



May 1, 2012

The Honorable David V. Aguilar
Acting Commissioner
U.S. Customs and Border Protection
1300 Pennsylvania Avenue
Washington, D.C. 20229

Re: Administration of Additional U.S. Note 5 to Chapter 64, HTSUS

Dear Commissioner Aguilar:

We represent the domestic manufacturers of rubber and plastic footwear, as well as the importers of most footwear into the United States. On January 23 of this year, U.S. Customs and Border Protection ("CBP") posted on its website a request for comments on the proposed administration of Additional Note 5 to Chapter 64 of the Harmonized Tariff System of the United States. That request followed the publication in the November 3, 2011 *Federal Register* of the Proclamation by President Obama approving the inclusion of additional Note 5 to Chapter 64. The effective date of the additional note was 30 days after publication in the *Federal Register*, or December 3, 2011.

The CBP request for comments was published approximately seven weeks after the Presidential Proclamation's effective date. It is now almost five months since the effective date of additional Note 5. The delay is puzzling since we understand that CBP was responsible for drafting Additional U.S. Note 5. The importation of products subject to the Note is continuing, and potentially affects hundreds of millions of dollars of merchandise. We understand the complexity of the issue and the differences of opinion which have been expressed. Nevertheless, because guidance has not yet been issued by CBP, we are concerned that there is little or no consistency in the way that importers are classifying the goods subject to Note 5, or in the way that CBP officials are reviewing and classifying the imported items for tariff purposes. This causes both potential liabilities of unknown amounts to importers, as well as confusion to both importers and domestic producers regarding the appropriate approach.

Therefore, we send this letter together to respectfully request that the CBP review process be expedited, and that the official guidance be issued as soon as possible. We understand and appreciate that the CBP must use caution and be confident of the conclusions that it reaches in the guidance. However, the delay is causing serious concerns to both importers and domestic companies which both produce and sell the footwear at issue. We would very much appreciate anything that could be done to move this process forward.

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Thank you very much for your consideration.

Sincerely,



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President & CEO
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Footwear Association (AAFA)



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