



Masterpiece International, Ltd.

International Commercial Logistics and Consulting Customs Brokers Freight Forwarder

Import Requirements under the Lacey Act

What is the Lacey Act?

The Lacey Act prohibits trade in wildlife, fish and plants that have been illegally taken, possessed, transported or sold. The Lacey Act amendments make it unlawful to import, export, transport, sell, receive, acquire, or purchase in interstate or foreign commerce any plant or plant product taken in violation of the laws of a U.S. state or any foreign law that protects plants, and requires additional reporting for imports of these products.

What are the new Lacey Act reporting requirements?

The Lacey Act amendments require that import declarations state the scientific name of any plant (including genus and species) used to produce the plant product and the country of origin of the plant. If the genus and species is not known, then the declaration must contain the name of *every* species of plant that *may* have been used to produce the plant product; and if the country from which the plant was taken and used to produce the imported plant product is unknown, the name of *every* country from which the plant *may* have been taken must be stated.

Enforcement

USDA will only enforce the declaration requirement for formal consumption entries. It does not currently intend to enforce the declaration requirement with respect to informal entries (i.e., most personal shipments), personal importations or mail (unless subject to formal entry), transportation and exportation entries, intransit movements, carnet importations (i.e., merchandise or equipment that will be re-exported within a year) and foreign-trade zone and warehouse entries.

Electronic submission of the required data elements will be accepted starting April 1, 2009. Enforcement of the data collection requirement will not actually begin until May 1, 2009.

What is covered by the new Lacey Act reporting requirements and what is not?

USDA-APHIS has issued a phase-in schedule that lists what products and the associated Harmonized Tariff Schedule (HTS) Chapter or Heading requires a Plant Product Declaration Form (PPQ 505). The USDA-APHIS phase-in schedule covers reporting requirements through September 2010, at which time USDA-APHIS is expected to review the process. While many processed items, including footwear and apparel are not included in the current phase-in schedule, USDA-APHIS has held open the possibility of adding these products at a later date. The phase-in schedule is as follows:

➤ **April 1-Sept. 30, 2009**

- 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); and
- 4418 (builders' joinery and carpentry of wood).



➤ **Oct. 1, 2009-March 31, 2010**

- Items covered under the April 1-Sept. 30, 2009 phase;
- 4402 (wood charcoal);
- 4405 (wood wool [excelsior]);
- 4410 (particle board);
- 4411 (fiberboard of wood);
- 4412 (plywood, veneered panels);
- 4413 (densified wood);
- 4414 (wooden frames);
- 4415 (packing cases, boxes, crates, drums);
- 4416 (casks, barrels, vats, tubs);
- 4419 (tableware and kitchenware);
- 4420 (wood marquetry; caskets; statuettes);
- 4701 (mechanical wood pulp);
- 4702 (chemical wood pulp, dissolving);
- 4703 (chemical wood pulp, sulfate);
- 4704 (chemical wood pulp, sulfite); and
- 4705 (combination mechanical and chemical).

➤ **April 1-Sept. 30, 2010**

- Items covered under the April 1-Sept. 30, 2009 phase;
- Items covered under the Oct. 1, 2009-March 31, 2010 phase;
- 4421 (articles of wood, not elsewhere specified or included);
- 4801 (newsprint);
- 4802 (uncoated writing paper);
- 4803 (toilet or facial tissue stock);
- 4804 (uncoated kraft paper);
- 4805 (other uncoated paper and board);
- 4806 (vegetable parchment, etc.);
- 4807 (composite paper and board);
- 4808 (corrugated paper and board);
- 4809 (carbon paper);
- 4810 (coated paper and board);
- 4811 (paper coated, etc. other than 4803, 4809 or 4810);
- 9401.69 (seats with wooden frames);
- 9403.30 (wooden office furniture);
- 9403.40 (wooden kitchen furniture);
- 9403.50 (wooden bedroom furniture);
- 9403.60 (other wooden furniture); and
- 9403.90.70 (wooden furniture parts).

NOT COVERED: Packaging material that supports, protects, or carries another item is exempted from these reporting requirements, unless the packaging material itself is the item being imported. Also exempted from the reporting requirements are sundries that ordinarily accompany imported items such as tags, labels, manuals and warranty cards.

Filing Procedures.

CBP has automated the process for collecting the required data elements and expects most importers to use the electronic system to file the declaration. Data will be transmitted to the Automated Commercial System through the Automated Broker Interface (ABI) in the cargo release module.

Masterpiece has the necessary program to transmit the declaration on behalf of clients utilizing our Customs clearance services.