



The Lacey Act: What You Should Know

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Disclaimer

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.

What is the Lacey Act?

- The Lacey Act is administered by the Departments of the Interior, Commerce and Agriculture through their respective agencies, including 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 to ban commerce in illegally sourced plants and their products and set a groundbreaking precedent for global trade.



Phase-in schedule of enforcement

HTS CHAPTERS, HEADINGS, AND SUBHEADINGS

Phase I: March 2009	Phase II: 4/1/2009–9/30/2009	Phase III: 10/1/2009–3/31/2010*	Phase IV: 4/1/2010–9/30/2010*	Phase V: August 2015*
Plant and Plant Product Declaration Form available on USDA website	4401 Fuel wood	4402 Wood charcoal	4421 Other articles of wood	4416 Casks, barrels, vats, tubs
	4403 Wood in the rough	4412 Plywood, veneered panels (except 4412.99.06 & 4412.99.57)	6602 Walking sticks, whips, crops	8211.92.60 Hunting knives with wood handles
	4404 Hoopwood; poles, piles, stakes	4414 Wooden frames	8201 Handtools	8215.99.24 Tables forks and barbecue forks with wooden handles
	4406 Railway or tramway sleepers	4419 Tableware & kitchenware of wood	9201 Pianos	9401.61.20 Upholstered chairs of teak
	4407 Wood sawn or chipped lengthwise	4420 Wood marquetry, caskets, statuettes	9202 Other string musical instruments	9401.90.15 Parts of bent-wood seats
	4408 Sheets for veneering		9302 Revolvers and pistols	9403.30.40 Bent-wood office furniture
	4409 Wood continuously shaped		9305.10.20 Parts and accessories of revolvers or pistols	9403.40.40 Bent-wood kitchen furniture
	4417 Tools, tool handles, broom handles		9401.69 Seats with wooden frames	9403.50.40 Bent-wood bedroom furniture
	4418 Builders' joinery and carpentry of wood		9504.20 Articles for billiards	9403.60.40 Other bent-wood furniture
			9703 Original sculptures	9614.00.21 Roughly shaped blocks for manufacture of pipes

* Includes prior phases



CVS Pharmacy requirements for U.S. customs clearance

- The Lacey Act requires importers to provide a Plant and Plant Product Declaration Form (PPQ 505) for each article or component of an article that falls 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 Pharmacy will exercise reasonable care, which requires undertaking certain steps to ensure that we are not violating the law.
- Declaration will be filed through CBP's Automated Commercial Environment (ACE) in the cargo release module at the time of import.

CVS Pharmacy supplier responsibilities

As a supplier of CVS Pharmacy:

- Suppliers must submit a completed Plant and Plant Product Declaration Form with the commercial documents, or list the information on the commercial invoice by item.
- Determine which products you supply to CVS Pharmacy that contain plant materials within the scope of the Lacey Act.
- Work with your suppliers to ensure all plant materials are harvested legally.
- 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 of holds and/or violations related to the declaration of these goods.



Lacey Act declaration data requirements

- The scientific name (genus and species) of all trees and wild plants. “Plant” means 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 *neotropica*).
- 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.
- 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, warranty cards)



Additional requirements for Lacey Act declarations

- The Animal and Plant Health Inspection Service (APHIS) and U.S. Customs and Border Protection (CBP) have confirmed that APHIS will enforce 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 further information go to the APHIS Lacey Act website at http://www.aphis.usda.gov/plant_health/lacey_act/index.shtml.



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Thank You

