

## **Phase III of Lacey Act Declarations Takes Effect on October 1**

Last year's "Food, Conservation and Energy Act of 2008", *aka* the "Farm Bill" amended the *Lacey Act* to require at time of entry a declaration that includes the following information regarding the plant components of their imported merchandise:

- The scientific name of any plant (including the genus and species of the plant) contained in the importation.
- A description of the value of the importation; and the quantity, including the unit of measure, of the plant.
- The name of the country from which the plant was taken.

APHIS is currently enforcing the declaration requirement for formal entries, and is not enforcing the declaration requirement for informal entries, personal importations, mail, transportation and exportation entries, in-transit movements, carnet importations (i.e., merchandise or equipment that will be re-exported within a year), and foreign trade zone and warehouse entries. After reviewing public comments on its original proposals, in a February 3 *Federal Register* notice, APHIS announced its policy to implement the declaration requirements in stages, with electronic filing of the required form PPQ 505, initiated as of May 1 for products classifiable within Chapter 44 headings 4401, 4403, 4404, 4406, 4407, 4408, 4409, 4417 and 4418.

As of October 1 an additional set of products will be subject to the declaration, including a variety of consumer products of wood. Newly subject products will include wood pulp classified in Chapter 47 headings 4701 through 4705, as well as classes of wood and wood products classified within the remaining Chapter 44 headings, other than wood articles classified in heading 4421. Examples of products that will require declarations as of October 1 include wood charcoal, particle board, fiberboard of wood, plywood and veneered panels, dense wood, wooden frames (e.g. picture frames), packing cases, boxes, crates, drums, etc., casks, barrels, vats and tubs, tableware and kitchenware of wood, wood parquetry, statuettes, heading 4420 wood furniture, and caskets.

Importers must determine whether they have products, potentially including wooden parts of sets classified elsewhere, that will be listed on the Customs entry forms as classifiable within the Chapter 44 provisions (other than heading 4421). Wood/plant packaging material remains exempt from the declarations process.