

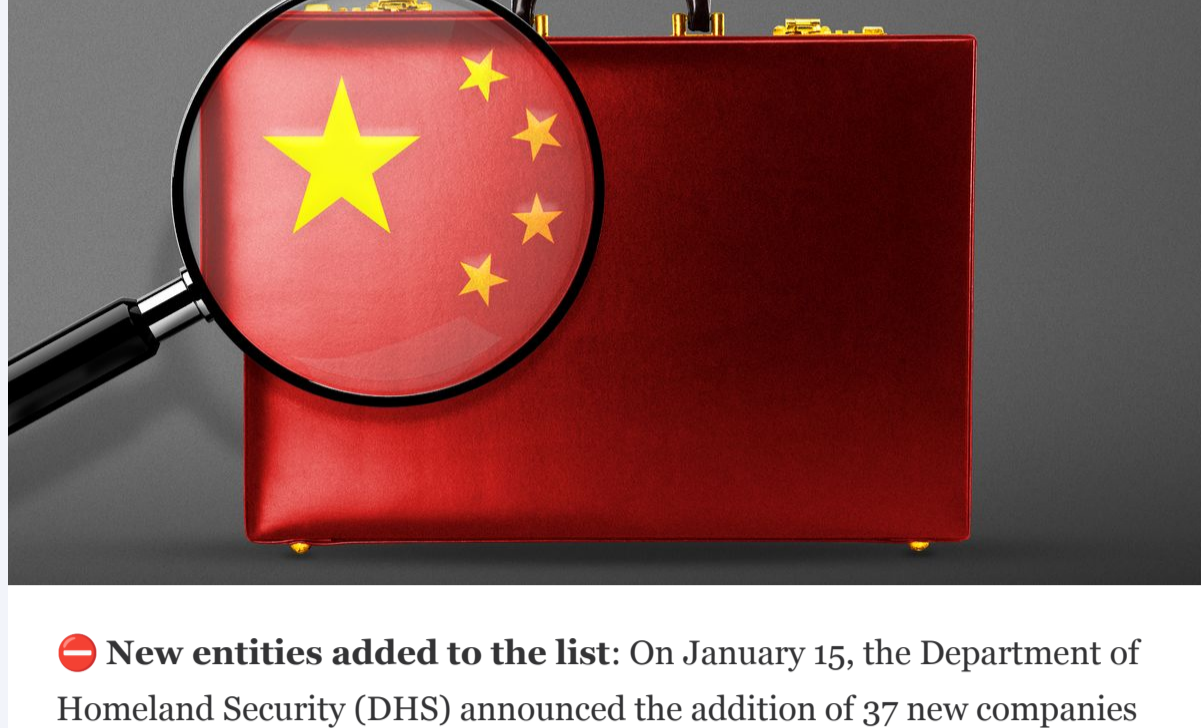
Customs Report

By Thomas Crockett • Jan 23, 2025

Smart Brevity® count: 3 mins...772 words

A few quick updates on forced labor enforcement, recent footwear cases, and footwear classification decisions.

Forced labor enforcement news



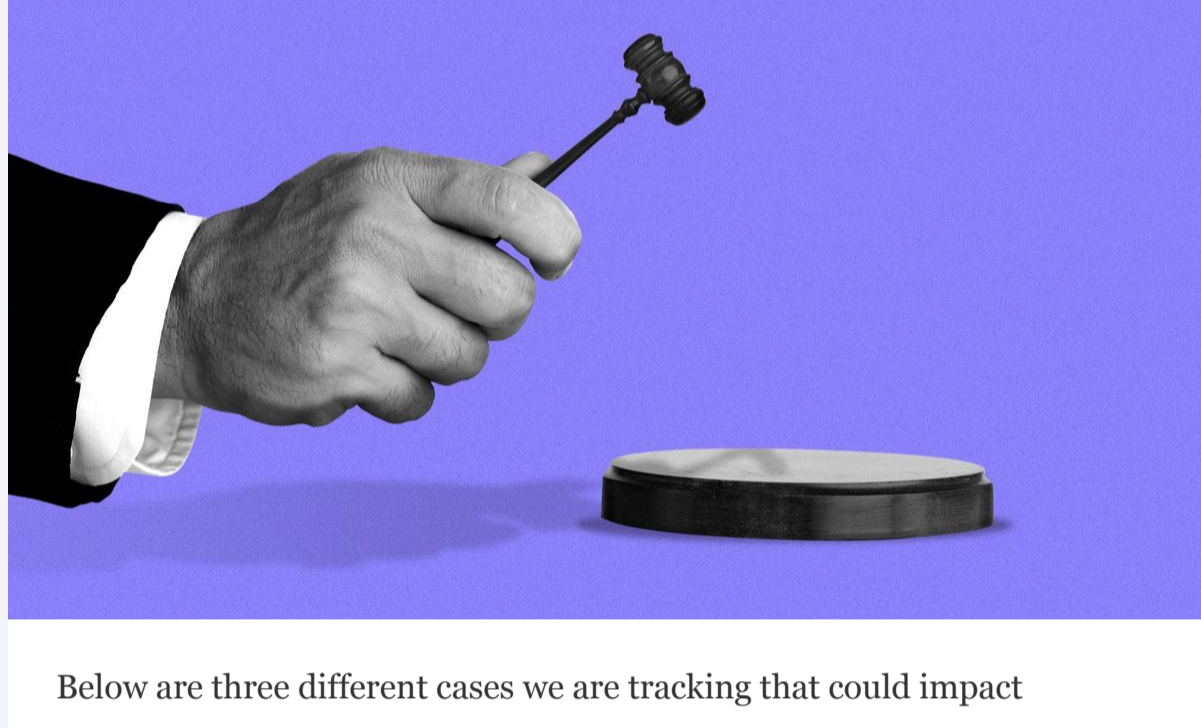
🚫 New entities added to the list: On January 15, the Department of Homeland Security (DHS) announced the addition of 37 new companies to the Uyghur Forced Labor Prevention Act (UFLPA) Entity List of known bad actors. DHS, under the Biden Administration, described this as the “largest single expansion of the list to date.”

- DHS added one of China’s largest textile manufacturers, Huafu Fashion Co., Ltd. (“Huafu”), and 25 of its subsidiaries that produce and sale cotton products. [Read more](#)

📊 New UFLPA Stats: On January 1, DHS updated its searchable tool of UFLPA stats. Key takeaways:

- Since the UFLPA went into effect, 1,996 apparel, footwear, and textile shipments have been detained. 64% of those shipments have been denied entry into the U.S., and 33% have been released.
- **Yes, but:** The stats group footwear 🧦 with apparel 👕 and textiles 🧵. To our knowledge, no footwear shipments have been detained as being produced in or containing materials or components from Xinjiang. That could change, with the the first-ever addition of a [footwear factory](#) to the UFLPA Entity List in June 2024.
- By value, 🇻🇳 Vietnam has significantly more textile and apparel shipments detained than China: \$45 million in value for Vietnam (50%) vs. \$24 million for China (26%).
- The apparel 👕 sector has the third largest number of shipments detained. Electronics 📱 is the largest category, at 5,268 shipments detained. Automotive 🚗 is the second largest category, at 2,290. [See the stats.](#)

Three cases impacting footwear



Below are three different cases we are tracking that could impact footwear:

- **🚫 Forced labor:** The Court of International Trade (CIT) has scheduled oral arguments for February 4, 2025 in the Hoshine litigation. In this case, a silicon-based goods producer is challenging a 2021 withhold release order (WRO) the U.S. government issued against the company baed on allegations of forced labor.
- **🐮 Leather flocking:** In December, U.S. Footwear Holdings filed a summons in the Court of International Trade (CIT) arguing that footwear with leather flocking on the sole should be classified in heading 6405 rather than in headings 6401 and 6404.
- **💡 Intellectual property:** California-based importer Gavrieli Brands LLC brought a complaint before the U.S. International Trade Commission (ITC) alleging certain women’s flats with colored outsoles infringe one or more design patents (as well as trade dress). The complaint lists a number of companies based in China, and most appear to be trading companies rather than manufacturers.

We will discuss each of these cases in more detail on our next [FDRA weekly member call](#), which we hold every Tuesday at 2:00 p.m. ET.

Recent classification decisions



🌐 NY N343684 (November 19, 2024)

- **Footwear:** closed toe/heel women’s, slip-on shoe. The upper is man-made textile and has an 🧘 athletic appearance.
- **One more thing:** The shoe has a short lace threaded through eyelets on either side of the tongue, which is secured by elastic gore on either side of the foot.
- **Takeaway:** The ends of the lace cannot be tied. Since the shoe is secured with an elastic gore and is a slip-on, it is not considered athletic. The rubber/plastic (R/P) sole has textile flocking covering the entire surface area in contact with the ground. Classification is fixed in 6406.19.90 (9%)(4A). [Read more.](#)

🌐 NY N343781 (November 26, 2024)

- **Footwear:** unisex, below-the-ankle, closed toe, open heel, slip-on footwear. The external surface of the upper, footbed, and midsole wrap are covered with velvet man-made textile. The shoe has a cork midsole and an outer sole consisting of leather suede. FOB value is \$75/pair.
- **Takeaway:** The 🧘 weight of the rubber component, which provides underfoot cushioning, is less than 8% of the total weight of the shoe. The slipper is classified in 6404.20.40 (10%)(4A). [Read more.](#)

🌐 NY N344162 (December 11, 2024)

- **Footwear:** vulcanized rubber slip-on shoe.
- **Takeaway:** The shoe has an open heel, and for that reason, it is not considered protective. CBP finds classification in 6401.99.90 (37.5%)(4B). [Read more.](#)

🌐 NY N344437 (December 17, 2024)

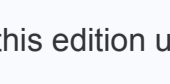
- **Footwear:** below-the-ankle, closed toe, women’s slip on. The upper is polyester batting covered with PU foil. The sole is R/P.
- **Takeaway:** classification is fixed in 6402.99.31 (6%)(4B). [Read more.](#)

The FDRA Customs Report is a newsletter of customs, administrative, and other developments affecting importers of footwear prepared as a service for FDRA members. Matters reported on or summarized herein may not be construed as legal advice on specific situations.

Thanks for reading this month’s FDRA Customs Report. Feel free to share this newsletter with others on your team. Have a great rest of the week!

Thomas

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