Lacey Act Program

United States Department of Agriculture
Animal and Plant Health Inspection Service
Plant Protection and Quarantine
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Program Overview
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Lacey Act History

• Enacted in 1900 to combat impacts
  o Hunting to supply commercial markets
  o Interstate shipment of unlawfully killed game
  o Killing birds for feather trade

• Amended over the years
  o Added fish, wildlife, and some plants

• Amended May 22, 2008
  o Expand coverage to ALL plants/products illegally harvested
  o 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
  o Legality of Harvest
    o Private/Protected/Government land
    o Permits
  o Legality of Transactions
    o Taxes, fees, duties
  o Plant Protection Laws
    o Domestic/Foreign laws
    o 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?

1. Does your shipment contain plant material or products made of plant material?
   - Yes: Proceed to the next step.
   - No: Final answer is No.

2. Is it a Formal Entry?
   - Yes: Proceed to the next step.
   - No: Final answer is No.

3. Is the HTS Code on our implementation Schedule? (See Lacey Act Website)
   - Yes: Final answer is Yes.
   - No: Final answer is No.
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

• 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
  o 2009 Electronic Filing through U.S. Customs and Border Protection
    (Specific software communications parameters)
  o 2015/2016 PGA Message Set developed recently for ACE
  o Majority of Lacey Act Submissions via ABI

• LAWGS Filing
  o 2014 Electronic System designed to transition filers from paper submissions
    o https://lawgs.aphis.usda.gov/lawgs/

• Paper Filing
  o Importer prints two copies of the PPQ Form 505
    • Copy accompanies shipment documentation for product
    • Original mailed to APHIS
APHIS Lacey Act Website

lacey.act.declaration@aphis.usda.gov