



Lacey Act Program

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

**Program Overview
April 05, 2016**

Lacey Act History



- Enacted in 1900 to combat impacts
 - Hunting to supply commercial markets
 - Interstate shipment of unlawfully killed game
 - Killing birds for feather trade
- Amended over the years
 - Added fish, wildlife, and some plants
- Amended May 22, 2008
 - Expand coverage to ALL plants/products illegally harvested
 - Require declaration for plants/products

Responsibility Under the Lacey Act

(U.S. Government)

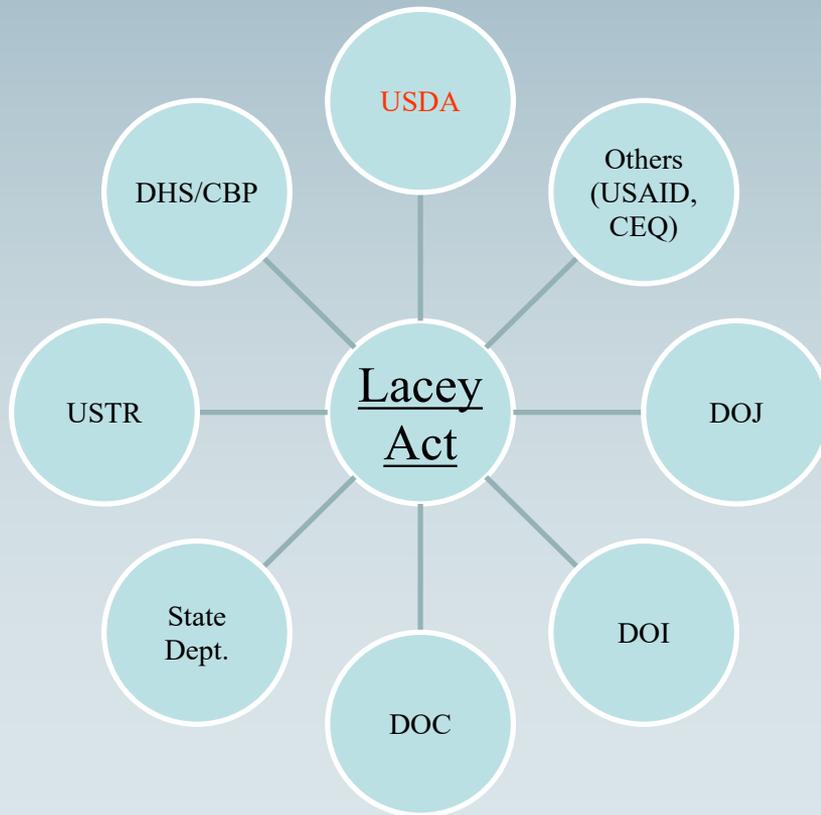
APHIS Role - - Plant Provisions of the Lacey Act

- Administer declaration requirement
- Publish guidance; outreach, education
- Clarify scope of products requiring declaration
- Develop implementing regulations
- Cooperate with Federal partners



Responsibility Under the Lacey Act (U.S. Government)

Lacey Act Interagency Group (USG partners)



Two Sides of Lacey Act Amendment

- **Legality Requirement**

All plants and plant products imported into the United States must be legally harvested, sold, transported, etc.

Responsibility Under the Lacey Act

(Business)

The Importer of Record

- Legally responsible for the shipment, contents and paperwork
- Files the declaration (Broker may submit declaration)
- Responsible for providing all required data to APHIS
- Required to supply complete and accurate information
- Responsible for ensuring due care



Lacey Act Legal Basics

- The Lacey Act Amendments of 2008
 - Legality of Harvest
 - Private/Protected/Government land
 - Permits
 - Legality of Transactions
 - Taxes, fees, duties
 - Plant Protection Laws
 - Domestic/Foreign laws
 - CITES
- Additional Non-Lacey regulations may apply for U.S. imports

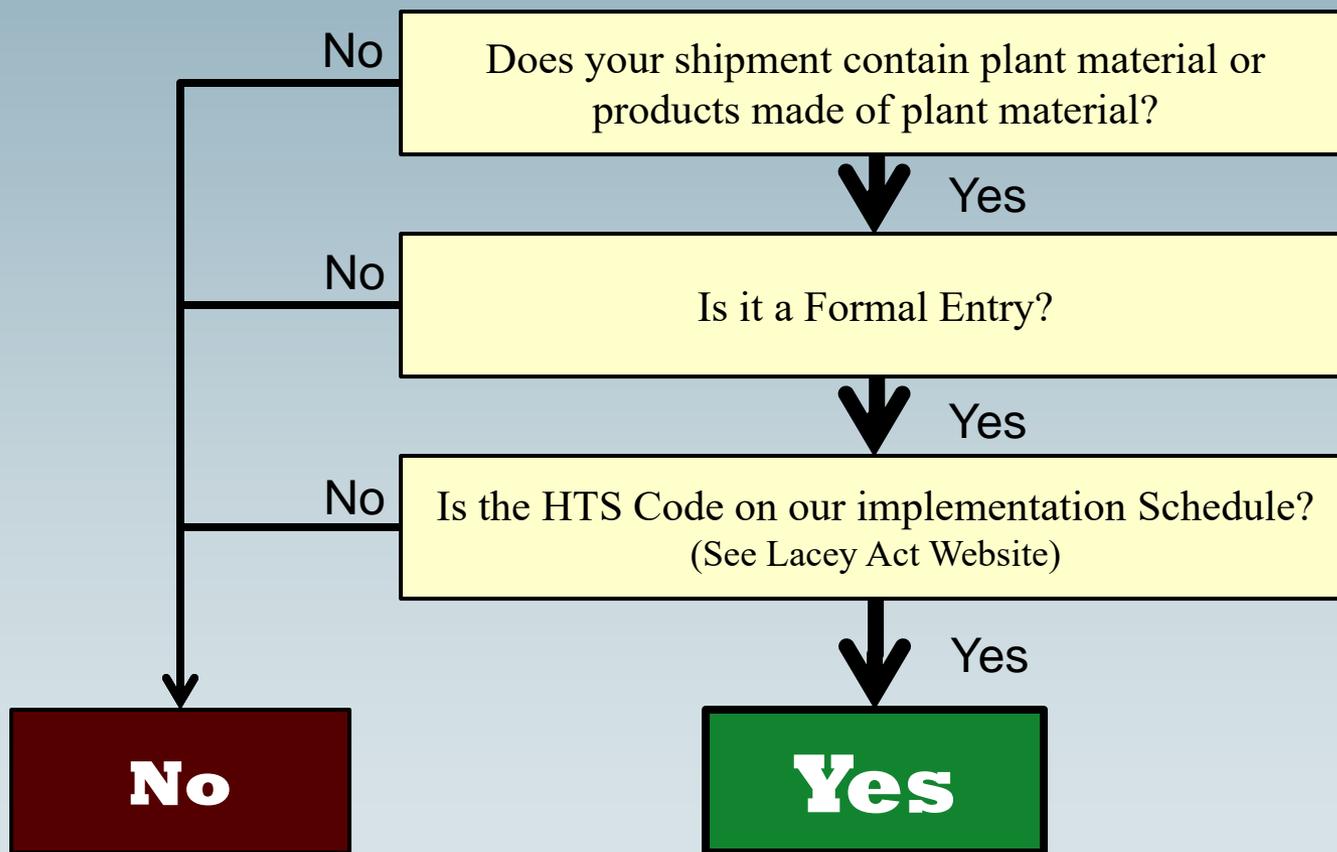


Two Sides of Lacey Act Amendment

- **Declaration Requirement**

See “Schedule of Enforcement” to submit Lacey Act Plant and Plant Product Declaration Form (PPQ Form 505) upon importation into U.S. (Required for formal customs entries)

When is a Lacey Act declaration required?



**Legality
Requirement**



**Declaration
Requirement**

Example: Bagpipes with wooden pipes

- HTS Section 92059020 – no declaration required
- The Lacey Act itself still applies to the wooden pipes
- If made from illegally harvested trees, the bagpipe shipment is in violation of the Lacey Act



Exclusions from Declaration Requirement

- Material used exclusively as packing material
- “Common cultivars” and “common food crops”
 - See illustrative list of materials excluded
http://www.aphis.usda.gov/plant_health/lacey_act/downloads/CommonFoodCrop-CommonCultivarIllustrativeList.pdf
- Plants for planting*
- Scientific plant specimen for lab or field research*

*except protected species

More on Declaration Requirement...

- Formal entries
- Informal entries
- De minimis
- Special Use Designations

What's Currently Included?

Ch. 44 Headings

- 4401— (Fuel wood)
- 4402— (Wood charcoal)
- 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)
- 4412— (Plywood, veneered panels) Except 44129906 and 44129957
- 4414— (Wooden frames)
- 4417— (Tools, tool handles, broom handles)
- 4416003010—(new casks, barrels, and parts of wood)
- 4416003020—(used assembled casks of wood)
- 4416003030—(used unassembled casks of wood)
- 4416006010—(new barrel staves of wood)
- 4416006020—(new barrel hoops of softwood)
- 4416006030—(new tight barrelheads of wood)
- 4416006040—(used barrels staves of softwood)
- 4416006050—(used hoops, tight barrelheads of softwood)
- 4416009020—(new other casks, barrels, wood)
- 4416009040—(used other cooper goods, wood)
- 4418— (Builders' joinery and carpentry of wood)
- 4419— (Tableware & kitchenware of wood)
- 4420— (Wood marquetry, caskets, statuettes)
- 4421— (Other articles of wood)

What's Currently Included?

Ch. 66 Headings

- 6602—(Walking sticks, whips, crops)

Ch. 82 Headings

- 8201—(Hand tools)
- 8211926000—(hunting knives with wood handles)
- 8215992400—(table barbeque forks with wood handles)

Ch. 92 Headings

- 9201—(Pianos)
- 9202—(Other stringed instruments)

Ch. 93 Headings

- 9302—(Revolvers and pistols)
- 93051020—(Parts and accessories for revolvers and pistols)

Ch. 94 Headings

- 940169—(Seats with wood frames)
- 9401612010—(upholstered teak chair, household)
- 9401612030—(upholstered teak chairs, other)
- 9401901500—(parts of bent-wood seats)
- 9403304000—(bent-wood office furniture)
- 9403404000—(bent-wood kitchen furniture)
- 9403504000—(bent-wood bedroom furniture)
- 9403604000—(other bent-wood furniture)

Ch. 95 Headings

- 950420—(Articles and accessories for billiards)

Ch. 96 Headings

- 9614002100—(rough wood blocks for smoking pipe manufacture)

Ch. 97 Headings

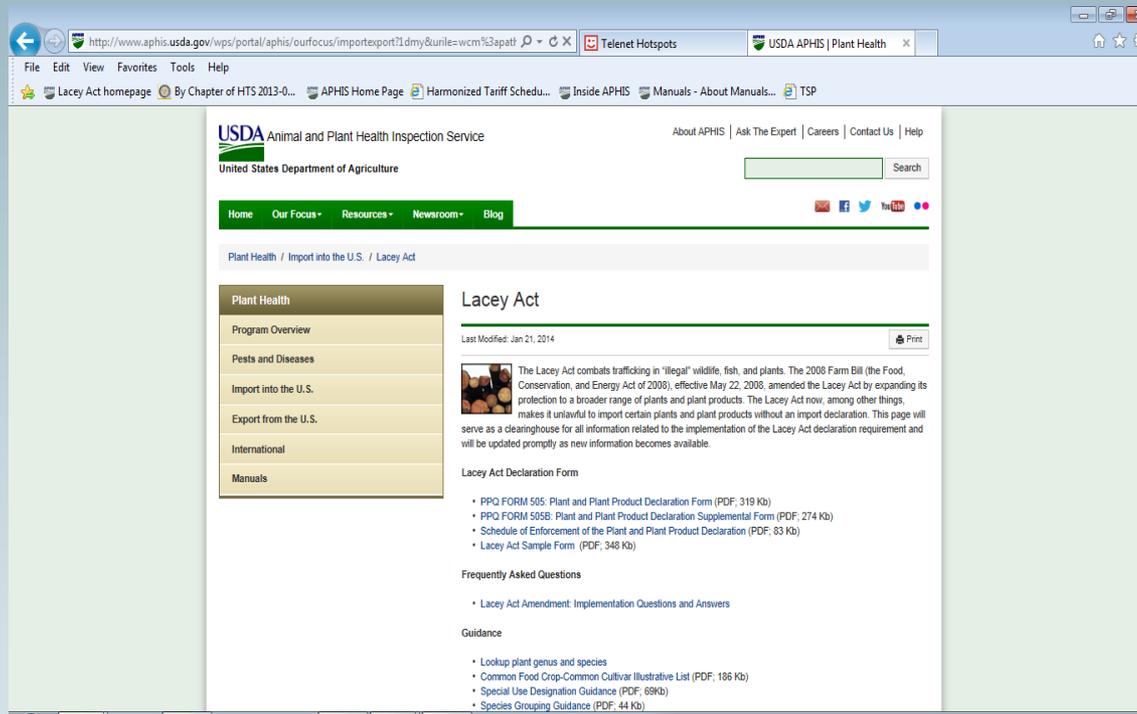
- 9703—(Sculptures)

Lacey Act Declaration Filing Options

- **CBP ABI Filing**
 - 2009 Electronic Filing through U.S. Customs and Border Protection (Specific software communications parameters)
 - 2015/2016 PGA Message Set developed recently for ACE
 - Majority of Lacey Act Submissions via ABI
- **LAWGS Filing**
 - 2014 Electronic System designed to transition filers from paper submissions
 - <https://lawgs.aphis.usda.gov/lawgs/>
- **Paper Filing**
 - Importer prints two copies of the PPQ Form 505
 - Copy accompanies shipment documentation for product
 - Original mailed to APHIS
 - http://www.aphis.usda.gov/plant_health/lacey_act/index.shtml

APHIS Lacey Act Website

http://www.aphis.usda.gov/plant_health/lacey_act/index.shtml



lacey.act.declaration@aphis.usda.gov