



**Guidelines for the Issuance of Monetary Penalties Pursuant to  
19 C.F.R. §§ 151.12 and 151.13**

**Customs-Accredited Commercial Laboratories and  
Customs-Approved Commercial Gaugers**

U.S. Customs and Border Protection (CBP) assesses monetary penalties to customs-accredited commercial laboratories and customs-approved commercial gaugers under the authority of 19 U.S.C. § 1499 and implementing regulations at 19 C.F.R. Part 151. This document sets forth guidelines that CBP utilizes in assessing such monetary penalties.

The Executive Director, Laboratories and Scientific Services (LSS) generally has the authority to assess and administer the monetary penalties, including those outlined in this document. The specific procedures for issuing monetary penalties are set forth in 19 C.F.R. §§ 151.12-13, including the process for a laboratory or gauger to respond to a proposed monetary penalty. Penalties assessed against a customs-accredited commercial laboratory or customs-approved commercial gauger may be in addition to an action to recover loss of revenue; liquidated damages under the laboratory's or gauger's customs bond (see 19 C.F.R. Part 113); or other fines, penalties and causes of action. The issuance of monetary penalties may also be in lieu of, or in addition to, a suspension or revocation of accreditation or approval under 19 C.F.R. §§ 151.12-13.

The list below is not an exhaustive list of the violations for which CBP may assess monetary penalties against commercial laboratories and gaugers. CBP and other governmental agencies retain the authority under 19 U.S.C. § 1499, 19 C.F.R. Part 151 and other legal authorities to assess monetary penalties against laboratories and gaugers for violations of those and other applicable laws and regulations. The list below is intended only as a guideline for the assessment of monetary penalties. Depending on the facts and circumstances of a violation, CBP retains the right to assess monetary penalties at amounts different from those listed below.

<b>Violation</b>	<b>Penalty Guideline</b>
<b>Use of improper instrumentation or equipment</b>	\$1,000 first violation \$2,500 second violation \$5,000 and possible suspension or revocation of accreditation or approval for any violation thereafter
<b>Improper calibration, checking or maintenance of instrumentation or equipment</b>	\$1,000 first violation \$2,500 second violation \$5,000 and possible suspension or revocation of accreditation or approval for any violation thereafter
<b>Failure to adhere to recordkeeping requirements</b>	\$500 first violation \$1,000 for any violation thereafter

<b>Unauthorized signatories on laboratory analysis, gauging report or other document</b>	\$250 per violation
<b>Performance of test or measurement procedures by unqualified personnel</b>	\$500 first violation \$1,000 for any violation thereafter
<b>Failure to respond timely to CBP requests for check sample results</b>	\$500 per violation
<b>Performing test or measurement procedures under conditions other than those prescribed in the approved procedure</b>	\$500 first violation \$1,000 for any violation thereafter
<b>Change of legal name, address, ownership, parent-subsidiary relationship, bond, other offices or sites, or approved signatories without 5-day notification</b>	\$500 per violation
<b>Failure to perform check sample analysis</b>	\$1,000 per violation and possible suspension or revocation of accreditation
<b>Use of unauthorized testing methods or measurement procedures</b>	\$1,000 per violation and possible suspension or revocation of accreditation or approval for any violation thereafter
<b>Failure to make records reasonably available for inspection or removal of records from site without notification</b>	\$1,000 per violation
<b>Failure to retain samples as required</b>	\$1,000 per violation
<b>Subcontracting customs-related analysis to non-customs-accredited laboratories or non-customs-approved gaugers, or to customs-accredited laboratories or customs-approved gaugers that are not in good standing</b>	\$5,000 per violation
<b>Destruction or alteration of worksheets or reports</b>	\$25,000 first violation and possible suspension or revocation of accreditation or approval at all levels \$50,000 second violation \$100,000 third violation
<b>Issuance of knowingly false reports</b>	Same as "destruction or alteration of worksheets or reports"
<b>Sample tampering</b>	Same as "destruction or alteration of worksheets or reports"

<b>Misrepresentation of customs-accredited or customs-approved status, including misleading or confusing statements, wording concerning accredited or approved status, or specific tests or analysis for which accreditation or approval was granted</b>	\$5,000 first violation and possible suspension or revocation of accreditation or approval for any violation thereafter \$10,000 second violation \$25,000 third violation
<b>Providing false or misleading information or omitting material facts to CBP</b>	\$25,000 first violation and possible suspension or revocation of accreditation or approval at all levels \$50,000 second violation \$100,000 third violation
<b>Refusal or failure to follow any proper order of a CBP officer or any customs order, rule or regulation, including failure to respond to a CBP request for a laboratory or gauging report in the format, manner and with the information requested</b>	\$5,000 first violation and possible suspension or revocation of accreditation or approval for any violation thereafter \$10,000 second violation \$25,000 third violation
<b>Failure to remit (re)accreditation or (re)approval fees timely</b>	\$500 first violation \$1,000 for any violation thereafter
<b>Failure to maintain bond</b>	\$5,000 first violation and possible suspension or revocation of accreditation or approval for any violation thereafter \$10,000 second violation \$25,000 third violation
<b>Indictment, conviction, or commission of a federal or state crime involving misstatements, fraud or theft by the laboratory/gauger, a principal of the laboratory/gauging facility or an individual exercising substantial ownership or control over the laboratory/gauger operation</b>	\$25,000 first violation and possible suspension or revocation of accreditation or approval at all levels \$50,000 second violation \$100,000 third violation
<b>Other violation of Commercial Gauger and/or Laboratory Agreement with CBP</b>	\$5,000 first violation and possible suspension or revocation of accreditation or approval for any violation thereafter \$10,000 second violation \$25,000 third violation
<b>Other violation of 19 C.F.R. Part 151</b>	\$1,000 per violation