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Field Operations  
Los Angeles, California

# PUBLIC BULLETIN



U.S. Customs and  
Border Protection

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Number: LA09-001

Date: January 6, 2009

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Subject: Guidance for Carrier Operators Diverting Vessels from Canada to the  
Los Angeles/Long Beach Seaport due to Potential Longshore Labor Disruption in  
Canada

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## Background:

U.S. Customs and Border Protection (CBP) has received several inquiries from the trade community regarding a potential longshore labor disruption at British Columbia, Canada seaports.

This bulletin provides guidance to carriers to ensure compliance with advance manifest requirements, as outlined in the Trade Act of 2002, for vessels that are diverted from Canadian ports to U.S. ports to discharge cargo. This bulletin only pertains to vessels directly impacted by the potential labor disruption.

## Action:

CBP has issued guidance regarding the Trade Act of 2002 in the form of a “frequently asked questions” (FAQ) document. This document addresses 24-hour manifest rule compliance issues and can be found at the following link:

[http://www.cbp.gov/linkhandler/cgov/trade/trade\\_outreach/advance\\_info/vessel\\_faq.ctt/vessel\\_faq.doc](http://www.cbp.gov/linkhandler/cgov/trade/trade_outreach/advance_info/vessel_faq.ctt/vessel_faq.doc)

The aforementioned FAQ document presents the following question and answer, which are applicable to vessel directly impacted by a labor disruption:

**Question:** What would happen if a carrier drops a Canadian first port of call, and comes directly to the U.S. with Canadian destination cargo aboard that has not been subjected to the 24-hour advance manifest filing obligation (ex. operational decision to bypass Halifax due to North Atlantic storm)?

**Answer:** Carriers must notify CBP at the designated first port of arrival as soon as they realize they are not going to make the foreign port of call. The carrier should then transmit the manifest with corrections indicating the missed foreign port of call. Upon arrival in the U.S. port the cargo declaration will be placed on hold until CBP has had the opportunity to review the documentation, any examinations will be conducted and appropriate penalties may be issued. If CBP determines that this has become a common occurrence for vessels this could eventually lead to denying the permit to unlade.

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Additionally, CBP will notify the Coast Guard of the vessel with unmanifested cargo that is scheduled to arrive.

Carriers are advised that all elements of the Trade Act of 2002 will be enforced. Cargo shipments that do not meet the 24-Hour Rule requirements may not be exempt from CBP penalty action. All other laws and regulations enforced by CBP will be applicable to these shipments.

It should be noted that all diverted cargo is subject to normal CBP processes, including screening and examination at the actual port of discharge.

Failure to comply with the 24-hour manifest rule may result in denying unloading of cargo at the Los Angeles/Long Beach seaport. For example, information that would normally result in a "DO NOT LOAD" order may result in CBP denying permission to unload the cargo. Under no circumstances will unmanifested or unscreened cargo be discharged in the U.S.

Vessels directly impacted by the potential labor disruption that meet all of the following conditions may be allowed to discharge containers in the Los Angeles/Long Beach seaport:

- The carrier has transmitted electronic cargo manifest information to CBP via the Automated Manifest System (AMS) reflecting the U.S. port of unloading (diversion port) where the shipments will be discharged.
- CBP Officers have the opportunity to screen the cargo and place cargo on hold for CBP examinations.
- The Port Director has approved the carrier's request for the diversion. Requests for diversion within the Los Angeles/Long Beach Ports should be submitted via an updated CBP Form 3171 to the Vessel Entrance and Clearance Officer (VECS).

Any issues or questions arising from this Public Bulletin may be directed to Chief CBP Officer Laura Tapia at 562-366-5605 or Section Chief Gigi Bowie at 562-366-5507.

[signed]  
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Los Angeles/Long Beach Seaport