March 6, 2023

Sheleen Dumas
Office of the Chief Information Office
Commerce Department
Washington, D.C.

Reference: Document 2023-02547
88 Federal Register 7950 (February 7, 2023)

Dear Ms. Dumas:

The National Customs Brokers and Forwarders Association of America (NCBFAA) provides the following comments in response to the National Oceanic and Atmospheric Administration's (NOAA) submission to the Office of Management and Budget (OMB) on the National Marine and Fisheries Service's implementation of the International Trade Data System (ITDS) in the February 7, 2023 Federal Register.

NCBFAA represents licensed customs brokers, who file over 95% of all customs entries and are at the frontlines for merchandise entering the United States. Licensed by CBP, customs brokers provide the important and unique perspective of intermediaries who serve as the interface between importers, CBP and other government agencies.

The Federal Register notice explains that the OMB oversees participation in ITDS, with the focus on reducing duplicate reporting across agencies. It states that "electronic collection of seafood trade data through a single portal has resulted in an overall reduction of the public reporting burden."

ITDS is a groundbreaking concept. The notion that trade data can be entered once by the public through a single window took many years to gain acceptance and many more years to be implemented in the Automated Commercial Environment (ACE) by Partner Government Agencies (PGAs). In fact, implementation continues to this day.

The promise of ITDS has unfortunately not been matched by reality. The Single Window has instead become a multi-paned window with many duplicate and repetitive entry requirements. NMFS alone has four separate programs, with the very same data required to be entered separately and repeatedly for each program.

NMFS estimates that it takes 18 minutes to submit the dataset in ACE/ITDS. 18 minutes is not a realistic estimate. It is true that one simple commodity from one harvest point on a single day can be input into the system in the estimated 18 minutes. The problem is that seafood supply chains are long and complex, flowing in multiple directions. The seafood in a shipment comes from different vessels harvested at different locations.

Consider what this means in the commercial world. A single fishing vessel may be out at sea for six to eight weeks at a time catching up to 350 tons of fish from 20 to 30 different locations. When a typical shipment of canned seafood arrives in the U.S., it may consist of 20 containers holding 60,000 tins. The seafood in these products may easily have originated from 10 or 12 different vessels catching fish from over a hundred different locations. So, for this one typical customs entry, 15 additional data elements explode into thousands of data elements at entry as all these variations are accounted for.

Added to this, depending on the species, the same data must be entered again and again for multiple NMFS programs. For tuna, an entry data set is required for each vessel, catch date, and location. This can add up to not minutes, but hours, as some tuna can come under three different programs. The required three different data sets cannot be combined on one entry, but must be entered separately.

The same can be said for shrimp. Aquaculture shrimp comes under the same requirements and each harvest pond must be entered by date of harvest. For shell on shrimp, which has 9 different HTSUS classification numbers, the data must be entered by size. This can require multiple duplicate data sets per entry. As an example, for a shipment of shrimp from 4 ponds, on 4 different dates, even if the harvest had the same sizes, you would require 16 data sets on that one entry. Based on 18 minutes per data set, it would take over 4 hours to do the entry, not even considering there may be different sizes. In the real world, the input is a lot more than the 18 minutes suggested.

We should add that the process involves more than just the physical input of the data. The NMFS estimates fail to account for the substantial amount of pre-entry work in gathering, sorting and compiling the data prior to keying it into the ACE system.

Attached is a visual that attempts to map out the data requirements for a typical shipment of canned cat food containing tuna. This helps to capture the complexity of the process.

NCBFAA appreciates this opportunity to share our perspective. We look forward to working with the agency to develop a more streamlined and effective process.

Sincerely,

Jose D. Gonzalez
President