



Canadian Produce Marketing Association

# Industry Best Practices

## **CBSA Import Requirements and Produce Examinations**

(Highway Mode)

January 2014



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# Introduction

In the Fall of 2011, the Canadian Produce Marketing Association (CPMA), industry and the Canada Border Services Agency (CBSA) participated in meetings and toured retail distribution centres pertinent to the transportation of fresh fruit and vegetable and cold-chain management. These meetings were initiated as a result of ongoing concerns brought forward by the produce industry regarding damage to produce during inspections and off-loading.

As a result of these meetings, a working group was developed to support consultation between the CBSA and industry partners on CBSA commercial secondary examination policies and procedures in regards to the handling of produce. This group has incorporated industry best practices into nationally consistent procedures while simultaneously educating the industry on what to expect at the border, the reasoning behind the examinations and how to help streamline the process at the border.

The *Industry Best Practices – CBSA Import Requirements and Produce Examinations (Highway Mode)* was developed by the working group members to further improve the importing process for both industry and the CBSA.

Thanks to members of the CBSA Commercial Border Programs Division, the Port of Entry Operations Division, the Port of Queenston, Hugh Bowman - Bayshore Fresh, Ian MacKenzie – OPMA, Savvas Tsoukalas – Savco, Eric Biddiscombe – Loblaw's, and the Canadian Produce Marketing Association.

The CBSA information provided in this document is subject to change; it is accurate as of January 2014. Please consult the [CBSA website](#) for the most current information.

## Understanding the Produce Industry

Fresh produce is an essential part of a healthy diet because it is an important source of vitamins, minerals, fibre, and antioxidants. Because most fruits and vegetables are grown in a natural environment, they can be exposed to a wide range of microorganisms such as bacteria and viruses. Most of these microorganisms do not represent a human health risk, but can cause spoilage, especially if temperature is not properly maintained.

The produce industry in Canada is a very fast paced environment which generally runs on a system of just-in-time delivery due to the highly perishable nature of the products involved. The industry is highly regulated to protect unscrupulous individuals and companies from entering into the business of trading in fresh produce. Companies importing fresh fruits and vegetables into Canada are required to be members of the Fruit & Vegetable Dispute Resolution Corporation (DRC) and/or have an import license issued by the Canadian Food Inspection Agency (CFIA). In both instances, companies are obliged to abide by very stringent licensing or membership requirements.

Canada is a net importer of fresh produce and while various products may be arriving from several parts of the world at any given time, our main suppliers are the United States, Mexico and Chile. The majority of these imports are temperature sensitive and for some, even a small variation in the shipping temperature can cause losses at destination due to product deterioration. The damage caused may not be readily seen at time of arrival, but may occur further down the supply chain as the shelf-life of the product may have been impacted severely.

The produce industry is constantly working to improve the produce supply chain. As the creators of just-in-time delivery, the produce industry knows that maintaining the product at the optimum

temperature will give the consumer the best quality product available. Quality product on the shelves promotes healthy eating and increases consumption (both of which help to reduce long-term healthcare costs), and ultimately drives sales in stores. Produce is one of the highest margin departments in a grocery store. A high quality well-maintained produce department drives foot traffic.

Similar challenges exist with foodservice. A wholesale foodservice company relies on presentation of smaller volumes of product to restaurants that focus only on providing a great eating experience. As you can imagine, delivering quality product on time (every time) and at a competitive price is an industry expectation.

## ***Government of Canada and Produce Safety***

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The Government of Canada works with industry to help identify best practices that can be used to help prevent contamination of fresh produce throughout the food system. In addition, inspection and enforcement activities conducted by CBSA and other government departments work to ensure that steps taken by producers, manufacturers and importers have been effective and that the foods available to Canadians are safe.

<http://www.inspection.gc.ca/food/non-federally-registered/safe-food-production/guide/eng/1352824546303/1352824822033>

## ***Food Safety***

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Food safety is paramount in the produce industry. Stakeholders have been working for years to ensure that our food is safe from the field to the table. From good agricultural practices in the fields to proper handling, packaging and storage, a breach in food safety protocol can render people seriously ill or even cause death. An entire sector of the industry can be decimated when consumer health and confidence are impacted by produce food borne contamination concerns.

It is very important to use good agricultural and management practices in areas where there is control because once produce has been contaminated, removing or killing pathogens may be very difficult. Bacterial contamination of produce can occur after contact with: animal carcasses, animal/human waste, contaminated irrigation water or manure used to fertilize. The industry's focus is on the prevention of microbial contamination of fresh produce rather than relying on corrective actions once contamination has occurred.

Many retailers have strongly encouraged or mandated Global Food Safety Initiative (GFSI) recognized audits for their private label brands as well as "high risk" produce or ready-to-eat type products and commodities not classified as high risk. Independent third party food safety audits are now well established as a minimum standard to which all suppliers may be expected to comply.

The food safety mandate has also been extended by some retailers beyond the packer level to the grower level. Many expect GFSI recognized programs or other food safety compliance at the grower level and the grower supply network.

Both the CFIA's Licensing & Arbitration Regulations, under which some industry are regulated, as well as the trading standards under which the majority of the industry are bound as members of the Dispute Resolution Corporation (DRC), indicate that storage temperatures and temperatures during transit must be maintained within recommended or appropriate ranges so that product is maintained in suitable condition.

Failure to abide by these rules not only results in a potential dispute and claim for damages between the shipper and the receiver, but may affect the safety of the food. The cold chain must be maintained at all times.

The industry faces challenges when a seal is placed on a load and must be opened. The paperwork will indicate that there was an inspection performed, the seal was broken and a new one was attached to the trailer. When a shipment is examined, the receiver's perception of the food being safe may change.

## ***Importance of Cold Chain***

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While freezing is always a concern with shipments of fresh fruits and vegetables, it is always important to maintain temperatures within a specific range. Some products, like tomatoes and peppers, will suffer chilling damage long before they reach the freezing point. Other products, such as bagged salads, must not go above specific temperature points or their shelf life will be compromised. In more severe instances, a sustained rise in temperature could contribute to various foodborne illnesses, such as salmonella.

Temperature recording instruments are used in produce shipments to alert the receivers of breaches in the cold chain during transportation. These instruments record when temperatures in a shipment have gone higher or lower than what was determined to be acceptable and can indicate that deterioration has begun or damage has occurred. In many instances, shipments of bagged salads are automatically rejected at destination if the cargo temperature has gone above a particular temperature at any time during transport.

Strawberries are highly perishable and the time it takes to inspect the goods in an environment that is not temperature controlled will impact the shelf life of the product. Although a couple of hours out of temperature range could seem insignificant, a berry that is out of temperature range by 2 degrees (F) has a significantly decreased shelf life.

This failure cascades. The receiver has no recourse against the carrier for failing to maintain temperature while the product is being offloaded, inspected by CBSA and then reloaded. If the semi-perished product is placed for sale in a retail establishment the customer perception will be that the retailer carries poor quality products. The result tends to be one in which people do not repeat business. This is the main reason why refrigeration units on a trailer are (or should be) set to continuous while hauling fruits and vegetables.

The link below provides best practices for the proper handling of produce, such as strawberries.

[http://www.calstrawberry.com/fileData/docs/Best\\_Handling\\_Practices\\_For\\_Fresh\\_Strawberries.pdf](http://www.calstrawberry.com/fileData/docs/Best_Handling_Practices_For_Fresh_Strawberries.pdf)

## **Safe Handling**

### ***Importance of Safe Handling of Produce***

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Produce is perishable. Some commodities can withstand rougher handling but all will show the effects of improper handling. Product can bruise in such a way that damage may not be noticed immediately, but the commodity will deteriorate 24-48 hours from the incident.

## ***Safe Handling for Offloading***

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Offload service providers should be aware that high-stacked pallets can catch on the door frames of the conveyance while being offloaded and can topple over as a result.

They should also be aware that pallets of produce that are not corner braced and strapped can also topple over if the equipment operator makes sharp turns or sudden stops.

All those who are involved in handling fresh produce should take care and identify potential hazards. Pallets of produce that have been damaged near their base could be at risk of falling over if straps and braces are cut. This could result in minor to serious injuries to persons nearby and obviously to the product itself.



Pallets that are bound by straps can be under a lot of tension and may snap like a whip when cut. This has potential for cuts, bruises and eye injuries and can be particularly dangerous when steel straps are being cut. Operators should wear gloves and use eye protection when appropriate.

## ***Safe Handling for Reloading***

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Product that has been examined should be returned to the original conveyance by the offload service providers without damage to the pallets so that the offloaders at the final destination are not at any additional risk themselves.

Products should be reloaded in the same order they were removed. Often a trailer full of produce will have more than one shipment on board. Failing to reload the produce in the original order may result in the full trailer being offloaded at each subsequent destination to locate the proper shipment(s), increasing the chance for damages and potentially breaking the cold chain.

# About the CBSA

## ***CBSA Mission and Mandate***

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### **Mandate**

The Agency is responsible for providing integrated border services that support national security and public safety priorities and facilitate the free flow of persons and goods, including animals and plants, that meet all requirements under the program legislation.

### **Mission**

To ensure the security and prosperity of Canada by managing the access of people and goods to and from Canada.

## ***Carrier/Importer Requirements***

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### **Reporting Goods**

As per Section 12 of the *Customs Act*, unless otherwise exempted under the [Regulations](#), commercial goods being imported into Canada must be reported by the carrier to the CBSA upon arrival. Additional policy information regarding reporting requirements is set out in Customs D Memorandum [D3-1-1 Policy Respecting the Importation and Transportation of Goods](#).

Failure to report goods can result in the issuance of an Administrative Monetary Penalty (AMP), see [C021](#), *Person (Carrier) failed to report imported goods, to customs forthwith in writing at the nearest designated customs office that was open for business*. If information provided was not true, accurate, and complete, penalty [C005](#) can be issued.

### **Permits**

Some goods are subject to the requirements of other federal government departments and may need permits, certificates, and/or examinations. The CBSA administers legislation on behalf of these departments as it applies at the border and will detain goods if necessary in order to ensure that all legislative requirements are met.

For example, the CBSA is responsible for enforcing CFIA policies and regulations for food, plants, animals and related products at Canadian border points of entry.

Please contact the appropriate federal government department to determine what, if any, documentation you need. For details on other federal government department requirements, see the [Memoranda D19](#) series.

### **Presenting Goods**

As per [Section 13](#) of the *Customs Act*, when requested by a CBSA officer, the person reporting the goods must present them for examination. Failure to present your goods can result in the issuance of [AMP C026](#), *Person failed to present, open, unpack or unload goods for officer*.

The CBSA is committed to processing commercial shipments as quickly and as efficiently as possible. CBSA has published [commercial service standards](#) for many commercial entries which

state that CBSA will release an entry within an expected timeframe unless an examination or further processing is required to meet another government department's regulation. An offload service provider can ensure that carriers have their shipments offloaded and reloaded in a routine fashion and in a timely manner.

## Obtaining Release of Your Goods

An importer or its agent may use one of the following methods to obtain the release of goods:

- Release with full accounting information and payment of duties and taxes at time of import (B3, paper option only) or
- Release on Minimum Documentation (RMD, paper or electronically).

RMD allows importers to obtain release of their goods by presenting the minimum data required to allow CBSA to make an informed release decision. Though full accounting data and payment are not required at the time of release of the shipment, all permits or licenses must be present in order to obtain release.

When opting for the RMD method of release, the Pre-Arrival Review System (PARS) option is also available. RMD documentation including PARS must be transmitted to the CBSA electronically (Electronic Data Interchange – EDI). Certain exceptions apply to this requirement. A list of these exceptions is provided in Customs D Memorandum [D17-1-4 – Release of Commercial Goods](#). Additional information regarding the various release options is available on the CBSA [website](#).

## Accounting for your Goods

The Importer/Broker has to submit a final accounting package for shipments imported into Canada. For high value shipments (exceeding \$2500), final accounting must be presented to the CBSA within 5 business days of the date the CBSA releases the goods. For low value shipments (not exceeding \$2500), accounting must be presented by the 24th of the following month. Accounting may be presented to the CBSA in paper copy, or submitted electronically. For more information on how to participate in electronic commerce accounting, contact the Electronic Commerce Unit (ECU) Help Desk at 1 888 957 7224 or go to the web link at [www.cbsa.gc.ca](http://www.cbsa.gc.ca) under services.

Note: An importer or customs broker must have security for release prior to payment in order to transact business electronically with the CBSA.

If you do not present your accounting package within the time period, you will be charged a [late-accounting penalty](#) (C288) for each shipment. If you repeatedly file your accounting package late, you may receive a notice requiring you to account for the goods on time for a specified period. If you fail to comply with the notice, you will receive an [additional penalty](#) (C070).

If you fail to pay duties within the prescribed time frame, you will be charged interest at a specified rate on the outstanding overdue balance and you will receive a [late payment penalty](#) (C336). You will receive a notice that requires you to pay duties owing within a specified time period. The interest rates are revised quarterly and are available [online](#). Clients who have paid late three times in a one year period are also subject to losing their release prior to payment privileges.

Once you provide the CBSA your final accounting package, it will be keyed into their computer system, which highlights any errors in coding and calculations, and briefly explains how to correct the error.

If errors are found, the accounting package will be returned to you for correction.



For more information on accounting and payment, please refer to [Memorandum D17-1-5](#), Registration, Accounting and Payment for Commercial Goods.

## ***What is CBSA Doing to Facilitate the Import Process?***

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### **Single Window Initiative**

The Single Window Initiative (SWI) is a joint initiative between the CBSA and nine Participating Government Departments and Agencies intended to provide trade with a single point of entry for advanced electronic reporting of import information.

The CBSA is committed to delivering a reliable and efficient commercial border process to provide tangible benefits to the trade community. The SWI will provide a more integrated border process that will:

- Minimize paper forms in the import process;
- Increase the number of Government of Canada departments and agencies conducting business electronically at the border;
- Achieve increased data harmonization for imports into both the US and Canada; and
- Improve trade facilitation and increase efficiency by re-engineering border business processes.

### **eManifest**

[eManifest](#), the third phase of the Advance Commercial Information (ACI) program, is about getting the right information at the right time to enhance the ability of the CBSA to identify potential threats to Canada, while facilitating the movement of low-risk shipments across the border.

When fully implemented, eManifest will require carriers, freight forwarders and importers in all modes of transportation (air, marine, highway and rail) to electronically transmit cargo, conveyance, house bill / supplementary cargo and importer data to the CBSA prior to loading in the marine mode and prior to arrival in the air, rail and highway modes.

eManifest will be a virtually paperless process that starts before shipments reach the border. The collection and risk assessment of advance commercial information, sent electronically to the CBSA, will allow low-risk shipments to be identified prior to arrival and processed in a more efficient manner upon arrival in Canada.

Trusted trader programs, such as the Free and Secure Trade (FAST) program, the Customs Self-Assessment (CSA) program, and the Commercial Driver Registration Program (CDRP), will continue to exist with the implementation of eManifest and will complement the systems and processes that will be put in place by eManifest.

## ***What Can Industry Do to Facilitate the Process and Reduce their Risk?***

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Trade chain partners that are involved in the shipment should ensure that the information provided is true, accurate, and complete and is submitted to the CBSA in the prescribed timeframes. All requirements of other government departments should also be met.

### **Partners in Protection Program**

[Partners in Protection](#) (PIP) is a CBSA program that enlists the cooperation of private industry to enhance border and trade chain security, combat organized crime and terrorism and help detect and prevent contraband smuggling.

It is a voluntary program with no membership fee that aims to secure the trade chain, one partnership at a time. PIP members agree to implement and adhere to high security standards while the CBSA agrees to assess their security measures, provide information sessions on security issues and offer other benefits. Member companies are recognized as being trusted traders, which allows the CBSA to focus its resources on areas of higher or unknown risk.

Through their partnership with the CBSA, PIP members contribute to the security of the supply chain and the facilitation of legitimate trade

## **Free and Secure Trade Program**

The [Free and Secure Trade](#) (FAST) program is a commercial clearance program designed to ensure safety and security while expediting legitimate trade across the Canada–U.S. border.

FAST is a joint initiative between the CBSA and U.S. Customs and Border Protection that enhances border and trade chain security while making cross-border commercial shipments simpler and subject to fewer delays.

It is a voluntary program that enables the CBSA to work closely with the private sector to enhance border security, combat organized crime and terrorism, and prevent contraband smuggling. Under the U.S. Western Hemisphere Travel Initiative, FAST members who are Canadian or U.S. citizens can use their FAST membership card as an alternative document to the passport when entering the United States by land or water. Permanent residents of Canada or the United States still require a passport and visa (if applicable) to enter the United States.

The CBSA and industry are mutually committed to maintaining the FAST program requirements and they work together to achieve compliance and to find solutions to problems.

## **Customs Self Assessment Program**

The [Customs Self Assessment](#) (CSA) program is designed for low-risk, pre-approved importers, carriers and registered drivers. To take advantage of the program, CSA-approved importers and carriers must use a registered driver to carry CSA-eligible goods into Canada in the highway mode.

The CSA program simplifies many of the import border requirements so that low-risk shipments can be processed more quickly and efficiently at the border, saving businesses time and money.

It also allows the CBSA to better focus its resources on identifying high-risk shipments that pose a potential threat to the health, safety or economic well-being of Canadians.

## ***Where Can I get more Information?***

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### **[Border Information Service](#)**

Within Canada Toll Free:

English: 1-800-461-9999

French: 1-800-959-2036

Outside Canada, Long Distance:

English: 204-983-3500 or 506-636-5064

French: 204-983-3700 or 506-636-5067

# CBSA Examination Processes

## ***What Legal Authority Does the CBSA Have to Examine my Shipments?***

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As per [Section 99](#) of the *Customs Act*, “An officer may examine any goods that have been imported and open or cause to be opened any package or container of imported goods and take samples of imported goods in reasonable amounts.”

In addition, [Section 13\(b\)](#) of the *Customs Act* states that the person reporting the goods is required to present the goods when requested, remove any covering from the goods, unload any conveyance or open any part of the conveyance, or open or unpack any package or container that the officer wishes to examine. This includes the responsibility for all costs associated with transporting the goods to an appropriate and secure examination area, as well as the unloading and reloading of containers and/or conveyance.

## ***Why Is my Shipment Being Examined?***

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Border services officers target shipments for further examination to ensure that shipments entering Canada are compliant with the legislation and do not pose a threat to the health, safety, and security of Canadians.

The CBSA may choose to examine your shipment for several reasons:

- to detect prohibited or restricted items (e.g. pornography, narcotics) or smuggled goods;
- to fulfill the requirements of other government departments (e.g. meat inspections, import permits); or
- to ensure that the goods comply with customs legislation (e.g. to verify that the description, value, quantity and markings of the goods match the information on the invoice).

## ***How do I present my goods?***

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CBSA pre-approved offload service providers are available at [designated highway commercial offices](#). These service providers are bonded and carry the appropriate liability insurance. With the approval of the examining officer, carriers may perform the offload themselves or engage another service provider of their choice to do this; however, health, safety and security requirements must be respected.

Some of the factors that the examining officer may consider when approving an alternate arrangement include but are not limited to the following: the carrier or other provider must supply the appropriate equipment to safely perform the offload, the carrier or other provider is qualified to safely operate the equipment and the carrier or other provider is insured to cover all liabilities.

CBSA pre-approved offload service providers will undertake the following:

- Hire security-cleared labourers;
- Guarantee that a minimum of one labourer per offload has the valid licences/certificates and proper training designation to operate offloading equipment;
- Provide all equipment and supplies required for conducting offloads and reloads, including forklifts;
- Be on site during core hours and at all other times report to the site within two hours (in this case, the carrier's requirement to finalize arrangements with a service provider and present goods for examination within two hours will only start once the CBSA pre-approved service provider reports to the designated commercial office); and

- Offer competitive fixed pricing for offload services and payment options (e.g. cash, credit card, debit, standing account).

## **Why Is There a Cost for Offloading Shipments?**

Carriers are responsible for all costs related to meeting their obligation to report and present goods for examination. Under the [Customs Act](#), carriers must present their goods to an officer for examination if requested. As part of this process, carriers must remove, as appropriate, any covering from goods, unload any conveyance or open any part of the conveyance, and unpack any package or container that the officer wishes to examine. Because costs are incurred as a function of CBSA requirements to examine goods on behalf of the importer in all modes, the costs of examination are paid by the carrier and then billed to the importer.

For further information in the highway mode, see the CBSA [Offload Policy for Highway Examinations](#).

Please see below for the most current offload rates.

### **Palletized Goods and Bulk Loads**

<b>Core hours</b>	
Minimum charge for the first hour of labour	\$300.00
Charge for the second and each additional hour (per person)	\$55.00
<b>Off-core hours</b>	
Charge for "call back" service	\$275.00
Minimum charge for the first hour of labour	\$125.00
Charge for the second and each additional hour (per person)	\$60.00

These prices are in Canadian dollars and exclude both GST and HST. Rates effective July 1, 2012.

Stream Warehouse Division  
 5425 Dixie Road #201  
 Mississauga, ON L4W 1E6  
 (905) 625-1770

## **CBSA Offload Report**

The vast majority of offloads conducted by the contractor take place quickly and without incident. However, damage to the goods can occur in the process of offloading or during the course of an examination. An Offload Report form is prepared by the offload service provider for each offload that has any damage that is observed before offload, during offload or during examination. A copy of the report is kept by the offload service provider with copies provided to the carrier. You can request a copy of the offload report from the carrier or the offload service provider. A sample version of an offload report is provided in Appendix A.

# Damaged Goods

## ***Who is Responsible for Any Damages to CBSA Installations?***

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The carrier is responsible for any damage to CBSA installations resulting from offloading unless the carrier used the services of the CBSA pre-approved offload service provider.

## ***Who is Responsible for Any Damages to My Goods?***

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Determining who is responsible for damages is the first step in making a claim for damages. Identifying where the damage occurred and how the damage occurred is essential prior to any damage claims being made.

In the event that your shipment has been damaged, please consult the following scenarios:

- If the shipment was damaged during transportation, please contact your carrier to discuss its claims procedure.
- If the shipment was damaged during the offload/reload process the carrier is responsible for initiating a claim with the offload service provider. The offload service provider is responsible for damage it causes and will note any damage in writing.
- If you would like to discuss a specific incident or claim with the offload service provider, the contact information is as follows:
  - Stream Warehouse Division  
5425 Dixie Road #201  
Mississauga, ON  
L4W 1E6  
905-625-1770
- If the goods were damaged during the examination process the carrier is responsible for advising the Port Superintendent on duty. CBSA staff is also responsible for monitoring the offload/reload process and noting any damage.

**The CBSA information provided in this document is subject to change; it is accurate as of January 2014. Please consult the [CBSA website](#) for the most current information.**

# Appendix A - Sample Offload Report

## NIAGARA FALLS OFFLOAD REPORT

Interport Border Service  
 #201 - 5425 Dixie Road  
 Mississauga, ON L4W 1E6  
 Ph: 905-625-1770 Fx: 905-625-0244

	Start	Emp. Name & Type	1)	# hrs: 1)	
	Finish	O = offloader	2)	# hrs: 2)	
	Date	R = reloader	3)	# hrs: 3)	
		O&R = combined	4)	# hrs: 4)	
Type: full partial			Total Fee: \$		US/CDN
(circle 2) forklift manual					circle
Carrier Name:	Drivers Name: (print)				
ph/fx#:	Signature:				
Authorized by:	Consignee:				
Title:	Destination:	Commodity:			
Ref:	CC#:				
(PO# Load #, Trip #, etc.)	PARS #:				
Weight:	After Hours Response				
Truck #:	Call Time:				
Plate # & Prov/State:	Arrival Time:				
Trailer #:	Payment Type: ACCT / VISA / M/C / DEBIT / CASH / OTHER	(circle)			
Plate # & Prov/State:	Inv # & Bill Date:	complete (ini)			