



MARITIME EXCHANGE

for the Delaware River and Bay

Leading the Way to Port Progress

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April 10, 2026

U.S. Customs and Border Protection
Department of Homeland Security

Re: USCBP-2025-0911, Electronic Export Manifest for Vessel Cargo

Ladies and Gentlemen:

The Maritime Exchange for the Delaware River and Bay is a long-time service provider and Port Authority system certified in the Automated Commercial Environment and is a participant in the Electronic Export Manifest pilot program. As a non-profit trade association, the Exchange represents over 230 Delaware River members in the tri-state region of Delaware, New Jersey, and Pennsylvania.

The Notice of Proposed Rulemaking published on February 10, 2026 would necessitate business, operational, and technical changes that will be challenging for our stakeholders to adopt.

Bulk Exports

The NPRM does not appear to reflect industry practices for the loading of bulk shipments. While reporting containerized cargo 24 hours prior to loading may have its own concerns, predeparture filing for bulk cargo including oil, gas, chemicals, minerals, and others, is particularly challenging for several reasons.

While accurate cargo descriptions should be determinable prior to loading, accurate final loaded quantities are not known until the vessel has finished loading. For example, on oil tanker cargoes, the Bills of Lading (i.e. agreed final loaded quantities) do not get finalized until the oil is fully loaded, cargo figures are verified, and shore tank/ship figures are reconciled. On other (non-oil) bulk cargo vessels, where loading is often conducted over several days, Bills of Lading quantities are not confirmed until loading is finished, cargo is verified to be in good condition, and only then is the agreed final quantity then determined by a draft survey. Hence, the issue is how accurate will the quantity of the pre-loaded cargo need to be to meet CBP requirements in the case of Bulk Cargoes.

In addition to exact cargo quantities, the destination and buyer of bulk cargo often may not be finalized or known before the time of loading. Cargo may also be sold enroute or diverted post sailing.

The Exchange strongly recommends providing post departure filing exemptions for bulk cargo, or at the very least allow industry to amend cargo quantities post departure and relax the requirements for filing consignee and destination information for these types of shipments.

Short-Sea Shipments

The NPRM does not address or discuss short-sea carriers and virtually eliminates post-departure filings. Our members participate in short-sea shipments to nearby territories such as Bermuda. Orders for close-range territories are often placed within hours or only a few days of expected sailings, and the proposed 24-hour rule would severely impact operations, especially for smaller carriers serving these trusted territories.

As in the case with Bermuda, which solely relies on imports for most of its waterborne trade and operates under just-in-time delivery models, detailed cargo descriptions are not readily available to meet the new 24-hour rule.

The Exchange strongly recommends providing post departure filing exemptions for short-sea shipping carriers to trusted territories and preserve the Incomplete (or Pro Forma) Manifest discretion granted to CBP Port Directors. At the very least, CBP should relax the cargo description and quantity rules for manifests filed for these territories until post departure when more detailed information is confirmed.

Empty Containers

Terminals often load empties up to the last minute on outbound vessels—containers that may arrive at the facility as the vessel is being loaded. The two-hour filing window for empty containers could be operationally problematic resulting in bottlenecks and excess empty container inventory at facilities.

CBP should allow empties to be manifested post departure.

Initial Data Set

The initial data set due to CBP at least 24 hours prior to loading does not include standard manifest information such as vessel name, voyage #, and carrier SCAC. The current “manifest” data model is based upon this basic header information, and a major deviation/omission of this data could force carriers, service providers, and CBP to redevelop systems to accommodate the change. This is a technical modification that was not developed nor tested during the pilot program and could have unforeseen consequences.

CBP mentions in the NPRM that carriers have the export manifest data days before departure. It is unlikely that said carriers in the ocean environment would not know which conveyance would be used for the export in this timeframe. CBP should consider the implications of deviating from the existing manifest filing format and requirements tested during the pilot program. If the initial data set filing option is implemented, CBP should build in adequate development and testing cycles for both CBP and industry to accommodate.

Automated Export System (AES)

As mentioned in the NPRM, approved carriers may submit outbound vessel manifest information electronically in AES in lieu of submitting a paper CBP Form 1302A. It further states few carriers in fact sought to participate and instead opted to use DIS.

It is unclear if CBP is planning to discontinue AES as a filing option when Electronic Export Manifest filing becomes mandatory. Please provide clarification on the future plans for AES and possible relationship with the Electronic Export Manifest program.

Timing

Following this comment period, the Exchange strongly recommends CBP provide another proposed rule cycle to allow for additional comments to any CBP modifications to the original NPRM. We also request that CBP provide at least a 12-month window from the publication of a final rule to the date of implementation. Although CBP has been operating the Electronic Export Manifest pilot program for some time, the proposed changes in the NPRM if adopted, including an initial data set followed by the complete manifest, could involve substantial system planning, programming, and testing by industry as well as considerable operational changes.

We also recommend an informed compliance period during which no penalties will be assessed to provide additional time for all entities to meet the new requirements.

Advisory Groups

In January 2025, the Acting Secretary of the Department of Homeland Security terminated membership in all advisory committees in alignment with the department's commitment to eliminate misuse of resources and to focus on priorities. This ended the long-standing relationship between CBP and the Customs Electronic Systems Action Committee (CESAC). Representing carriers, brokers, terminal operators, service providers, port authorities, and others, CESAC members have participated in open dialog and provided guidance and valuable insight to CBP for over 30 years.

We strongly recommend CBP reengage with CESAC through the Electronic Export Manifest process and other automation initiatives so that the agency is better informed on business practices and technical challenges.

In conclusion, the Maritime Exchange strongly supports the Electronic Export Manifest initiative and has been a proponent of automation since the inception of the Automated Commercial System in the 1980s. We are a pilot participant in the existing export manifest program and have been an early adopter for other automation programs such as the Automated Commercial Environment. We look forward to working with CBP through the formal implementation of the Electronic Export Manifest and encourage the agency to re-engage with trade through CESAC and other forums to help facilitate the successful implementation of this and other initiatives.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in black ink that reads "Michael Fink". The signature is written in a cursive, flowing style.

Michael Fink
Chief Administrative Officer