



The Lacey Act

What You Should Know

Updated September 2015



What is the Lacey Act?

- ▶ The Lacey Act is administered by the Departments of the Interior, Commerce, and Agriculture through their respective agencies. These include the U.S. Fish and Wildlife Service, National Marine Fisheries Service, and Animal and Plant Health Inspection Service.
- ▶ The Lacey Act, [16 U.S.C. §§ 3371-3378](#), protects plants and wildlife by creating civil and criminal penalties for a wide array of violations . Most notably, the Act prohibits trade in wildlife, fish, and plants that have been illegally taken, possessed, transported or sold.
- ▶ The 2008 Farm Bill (the Food, Conservation, and Energy Act of 2008), effective May 22, 2008, amended the Lacey Act by expanding the law banning commerce in illegally sourced plants and their products and set a groundbreaking precedent for global trade.

Phase-In Schedule of Enforcement

Phase I-March 2009	Phase II - April 1, 2009 - Sept 30, 2009	Phase III - Oct. 1, 2009 - March 31, 2010	Phase IV - April 1, 2010 - Sept. 30, 2010	Phase V - August 2015
PPQ Plant Import Declaration Form available on Web site and accepted after 12/15/2008	HTS Chapters: Chapter 44 headings (wood & articles of wood)	HTS Chapters: Chapter 44 headings (wood & articles of wood) Subheadings of 4416 Subheading of 9504	HTS Chapters: Chapter 44 (wood & articles thereof) Chapter 48 (paper & articles thereof) Subheadings from Chapter 94 (furniture)	HTS Chapters: Chapter 44 (wood & articles thereof) Subheadings from Chapter 82 (Tools & Cutlery) Subheadings from Chapter 94 (furniture) Chapter 96 (Miscellaneous)
	4401 fuel wood	4402 wood charcoal	4421 articles of wood, not elsewhere specified	4416 casks, barrels, vats, tubs
	4403 wood in the rough	4405 wood wool (excelsior)	4801 newsprint	8211 .92 hunting knives w/wood handle
	4404 hoopwood; poles, piles, stakes	4410 particle board	4802 uncoated writing paper	8215.99 BBQ forks w/wood handle
	4406 railway or tramway sleepers	4411 fiberboard of wood	4803 toilet or facial tissue stock	9401.61 teak chairs
	4407 wood sawn or chipped lengthwise	4412 plywood, veneered panels	4804 uncoated kraft paper	9401.90 bent wood seats
	4408 sheets for veneering	4413 densified wood	4805 other uncoated paper and board	9403.30 wooden office furniture
	4409 wood continuously shaped	4414 wooden frames	4806 vegetable parchment, etc.	9403.40 wooden kitchen furniture
	4417 tools, tool handles, broom handles	4415 packing cases, boxes, crates, drums	4807 composite paper and board	9403.50 wooden bedroom furniture
	4418 builders' joinery/carpentry of wood	4416 casks, barrels, vats, tubs	4808 corrugated paper and board	9403.60 other wooden furniture
		4419 tableware & kitchenware, of wood	4809 carbon paper	9614.00 rough wood blocks
		4420 wood marquetry; caskets; statuettes	4810 coated paper and board	Including headings listed in Phases II, III and IV
		4701 mechanical wood pulp	4811 paper coated, etc.;	
		4702 chemical wood pulp, dissolving	9401.69 seats with wooden frames	
		4703 chemical wood pulp, sulfate	9403.30 wooden office furniture	
		4704 chemical wood pulp, sulfite	9403.40 wooden kitchen furniture	
		4705 combination mechanical and chemical	9403.50 wooden bedroom furniture	
	6602 walking sticks, whips, crops	9403.60 other wooden furniture		
	8201 hand tools	9403.90.70 wooden furniture parts		
	9201 pianos	Including headings listed in Phases II and III		
	9202 other stringed instruments			
	9504.20 Articles for billiards			
	Including headings listed in Phase II			

CVS Requirements for US Customs Clearance

- ▶ The Lacey Act requires importers to provide a Plant and Plant Product Declaration form (PPQ 505) for all wooden/paper products that fall within the scope at the time of importation. PPQ 505 can be found at:
<http://www.aphis.usda.gov/library/forms/pdf/ppq505.pdf>
- ▶ Each shipment requires its own Plant and Plant Product Declaration
- ▶ CVS will exercise due care which requires undertaking certain steps to insure that we are not violating the law
- ▶ CVS' Customs broker, OHL, will file the electronic declaration through the Customs Entry System via the Automated Broker Interface (ABI) in the cargo release module at the time of import

CVS Supplier Responsibilities

- ▶ Suppliers must submit a completed Plant and Plant Product Declaration with the commercial documents, or list the information on the commercial invoice by item
- ▶ Determine which products you supply to CVS that contain plant materials within the scope of the Lacey Act
- ▶ Work with your suppliers to make sure all plant materials are legally harvested
- ▶ Adopt company policies with respect to the U.S. Lacey Act and require your suppliers to adopt similar policies and systems
- ▶ Providing false or misleading information can result in civil or criminal actions against any involved party and may result in the seizure and forfeiture of the merchandise. As the supplier, you will be liable for any costs associated to holds and/or violations of the shipment related to the declaration of these goods

Lacey Act Declaration Data Requirements

- ▶ The scientific name, genus and species of all tree and wild plants. “Plant” meaning any wild member of the plant kingdom, including roots, seeds, parts or products thereof, and trees from either natural or planted forest stands (example: Genus: Juglans, Species: Juglans neotropica Diels)
- ▶ Name of the country in which the plant was harvested
- ▶ The quantity of the product to be reported in metric units
- ▶ The value of the imported plant/timber products
- ▶ For paper and paperboard products with recycled content, state the average percent of recycled content without regard for species or country of harvest
- ▶ Exemptions
 - Common cultivated plants and common food crops (not including trees)
 - Packing material, unless the packing material itself is the item being imported
 - Paper products that ordinarily accompany a product, (e.g., tags, labels, manuals and warranty cards)

Additional Requirements for Lacey Declarations

- ▶ The Animal and Plant Health Inspection Service (APHIS) and U.S. Customs and Border Protection (CBP) have confirmed that APHIS will be enforcing its requirement for plant material quantities to be reported using standardized metric units (such as kg, m², and m³), for both paper and electronic declarations
- ▶ APHIS has been designated the lead regulatory agency for these requirements and CBP is assisting APHIS with the electronic collection of data to fulfill the Plant and Plant Product Declaration requirement
- ▶ For additional information go to the APHIS Lacey Act Website at:
http://www.aphis.usda.gov/plant_health/lacey_act/index.shtml -

CVS Contacts

The information provided here is accurate to the best of our knowledge and is provided in good faith to assist you in navigating through the complexities of the Lacey Act. However it is important to remain up to date on current regulations and requirements. Consult your legal representative, your customs specialists and your trade associations for additional information or clarifications.

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