

## Tariff No. 1

This tariff dated April 1, 2017  
supersedes all previous editions of this  
tariff.

# TITLE PAGE

BC/CAL/KAL INLAND PORT DEVELOPMENT CORPORATION

(Administrator)

Tariff No. 1

RATES, CHARGES, RULES AND REGULATIONS

Applying at

FOREIGN-TRADE ZONE NO. 43

Port of Battle Creek, Michigan

Operating under granted authority of the  
United States Foreign-Trade Zones Board  
to the City of Battle Creek

FOREIGN-TRADE ZONE NO. 43  
PORT OF BATTLE CREEK  
TARIFF NO. 1

# ADMINISTRATIVE ORGANIZATION

FOREIGN-TRADE ZONE NO. 43

TARIFF NO. 1

CITY OF BATTLE CREEK, MICHIGAN

(Grantee)

BC/CAL/KAL INLAND PORT DEVELOPMENT CORPORATION

(Administrator)

LOCATED AT:

The  
Frederick R. Brydges Customs Cargo Center  
4950 West Dickman Road  
Fort Custer Industrial Park  
Battle Creek, Michigan 49037

BC/CAL/KAL Inland Port Development Corporation

Phone: 269.962.7526

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## POLICY

### FOREIGN-TRADE ZONE NO. 43

Foreign-Trade Zone No. 43 operates in accordance with public utility requirements. Organized under the Alternative Site Framework, the service area of FTZ No. 43 includes the Michigan counties of Allegan, Barry, Berrien, Branch, Calhoun, Cass, Clinton, Hillsdale, Ionia, Kalamazoo, Jackson, Ottawa, St. Joseph, and Van Buren. All rates and charges for all services or privileges within the Zone shall be fair and reasonable and the administrator shall afford to all who may apply for the use of the Zone and its facilities and appurtenances uniform treatment under like conditions, subject to such treaties or commercial conventions as are now in force or may hereafter be made from time to time by the United States with foreign governments.

Copies of this tariff are freely available and posted on the website of the Foreign-Trade Zones Board, Washington, D.C. [www.trade.gov/ftz](http://www.trade.gov/ftz) and at [www.bcunlimited.org](http://www.bcunlimited.org). A complete copy of the zone schedule is also available for public inspection at no cost from the zone administrator BC CAL KAL Inland Port Development Corporation, with an office in the Customs Cargo Center at the Port of Battle Creek in Fort Custer Industrial Park, 4950 West Dickman Road, Battle Creek, Michigan, or at the offices of FTZ 43 public warehouse manager Russell A. Farrow (US) Inc., located at 4950 West Dickman Road, Battle Creek, Michigan.

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ABBREVIATIONS AND SYMBOLS

¢	.....	Cents (U.S.)
\$	.....	Dollars (U.S.)
#	.....	Change, clarification, reword
#+	.....	Change, increase
#-	.....	Change, reduction
+	.....	New Item
-	.....	Deletion
R	.....	Reissued matter
%	.....	Percent
Art	.....	Article
Bbl	.....	Barrel
Bdle	.....	Bundle
C/L	.....	Carload
C.O.D.	.....	Cash on Delivery
Crt	.....	Crate
Cs.	.....	Case
Ctn.	.....	Carton
Cu. Ft.	.....	Cubic feet or cubic foot
Cwt.	.....	100 pounds
Ea.	.....	Each
E.g.	.....	For example
Etc.	.....	Et cetera
F.F.	.....	Folded flat
Gal.	.....	Gallon
Incl.	.....	Inclusive
K.D.	.....	Knocked down
Lbs.	.....	Pounds
L.C.L.	.....	Less-than-Carload
L.T.L.	.....	Less-than-Truckload
No.	.....	Number
N.O.S.	.....	Not Otherwise Specified
N.S.P.F.	.....	Not Specifically Provided For
Par.	.....	Paragraph
Pc.	.....	Piece
Pkg.	.....	Package
Qt.	.....	Quart
Sec.	.....	Section
Sq. Ft.	.....	Square feet or square foot
SU.	.....	Set up
T/L	.....	Truckload
T.S.U.S.A.	.....	Tariff Schedules of the United States Annotated
U.S.	.....	United States
Yd.	.....	Yard



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## DEFINITION OF TERMS

**ACT.** -- The Foreign-Trade Zones Act of 1934, as amended.

**SECRETARY.** -- The term "Secretary" means the Secretary of Commerce.

**BOARD.** -- The Foreign-Trade Zones Board created by the ACT to carry out the provisions thereof. The Board shall consist of the Secretary of Commerce, who shall be the chairman and executive officer, and the Secretary of the Treasury, or their designated alternates.

**ZONE.** -- The term "Zone" means a "foreign-trade zone" and/or Foreign-Trade Zone No. 43.

**SUBZONE.** -- The term "Subzone" means a special purpose zone established as an adjunct to a zone project for a limited purpose.

**PORT DIRECTOR.** -- The Port Director of the U.S. Customs and Border Protection Service Port of Battle Creek.

**ALTERNATIVE SITE FRAMEWORK (ASF)** -- An optional approach to designation and management of Zone Sites allowing greater flexibility and responsiveness to serve single-Operator/User locations. The ASF was adopted by the Board as a matter of practice in December 2008 (74 FR 1170, January 12, 2009; correction 74 FR 3987, January 22, 2009) and modified by the Board in November 2010 (75 FR 71069, November 22, 2010).

**GRANTEE.** -- The City of Battle Creek to which the privileges of establishing, operating and maintaining Foreign-Trade Zone No. 43 have been granted.

**ZONE ADMINISTRATOR** -- BC/CAL/KAL Inland Port Development Corporation, an agency of the City of Battle Creek is the administrator of Foreign-Trade Zone No. 43.

**USER/CLIENT.** -- An individual, company or corporation utilizing the services and facilities of Foreign-Trade Zone No. 43.

**CUSTOMS TERRITORY.** -- The territory of the United States in which the general tariff law of the United States applies but which is not included in any foreign-trade zone.

**UNITED STATES.** -- The several States, the District of Columbia, and Puerto Rico. The term "United States" includes all territories and possessions of the United States, except the Virgin Islands, American Samoa, Wake Island, Midway Islands, Kingman Reef, and the Island of Guam.

**FOREIGN MERCHANDISE.** -- Imported merchandise of every description (except articles specifically and absolutely prohibited by statute) which has not been properly released from Customs custody into Customs territory.

**DOMESTIC MERCHANDISE.** -- Merchandise of every description (except articles specifically and absolutely prohibited by statute) which has been (1) grown, produced, or manufactured in the United States and on which all internal taxes have been paid or (2) previously imported into Customs territory and properly released from Customs custody on which duty and tax has been paid or which was previously entered free of duty and tax.

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DEFINITION OF TERMS (cont.)

**CONDITIONALLY ADMISSIBLE MERCHANDISE.** -- Merchandise which may be imported into the United States under certain conditions. Merchandise which is subject to permits or licenses, or which may be reconditioned to bring it into compliance with the laws administered by various Federal agencies is an example of conditionally admissible merchandise.

**PROHIBITED MERCHANDISE.** -- Merchandise, the importation of which, is prohibited by law on grounds of public policy or morals, or any merchandise which is excluded from a zone by order of the Board. Books urging treason or insurrection against the United States, obscene pictures, and lottery tickets are examples of prohibited merchandise.

**ZONE STATUS.** -- That designation applied for on Customs Form 214 for merchandise admitted to a zone, i.e. non-privileged foreign, privileged foreign, zone restricted or domestic. Zone status determines the manner in which merchandise shall be classified, appraised and handled.

**PRIVILEGED FOREIGN MERCHANDISE.** -- Foreign merchandise which has not been manipulated or manufactured so as to effect a change in tariff classification and which is subject to tariff classification according to its character, condition and quantity at the rate of duty and tax in force on the date of filing application on Customs Form 214. Privileged foreign status may not be abandoned and remains applicable even if the merchandise is changed in form by manipulation or manufacture.

**ZONE RESTRICTED MERCHANDISE.** -- Foreign or domestic merchandise taken into a zone for the sole purpose of exportation, destruction (except destruction of distilled spirits, wines and fermented malt liquors), or storage prior to exportation or destruction. Zone restricted status may be requested at the time of admittance to a zone or at any time thereafter, but may not be abandoned once granted. Zone restricted merchandise may only be returned to Customs territory for domestic consumption where the Board determines the return to be in the public interest.

**NON-PRIVILEGED FOREIGN MERCHANDISE.** -- (1) Foreign merchandise properly in a zone which does not have the status of (a) privileged foreign merchandise or (b) zone restricted merchandise; (2) waste recovered from any manipulation or manufacture of privileged foreign merchandise; or (3) domestic merchandise in a zone which by reason of noncompliance with the regulations has lost its identity as domestic merchandise.

**IMPORTS.** -- Foreign merchandise of every description (except articles specifically and absolutely prohibited by statute) entered into Customs territory to become a part of the domestic supply for the purpose of domestic commerce or consumption, and particularly that which is entered into Customs territory through a zone and foreign merchandise which, under the laws and regulations of various other Federal agencies having jurisdiction within a zone, is said to be "imported" into a foreign-trade zone, Customs bonded warehouse, or Customs custody. This latter merchandise, in relation to operation of a zone, is considered to be foreign merchandise until its entry into the commerce of the United States.

DEFINITION OF TERMS (cont.)

**DOMESTIC EXPORTS.** -- Domestic merchandise exported from the United States and particularly such merchandise exported through a foreign-trade zone. It includes merchandise of every description (except articles specifically and absolutely prohibited by statute) which has been (1) grown, produced or manufactured in the United States and not exported therefrom, or (2) previously imported into Customs territory and properly released from Customs custody.

For the purposes of marking and labeling, it includes (1) the product of manipulation or manufacture in a zone in which only privileged domestic merchandise is used, (2) the product of manipulation or manufacture in a zone in which there is a mixture of foreign and domestic merchandise which results in a change in form or nature of the commodities, and in which the domestic merchandise consists of a component part or parts or a substantial portion of the finished product, and (3) foreign merchandise which by manipulation or manufacture in a zone has been so changed in form and nature or enhanced in value that the product is deemed to be one of domestic manufacture.

**IN-TRANSIT MERCHANDISE.** -- The term "in-transit merchandise" includes all foreign merchandise transported into and out of the United States, whether in and out of the same port or across the country to another port, with or without transshipment, warehousing, breaking bulk, or change in mode of transportation, which originated in one foreign country and is destined at the same time of the original shipment to another foreign country, under a through bill of lading or other documentation for a completed journey. The term is particularly applied to foreign merchandise shipped in-transit through a foreign-trade zone.

**RE-EXPORTS OR RE-SHIPMENTS.** -- Merchandise from one foreign country initially destined to the United States which, after being unladen, stored and/or manipulated or manufactured in this country, is transported under a new bill of lading or other new documentation to another foreign country. The term is particularly applied to re-exports or re-shipments through a foreign trade zone.

It includes privileged, non-privileged, or zone-restricted foreign merchandise which (1) is in the same condition as when transported into the United States, or (2) has been manipulated without any change in its form or nature, or (3) has been manipulated or processed in such manner as to change its form, whether or not mixed with domestic merchandise, provided the domestic merchandise is not a component part or substantial ingredient thereof.

Generally, it includes all merchandise of foreign origin which has not been so manipulated or manufactured as to be deemed a product of the United States and which has not been released from Customs custody into Customs territory.

**TRANSSHIPMENT MERCHANDISE.** -- Foreign merchandise which enters and leaves the United States through the same port, being transferred from one vessel to another directly, or by way of a foreign-trade zone or Customs bonded warehouse. The term is particularly applied to such merchandise transferred through a foreign-trade zone.

DEFINITION OF TERMS (cont.)

**ZONE LOT.** -- A unit or units of merchandise maintained under an inventory control method based on specific identification of merchandise admitted to a zone by lot.

**ZONE LOT NUMBER.** -- The sequential controlled number assigned to a zone lot.

**UNIQUE IDENTIFIER** -- The numbers, letters, or combination of numbers and letters that identify merchandise admitted to a zone with zone status.

**BULK.** -- In trade, a product, or a mass (of a product) which is not packaged, bundled, bottled or otherwise packed, so that it is designated as bulk or bulk merchandise.

**WAREHOUSE.** -- A covered and enclosed structure, affording weather protection, used primarily for short-or long-term storage of merchandise, and often containing business offices. In a foreign-trade zone it also is used for manipulation, manufacture, and exhibition of merchandise.

**STORAGE.** -- The keeping of merchandise in or upon the premises within the foreign-trade zone. Covered storage means keeping within a covered and enclosed structure affording weather protection. The term "storage," without other designation, ordinarily implies covered storage.

**UNIT OF QUANTITY.** -- Means the customary grouping of a commodity as a unit to indicate the medium or method of measure.

**QUANTITY.** -- Means the numerical count of the units composing a shipment of commodity.

**TON.** -- Means weight ton of 2,000 pounds, unless otherwise indicated, measurement ton 40 cubic feet.

**WEIGHT.** -- Means the gross weight of the merchandise including container, except as noted to the contrary.

**MANIPULATION.** -- Means breaking up, re-packing, assembling, distributing, sorting, grading, cleaning, mixing with foreign or domestic merchandise, or other processing which does not constitute a manufacture.

**LEASE.** -- The document of agreement entered into between the Administrator and User/Client for assignment of space within Foreign-Trade Zone No. 43.

**PERSON OF RECORD.** -- The person, firm or corporation in whose name the application to admit merchandise into the Zone (Customs Form 214) is made, recognized by the Zone grantee as having the legal right to make the application. Evidence of this right of the applicant is the same as would be required to establish the right to apply for release of the merchandise from Customs custody at the end of its transit through Customs

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DEFINITION OF TERMS (concluded)

territory, and usually consists of an original bill of lading in the name of the applicant, an original bill of lading endorsed to him, or a carrier's certificate.

FOREIGN-TRADE ZONE CUSTOMS FORMS. --

Customs Form 214 - Application for Foreign-Trade Zone Admission and/or Status Designation.

Customs Form 214A - Bureau of Census statistical copy.

Customs Form 216 - Application for Foreign-Trade Zone Activity Permit. Required for any activity which in any way alters merchandise in a zone, including but not limited to manipulation, manufacture, destruction or exhibition.

Customs Form 7512 - Transportation Entry & Manifest of Goods.

Customs Form 7512C - Transportation Entry & Manifest of Goods Control Card.

Customs Form 7501 - Consumption Entry.

Customs Form 3461 - Entry/Immediate Delivery.

Customs Form 5931 - Discrepancy Report and Declaration.

**HOLIDAYS.** -- Those legal holidays during which the Zone is closed for regular business:

*New Year's Day	1st of January
*Martin Luther King Jr. Day	3rd Monday in January
*Washington's Birthday (President's Day)	3rd Monday in February
*Memorial Day	Last Monday in May
*Independence Day	4th of July
*Labor Day	1st Monday in September
*Columbus Day	2nd Monday in October
*Veteran's Day	11th of November
*Thanksgiving Day	4th Thursday in November
Friday after Thanksgiving	4th Friday in November
Half-Day Christmas Eve	24th of December
*Christmas	25th of December

\*Federal holidays observed by U. S. Customs

Note: These proposed days are subject to change.

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DEFINITION AND PRIVILEGES OF FOREIGN-TRADE ZONES

Within the Regulations governing the establishment, operation, maintenance, and administration of Foreign-Trade Zones in the United States, the term "Zone" means a "foreign-trade zone." It is an isolated, enclosed and policed area, operated as a public utility, in or adjacent to a port of entry, furnished with facilities for lading, unloading, handling, storing, manipulating, manufacturing, and exhibiting goods, and for re-shipping them by land, water or air. Any foreign and domestic merchandise, except such as is prohibited by law or such as the Board may order to be excluded as detrimental to the public interest, health, or safety, may be brought into a zone without being subject to the Customs laws of the United States governing the entry of goods or the payment of duty thereon; and such merchandise permitted in a zone may be stored, exhibited, manufactured, mixed or manipulated in any manner, except as provided in the Act and other applicable laws or regulations. The merchandise may be exported, destroyed, or sent into Customs territory from the Zone, in the original package or otherwise. It is subject to Customs duties if sent into Customs territory, but not if re-shipped to foreign points.

Section 3 of the Act, Public Law 397, 73rd Congress, approved June 18, 1934, as amended by Public Law 566, 81st Congress, approved June 17, 1950, authorizes the following privileges:

"Foreign and domestic merchandise of every description except such as is prohibited by law, may, without being subject to the Customs laws of the United States, except as otherwise provided in this Act, be brought into a zone and may be stored, exhibited, broken up, repacked, assembled, distributed, sorted, graded, cleaned, mixed with foreign or domestic merchandise, or otherwise manipulated, or be manufactured except as otherwise provided in this Act, and be exported, destroyed, or sent into Customs territory of the United States therefrom, in the original package or otherwise; but when foreign merchandise is so sent from a zone into Customs territory of the United States it shall be subject to the laws and regulations of the United States affecting imported merchandise;

Provided, that whenever the privilege shall be requested and there has been no manipulation or manufacture effecting a change in tariff classification, the collector of customs shall take under supervision any lot or part of a lot of duties liquidated thereon. Merchandise so taken under supervision may be stored, manipulated or manufactured under the supervision and regulations prescribed by the Secretary of the Treasury, be exported or destroyed, or may be sent into Customs territory upon the payment of such liquidated duties and determined taxes there on;

If merchandise so taken under supervision has been manipulated or manufactured, such duties and taxes shall be payable on the quantity of such foreign merchandise used in the manipulation or manufacture of the entered article. Allowance shall be dutiable and taxable in its condition and quantity and at its weight at the time of entry. Where two or more products result from the manipulation or manufacture of merchandise in a zone, the liquidated duties and determined taxes shall be distributed to the several products in accordance with their relative value at the time of separation with due allowance for waste as provided for above;

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DEFINITION AND PRIVILEGES OF FOREIGN-TRADE ZONES (continued)

Provided further, that subject to such regulations respecting identity and the safeguarding of the revenue as the Secretary of the Treasury may deem necessary, articles, the growth, product, or manufacture of the United States, on which all internal revenue taxes have been paid, or which have been admitted free of duty and tax, may be taken into a zone from the Customs territory of the United States, placed under the supervision of the collector, and whether or not they have been combined with or made part, while in such zone, of other articles, may be brought back thereto free of quotas, duty, or tax;

Provided further, that if in the opinion of the Secretary of the Treasury their identity has been lost, such articles not entitled to free entry by reason of noncompliance with the requirements made hereunder by the Secretary of the Treasury shall be treated when they re-enter Customs territory of the United States as foreign merchandise under the provisions of the tariff and internal revenue laws in force at that time;

Provided further, that under the rules and regulations of the controlling Federal agencies, articles which have been taken into a zone from Customs territory for the sole purpose of exportation, destruction (except destruction of distilled spirits, wines and fermented malt liquors), or storage shall be considered to be exported for the purpose of:

(a) the draw-back, warehousing and bonding, or any other provisions of the Tariff Act of 1930, as amended, and the regulations thereunder; and

(b) the statutes and bonds exacted for the payment of draw-back, refund or exemption from liability for internal revenue taxes and for the purposes of the internal revenue laws generally and the regulations thereunder.

Such transfer may also be considered an exportation for the purposes of other Federal laws insofar as Federal agencies charged with the enforcement of those laws deem it advisable. Such articles may not be returned to Customs territory for domestic consumption except where the Foreign-Trade Zones Board deems such return to be in the public interest, in which event the article shall be subject to the provisions of paragraph 1615 (F) of the Tariff Act of 1930 as amended;

Provided Further, that no operation involving any foreign or domestic merchandise brought into a zone which operation would be subject to any provision or provisions of section 1807, chapter 15, chapter 16, chapter 17, chapter 21, chapter 23, chapter 24, chapter 25, chapter 26 or chapter 32 of the Internal Revenue Code if performed in Customs territory, or involving the manufacture of any article provided for in paragraph 367 or paragraph 368 of the Tariff Act of 1930, shall be permitted in a zone except those operations (other than rectification of distilled spirits and wines, or the manufacturer or production of alcoholic products unfit for beverage purposes) which were permissible under this Act prior to July 1, 1949;

Provided further, that articles produced or manufactured in a zone and exported therefrom shall on subsequent importation into the Customs territory of the United States be subject to the import laws applicable to like articles manufactured in a foreign country with the use of domestic merchandise, the identity of which has been maintained in accordance with the second provision of this section, may, on such importation, be entered as American goods returned."

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DESCRIPTION OF FOREIGN-TRADE ZONE NO. 43

Pursuant to a Grant issued by the Foreign-Trade Zones Board, United States Department of Commerce, Washington, D.C. on October 19, 1978, to the City of Battle Creek, under Provisions of Public Law No. 397, 73rd Congress, approved June 19, 1934, as amended, Foreign-Trade Zone No. 43 has issued the following publication on rules, regulations and Tariff rates.

Foreign-Trade Zone No. 43 is the property of the City of Battle Creek and is administered by BC/CAL/KAL Inland Port Development Corporation, a non-profit corporation, as a public utility under Foreign-Trade Zones Board Regulations.

The Zone has adequate electric, gas, water, waste disposal, communications and access to all modes of transportation. The Zone is equipped to provide general storage, manipulation, manufacturing and exhibition.

The Zone is bisected by five-lane Dickman Road (M-96) which connects with Federal Highway I-94 via Highway I-94BL located at a distance of 1.5 miles. Trucks may be loaded and unloaded at truck-bed-height dock doors serving each lease area of the Zone. Adequate paved areas are provided for truck circulation and parking as well as for trailer storage.

Rail sidings connect a main line between Detroit and Chicago. Rail cars may be loaded and unloaded directly within the Zone and warehouse area within the building on car-floor height rail platforms. The interior rail pit of the Frederick R. Brydges Customs Cargo Center public warehouse, at 4950 West Dickman Road, has been temporarily covered over to allow for additional manufacturing/assembly line and storage space. The rail can be uncovered to meet the need for rail access.

Air service is available at Kellogg Regional Airport (1.8 miles), which has landing capability for 747 (Double Dual-Tandem wheels) freight aircraft of 900,000-pound capacity. The longest runway has been expanded to 10,000 ft. with a 1,000 ft. overrun.

Reorganized on December 7, 2012 under the Alternative Site Framework, FTZ 43 includes the counties of Allegan, Barry, Berrien, Branch, Calhoun, Cass, Clinton, Eaton, Ingham, Ionia, Jackson, Kalamazoo, St. Joseph and Van Buren. Current designated sites include:

- FTZ 043 – Public warehouse located at 4950 West Dickman Road, Battle Creek, Calhoun County
- FTZ 043 – Silver Foam Distributing
- Subzone 043B – Mead Johnson & Company, LLC
- Subzone 043C – Abbott Labs
- Subzone 043D – Perrigo Company
- Subzone 043E – Pfizer Inc.

Subzone and Usage Driven Sites:

- On March 20, 1984 the Foreign-Trade Zones Board approved application of the BC CAL KAL Inland Port Authority of South Central Michigan Development Corporation and the Louisville and Jefferson County Port Authority for Subzone Status for Clark Equipment Company plants in Springfield and Oshtemo, Michigan (FTZ 43 Subzone 43-A), and in Georgetown, Kentucky, Board Order 0244.
- On January 8, 1991 the Foreign-Trade Zones Board approved an expansion of FTZ 43 and authorized the expansion of FTZ 43 within Fort Custer Industrial Park, Board Order 0496.



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- On August 27, 1991 the Foreign-Trade Zones Board terminated Subzone 43-A; Board Order 0533.
- On January 10, 1992, The Foreign-Trade Zones Board authorized expansion of FTZ 43 to include a site in Zeeland Township, Ottawa County, adjacent to the Grand Rapids Customs Port of Entry; Board Order 0555.
- On January 10, 1992 the Foreign-Trade Zones Board authorized expansion of FTZ 43 to expand its general-purpose zone to include a site in Texas Township, Kalamazoo County, adjacent to the Battle Creek Customs port of entry; Board Order 0554.
- On January 10, 1992, the Foreign Trade Zones Board authorized FTZ 43-B, a subzone for the export-only manufacture of infant formula and adult nutritional supplement at 725 East Main Street in Zeeland, Ottawa County, Michigan; Board Order 0557.
- On February 4, 1992 the Foreign-Trades Zones Board made the correction to FTZ 43-B to the January 10, 1992 Order, inserting the heading “Grant of Authority for Subzone Status at the Mead Johnson & Company Facilities in Zeeland, Michigan.”
- On May 31, 1994 the Foreign-Trade Zones Board approved Export Processing Activity Dane Company, Inc. within FTZ 43 in Battle Creek to process under zone procedures, foreign-origin sugar and foreign-origin dairy products for export(1,500 metric tons annually); Board Order 0692.
- On October 24, 1995 the Foreign-Trade Zones Board approved export manufacturing activity for Lotte U.S.A., Inc. (chewing gum) within FTZ 43 in Battle Creek; Board Order 0778.
- On July 2, 1997 the Foreign-Trade Zones Board authorized FTZ 43 to expand its general purpose zone to include a site at the facilities of Honee Bear Division, Packers Canning, Inc., Lawton, Van Buren County adjacent to the Battle Creek Customs port of entry; Board Order 0898.
- On July 30, 1997, the Foreign Trade Zones Board authorized Subzone status for Abbott Manufacturing, Inc. FTZ 43-C for the export only manufacture of infant formula and adult nutritional supplement at 700 West Lafayette Avenue, Sturgis, St. Joseph County, Michigan; Board Order 0901.
- On July 30, 1997 the Foreign-Trade Zones Board authorized expansion of FTZ 43 to include a site at the St. Joseph River Harbor Development Area, Benton Harbor, Berrien County; Board Order 0897.
- On April 21, 2004, the Foreign Trade Zones Board authorized Subzone FTZ 43-D, for Perrigo Company pharmaceutical manufacturing at 655 Hooker Road and 502 Eastern Avenue, Allegan, Allegan County, Michigan; Board Order 1326. Minor boundary modification approved May 16, 2014.
- On September 18, 2006, the Foreign Trade Zones Board authorized FTZ 43-E for pharmaceutical products manufacturing for Pfizer, Inc. at 2605 East Kilgore Road, Kalamazoo, Kalamazoo County, Michigan; Board Order 1478.
- On November 12, 2010, the Foreign Trade Zones Board approved an indefinite extension of a temporary minor modification for 50,000 square feet of general purpose zone activity to 1609 Parnell Road, Jackson, Michigan. Minor boundary modifications approved May 6, 2013; July 23, 2013; December 2, 2013.

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- On December 7, 2012 the Foreign Trade Zones Board approved reorganization of FTZ No. 43 under the Alternative Site Framework to include the counties of Allegan, Barry, Berrien, Branch, Calhoun, Cass, Clinton, Eaton, Ingham, Ionia, Jackson, Kalamazoo, St. Joseph and Van Buren; Board Order 1870.
- On May 16, 2014 the Foreign-Trade Zones Board approved a minor boundary modification of Subzone 43D on behalf of Perrigo Company, removing existing Site 3 (11.95 acres) from Subzone 43D at the end of a temporary transition period (June 30, 2014) and adding 9 acres (Site 4 of SZ 43D) at 1451 Lincoln Road, Suite 200, Holland, Allegan County.
- On February 9, 2015 the Foreign-Trade Zones Board approved adding a building (0.5 acres) to an existing usage-driven site (Site 8, Silver Foam Distributing Company). The additional building is located at 1601 Parnall Road in Jackson, Jackson County. Site 8 will now consist of three buildings on 2.75 acres. As part of this action, Site 9, which had included the building located at 1601 Parnall Road will be removed from the zone. This change will not result in an expansion of the scope of authorized zone activity.
- On April 10, 2015 the Foreign-Trade Zones Board approved a minor boundary modification for Subzone Number 43B, Mead Johnson Nutritionals.

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DESCRIPTION OF FOREIGN-TRADE ZONE NO. 43 (cont.)

Foreign Trade Zone 43 is a general purpose zone, which permits warehousing, repackaging, re-labeling, inspections, demonstrations, exhibitions, and assembly. Companies interested in manufacturing under zone procedures apply for manufacturing authority or a subzone.

In order to comply with the terms of the grant and the requirements of the United States Customs Service, companies wishing to operate under zone procedures should be prepared to do the following:

1. Install a system of security control. There are no uniform standards as to what security control systems should be, however, the applicant company should be prepared to demonstrate to U.S. Customs that intrusions into the secured area will be detected and handled.

a) companies should prepare a list of employees who would have access to the area as U.S. Customs will wish to run background checks on such employees. Although some interpretation and flexibility is afforded U.S. Customs in such matter, current U.S. Customs regulations indicate that a customhouse broker, bonded carrier, bonded warehouse operator, and Foreign Trade Zone operator may not station convicted felons in secured areas.

2. Be able to demonstrate an adequate system of inventory control to U.S. Customs. Companies should be prepared to show the Customs Service how they can and will account for materials which will eventually enter the Customs territory. A system of electronic interface may be required by the U.S. Customs Service. If a company has capability to do so initially, it would be well-advised to do so. Companies should be prepared to demonstrate to Customs the inventory control system prior to activation of zone procedures. Unannounced visits by Customs may also require demonstration of the inventory control system.

3. Secure a bond from an Insurance provider. Companies must obtain a bond adequate enough to cover the value to the merchandise in the secured area at all times. Basically, the bond will commit to the U.S. Customs Service that all due and appropriate duties will be paid on merchandise which leaves the secured area. Evidence of the bond will be provided to the zone operator, the administrator, and to Customs.

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**RATES AND CHARGES FOR FOREIGN-TRADE ZONE SUBZONES AND USAGE DRIVEN SITES**

1. **Preparation of Application:** Applications may be prepared by Zone Administrator for a fee of \$1,000.00. Companies may develop their own applications if they choose, or if the complexity of the circumstances requires the expertise of a skilled consultant.
2. **U.S. Customs bond:** In a value assigned by Customs and Border Protection at the Port of Battle Creek. The Foreign Trade Zone user will provide a letter holding the City of Battle Creek and the BC/CAL/KAL Inland Port Development Corporation harmless from any liability claims or punitive measures imposed by the U.S. Customs Service.
3. **Activated sites including Subzones, Usage Driven sites, and production, warehouse or distribution sites in the Fort Custer Industrial Park magnet site:** SUBZONE/USAGE DRIVEN/FORT CUSTER INDUSTRIAL PARK OPERATOR agrees to pay to ZONE ADMINISTRATOR an annual fee in the amount of \$10,000.00 for the reasonable expenses incurred by ZONE ADMINISTRATOR attributable to the supervision of the Site, payable on the date of activation of the Site and on the anniversary date thereof for each subsequent year.

SUBZONE/USAGE DRIVEN/FORT CUSTER INDUSTRIAL PARK OPERATOR sites which have been activated and remain active but for one year or more do not admit FTZ status merchandise and are not utilizing the site for FTZ-related purposes will pay ZONE ADMINISTRATOR an annual fee of \$1,500.00, payable on the annual payment date for reasonable expenses incurred by ZONE ADMINISTRATOR.

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#### APPLICATION OF TARIFF

**APPLICATION OF FOREIGN-TRADE ZONE NO. 43 TARIFF.** -- The rates, rules and regulations of this Tariff shall apply at Foreign-Trade Zone No. 43, its Subzones and Usage Driven sites unless otherwise provided for.

**GENERAL REGULATIONS.** -- Foreign-Trade Zone No. 43 is regulated by the Foreign-Trade Zones Board, Washington, D.C. under Code of Federal Regulations, Chapter IV, Part 400. Copies of these regulations are maintained at the Foreign-Trade Zone No. 43 office for reference.

**UNITED STATES CUSTOMS REGULATIONS.** -- Foreign-Trade Zone No. 43 is subject to special Customs regulations as defined in U.S. Code of Federal Regulations, Chapter I, U.S. Customs, Part 146 - Foreign-Trade Zones. Copies of these regulations are maintained at the office of Foreign-Trade Zone No. 43 for reference of all persons and entities doing business with it.

**APPLICATION AND INTERPRETATION OF TARIFF.** -- The Administrator shall be the sole judge to interpret and determine the applicability of any of the rates, rules, regulations or services provided for in this Tariff. However, any matter involving interpretation or action by U.S. Customs or any other agency of the U.S. Government will be determined by the Port Director or his duly appointed representative.

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SECTION I. -- OPERATION OF ZONE

**OPERATIONS, FORMS AND PROCEDURES - GENERAL.** -- The merchandise and operations permitted in a zone, the disposition of merchandise in a zone, the zone status of the merchandise and special provisions applicable to each status, the subsequent export-importation of merchandise removed from a zone, and other operations in a zone authorized by the Act, are hereinafter in this Section generally described. The Customs Forms required for such activities are available upon request from the Zone Operator.

**MERCHANDISE PERMITTED IN A ZONE.** -- Foreign and domestic merchandise of every description, except as is specifically prohibited by law, may, without being subject to the Customs laws of the United States, except as otherwise provided in the Act and the regulations made thereunder, be brought into a zone.

(a) Merchandise which is specifically and absolutely prohibited by law shall not be admitted into a zone. Any merchandise so prohibited by law which is found within a zone shall be disposed of in the manner provided for in laws and regulations applicable to such merchandise. A distinction is made between (1) merchandise which is specifically and absolutely prohibited by law on the grounds of policy and morals, such as immoral or subversive literature, obscene articles, or lottery matter, and (2) merchandise which is subject to conditional prohibition only, for example, articles which are subject to permits or licenses for the protection of economic or national security or which may be reconditioned to bring them into compliance with the laws administered by various Federal agencies. Port Director is required to exclude the first class of articles and may not permit them to be transferred to a zone if they are aware of their prohibited status, except that the Director may permit the temporary deposit of any such merchandise in a zone pending final determination of its status. The transfer of articles of the second class to a zone is subject to any requirements of the Federal agency concerned. There is no prohibition against placing over-quota merchandise in a zone pending its right to transfer to Customs territory pursuant to the applicable quota provisions.

(b) The application for the admission of merchandise, into a zone shall be approved or disapproved by the Director as the representative of the Board, where the merchandise is not excluded by any other Federal agency having jurisdiction over the merchandise.

**APPLICATION AND PERMIT FOR ADMISSION OF MERCHANDISE.** -- Merchandise may only be admitted to a zone upon application on a Customs Form 214 by the applicant having right to make entry and the issuance of a permit from the Port Director. Exceptions to this requirement are for merchandise temporarily\arily deposited in a zone or transiting a zone. Domestic status merchandise, including packing and repair material may be admitted to a zone without application or permit except: (1) when it is mixed or combined with merchandise in another zone status, or (2) upon order of the Commissioner of Customs.

**DISPOSITION OF MERCHANDISE IN A ZONE.**-- In general, merchandise lawfully brought into a zone may, in accordance with these and other regulations made under the provisions of the Act, be exported, destroyed, or sent into Customs territory of the United States there from, in the original package or otherwise; but when foreign merchandise, and domestic merchandise whose identity has been lost, is so sent from a zone into Customs territory of the United States it will be treated as foreign merchandise. Any domestic merchandise will be considered to have lost its identity if the Port Director determines that it cannot be identified positively by a Customs officer as domestic merchandise on the basis of an examination of the articles or consideration of any proof that may be submitted by a party-in-interest.

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SECTION I. -- OPERATION OF ZONE (cont.)

**MANIPULATION, MANUFACTURE, EXHIBITION, DESTRUCTION OF MERCHANDISE.**

-- In general, merchandise lawfully brought into a zone may, in accordance with these and other regulations made under the provisions of the Act, be stored, sold, exhibited, broken up, re-packed, assembled, distributed, sorted, graded, cleaned, mixed with foreign and domestic merchandise, or otherwise manipulated, or be manufactured, or destroyed except as otherwise provided by the Act.

(a) Permission for any manipulation, manufacture, exhibition or destruction in a zone shall be obtained from the Port Director. Destruction of merchandise may be permitted outside a zone, in whole or in part and under such conditions necessary to protect the revenues, if proper destruction cannot be accomplished within the zone.

(b) The Port Director shall approve the application unless (1) the proposed operation would be in violation of law or regulation; (2) the place designated for the operation is not suitable for the preservation of identity or status of the merchandise, or safeguarding the revenues; (3) the Port Director is not satisfied that the destruction will be effective; or (4) the Executive Secretary of the Board has not granted approval of a new manufacturing operation.

(c) If an approved application is subsequently rescinded by the Port Director for any reason, the applicant or grantee may appeal the adverse ruling and request a hearing pursuant to Section 146.82(b)(2).

(d) The Port Director may approve a blanket application for a period of up to one year for a continuous or repetitive operation.

**STATUS OF MERCHANDISE IN A ZONE.** -- For the purposes of the Act and the regulations of this Section all merchandise within a zone shall be given a zone status as:

- (1) privileged foreign merchandise,
- (2) non-privileged foreign merchandise,
- (3) domestic merchandise,
- (4) zone-restricted merchandise,

in accordance with Subpart C of Customs regulations.

**USE OF ZONE BY CARRIERS.** -- The docking facilities and loading or unloading stations of a zone are intended primarily for the use of vehicles, for unloading merchandise into the zone or lading merchandise from the zone, and their use for other purposes may be terminated by the Secretary of the Treasury if found to endanger the revenue or by the Board if found to interfere with the primary uses of the zone.

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SECTION I. -- OPERATION OF ZONE (cont.)

**SUBSEQUENT IMPORTATION OF ZONE MERCHANDISE.** -- Articles produced or manufactured in a zone and exported therefrom shall, on subsequent importation into the Customs territory of the United States, be subject to the import laws applicable to like articles manufactured in a foreign country, except that articles produced or manufactured in a zone exclusively with the use of domestic merchandise, the identity of which has been maintained in accordance with the Second Proviso of Section 3 of the Act, as amended, may on such importation, be entered as American goods returned.

**EXCLUSION FROM ZONE OF GOODS OR PROCESS OF TREATMENT.** -- When it shall be reported to the Board that any goods or process of treatment is detrimental to the public interest, health, or safety, the Board shall cause such investigation to be made as it may deem necessary. The Board may order the exclusion from a zone of any goods or process of treatment that in its judgement is detrimental to the public interest, health or safety.

**RETAIL TRADE WITHIN ZONE.** -- No retail trade; sales or offers to sell goods or services to individuals for personal use, shall be conducted within a zone except under permits issued by the grantee and approved by the Board. Such permittees shall sell no goods except such domestic or duty paid or duty-free goods as are brought into a zone from Customs territory. Permits which are sent to the Board for approval shall be accompanied by a sworn statement, as specified in 15 CFR part 400, Foreign-Trade Zone Regulations or as provided in 19 U.S.C. 81o (d). No goods shall be offered for sale or sold in a zone which are not of the same kind and quality permitted to be offered for sale or sold in the political jurisdiction in which a zone is located. If the permittee violates any provisions of the regulations in this Section, his permit shall be revoked by the grantee, who shall immediately report such action to the Board. The Port Director may assess a fine of up to \$1,000 for each violation.

**ERECTION OF BUILDINGS WITHIN ZONE.** -- The grantee may, with the approval of the Board, and under reasonable and uniform regulations for like conditions and circumstances to be prescribed by it, permit other persons, firms, corporations or associations to erect such buildings and other structures within the Zone as will meet their particular requirements, provided: (a) that such permissions shall not constitute a vested right as against the United States, nor interfere with or complicate the revocation of the grant by the United States; (b) that in the event of the United States or the grantee desiring to acquire the property of the permittee, no good will shall be considered as accruing from the privilege granted to the Zone; and (c) that such permits shall not be granted on terms that conflict with the public use of the Zone as set forth in the Act; and provided further, that accepted sanitary practices be followed in the construction, equipment and operation of such buildings and other structures.



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SECTION I. -- OPERATION OF ZONE (concluded)

**RESIDENCE WITHIN ZONE.** -- No person shall be allowed to reside within a zone except Federal, State or municipal officers or agents whose resident presence is deemed necessary by the Board.

**HOURS OF BUSINESS AND SERVICE.** -- Hours of business and service, for Customs purposes, shall be the same as those prescribed in Customs regulations. Regular or normal business hours shall be between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday.

The Zone may be opened at other times, on an irregular or regular basis, upon application and with approval of the Operator and Customs Officials.

**EMPLOYEES AND PERSONS ENTERING AND LEAVING ZONE.** -- Employees and other persons entering or leaving the Zone shall pass through the designated entrances to the Zone. Employees and other persons shall be subject to such examination upon entering and leaving a zone as the Port Director may deem necessary for the protection of the revenue.

**ALL PERSONS ENTERING ZONE BOUND BY REGULATIONS.** -- All persons entering the Zone for any reason whatsoever shall be bound by the regulations promulgated by the Board, Customs and by the Operator of the Zone.

**IDENTIFICATION OF EMPLOYEES WITHIN ZONE.** -- Every employee within the Zone shall be required while within the Zone to carry identification cards or wear appropriate identification badges to be provided by the Operator of the Zone.

**IDENTIFICATION OF VISITORS AND NON-EMPLOYEE PERSONNEL WITHIN THE ZONE.** -- All persons having business within the Zone, but not possessing appropriate Zone-issued badges, passes or other approval to enter the Zone, shall apply for the appropriate approval and entry identification at the Zone Operator Office.

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SECTION II. -- GENERAL RULES AND REGULATIONS

**ZONE REGULATIONS.** -- The following rules governing procedures within Foreign-Trade Zone No. 43 are issued in conformity with and supplementary to the Foreign-Trade-Zones Board's regulations and such of the United States laws and regulations relating to the Port of Entry as are applicable to Foreign-Trade Zone operations.

**GENERAL REGULATIONS.** -- All persons and merchandise of every description entering or leaving Zone No. 43 for any purpose whatsoever shall be bound by the lawful regulations of the Foreign-Trade Zones Board and by the Zone regulations issued thereunder.

**GOVERNMENT AGENCIES.** -- All lawful regulations regarding government agencies in or about ports of entry must be complied with insofar as they are not in conflict with Public Law 397 of the 73rd Congress and the Regulations issued thereunder.

**COMPENSATION INSURANCE.** -- Every person employed by contractors or customers in the Zone shall be properly covered by Workmen's Compensation Insurance. Proof of this shall be furnished before any work may be started, or release of liability must be given to the Zone.

**PUBLIC INTEREST, HEALTH AND SAFETY.** -- No operation or process of treatment will be permitted in the Zone that, in the judgment of the Operator, is detrimental to the public interest, health and safety.

**CONFIDENTIAL RELATIONSHIP.** -- The Operator will take precaution to avoid the divulging of confidential information regarding merchandise and services thereon performed in the Zone. Any Zone employee violating this confidential relationship will be discharged immediately.

**ADMITTANCE OF PERSONS.** -- Persons desiring admittance to the Zone shall make application to a representative of the Operator. The pass issued must be worn or shown upon request. Upon leaving the Zone, any temporary pass must be surrendered, and any permanent pass must be shown to the representative of the Operator. All persons having business in the Zone will enter and leave at the prescribed entrance.

**CHARGES BY GOVERNMENT AGENCIES.** -- Charges made by government agencies other than the Foreign-Trade Zone Operator are not included in this Tariff and should be arranged by the owner or his agent with the government bureau concerned.

**MERCHANDISE ARRIVING AFTER HOURS.** -- Merchandise arriving after regular business hours may, by special arrangements with the Zone Operator, be placed in a designated location and received subject to special charges.

**WHEN CHARGES ARE PAYABLE.** -- Zone charges are due and payable as they accrue.

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SECTION II. -- GENERAL RULES AND REGULATIONS (cont.)

**MERCHANDISE HELD FOR CHARGES.** -- The Zone Operator reserves the right to withhold permission to withdraw merchandise from the Zone for users with unpaid charges for zone use.

**CHARGES, HOW ENFORCED.** -- For the purpose of enforcing the payment of charges named in this Tariff on merchandise handled over, stored, or manipulated on the Zone facilities, the Zone may take possession of such merchandise and may remove and store some at the charge, risk, and expense of the owner or consignee thereof and/or may sell the goods by public auction and/or pursue such other remedies as may be provided by law. Zone operator also reserves the right, in his discretion, to deny the use of zone facilities and/or services to any user until all outstanding delinquent charges have been paid.

**SERVICE CHARGE.** -- A service charge of 2% may be charged on all accounts receivable of 30 days' age. No proration will be made and 2% will be charged every anniversary date thereafter.

**CHARGES FOR SPECIAL CUSTOMS SERVICES.** -- U.S. Customs Service may charge special fees for the activation of a new foreign-trade zone or subzone, for zone relocation and for zone boundary alterations. When such fees are assessed as a result of a specific request by a zone user, the Operator may require that user to bear the expense thereof.

No fees are charged for activation, deactivation or reactivation.

**CHARGES FOR SPECIAL ZONE STAFF SERVICES.** -- The Operator maintains at the Zone a legally assigned staff of employees to assist in the normal operations of the Zone during regular business hours set forth in this Tariff.

Zone staff services rendered during National holidays, Saturdays and Sundays or during overtime hours at the specific request of the user of zone facilities for such purpose, will be charged to the user of such services.

**CHARGES, RATES, RULES AND REGULATIONS APPLICABLE TO GRANTEE'S SUBZONES AND ANNEXES.** -- The Grantee, Administrator, Operator and all persons and entities doing business within a subzone established by the Grantee must comply with provisions of the Foreign-Trade Zone Act, as amended; with the lawful and effective Rules, Regulations and Procedures of Foreign-Trade Zones Board; with such of the laws and lawful regulations of the United States, the States, or the subdivision and agencies thereof as may be applicable to operators, occupants, their employees and invitees, and users of subzones; and with such of the provisions of this Tariff and subsequent issues and modifications thereof as may be applicable to the operations conducted in the subzone.

Where applicant desires to have subzone located within Grantee's jurisdiction and Grantee has no site available for its location or where sites available are not suited for proposed operations, the applicant must arrange for the acquisition of a suitable and available site. The Grantee will provide cooperation with all State or local industrial development agencies, public or private, to assist applicants to the fullest extent possible in securing a suitable location.

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SECTION II. -- GENERAL RULES AND REGULATIONS (concluded)

All persons and entities who request the Grantee to apply for authority to establish a subzone or usage-driven site must first enter into an agreement with the Grantee governing the proposed operations. This agreement will contain provisions including, but not limited to, those relating to costs incident to the preparation of the application and any subsequent amendment or modification thereof; costs incident to public hearings and legal proceedings; charges for any required Customs Zone activation, relocation, alteration, audit or spot check; and charges for Grantee's special services not provided in this Tariff. Applicants for the establishment of a subzone usage-driven site will bear application costs and charges of preparing and filing of application by Grantee whether or not the application is favorably acted upon by the Foreign-Trade Zones Board.

**INSPECTION.** -- The Zone Operator may inspect the assigned area at any and all reasonable times to ascertain whether or not the covenants or conditions related to its proper use according to the agreement are being observed.

**INSURANCE.** -- Insurance is carried by the Grantee on its own property only and does not include insurance on the contents stored therein. Lessee is obligated to put nothing within the Zone which will cause the cancellation or forfeiture of the insurance or affect the premium rate thereof on the building or buildings of which the leased premises forms a part. Insurance on commodities or other property stored on the leased premises, if desired, must be carried by and at the expense of Lessee or owner of the commodities or other properties.

**INSURANCE ON MERCHANDISE IN WAREHOUSE.** -- Merchandise stored, manipulated or transferred within the Zone is not insured by the Grantee and the Zone Tariff rates do not include insurance on merchandise.

**CUSTOMS BOND.** -- The Grantee Administrator maintains, for Customs purposes, a Foreign-Trade Zone Operator's Bond as a guarantee for the payment of all duties, taxes and charges pursuant to the conditions of 19 CFR 113.73. The Grantee Administrator may, if deemed appropriate, require a subzone user or usage driven operator/user to also obtain an individual Customs Bond.

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SECTION III. -- SPECIAL RULES PERTAINING TO MERCHANDISE

**ZONE ACCOMMODATIONS.** -- Before merchandise may be entered into the Zone, applications on Customs Form 214 must be completed by zone user or his agent, filed and approved by the Zone Operator and with the authorized Customs personnel. The application shall describe the merchandise fully, in terms of the Tariff Schedules of the United States Annotated, and be accompanied by an examination invoice and any additional information or documentation requested by the Port Director.

**WAREHOUSE RECEIPTS.** -- The Zone is prepared to furnish non-negotiable warehouse receipts on merchandise stored under zone supervision and control.

**PERMISSION TO MANIPULATE.** -- Before merchandise may be manipulated within the Zone, application on Customs Form 216 must be presented to the Operator for concurrence by the Zone. The Operator will then forward the application to the Port Director through the Customs officer on duty at the Zone. On approval by the Director, the contemplated manipulation will then be permitted.

**TENDER FOR ACCEPTANCE.** -- All merchandise for zone acceptance shall be delivered at designated points properly marked and packed and accompanied or preceded by the necessary documents for preserving the identity of such merchandise.

**MINIMUM ACCEPTANCE CHARGES.** -- The Zone reserves the right to refuse acceptance of any merchandise, the value of which may be determined as less than the probable zone charges; or at its discretion it may require the prepayment of all such charges on this class of merchandise.

**CLEARING MERCHANDISE AND TRAFFIC.** -- Merchandise, land carriers and other users of the Zone, both incoming and outgoing, must obtain clearance through the Zone office.

**CUSTOMS PERMIT.** -- Merchandise will not be delivered to or through Customs territory unless delivery order is accompanied by Customs permit.

**IMPROPER PACKING.** -- Merchandise not suitably packed for ordinary handling may, at the discretion of the Zone, be rejected or re-packed at the expense of the shipper, consignee or their agent.

**HAZARDOUS COMMODITIES.** -- The Zone will not be required to accept for storage any commodity that will affect the rate of insurance on other merchandise in storage.

Where reference is made hereto, by any rate item the product will not be stored except in locations or areas that are not restricted in the acceptance of any commodity for storage under the insurance rate established on contents stored therein.

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SECTION III. -- SPECIAL RULES PERTAINING TO MERCHANDISE (cont.)

**MARKING.** -- All merchandise handled in the Zone, before entry to Customs territory, must be truly marked in accordance with Customs regulations as to the country of origin and in accordance with all other government regulations, and no merchandise will be permitted to leave the Zone for any purpose that carries any false or misleading label or mark. When re-packed or labeled in the Zone, the goods should, when possible, be marked to indicate the fact.

**TRUCKING AND LIGHTERAGE.** -- Transfer of foreign merchandise through Customs territory to the Zone must be made by Customs bonded trucks or other carriers and is subject to Customs regulations. Likewise, the transfer of merchandise from zone to zone, from bonded warehouse to zone or from zone to port of export must be made by Customs bonded trucks or other carriers and be subject to Customs regulations. Domestic merchandise may be brought to the Zone by any means of transportation.

**CUSTOMS INSPECTION OF MERCHANDISE WHILE IN ZONE.** -- The consignee or zone user, or his agent, shall at all times be immediately available to make the merchandise subject to inspection required by the United States Customs Service and shall have the sole responsibility of opening crates and packages, handling the merchandise and securing the crates and packages following the inspection. In the event that the consignee or his agent is not immediately available for the inspections, then zone personnel shall be authorized to open such packages for the Customs Service and shall not be liable for any loss or damage for any reason whatsoever to the goods. The cost of any resultant need for repackaging or recouping shall be borne by the zone user.

**LIABILITY.** -- The responsibility of the Zone, in the absence of written provisions, is the reasonable care and diligence required by law.

Perishable goods, or goods which are susceptible to damage through temperature changes or other causes incident to general storage, are accepted in general storage only at owner's risk for such damages as might result from general storage conditions.

**NON-LIABILITY.** -- The Grantee, Administrator and Operator are not liable and cannot assume any responsibility for any loss or damage to freight, cargo or merchandise or other property upon the leased premises, or for any loss or damage arising from acts of commission or omission of co-tenants, or of the occupants, or users of adjacent or contiguous compartments or of other portions in or about the Zone, not for the breakdown of cranes or power service, not for loss or damage occasioned by plumbing, electric wires, automatic fire apparatus, not for any loss or damage from any cause whatsoever.

**LIMIT OF LIABILITY.** -- The Zone will not be responsible for loss or damage caused by fire, heat, dampness, leakage, the elements, evaporation, natural shrinkage, wastage or decay; animals, rats, mice or other rodents; moths, weevils or other insects, collapse of buildings or structures, breakdown of plant equipment or machinery, Act of God, the Public Enemy, the inherent nature of the merchandise itself; nor will it be answerable for any loss, damage, or delay arising from the insufficient notification, or from war, insurrection, shortage of labor, combinations, riots or strikes of any persons in its employ or in the service of others or from any consequences arising therefrom.

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SECTION III. -- SPECIAL RULES PERTAINING TO MERCHANDISE (concluded)

In performing the service of checking, the Zone will accept no responsibility for concealed damage nor for the condition of contents of packages, cases or other containers, whether or not receipts issued so state.

The Operator will not be responsible for and loss or damage arising from or occasioned by any misunderstanding of orders or instructions received or taken by telephone from the Zone user to the Operator.

As a condition precedent to recovery, claims for loss or damage must be made in writing within thirty days after the merchandise is delivered from the Zone, or, in the case of failure to make delivery, then within thirty days after delivery of the last package of the lot in Operator's apparent possession.

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SECTION IV. -- SCHEDULE OF RATES AND CHARGES

**WAREHOUSE SPACE.** -- Grantee will lease space for the storage of general merchandise calculated at a base rate of \$0.36 per square foot per month, plus an aisle conversion factor. This rate shall include minimum heat and basic Customs service (during regular business hours). Each open zone lot shall be subject to a minimum charge of \$36.00 per month.

**PRIVATE LEASE AREA.** -- Grantee will lease space for handling, processing, manipulation and manufacture of goods for a term of not less than one year or for extended periods which may be negotiated subject to the rates, rules and regulations published in this Tariff.

Lease forms containing the terms and conditions of leasing such space are available upon request to the Operator of the Zone.

All leases are subject to the approval of the Grantee Administrator.

**SPECIAL ALTERATIONS.** -- Lessee/User will be responsible for the cost of any special alterations for the installation of machinery and equipment, partitioning and related construction required for their operation. At termination or end of lease period permanent alterations will become the property of the building owner or the premises restored to original condition at the expense of the lessee.

**UTILITIES.** -- If more than minimum heat is required Lessee/User shall be responsible for cost estimated at \$0.64PSF/A. Cost of unusual electrical requirements, beyond basic lighting, will be the responsibility of Lessee/User.

**WAIVER OF STORAGE CHARGES.** -- Merchandise owned by or under legal control of private lease area users shall not be subject to storage charges as set forth in other sections of this Tariff while occupying space in such areas, but shall be subject to storage handling charges as elsewhere provided for in this Tariff.

**EXCLUSIVE USE.** -- Private lease areas shall be for the exclusive use of Lessee/User.

**OFFICE SPACE.** -- Office space is available for lease by zone users at a rate of \$13.00 - \$15.00 per square foot per year. This charge includes air conditioning, heat and utilities, carpeting and janitorial services. A separate lease agreement is required for office space and is available upon request at the office of the Administrator. Tenants may be assessed real or personal property taxes for holdings within the building.

**WAREHOUSE HANDLING CHARGES. --**

Warehouse In Charge: Loose material requiring individual handling - \$29.00 per man hour.  
Palletized material - \$4.00 per pallet.

Warehouse Out Charge: Loose material requiring individual handling - \$29.00 per man hour.  
Palletized material - \$4.00 per pallet.



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SECTION IV. -- SCHEDULE OF RATES AND CHARGES (cont.)

**ACCESS TO STORAGE.** -- Access to storage lots shall require at least 24 hours prior notice and will be subject to a labor charge of \$29.00 per man hour between the hours of 8:00 a.m. and 4:30 p.m. Monday through Friday (Holidays excepted.)

Access to storage outside regular hours shall be subject to a \$120.00 warehouse opening charge and a labor charge of \$50.00 per man hour (minimum 2 hours).

**BILLS OF LADING.** -- A minimum charge of \$6.00 shall be made for preparation of each bill of lading via other carriers.

**PACKING SLIPS.** -- A minimum charge of \$6.00 shall be made for the preparation of each packing slip.

**MARKING AND TAGGING OF SHIPMENTS.** -- The rate for marking and tagging of shipments shall be \$2.00 per piece or a minimum of \$7.00.

**BANDING.** -- When banding is requested, the service will be performed at a charge of \$5.00 per standard GMA pallet.

**STRETCH WRAP.** -- When stretch wrap is requested, the service will be performed at a charge of \$5.00 per standard GMA pallet (single wrap).

**EXCESS DUNNAGE.** -- Cargo arriving at the dock requiring the removal of excess dunnage such as blocking, bracing, banding, chocking, shoring, etc. prior to unloading shall be charged at a rate of \$20.00 per container, car or trailer.

**STORAGE CHARGES.** -- First of The Month Balance System shall be used and storage rates charged in accordance with the following:

(a) Merchandise arriving on the first, up to and including the fifteenth, day of the month shall be assessed a full month's storage charge.

(b) Merchandise arriving on the sixteenth, up to and including the last day of the month, except as provided in sub-paragraph (c), shall be assessed one-half the normal storage charge.

(c) Merchandise arriving on the last two business days of the month and remaining in storage as of the first of the following month shall be assessed no storage charge, but shall become subject to the charge named in sub-paragraph (d) of this Section.

(d) Merchandise in storage on the first day of the month shall be assessed a full month's storage charge.

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SECTION IV. -- SCHEDULE OF RATES AND CHARGES (continued)

**MAN-HOUR RATES AND EQUIPMENT RENTAL.** -- Except as otherwise provided, man-hour rates plus charges for equipment rental shall be charged for all services not specifically provided for in this Schedule.

When special equipment is furnished by the Operator to handle pieces or packages to or from trucks or place of rest, the person or firm that requires such equipment shall be billed at the rates set forth below:

Forklift with Operator

5,000# lift	\$39.00 per hour
10,000# lift	\$51.00 per hour
15,000# lift	\$64.00 per hour

Use of overhead crane      \$3.40 per ton

**REVISED DECEMBER 8, 1997:**

**Rates will be calculated at 1/2 hour increments with a minimum charge of 1/2 hour.**

When it is necessary for the Operator to employ outside equipment and/or services, the person or firm for whom the operation is performed shall be billed for the actual amount paid by the Operator for the use of such equipment and/or service plus a billing and handling charge of \$32.00.

**ADMINISTRATIVE SERVICES.** -- When special services are requested of the Operator involving inventory reports, statistical reports, document duplication and special projects, such services shall be provided at a rate of \$16.00 per staff hour (1 hour minimum).

**FOREIGN TRADE ZONE ACTIVITY SURCHARGE** -- The operator is authorized to impose up to a \$7.00 surcharge on all Foreign Trade Zone transactions to cover the cost of U.S. Customs audit/inspection activities.

**MANUFACTURING/PROCESSING** - Cost is negotiable, and calculated on the base rate of .36 per square foot per month, use of space, security and Customs requirements.

**TERMINAL HANDLING FEE FOR MERCHANDISE IN CUSTOMS CUSTODIAL BOND** - Shipments in Customs custodial bond for purposes including but not limited to storage, examination, loading, unloading, break bulk and cross docking shall be charged a terminal handling fee of \$10 per day per bill of lading. All other appropriate general rules and regulations, special rules, and rates and charges incurred shall apply, including the base rate of \$0.36 per square foot per month, commodity, use of space and volume.

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