

Section 301 Exclusion Request Process: Filing Guidelines for Product-Specific Exclusion Requests

General summary: A product-specific exclusion request will be considered administrable only if the product description enables U.S. Customs and Border Protection (CBP) to consistently identify and correctly classify the covered product *at time of entry*. Therefore, requests should include detailed physical descriptions of the product, avoid ambiguous terms or clauses, and avoid descriptors that CBP cannot reasonably verify. Requests should also include an accurate reference to the 8-digit HTSUS subheading in which the product is classified.

Product-specific exclusion requests should contain the following:

- A comprehensive physical description of the product, including (but not limited to) its form, dimensions, weight, constituent material(s), and any unique physical features that can assist in distinguishing the product.
- If the product consists of two or more interconnected/intermixed components or materials, a description of how the components/materials are integrated, and in the case of metals of Chapters 72, 73, or 76 of the HTSUS, approximate content of all constituents.
- If the product consists of two or more wholly separate items (i.e., a set), precise descriptions of each item (i.e., form, quantity, size, weight, and value).
- If the product is a subsidiary component of a separate article, a description of how the component is connected to the separate article.
- If the product is a chemical falling under Chapter 29 of the HTSUS, a description and approximate content of all constituents and a reference number promulgated by the Chemical Abstracts Services (CAS).
- Proposed draft tariff language based on the above applicable characteristics.

Product-specific exclusion requests should not contain the following:

- A product description based largely or entirely on the product's intended end-use, particularly where this cannot be reasonably verified (e.g., "screws for use in furniture," "floor polishers to be used in schools").
- References to trade names or colloquial terminology (e.g., "beanie" in lieu of "headwear").

- Subjective terms (e.g., “colorful,” “large,” “soft”) or comparative/superlative terms (e.g., “normal-sized”).
- Criteria which cannot be reasonably verified by CBP *at the time of entry* (e.g., exact thread counts, manufacturing process for the product, the particular function of a semiconductor or integrated circuit).
- Certification or labeling requirements.

Additional Tips for Drafting Requests

- A correct reference to the product’s 8-digit HTSUS subheading must be included. Prior CBP rulings on similar products, searchable within the Customs Rulings Online Search System at <https://rulings.cbp.gov>, may be instructive for this purpose.
- If CBP has issued a ruling concerning the exact product for which the exclusion is requested, or on a substantially similar product, the ruling’s reference number should be provided. This will assist in confirming the accuracy of the 8-digit HTSUS subheading cited.
- Prior CBP rulings may also be helpful in formulating product descriptions. However, prior rulings should not be considered binding as to whether a particular descriptor is administrable by CBP.
- Additionally, the HTSUS itself should be consulted for guidance on drafting style. Proposed tariff language will ideally model the style and format of existing HTSUS provisions.