98054) (40 CFR 262.20), and/or other approved documents referenced in 49 CFR 172.602. Pesticides and devices additionally require submission of EPA form 3540-1 to EPA. All documents must be in English, must be legible (faxes and copies included) and must have original signatures when required.

IMPORTANT REMINDER TO IMPORTERS

1. Any shipment identified as hazardous material or waste, as well as dangerous goods, must make entry through the Otay Mesa Export Facility during hazmat operations. Please refer to 49CFR 172.101 for definitions.
2. All D.O.T. requirements concerning labeling manifest, shipping papers, insurance, driver and conveyance licensing and certifications must be in proper order.
3. Transfer of hazardous materials or waste in tankers will no longer be allowed.
4. Whether the shipment consists of a single commodity or a mixed load, it must be taken directly to the Otay Mesa Cargo West Facility (Export) only
5. All entries importing through the Otay hazmat facility must have the following documents;
 - If crossing through import a copy of the email "ok to cross import" is required.
 - If crossing through export a copy of the email "ok to cross hazmat" plus items listed below are required:
 - A copy of the ACE Trip Shell
 - A copy of the CBP Form 7533 or preferably a 3461 (long form / red sheet)
 - A copy of the Invoice
 - A copy of the applicable Material Safety Data Sheet and waste manifests/profile
 - A copy of the Toxic Substance Control Form (TSCA).
6. Waste materials being entered for recycling must also have a straight bill of lading showing the location where the material is going to be recycled.
7. All entries that contain any **Chemical Compositions, CAS Number's (Chemical Abstract Service Number), OSHA Hazard Communication Standard, Proprietary, or Toxicological** Information must be submitted to the HAZMAT office.
8. IN-BOND entries can be submitted for review and approval via email as PDF file attachments to the following group email address: otaymesahazmat@cbp.dhs.gov. CBP will respond to all submissions via email.

9. ACE hazmat entries will be uploaded through the Document Imaging System (DIS) and individually submitted through the group email address otaymesahazmat@cbp.dhs.gov.

Entry Scenario

- Upload documentation through DIS
- Email entry number to otaymesahazmat@cbp.dhs.gov
- Hazmat coordinators will review entries and reply via DIS email with remarks
- Entry is now ready to make entry with proper documentation (See # 5)

10. If an importer is unsure whether or not the merchandise being imported is a hazardous material or dangerous good, he/she may first submit the entry (along with any MSDS, metal analysis, waste stream profiles, or any other supporting documents that may be required to properly identify the material) to the HAZMAT Coordinator who will review and determine if it is a dangerous good or hazardous material. Although the cargo may not be DOT regulated as a hazardous material, it may be considered dangerous cargo/goods.

NOTE: It is the responsibility of the Customs Brokers to properly train their personnel as to how to research and understand hazardous materials/dangerous cargo/goods entries.

11. If the Importer chooses to import non-hazardous materials with hazardous materials, then the Hazardous Materials policy applies to the entire shipment (for example, non-hazardous machine parts combined with hazardous solvents or other flammable liquids).
12. At the Otay Mesa Export facility the HAZMAT office is open daily from 6 a.m. to 3 p.m. All broker representatives should first attempt to submit all entries to the Hazmat office unless it is closed for business. Entry packages will be accepted at the office until 3 p.m. After 3 p.m. the entry may be left at the export in-bond counter until 5 p.m.
13. Hazardous material may enter at the **Otay Mesa** Export Facility Monday thru Friday from 6 a.m. to 8 a.m. Processing and inspection of these entries will continue from 8 a.m. until completion.
14. Conveyances arriving at the entry gate that are not in compliance with the requirements for the entry of hazardous material will be denied entry until such compliance is achieved. Most common examples are (a) trip not approved in DIS and (b) Driver is a foreign national not in possession of a FAST card. The inherent dangers involved in the transportation and handling of hazardous materials, and the legal requirements for the storage of such materials, precludes Customs from detaining hazardous materials on its premises.
15. Under the Transportation Security Administration the following rules apply:
 - If the commodity is a **DOT Regulated Hazardous Material** then the driver is required to have a FAST card, unless they are a U.S. resident and have a Hazmat endorsement on their U.S. driver's license or an "E" endorsement on their Mexican driver's license.
 - Drivers importing **Non-DOT Regulated Hazardous Materials** through the Otay Mesa Export Facility are required to have a FAST card; however, they are not required to have a hazmat endorsement on their driver's license.

16. The scope of this document does not allow for coverage of all the rules, regulations, and procedures concerning the movement of hazardous material. If you need assistance or information concerning the importation/exportation of hazardous materials and hazardous waste dangerous goods/cargo, please call the appropriate CBP hazardous material office listed below:

Otay Mesa Office Hours: 6 a.m. to 3 p.m. Monday thru Friday only; excluding holidays. When calling after hours, please leave a detailed message and your call will be returned the following business day.

The HAZMAT Coordinators:

Export Chief Jason Sloan (619) 671-8234

CBPO Glenn Agarma (619) 671-8277

CBPO Fred Koch (619) 671-8915

CBPO Raul Vizcarra (619) 671-8269

HAZMAT dock (619) 671-8278

Your continued cooperation will assist in maintaining safe and efficient hazardous cargo entry processing and border operations. If you have any questions or need additional information, please contact the appropriate HAZMAT office using the telephone numbers listed above.



Rosa E. Hernandez
Port Director, Otay Mesa