

PUBLICATION

Need Help with C-TPAT Certification?

May 19, 2010

Customs-Trade Partnership Against Terrorism (C-TPAT) is a government program through Customs and Border Protection (CBP). The program allows shipping companies to reduce the number of CBP inspections, and allows for priority processing at those inspections, for companies that have the required safeguards and protections over their shipments and personnel. Although C-TPAT is a voluntary program, suppliers and customers have steadily come to demand participation, and it has quickly become the standard.

Achieving certification from the Department of Homeland Security (DHS) is not easy. DHS rejects many applicants because the companies do not appear to understand that the program is geared towards addressing past violations, and in turn often misinterpret the program goals. Companies must understand that any safeguard procedure or security incidents in their history will trigger a rejection if the company does not approach DHS with the right tone. DHS wants to see management involvement from the board level down, along with training and teamwork between everyone from the desk clerks to the drivers. Internal compliance procedures are also very important, and will be reviewed by DHS during the validation stage of C-TPAT.

Companies are strongly encouraged to consult legal counsel before applying for certification. While companies can apply for the C-TPAT certification themselves, those who are denied and then appeal the ruling can often take the wrong approach once more, and will be forced by DHS to wait years to reapply. Baker Donelson was recently successful in petitioning DHS to allow a trucking company to re-apply for C-TPAT approval after they were initially denied certification due to inadequate safeguards and security procedures related to trucks transporting goods into the U.S. from Mexico. Our guidance throughout the C-TPAT process, along with a reorganization and improvement of personnel screening, truck and facility security, internal compliance measures, and the client's swift implementation of our recommendations, saved them from a five-year waiting period for C-TPAT reapplication.