



WESCCON

EVER CHANGING V.2022

RIDING THE WAVES INTO THE 21ST CENTURY

Attorney Panel: Riding the Wave of Complex Transactions

Import transactions have become increasingly complex. Our trusted trade lawyers will tell us how to navigate the 301 tariffs, find the pertinent scope information for AD/CVD entries, and sink or swim in the undercurrent of forced labor enforcement initiatives.



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Attorney Panel – Riding the Wave of Complex Transactions

- **Evey Hwang, VP San Francisco Division, Alba Wheels Up (Moderator)**
- **Erik Smithweiss, Partner, GDLSK**
- **Michael Jackson, Attorney, Meeks, Sheppard, Leo & Pillsbury**
- **Michael Roll, Partner, Roll & Harris LLP**
- **Brett Tipple, Chief Scientist, FloraTrace, Inc.**

MEEKS, SHEPPARD, LEO & PILLSBURY LLP

Section 301

- **Overview**
- **Best Practices**
- **Latest Status of Section 301, Exclusions & CIT Court Actions**

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Antidumping Duty Update: Scope, Evasion, Enforcement, Rates, Etc!

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Forced Labor: A Developing Issue

- Withhold Release Orders (WRO) issued under Section 307 of the Tariff Act of 1930 (19 U.S.C. § 1307).
 - <https://www.cbp.gov/trade/forced-labor/withhold-release-orders-and-findings>
 - 19 CFR §§ 12.42 – 12.45
- Uyghur Forced Labor Prevention Act (“UFLPA”), P.L. 117-78, effective June 21, 2022
 - Rebuttable presumption the following is made with forced labor:
 - Good produced in whole or in part in China’s Xinjiang Uyghur Autonomous Region (“XUAR”), or
 - Produced by an Entity listed as being connected to XUAR forced labor practices
 - <https://www.cbp.gov/trade/forced-labor/UFLPA>
 - Forced Labor Enforcement Task Force (“FLETF”) guidance to importers and other stake holders
 - DHS strategy publication. <https://www.dhs.gov/uflpa-strategy>
 - FAQs <https://www.dhs.gov/uflpa-frequently-asked-questions>
 - CBP Operational Guidance.
 - <https://www.cbp.gov/document/guidance/uflpa-operational-guidance-importers>
- Responding to CBP detention notices
 - WRO –
 - comply with procedures in 12.42-12.45 of Regulations and provide documentation that no inputs are traceable to the entity covered by the WRO
 - Export detained goods prior to or within 60 days of exclusion
 - UFLPA –
 - Documentation tracing raw materials to show no inputs from XUAR or a Listed Entity
 - If goods from XUAR or listed entity, then clear and convincing evidence no forced labor
- Redelivery Notices
- Protests and judicial review

GDLSK

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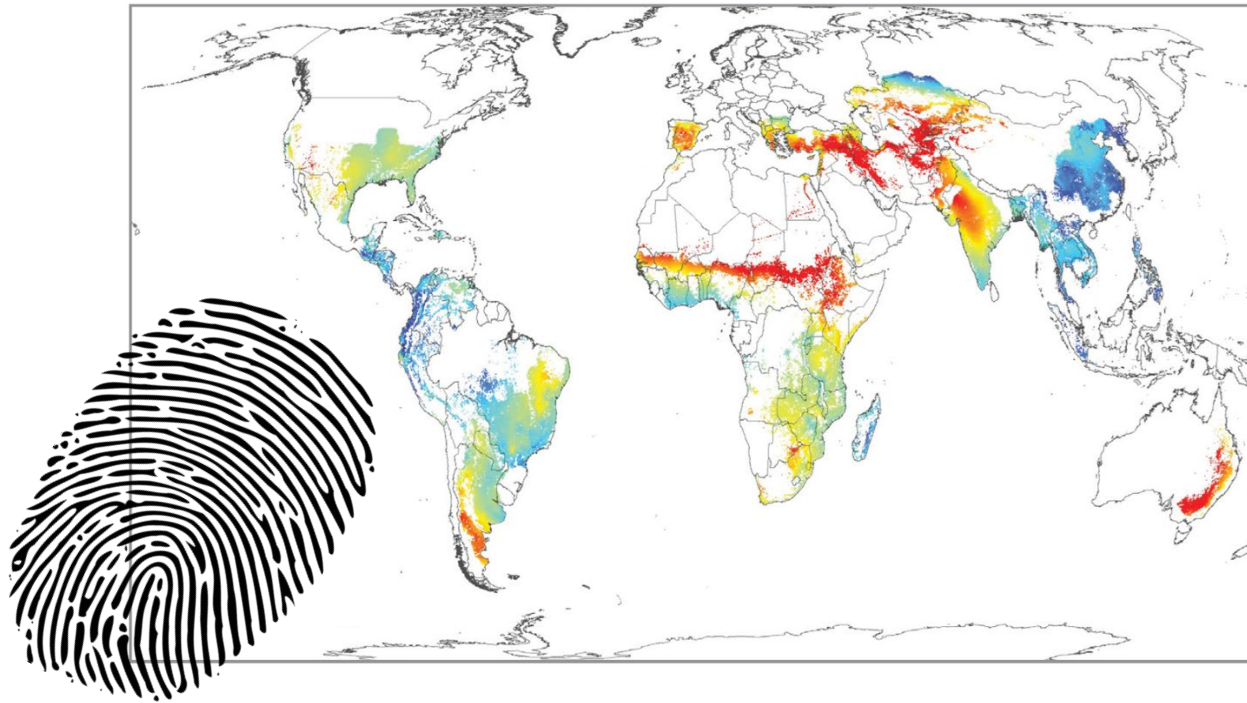
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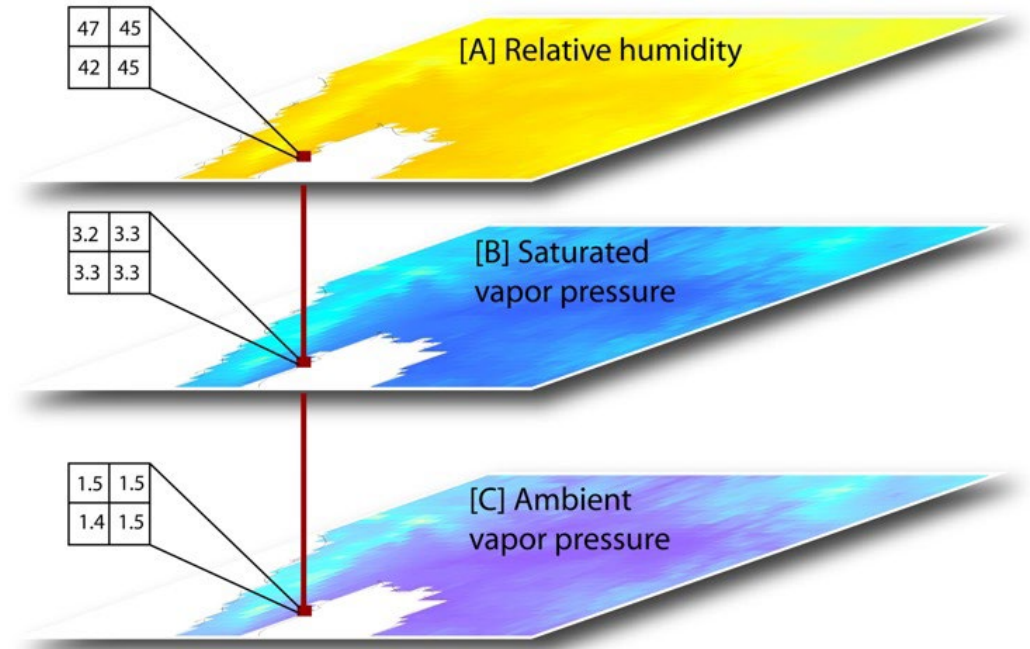
Material Mapping

Geographic origin is embedded within the natural chemistry of plant, animal, and geologic materials.

These unique chemical “**fingerprints**” are used to determine material origin.



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$$R_L = \alpha * \left[\alpha_k R_S \left(\frac{e_i - e_s}{e_i} \right) + \alpha_{kb} R_S \left(\frac{e_s - e_a}{e_i} \right) + R_V \left(\frac{e_a}{e_i} \right) \right]$$

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