

**United States Department of Homeland Security** **NOTICE TO MARK AND/OR NOTICE TO REDELIVER**

**U.S. Customs and Border Protection, 555 Battery Street, San Francisco, CA 94111**  (Continuation page)

**Name of Entry Specialist Officer - Leonard G. Rivera** 19CFR 134.51. 134.52. 141.113

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15. **REMARKS/INSTRUCTIONS/OTHER ACTION REQUIRED OF IMPORTER (Continued)**

You, the importer, must complete either export or destruction as listed below by the deadline of 90 days from the original Food and Drug Administration (FDA) notification. Customs and Border Protection (CBP) will not grant extensions. If unfamiliar with the redelivery process described below, you may consult a customs broker for assistance.

**Refund:** If you or your customs broker timely submit documents to show that all FDA refused merchandise has been exported under CBP supervision or destroyed under FDA supervision within the 90 day deadline, CBP will liquidate the subject entry with a refund of duties paid for the merchandise refused by FDA. (19CFR158.41, 19CFR158.45[c], and 19CFR24.23 [e] [1]). Refunds are not automatic. Proper documentation is required. Identify refused goods on redelivery paperwork per FDA’s Notice of Action: the line number on a Customs entry followed by a slash, then the FDA line number (e.g. 002/001).

**To Export merchandise refused by FDA:**

(1) Complete an electronic U.S. Customs & Border Protection Form (CBPF) 7512. For electronic CBPF 7512s, you may initiate transfer of your merchandise directly from its current location to the terminal for re-export.

(2) If you cannot complete CBPF 7512 electronically, please contact the East Bay in-bond unit for Ocean re-exports (510) 271 - 8900 or SFO Air Cargo for Air re-exports (650) 989-2500. CBP will provide you with the redelivery location.

(3) Furnish proof of export to the office identified in Block 1.

**To destroy [under FDA supervision] Merchandise Refused by FDA:**

(1)           Complete a CBPF-3499.

(2)           Submit the CBPF-3499 to CBP’s Trade Team offices for approval: for Port 2801 entries, call 650-989-2507, for Ports 2811 or 2809 entries, call 510-318-7020.

(3)           Submit the approved CBPF-3499 along with the Destruction Location, Contact Name and Telephone Number to FDA to [**WCID@fda.hhs.gov**](mailto:WCID@fda.hhs.gov)or you may upload to ITACS/Line Level [**https://itacs.fda.gov**](https://itacs.fda.gov/)**.** FDA will contact you to make an appointment to witness destruction. Obtain copy of completed CBPF-3499.

**Follow-up to Close out This Notice:** You have an additional 30 days to forward documents proving the merchandise export/destruction was completed within the 90 day deadline. Submit proof of exportation or destruction to this office. If you miss this deadline, CBP will issue a liquidated damages case for “failure to redeliver into Customs custody” (19CFR141.113 (i)) at 3 times the value of refused goods for which CBP has no proof of timely action. If you have redelivered the merchandise before the deadline, submit proof of exportation or proof of destruction to the CBP specialist that issued the Redelivery Notice (see blocks 2 and 3 of this CBPF-4647). If FDA rescinds a refusal and allows release, **you must still return this CBPF-4647 to the CBP specialist officer that issued the Redelivery Notice with documentation from FDA.**

**Revised 09/05/20 (CL & LGR)**