

International Trade Today

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USTR COVID-19 Docket Seen as New Chance for Section 301 Exclusions

USTR | 15 Apr 2020 | Ref: 2004150041 | by [Mara Lee](#)

A lawyer with Crowell & Moring encouraged importers to apply for a Section 301 exclusion, even if their products aren't primarily used inside hospitals, and even if they were rejected in a previous round. Maria Vanikiotis said on a webinar April 15 that reflective triangles used to direct traffic were identified as needed to fight COVID-19 by the Office of the U.S. Trade Representative even before the office opened a docket for more requests. "We feel there's also quite a bit of room for creativity and what products may be considered relevant," she said, including products that are used by remote workers, such as computer docks. "Shelf stable food products also could be within scope," she said. "Essentially, there's no risk for making an argument."

She warned that companies will not get decision memos this time, so they will need to keep an eye on the docket. There have been 569 comments filed as of April 13, she said.

Lawyers from the firm covered many aspects of how coronavirus is affecting trade. They said there has been an uptick in CBP detentions of imports of products controlled by the FDA due to incorrect declarations on entry paperwork. While the fact that many CBP officials are working from home has led to a lag in responses -- they said about 24 hours -- they said CSMS messages have been very good.

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