

# ***Newell Rubbermaid***<sup>TM</sup>

Brands That Matter

November 26, 2014

U.S. Customs and Border Protection  
Attn: Tracey Denning, Regulations and Rulings  
Office of International Trade  
90 K Street NE., 10<sup>th</sup> Floor  
Washington, DC 20229-1177

**Re: COMMENTS ADDRESSING PROPOSED CHANGES TO 5106 FORM**

Dear Ms. Denning:

Newell Rubbermaid Inc. ("Newell") is a global marketer of consumer and commercial products with a strong portfolio of leading brands including Rubbermaid®, Sharpie®, Graco®, Calphalon®, Irwin®, Lenox®, Levolor®, Paper Mate®, Dymo®, Waterman®, Rubbermaid Commercial Products®, Aprica® and Contigo®. With sales in more than 100 countries, our products help consumers flourish where they live, learn, work and play – all over the world. Newell is headquartered in Atlanta, Georgia with approximately 18,300 employees worldwide. More than 90 percent of U.S. households use at least one of our products, and worldwide sales total approximately \$5.9 billion.

Newell is going on record as having no objections to Sections 1A thru 1I, 2A thru 2F and 3A thru 3D of the proposed changes by U.S. Customs and Border Protection ("CBP") to the 5106 form. We are however specifically objecting to and / or questioning the information requirements found in Section 3E thru 3J of the form for the following reasons:

3E. Newell respectfully requests clarification of this data request. It may be beneficial, and will be far less burdensome, to request the year of incorporation as an option for legal entities. This especially holds true for businesses which may have been held by multiple owners where actual date of establishment of the business may be unavailable or inaccurate due to inadequate, or lost, documentation over years of business change. At a minimum this request should be directed solely to the party referenced in 1A.

3F. Newell respectfully requests clarification of the need for such information. As referenced in point 3E., this information would be burdensome where a business was held by multiple owners, each of which represented a different FEIN# through their ownership. In these instances the information may be unavailable due to inaccurate or lost documentation over years of business change. Newell believes this request is far too broad and burdensome given the

3 Glenlake Parkway | Atlanta, GA 30328 | Phone +1 (770) 418-7000 | [www.newellrubbermaid.com](http://www.newellrubbermaid.com)



**IRWIN**

*Paper Mate*

*Goody*

**LEVOLOR**

**Rubbermaid**

**PARKER**

**GRACO**

**DYMO**

**Calphalon**

**Rubbermaid**

**WATERMAN**

**Aprica**

5106 form is simply an attachment to an actual bond form through which the primary bondholder is responsible for the obligations of the business being attached to said bond.

3G. The 5106 form attaches to a bond that is underwritten, and supported, by a Surety. In essence, the bonding company is providing the collateral that guarantees the bond is able to respond to fines and penalties when the Principal does not meet its payment obligations. Further, providing banking information, especially bank routing numbers, which would be maintained and recorded by the CBP increases, the potential for fraudulent actions against the importer should this information be obtained through cyber attacks aimed at the US Government – think China. Newell sees no valid benefit, business or otherwise, to Newell or to the CBP in providing the banking information requested given the bond is supported by a licensed, financially viable, bonding company.

3H. Newell respectfully requests the CBP be more specific as to exactly what identification number it is requesting. For example, is the request for the number that the Secretary of State has assigned to a specific entity? If so, then so state. Please provide clarification or confirmation that the corporate identification number assigned by the Secretary of State for the entity filing the 5106 form will suffice for this purpose.

3I. Newell respectfully requests the CBP be more specific as to exactly what identification number it is requesting. If 3H properly identifies the location of the Certificate or Articles of Incorporation, to what benefit is an additional Reference Number? Please provide clarification of this request.

3J. Newell currently has 17 officers for each legal entity for which it holds a bond. Businesses being added to a bond via form 5106 do not have a separate set of officers but instead rely on those of its legal parent. Newell considers this request to be overly broad and burdensome. Additionally, and more importantly, Newell objects to the disclosure of highly personal information on such a publicly available form without further explanation from the CBP of its intended use and benefit. It has already been proven in far too many situations how easily this information can be breached when retained in the U.S. Government data base. A phone number and email address for the Principal contact is already provided in Section 2C and 2E. This should be sufficient should a general point of contact be required.

For Newell's purpose, the 5106 form is to identify a location/suffix to be included on a customs importer bond. It is extremely important this document be on file with Customs as soon as possible or risk a bond insufficiency. The result is running the risk that shipments will clear CBP in a timely fashion thus directly impacting our customers and business. It would seem that much of the information requested would be better utilized

if it were a part of an initial bond application rather than the Form 5106 which is more of an addendum to the actual bond.

Newell appreciates the opportunity to provide CBP with frank feedback and encourage you to contact the undersigned if you wish to discuss further.

Respectfully yours,

A handwritten signature in black ink, appearing to read "Paula C. Rawleigh", with a stylized flourish extending from the end.

Paula C. Rawleigh  
Director Risk Management

cc: Newell Legal Department