Interest pursuant to 5 U.S.C. 553(b)(B). CBP and Treasury also believe that affected entities need to be informed as soon as possible of the extension and its length in order to plan and adjust their implementation process accordingly.

Unfunded Mandates Reform Act (Sec. 202, Pub. L. 104–4; 2 U.S.C. 1532)

CBP and Treasury have concluded the extension of the effective date does not contain a Federal mandate that may result in the expenditure by State, local and Tribal governments, in aggregate, or by the private sector, of $100 million or more (adjusted for inflation) in any one year.

Kevin K. McAleenan,
Acting Commissioner, U.S. Customs and Border Protection.


Timothy E. Skud,
Deputy Assistant Secretary of the Treasury.

For further information contact: For questions related to the filing of EPA forms with CBP, please contact William Scopa, Partner Government Agencies Interagency Collaboration Division, Office of Trade, Customs and Border Protection, at William.R.Scopa@cbp.dhs.gov. For EPA policy questions, please contact Harlan Weir, at Weir.Harlan@epa.gov.

FURTHER INFORMATION CONTACT:

SUPPLEMENTARY INFORMATION:

On December 27, 2016, U.S. Customs and Border Protection (CBP) published a Final Rule in the Federal Register (81 FR 94980) announcing the amendment of CBP regulations regarding the requirement to file a Toxic Substances Control Act (TSCA) certification when importing into the United States chemicals in bulk form or as part of mixtures and articles containing a chemical or mixture. The document amended the regulations to permit importers to file the required U.S. Environmental Protection Agency (EPA) TSCA certifications electronically, to clarify and add certain definitions, and to eliminate the paper-based blanket certification process. The final rule was to become effective on January 26, 2017. On January 20, 2017, the Chief of Staff of the White House released a memorandum to ensure that the President’s appointees or designees have the opportunity to review any new or pending regulations. The memorandum asks the heads of executive departments and agencies to temporarily postpone the effective date for 60 days from the date of the memorandum of all regulations that had been published in the Federal Register, but had not taken effect. In light of this memo, CBP has considered whether entities affected by these final regulations will need additional time to implement new systems or internal procedural changes. To provide additional time for affected entities to become familiar with the increased flexibilities and new processes of the final regulations, CBP believes that extending the effective date until March 21, 2017 is appropriate and will furnish the affected entities with sufficient additional time.

Executive Order 12866

It has been determined that this final rule is not a significant regulatory action as defined in Executive Order 12866. Therefore, a Regulatory Assessment is not required.

Regulatory Flexibility Act

Because no notice of proposed rulemaking is required for this final rule, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 et seq.) do not apply.

Administrative Procedure Act

CBP and Treasury, for good cause and the reasons cited above, including the brief length of the extension of the effective date, find that notice and solicitation of comments regarding the extension of the effective date for the final regulation are impracticable, unnecessary, or contrary to the public interest pursuant to 5 U.S.C. 553(b)(B). CBP and Treasury also believe that affected entities need to be informed as soon as possible of the extension and its length in order to plan and adjust their implementation process accordingly.

Unfunded Mandates Reform Act (Sec. 202, Pub. L. 104–4; 2 U.S.C. 1532)

CBP and Treasury have concluded the extension of the effective date does not contain a Federal mandate that may result in the expenditure by State, local and Tribal governments, in aggregate, or by the private sector, of $100 million or more (adjusted for inflation) in any one year.

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There is no additional BIlling Code provided for this section.