



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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