



Lacey Act Primer And Updates

**United States Department of Agriculture
Animal and Plant Health Inspection Service
Plant Protection and Quarantine**

SECTION 1 - Shipment Information

1. ESTIMATED DATE OF ARRIVAL: (MM/DD/YYYY)

2. ENTRY NUMBER:

3. CONTAINER NUMBER: See Attachment

4. BILL OF LADING:

5. MID:

Plant and Plant Product Declaration Form

Section 3: Lacey Act Amendment (16 U.S.C. 3372)



U.S. DEPARTMENT OF AGRICULTURE
ANIMAL AND PLANT HEALTH INSPECTION SERVICE

10. DESCRIPTION OF MERCHANDISE:

6. IMPORTER NAME:

7. IMPORTER ADDRESS:

8. CONSIGNEE NAME:

9. CONSIGNEE ADDRESS:

SECTION 2 - Compliance with Lacey Act Requirements (16 U.S.C. 3372(f))

For each article or component of an article, provide the following:

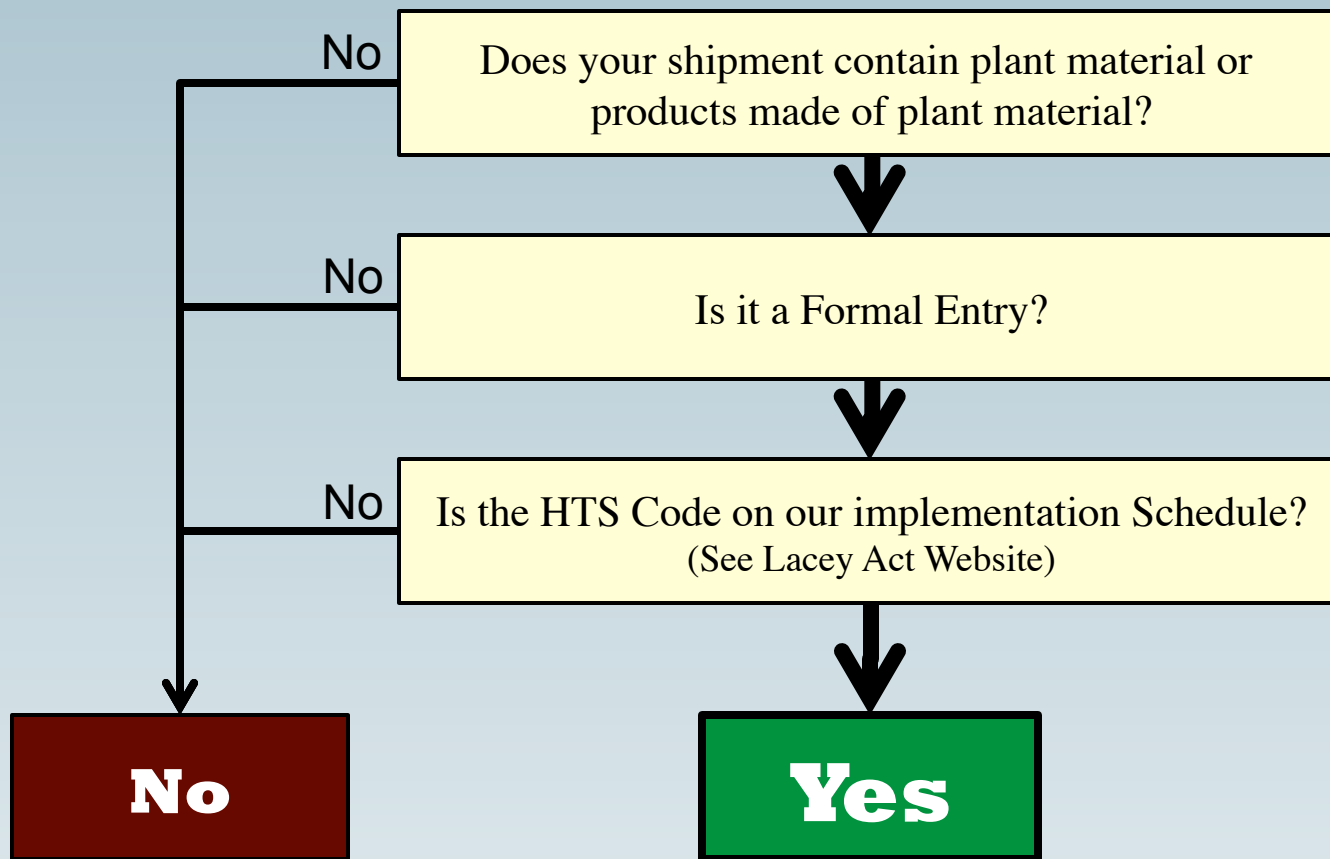
11. HTSUS NUMBER: (no dashes/symbols)	12. ENTERED VALUE:	13. ARTICLE/ COMPONENT OF ARTICLE	14. PLANT SCIENTIFIC NAME: <u>Genus</u> <u>Species</u>		15. COUNTRY OF HARVEST:	16. QUANTITY OF PLANT MATERIAL:	17. UNIT: ▼	18. PERCENT RECYCLED:
							▼	
							▼	
							▼	
							▼	
							▼	

I certify under penalty of perjury that, to the best of my knowledge and belief, the information furnished is true and correct.

Preparer's Phone Number and Area Code	Signature	Type or Print Name	Date

Knowingly making a false statement in this Declaration for Importation may subject the declarant to criminal penalties in accordance with 16 U.S.C. 3373(d).

Does my shipment require a Lacey Act Declaration?



PHASE-IN SCHEDULE OF ENFORCEMENT OF THE DECLARATION REQUIREMENT FOR GOODS OF, OR CONTAINING, PLANTS OR PLANT PRODUCTS*

Phase II April 1, 2009	Phase III October 1, 2009	Phase IV April 1, 2010
<p>HTS Chapters:</p> <p>Ch. 44 Headings (wood & articles of wood)</p> <ul style="list-style-type: none"> • 4401—(Fuel wood) • 4403—(Wood in the rough) • 4404—(Hoopwood; poles, piles, stakes) • 4406—(Railway or tramway sleepers) • 4407—(Wood sawn or chipped lengthwise) • 4408—(Sheets for veneering) • 4409—(Wood continuously shaped) • 4417—(Tools, tool handles, broom handles) • 4418—(Builders' joinery and carpentry of wood). 	<p>HTS Chapters:</p> <p>Ch. 44 Headings (wood & articles of wood)</p> <ul style="list-style-type: none"> • 4402—Wood charcoal • 4412—Plywood, veneered panels <ul style="list-style-type: none"> ○ except 44129906 and 44129957 • 4414—Wooden frames • 4419—Tableware & kitchenware of wood • 4420—Wood marquetry, caskets, statuettes. <p style="text-align: center;">PLUS PHASE II</p>	<p>HTS Chapters:</p> <p>Ch. 44 Headings (wood & articles of wood)</p> <ul style="list-style-type: none"> • 4421—Other articles of wood <p>Ch. 66 Headings (umbrellas, walking sticks, riding crops)</p> <ul style="list-style-type: none"> • 6602—Walking sticks, whips, crops <p>Ch. 82 Headings (tools, implements)</p> <ul style="list-style-type: none"> • 8201—Hand tools <p>Ch. 92 Headings (musical instruments)</p> <ul style="list-style-type: none"> • 9201—Pianos • 9202—Other stringed instruments <p>Ch. 93 Headings (arms and ammunition)</p> <ul style="list-style-type: none"> • 9302—Revolvers and pistols • 93051020—Parts and accessories for re-volvers and pistols <p>Ch. 94 Headings (furniture, etc.)</p> <ul style="list-style-type: none"> • 940169—Seats with wood frames <p>Ch. 95 Headings (toys, games, & sporting equipment)</p> <ul style="list-style-type: none"> • 950420—Articles and accessories for billiards <p>Ch. 97 Headings (works of art)</p> <ul style="list-style-type: none"> • 9703—Sculptures <p style="text-align: center;">PLUS PHASES II & III.</p>

* Declaration requirements were effective as of December 15, 2008. All declarations submitted must be accurate; false statements may be referred for enforcement. 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.

Simplifying the Process

www.aphis.usda.gov/plant_health/lacey_act/

- *“Special Use Designations”*
- Species Groupings
- New Rulemaking
- Streamlined Submission Process





Current Special Use Designations

Circumstance	Genus Designation	Species Designation
1. <u>Species groupings</u>¹		
SPF	Special	SPF
2. <u>Composite, Recycled, or Reused Plant Materials</u>²		
MDF, HDF, OSB, Particle Board, Paper, Paperboard, etc.	Special	Composite
Recycled Material	Special	Recycled
Reclaimed or Reused Material	Special	Reclaimed
3. <u>Other Special Cases</u>³		
Manufactured Prior to May 22, 2008 - Sourcing of Pre-Amendment Materials Untraceable Despite Due Diligence	Special	PreAmendment
No Plant Material Present	Special	None

Request Additional Species Groupings

- Please submit requests to: lacey.act.declaration@aphis.usda.gov
- Requests should include the following information:
 - Proposed Species Grouping name (Example: SPF for “Spruce, Pine, and Fir”). (actual commercially used trade name)
 - List of species. Finite listing. No genus and/or family only.
 - Country/countries where each of these species is grown. Identify wild harvest vs plantation for each species/country listed.
 - Explanation of how this name is used in trade, including a full explanation regarding the types and volumes of trade, as well as why the designation is used.
 - Explanation of why the similarities in this group would make identifying the particular species in any individual shipment difficult, costly, and/or time consuming.

Common Food Crop/Common Cultivar

Definitions Published in 2013 Final Rule

A Common Food Crop is a plant that:

- Is raised, grown, or cultivated for **human or animal consumption**; and
- Is a species or hybrid, or a selection thereof, that is produced on a **commercial scale**; and
- Plants that **cannot** be considered Common Food Crops:
 - CITES or ESA listed
 - Protected by State Law

Common Food Crop/Common Cultivar

Definitions Published in 2013 Final Rule

A Common Cultivar is a plant (except a tree) that:

- Has been **developed** through **artificial selection** for specific morphological or physiological characteristics; and
- Is a species or hybrid, or a selection thereof, that is produced on a **commercial scale**; and
- Plants that **cannot** be considered Common Cultivars:
 - CITES or ESA listed
 - Protected by State Law

Common Food Crop/Common Cultivar

Requests for Additions to Illustrative List

- Please submit requests to:
lacey.act.declaration@aphis.usda.gov
- Requests should include the following information:
 - Scientific name of the plant (genus, species);
 - Common or trade names;
 - Annual trade volume (e.g., cubic meters) or weight (e.g., metric tons/ kilograms) of the commodity; and
 - Any other information that will help us make a determination, such as countries or regions where grown, estimated number of acres or hectares in commercial production, and so on.