



1400 Independence Avenue, SW.  
Room 1406-S, STOP 0237  
Washington, D.C. 20250-0235

MAR 10 2011

Mr. David Holzworth  
Holzworth & Kato  
1025 Connecticut Avenue, NW  
Suite 1200  
Washington, D.C. 20036

Dear Mr. Holzworth:

Thank you for your February 28, 2011, letter reiterating your views regarding the determination of release from the custody of U.S. Customs and Border Protection (CBP) of imported Chilean table grapes, and the application of Section 8e regulations. Since your meeting with us, we have been in close contact with CBP to ensure the accuracy of our communications to the trade concerning Section 8e regulations, and will be distributing the enclosed letter providing further clarification.

U.S. Department of Agriculture (USDA) regulations state that table grapes must meet the requirements of 7 CFR 944.503 prior to importation. The term "importation" is defined by USDA regulations as being released from the custody of CBP. Thus, we agree that if a shipment of table grapes enters the breakwaters of the Delaware Bay *and* is released by CBP prior to April 10, the product does not require inspection in accordance with Section 8e regulations.

Please note that this regulation has not changed and remains the same as in previous years. Thank you for the opportunity to address your concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael V. Durando". The signature is written in a cursive, flowing style.

Michael V. Durando, Chief  
Marketing Orders Administration Branch  
Fruit and Vegetable Programs



1400 Independence Avenue, SW.  
Room 1406-S, STOP 0237  
Washington, D.C. 20250-0237

March 10, 2011

Dear Table Grape Importers, Brokers, and Consignees:

This communication supplements a January 28, 2011, letter to you from the United States Department of Agriculture (USDA) regarding the importation of table grapes. Specifically, we wish to provide additional guidance to assist you in determining when imported table grapes are required to meet USDA import requirements pursuant to Section 8e of the Agricultural Marketing Agreement Act of 1937.

USDA regulations found at 7 CFR 944.503 state that imported table grapes must meet minimum grade and size requirements prior to "importation." The term "importation" is further defined in these regulations as "release from custody of the United States Customs Service" now known as U.S. Customs and Border Protection (CBP). If the specific date and time of this release by CBP occurs between April 10 and July 10, imported table grapes must be inspected to assure that minimum grade and size requirements are met. These regulations and procedures have not changed from last year.

For further guidance on complying with USDA's Section 8e import regulations, please see our website: [www.ams.usda.gov/8eImportCompliance](http://www.ams.usda.gov/8eImportCompliance) or contact this office at (202) 720-2491.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael V. Durando".

Michael V. Durando, Chief  
Marketing Order Administration Branch  
Fruit and Vegetable Programs

Same Letter Sent to other importers



**Martins, Helena**

**From:** Martins, Helena  
**Sent:** Friday, April 09, 2010 4:08 PM  
**Subject:** FW: Marketing Order for Table Grapes Effective April 10, 2010

Please see the attached regarding mandatory USDA/AMS grading of table grapes from April 10 through July 10. You will need to arrange for USDA/AMS grading with your expeditors.

The official Customs/USDA interpretation is the entry must be filed and the vessel must arrive within the port limits (Philadelphia example: official Customs designated pilot Cape Henlopen by 23:59 on April 9. If vessel arrives 00:01 on April 10 at the official pilot designation it is subject to Marketing Order).

**Helena Mateus-Martins**  
Philadelphia Import Operations  
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