

## The Lacey Act

### Documentation:

#### **Product Declaration must be made at time of importation**

#### **Declaration must contain:**

- Scientific name of plant(including genus & species)
- Value of importation
- Quantity of the plant
- Name of the country in which the plant was harvested
- For paper and paperboard products with recycled content, state the average % recycled content without regard for species or country of harvest

Declaration requirement does not apply to packaging material used to support, protect or carry another item (unless the packaging material itself is the item being imported)

### Products Covered

**A wide variety of products, to the extent that they contain covered plant products, are now covered by the Lacey Act. Examples include:**

- Lumber, wood pulp, paper and paperboard
- Furniture, tools, umbrellas, sporting goods
- Printed matter
- Musical instruments
- Products manufactured from plant-based resins
- Boats, cars, trains, planes
- Pharmaceuticals
- Textiles

### Phased-in Declaration Requirement

There is a phased-in enforcement of the declaration requirement, as described in October 8, 2008 Federal Register notice. In the initial phase that started December 15, 2008, the declaration was voluntary; however, the truthfulness of any declaration is immediately enforceable by US Customs and Border Protection.

Importers must be prepared to comply with the declaration requirement by the dates stipulated in the Federal Register Notice.

Phase-In Schedule of Enforcement for the Declaration Requirement for Goods of, or containing, Plants or Plant Products\* (Specific goods may be exempt\*\*.)

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<p style="text-align: center;"><b>I</b> present – March 2009</p>	<p style="text-align: center;"><b>II</b> April 1, 2009</p>	<p style="text-align: center;"><b>III</b> July 1, 2009 (approximate)</p>
<p>PPQ Plant Import Declaration Form will be available on website, and accepted after Dec 15 Domestic &amp; International Outreach</p>	<p>HTS Chapters: Ch. 44 (wood &amp; articles of wood) Ch. 6 (live trees, plants, bulbs, cut flowers, ornamental foliage, etc.)</p>	<p>HTS Chapters: Ch. 47 (wood pulp) Ch. 48 (paper &amp; articles of) Ch. 92 (musical instruments) Ch. 94 (furniture) PLUS PHASE II</p>

**NOTE: Chapter descriptions are for ease of reference only.**

**Declaration requirement is effective as of Dec.15, 2008. All declarations submitted must be accurate; false statements are enforceable. Failure to submit a declaration will not be prosecuted and customs clearance will not be denied for lack of a declaration until after the phase-in date above.**

**Example: In HTS Ch. 6, most live plants not listed under CITES, the ESA or certain State laws would be exempt from this declaration requirement. See the Lacey Act regarding further exemptions.**

**Phase-In Schedule: Phase IV**

By September 30, 2009, USDA plans to phase in enforcement of the declaration requirements for additional chapters, including:

- Ch. 12 –oil seeds, misc. grain, fruit, plant, etc.
- Ch. 13 –gums, lacs, resins, vegetable saps, extracts, etc.
- Ch. 14 –vegetable plaiting materials and products not elsewhere specified
- Ch. 45 –cork and articles of
- Ch. 46 –basketware and wickerwork
- Ch. 66 –umbrellas, walking sticks, riding crops
- Ch. 82 –tools

- Ch. 93 –guns
- Ch. 95 –toys, games, and sporting equipment
- Ch. 96 –brooms, pencils, and buttons
- Ch. 97 –works of art

For additional information:

[www.aphis.usda.gov/plant\\_health/lacey\\_act](http://www.aphis.usda.gov/plant_health/lacey_act)

[www.cbp.gov](http://www.cbp.gov)

To look up genus/species, go to:

<http://plants.usda.gov/classification.html>