

**CBP AND CBSA JOINT UPDATED EMERGENCY PROTOCOLS IN RESPONSE TO
FLOOD SITUATION IN BRITISH COLUMBIA, CANADA
Updated December 8, 2021**

*****English Version***La version française suivra*****

Due to extreme weather conditions in British Columbia, Canada that have caused flooding, landslides, road closures, and other supply chain disruptions Canadian domestic truck carriers may need to transit through the U.S. to reach destinations in Canada. Any Canadian carriers that currently operate between the U.S. and Canada as well as domestically are encouraged to follow the standard procedures for transit, including the advance filing of an electronic truck manifest and utilization of an in-bond or in-transit transaction. This will facilitate crossing and decrease delay at the border that will be caused by these temporary measures.

The requirements below are designed to be utilized by Canadian domestic truck carriers that don't normally cross the border in the normal course of their business as well as providing some guidance to international carriers carrying Canadian domestic shipments during the duration of these procedures.

- All equipment, trailers and containers moving under these procedures must be sealed at or before arrival at the U.S. border. These seals should be clearly identified to CBP and CBSA for verification and inspection as necessary.
- Any Canadian carriers that currently operate between the U.S. and Canada as well as domestically are expected to follow the standard procedures for transit, including the advance filing of an electronic truck manifest and utilization of an in-bond or in-transit transaction. This applies to both rail and truck carriers.
- This will facilitate crossing and decrease delay at the border that will be caused by these temporary measures.
- If a carrier is using automated methods of transmission under these procedures, the data available for those shipments may not be the same as for cargo intended for import into the U.S. To mitigate this, carriers should describe the merchandise in general (i.e. foodstuffs, groceries and other products destined to Canadian stores, moving through the U.S. due to flooding emergency).
- For Transportation and Exportation (T&E type 62) in-bond shipments filed electronically and moving under these procedures, the general description above applies and 9804.00 may be used for the required HTSUS number and value should be estimated based on shipping valuation. If necessary and no values are known, \$2 (USD) per pound may be used for this process.
- CBP will exercise maximum flexibility regarding these domestic freight shipments. It is recommended that carriers have normal clearance documents readily available such as bill of lading, invoices, etc. to facilitate clearance.
- Consolidated express carriers may file a single bill of lading electronically, as per the regulations, using a general description (i.e. consolidated express shipments destined to Canada moving in-transit through the U.S. due to the flooding emergency), under a single type 62 (T&E) in-bond as described above.
 - To facilitate crossing, express carriers should be prepared to provide a list of all individual shipments at the border. This information may be on paper and

accompany the conveyance or may be sent to a specific port electronically based on arrangements between the carrier and the port of entry.

References

For more information on United States Customs and Border Protection (USCBP) electronic manifesting and bonds, please see the following links: <https://www.cbp.gov/document/technical-documentation/ace-bond-guide-electronic-truck-manifest> <https://www.cbp.gov/document/guides/truck-manifest-create-manifest> and <https://www.cbp.gov/document/guides/truck-manifest-create-manifest-french>

For more information on Canada Border Services Agency (CBSA) requirements for in-transit movement of Canadian goods through U.S. territory can be found in Departmental [Memorandum D3-4-2, Highway Pre-Arrival and Reporting Requirements](#), paragraphs 59-66.

The following guidelines for this special interim measure have been developed in consultation with various Industry Stakeholders, USCBP, and Other Government Departments within Canada and the United States to facilitate the movement of goods impacted by the current flooding situation in B.C. while also respecting the relevant laws and regulations that govern our joint CA-US border and national interests.

UNITED STATES CUSTOMS AND BORDER PROTECTION INTERIM SPECIAL MEASURES

General rules:

The following requirements are available to Canadian domestic truck carriers that do not have electronic manifesting capabilities or ability to file as a bonded carrier.

- The area of operations will be initially limited to the following ports.
 - Emerson, MB (502) 373-2841 (Pembina, North Dakota 701-825-5800);
 - North Portal, SK (602) 927-6285 (Portal Station, North Dakota 701-926-7500);
 - Coutts, AB (705) 344-3766 (Sweetgrass, Montana 406-335-9610);
 - Kingsgate, BC (818) 424-5391 (Eastport, Idaho 208-267-3966);
 - Osoyoos, BC (819) 495-7092 (Oroville, Washington 509-476-2955);
 - Abbotsford-Huntingdon B.C. (Sumas, Washington 360-988-2971) and,
 - PAC Highway B.C. (813) 1-800-461-9999 (Blaine, Washington 360-332-5771)
- For in-transit delays, such as a breakdown during transit, the carriers shall contact the nearest CBP port of entry
- Expected duration of the following work around measures will be for the duration of the infrastructure delays or until January 8, 2022 and re-evaluated once commercial traffic normalizes or operationally resumes.
- All normal protocols and policies apply to any port of entry outside of the affected area, i.e., Seattle Field Office.
- Carriers and importers failure to follow stipulated workaround procedures may be subject to enforcement and compliance actions that may delay clearance. Note that CBP will exercise maximum flexibility to ensure that legitimate transactions are facilitated but need cooperation from the industry sector to ensure facilitation.

Travel Documents Requirements:

- Western Hemisphere Travel Initiative (WHTI) compliant document is required for all drivers and passengers/co-drivers.
 - Drivers and all vehicle occupants must be in possession of all documents, including approved Form I-194 waivers of inadmissibility, when applying for admission.
 - Those drivers and vehicle occupants who have a criminal history and do not have an approved waiver of inadmissibility will not be permitted to enter the United States.
 - <https://www.cbp.gov/travel/us-citizens/western-hemisphere-travel-initiative>
 - <https://www.cbp.gov/travel/us-citizens/western-hemisphere-travel-initiative/faqs>

Entry filing/requirements:

- Bond requirements for carriers within the containment area will be waived for non-traditional small time trucking companies.
- User fee requirements will be adhered to, and fees will be collected.
 - <https://help.cbp.gov/s/article/Article-18>
- CBP Officers will input the manifest information in ACE manually based on the submission of documents provided.

Container security/verification:

- Containers must be properly sealed either prior to arrival or at the border. CBP personnel shall record and/or verify seal numbers at upon entry at ports of entry.
- Carriers will not unload or load any additional cargo or break the seal on the container/trailer while in the US. Upon arrival to the U.S. border CBP primary booth, identification and any documents including bills of lading, packing lists, invoices, foreign government certificates, etc. as well as trailer license number will be provided to the CBP Officer and/or agriculture specialist.
- Upon re-entering Canada, carriers transiting under this procedure will present themselves to CBSA personnel for verification of seals and collection of seal numbers and provide supporting documentation used for entry into the U.S. as well as driver identification.

Prohibited/restricted items:

- Prohibited items currently legal in Canada, but not in the U.S. will not be authorized for movement under these procedures.
- Restricted merchandise, such as medical equipment, pharmaceuticals, agriculture commodities, and live animals, may require further review by CBP personnel at the port of entry. This may include additional documentation as mandated by the appropriate regulatory agency (USDA, FDA etc). Additional information is provided below.
 - **FDA Prior Notice requirements:** To help support the current emergency situation, FDA and CBP will assist using enforcement discretion when there is no prior notice for articles of food carried by Canadian domestic truck carriers transiting through the U.S. to reach destinations in Canada as a result of supply chain disruptions in British Columbia, Canada at this time. Regulatory discretion as described in FDA [Compliance Policy Guide, Section 110.310](#) for imported food arriving from and exiting to the same country should only be considered if all the

general rules and requirements identified in this CSMS are met. Any Canadian carriers that currently operate between the U.S. and Canada as well as domestically are expected to follow the standard procedures for transit, including the timely submission of prior notice for imported foods to FDA.

- U.S.D.A. In-Transit Permits: Most in-transit plant and animal permits issued prior to movement, will not be required for shipments utilizing these temporary procedures. CBP Agriculture Specialists at the port of arrival in the U.S. will make a risk-based determination on any additional measures needed to safeguard these shipments.

Canadian Food Inspection Agency (CFIA) Special Measures

Food In-Transit

- Carriers must either follow Departmental Memorandum D3-4-2 or the Emergency Protocol described above for food. The CFIA does not require certification documentation for the movement of food, including meat, eggs and raw milk. The goods do not have to be declared to the CFIA's National Import Service Centre. The food must meet all conditions in the Safe Food for Canadian Regulations as if it was moved between provinces.

Livestock Movements

- Companies must [contact CFIA before organizing any shipment](#) transiting through the USA.
- An animal welfare agreement between United States Department of Agriculture (USDA) and CFIA that will allow for the emergency transit of live animals through the USA has been signed on November 18, 2021. This temporary measure allows for: 1) Emergency movement of animals outside of the flooded area through the U.S. in case it becomes necessary to evacuate and that all other Canadian roads are blocked or impaired, and 2) Travel of live animals from Alberta to slaughterhouses in B.C. due to a lack of capacity to slaughter those animals elsewhere.
- Per the agreement, procedures will need to be put in place by CFIA and industry, including:
 - Animals must be inspected before loading and must be transported with an endorsed CFIA emergency transit Health Certificate with truck seal number(s) recorded on the certificate. No USDA import transit permit will be required.
 - Every conveyance opening through which an animal could be moved in or out, must have a CFIA seal applied to it before the truck leaves Canada.
 - When the truck arrives at the U.S. Port of Entry, USDA Port Personnel will verify the shipment has an endorsed Health Certificates, that the truck is properly sealed, and that the seals on the truck match what is documented on the endorsed health certificate.
 - Transporters must ensure they have a contingency transportation plan in case the truck hauling the transiting animals cannot complete the trip for any reason.
 - The CBSA will keep records of shipment re-entry so that CFIA and USDA can compare records to ensure all emergency transit shipments proceeded as intended.

- Transporters may be required to follow a specified route through the United States.
- This special agreement will end once Canadian roads are re-opened for traffic.
- Companies must contact CFIA before organizing any shipment transiting through the USA.
- CFIA is finalizing guidance documents for CFIA staff and industry, but the measures will be implemented as soon as possible.

COVID 19 HEALTH MEASURES

- There is no change to existing guidance and communications regarding pandemic related matters.
- Commercial drivers, as persons employed in the trade and transportation sector and crossing the border in this capacity, are considered under the existing provisions for truckers.
- Pre-arrival testing, quarantine requirements and post arrival testing are not required for persons in the trade or transportation sector who is important for the movement of goods or people, including a truck driver or crew member on any aircraft, shipping vessel or train, who enters Canada for the purpose of performing their duties as a member of that sector.

These temporary interim measures are subject to change and/or may be updated as the situation evolves. We will communicate further guidance and/or updates as applicable.