



USITC to Implement Updated Harmonized Tariff Schedule Effective January 27, 2022

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Sweeping changes to the Harmonized Tariff Schedule of the US (HTSUS) will go into effect this week when the US International Trade Commission (USITC) implements the World Customs Organization's (WCO) five-year overhaul of the Harmonized System tariff nomenclature.

The modifications will modernize the tariff code for hundreds of imported products and product groups, add tariff headings and subheadings for new categories of imported products, and clarify interpretive legal notes throughout the tariff code. Importers would do well to identify products now that may be impacted by the new or revised HTSUS classifications and ensure their importing systems are appropriately updated.

The USITC maintains the official publication of the HTSUS and all modifications to implement the US's obligations under the WCO's International Convention on the Harmonized Commodity and Coding System (HS Convention).[1] In April 2021, the USITC reported the proposed modifications to the tariff code resulting from the WCO's latest 5-year review,[2] and subsequently published corresponding modifications to the HTSUS in December 2021, as **Publication 5240**.[3] The president formally adopted USITC's recommendations in Presidential Proclamation 10326 of December 23, 2021 (published in the Federal Register on December 28, 2021). By law, the changes cannot be implemented until 30 days after publication of the proclamation and therefore will go into effect on January 27, 2022.

The following table lists broad categories of products and tariff headings affected directly by the WCO revisions. Note that this listing is not exhaustive. The WCO revisions will also update Section and Chapter titles and legal notes throughout the HTSUS, thereby modifying the scope and interpretation of tariff provisions not on this list.

HTSUS Sections		Affected Tariff Headings
<u>Section I:</u>	Live Animals; Animal Products	0302; 0303; 0304; 0305; 0306; 0307; 0308; 0309; 0403; 0410
<u>Section II:</u>	Vegetable Products	0704; 0709; 0711; 0712; 0802; 0805; 0812; 1202; 1211
<u>Section III:</u>	Animal or Vegetable Fats and Oils and Their Cleavage Products; Prepared Edible Fats; Animal or Vegetable Waxes	1509; 1510; 1515; 1516; 1517; 1518
<u>Section IV:</u>	Prepared Foodstuffs; Beverages, Spirits, and Vinegar; Tobacco and Manufactured Tobacco Substitutes	1601; 1602; 1604; 2008; 2009; 2106; 2202; 2306; 2403; 2404
<u>Section V:</u>	Mineral Products	2518

<p><u>Section VI:</u></p>	<p>Products of the Chemical or Allied Industries</p>	<p>2844; 2845; 2903; 2930; 2932; 2933; 2936; 2939; 3002; 3006; 3204; 3402 3603; 3816; 3822; 3824; 3827</p>
<p><u>Section VII:</u></p>	<p>Plastics and Articles Thereof; Rubber and Articles Thereof</p>	<p>3907; 3911; 4015</p>
<p><u>Section IX:</u></p>	<p>Wood and Articles of Wood; Wood Charcoal; Cork and Articles of Cork; Manufacturers of Straw, of Esparto or of Other Plaiting Materials; Basketware and Wickerwork</p>	<p>4401; 4402; 4403; 4407; 4412; 4414; 4418; 4419; 4420; 4421</p>
<p><u>Section X:</u></p>	<p>Pulp of Wood or of Other Fibrous Cellulosic Material; Waste and Scrap of Paper or Paperboard; Paper and Paperboard and Articles Thereof</p>	<p>4905</p>

<p><u>Section XI:</u></p>	<p>Textile and Textile Articles</p>	<p>5501; 5703; 5802; 5911; 6116; 6201; 6202; 6210; 6306</p>
<p><u>Section XIII:</u></p>	<p>Articles of Stone, Plaster, Cement, Asbestos, Mica or Similar Materials; Ceramic Products; Glass and Glassware</p>	<p>6802; 6812; 6815; 6903; 7001; 7011; 7019</p>
<p><u>Section XIV:</u></p>	<p>Natural or Cultured Pearls, Precious or Semiprecious Stones, Precious Metals, Metals Clad With Precious Metal, and Articles Thereof; Imitation Jewelry; Coins</p>	<p>7104; 7112</p>
<p><u>Section XV:</u></p>	<p>Base Metals and Articles of Base Metal</p>	<p>7419; 8103; 8106; 8107; 8109; 8112;</p>

<p><u>Section XVI:</u></p>	<p>Machinery and Mechanical Appliances; Electrical Equipment; Parts Thereof; Sound Recorders and Reproducers, Television Image and Sound Recorders and Reproducers, and Parts and Accessories of Such Articles</p>	<p>8414; 8418; 8419; 8421; 8428; 8438; 8462; 8479; 8482; 8485; 8477; 8486; 8501; 8507; 8514; 8517; 8519; 8524; 8525; 8529; 8539; 8541; 8543; 8548; 8549</p>
<p><u>Section XVII:</u></p>	<p>Vehicles, Aircraft, Vessels and Associated Transport Equipment</p>	<p>8701; 8702; 8703; 8704; 8708; 8711; 8802; 8803; 8806; 8807; 8903</p>
<p><u>Section XVIII:</u></p>	<p>Optical, Photographic, Cinematographic, Measuring, Checking, Precision, Medical or Surgical Instruments and Apparatus; Clocks and Watches; Musical Instruments; Parts and Accessories Thereof</p>	<p>9006; 9013; 9022; 9027; 9030; 9031; 9114</p>
<p><u>Section XX:</u></p>	<p>Miscellaneous Manufactured Articles</p>	<p>9401; 9403; 9404; 9405; 9406; 9504; 9508; 9609; 9617; 9619</p>

<p>Until the USITC publishes the updated HTSUS, importers should refer to the official list of modifications to the tariff code to implement the HS Convention recommendations. The WCO's Correlation Tables, available at https://www.wcoomd.org/, are a useful tool in understanding the changes.</p>	<p>the updated HTSUS, importers should refer to the official list of modifications to the tariff code to implement the HS Convention recommendations. The WCO's Correlation Tables, available at https://www.wcoomd.org/, are a useful tool in understanding the changes.</p>	<p>USTIC's <i>Publication 5240</i> as the official list of modifications to the tariff code to implement the HS Convention recommendations. The WCO's Correlation Tables, available at https://www.wcoomd.org/, are a useful tool in understanding the changes.</p>
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Importers who have not already done so should now review carefully the changes to the HTSUS described in *Publication 5240* and the WCO Correlation Tables, including conforming revisions to other provisions of the tariff code. Importers should determine the impact of the changes on current and future imports, identify changes to current tariff classifications that must be implemented by January 27, and evaluate any corresponding impact ? including potential duty-saving opportunities ? to imports under free trade agreements and other duty preference programs. They may also work with their customs brokers to ensure that changes are properly applied to future imports.

Williams Mullen attorneys assist clients with all aspects of compliance with US import and customs laws and regulations. Should you have questions about changes to the tariff classifications of imported products under the new revisions to the tariff code or other importing matters, please contact your Williams Mullen attorney or **Christopher Skinner** at 202.293.8129 or cskinner@williamsmullen.com.

[1] Electronic versions of current and prior iterations of the HTSUS are available on USITC's website, at <https://hts.usitc.gov/current>.

[2] See "Recommended Modifications to the Harmonized Tariff Schedule, 2021," Commission Investigation 1205-13 (Pub. 5171, April 2021).

[3] See "Modifications to the Harmonized Tariff Schedule of the United States under Section 1206 of the Omnibus Trade and Competitiveness Act of 1988 and for Other Purposes" (Pub. 5240, December 2021).

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