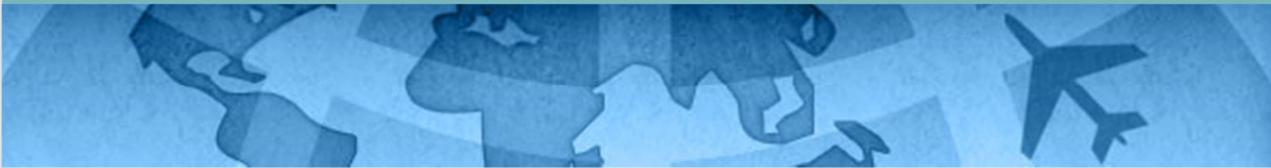


August 29, 2016

SPC&B Update

HTS Chapter 62 Changes May Affect Your Entries



Provisions for "Performance Outerwear" Added to Chapter 62, Changing Many Provisions

Recent trade legislation contained additions to the Harmonized Tariff Schedule (HTS) to provide for specific provisions for "recreational performance outerwear," resulting in changes to a number of existing provisions. The changes went into effect last week and importers are scrambling to determine the appropriate classifications for their products. We are preparing a correlation of the old and new provisions, which will be available on request.

The additional provisions for performance outerwear may eventually result in duty reductions for such products, which are described as trousers, coveralls, bib and brace overalls, jackets, windbreakers and similar articles, of cotton, wool, hemp, bamboo, silk or man-made fibers, or a combination of such fibers, that are water resistant and/or visibly coated with plastics and possess five or more of the following features:

- Insulated for cold weather protection;
- Pockets, at least one of which has a zippered, hook and loop, or other type of closure;
- Elastic, draw cord or other means of tightening around the waist or leg hems, including hidden leg sleeves with a means of tightening at the ankle for trousers and tightening around the waist or bottom hem for jackets;
- Venting, not including grommet(s);
- Articulated elbows or knees;
- Reinforcement in one of the following areas: the elbows, shoulders, seat, knees, ankles or cuffs;
- Weatherproof closure at the waist or front;
- Multi-adjustable hood or adjustable collar;
- Adjustable powder skirt, inner protective skirt or adjustable inner protective cuff at sleeve hem;
- Construction at the arm gusset that utilizes fabric, design or patterning to allow radial arm movement;
- Odor control technology

The HTS provides additional details about the meaning of these terms, in Additional U.S. Note 3(b). The Note also provides that importers entering goods in any provision for performance outerwear must maintain records demonstrating that the goods meet the requirements listed above.

For more information on the classification of apparel in general or performance outerwear specifically, please contact Gail T. Cumins at gcumins@spcblaw.com, Alli Baron at abaron@spcblaw.com, Donna Shira at dshira@spcblaw.com, or Ken Paley at kpaley@spcblaw.com, or call us at 212-425-0055.

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