



# **Lacey Act Primer And Updates**

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

## SECTION 1 - Shipment Information

1. ESTIMATED DATE OF ARRIVAL: (MM/DD/YYYY)
2. ENTRY NUMBER:
3. CONTAINER NUMBER: <input type="checkbox"/> See Attachment
4. BILL OF LADING:
5. MID:

# Plant and Plant Product Declaration Form

Section 3: Lacey Act Amendment (16 U.S.C. 3372)



**U.S. DEPARTMENT OF AGRICULTURE**  
ANIMAL AND PLANT HEALTH INSPECTION SERVICE

10. DESCRIPTION OF MERCHANDISE:

6. IMPORTER NAME:
7. IMPORTER ADDRESS:
8. CONSIGNEE NAME:
9. CONSIGNEE ADDRESS:

## SECTION 2 - Compliance with Lacey Act Requirements (16 U.S.C. 3372(f))

For each article or component of an article, provide the following:

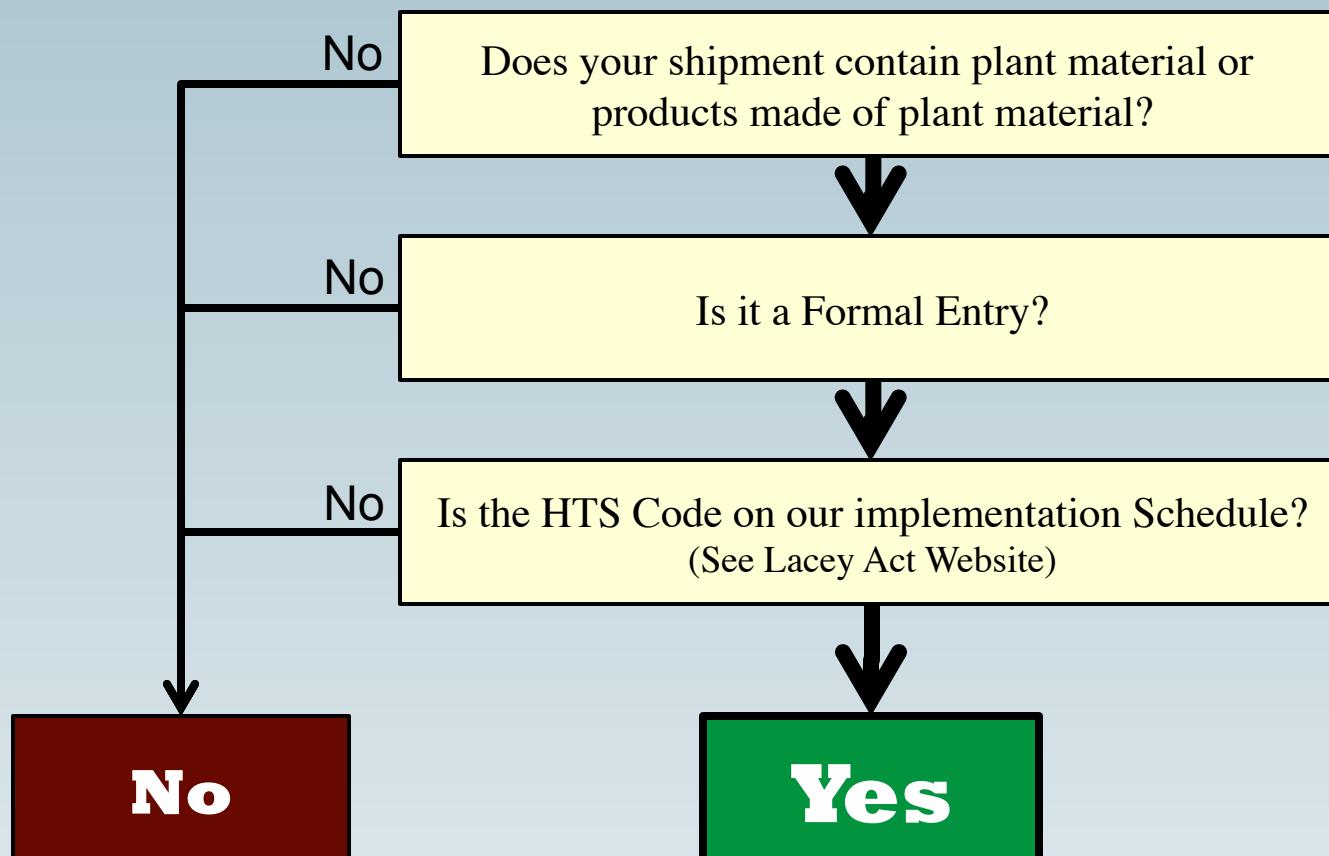
11. HTSUS NUMBER: (no dashes/symbols)	12. ENTERED VALUE:	13. ARTICLE/ COMPONENT OF ARTICLE	14. PLANT SCIENTIFIC NAME: <u>Genus</u> <u>Species</u>		15. COUNTRY OF HARVEST:	16. QUANTITY OF PLANT MATERIAL:	17. UNIT:	18. PERCENT RECYCLED:
████████████████							▼	
████████████████							▼	
████████████████							▼	
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I certify under penalty of perjury that, to the best of my knowledge and belief, the information furnished is true and correct:

Preparer's Phone Number and Area Code	Signature	Type or Print Name	Date
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Knowingly making a false statement in this Declaration for Importation may subject the declarant to criminal penalties in accordance with 16 U.S.C. 3373(d).

# Does my shipment require a Lacey Act Declaration?



PHASE-IN SCHEDULE OF ENFORCEMENT OF THE DECLARATION REQUIREMENT FOR GOODS OF, OR CONTAINING, PLANTS OR PLANT PRODUCTS\*

Phase II April 1, 2009	Phase III October 1, 2009	Phase IV April 1, 2010
<p><b>HTS Chapters:</b></p> <p><b>Ch. 44 Headings (wood &amp; articles of wood)</b></p> <ul style="list-style-type: none"> <li>• 4401—(Fuel wood)</li> <li>• 4403—(Wood in the rough)</li> <li>• 4404—Hoopwood; poles, piles, stakes)</li> <li>• 4406—Railway or tramway sleepers)</li> <li>• 4407—(Wood sawn or chipped lengthwise)</li> <li>• 4408—(Sheets for veneering)</li> <li>• 4409—(Wood continuously shaped)</li> <li>• 4417—(Tools, tool handles, broom handles)</li> <li>• 4418—(Builders' joinery and carpentry of wood).</li> </ul>	<p><b>HTS Chapters:</b></p> <p><b>Ch. 44 Headings (wood &amp; articles of wood)</b></p> <ul style="list-style-type: none"> <li>• 4402—Wood charcoal</li> <li>• 4412—Plywood, veneered panels <ul style="list-style-type: none"> <li>○ except 44129906 and 44129957</li> </ul> </li> <li>• 4414—Wooden frames</li> <li>• 4419—Tableware &amp; kitchenware of wood</li> <li>• 4420—Wood marquetry, caskets, statuettes.</li> </ul>	<p><b>HTS Chapters:</b></p> <p><b>Ch. 44 Headings (wood &amp; articles of wood)</b></p> <ul style="list-style-type: none"> <li>• 4421—Other articles of wood</li> </ul> <p><b>Ch. 66 Headings (umbrellas, walking sticks, riding crops)</b></p> <ul style="list-style-type: none"> <li>• 6602—Walking sticks, whips, crops</li> </ul> <p><b>Ch. 82 Headings (tools, implements)</b></p> <ul style="list-style-type: none"> <li>• 8201—Hand tools</li> </ul> <p><b>Ch. 92 Headings (musical instruments)</b></p> <ul style="list-style-type: none"> <li>• 9201—Pianos</li> <li>• 9202—Other stringed instruments</li> </ul> <p><b>Ch. 93 Headings (arms and ammunition)</b></p> <ul style="list-style-type: none"> <li>• 9302—Revolvers and pistols</li> <li>• 93051020—Parts and accessories for re-volvers and pistols</li> </ul> <p><b>Ch. 94 Headings (furniture, etc.)</b></p> <ul style="list-style-type: none"> <li>• 940169—Seats with wood frames</li> </ul> <p><b>Ch. 95 Headings (toys, games, &amp; sporting equipment)</b></p> <ul style="list-style-type: none"> <li>• 950420—Articles and accessories for billiards</li> </ul> <p><b>Ch. 97 Headings (works of art)</b></p> <ul style="list-style-type: none"> <li>• 9703—Sculptures</li> </ul> <p><b>PLUS PHASES II &amp; III.</b></p>
	<p><b>PLUS PHASE II</b></p>	

\* Declaration requirements were effective as of December 15, 2008. All declarations submitted must be accurate; false statements may be referred for enforcement. Failure to submit a declaration will not be prosecuted, and customs clearance will not be denied for lack of a declaration until after the phase-in date above.

# Simplifying the Process

[www.aphis.usda.gov/plant\\_health/lacey\\_act/](http://www.aphis.usda.gov/plant_health/lacey_act/)

- “*Special Use Designations*”
- Species Groupings
- New Rulemaking
- Streamlined Submission Process



# Current Special Use Designations

Circumstance	Genus Designation	Species Designation
<u>1. Species groupings<sup>1</sup></u>		
SPF	Special	SPF
<u>2. Composite, Recycled, or Reused Plant Materials<sup>2</sup></u>		
MDF, HDF, OSB, Particle Board, Paper, Paperboard, etc.	Special	Composite
Recycled Material	Special	Recycled
Reclaimed or Reused Material	Special	Reclaimed
<u>3. Other Special Cases<sup>3</sup></u>		
Manufactured Prior to May 22, 2008 - Sourcing of Pre-Amendment Materials Untraceable Despite Due Diligence	Special	PreAmendment
No Plant Material Present	Special	None

# Request Additional Species Groupings

- Please submit requests to: [lacey.act.declaration@aphis.usda.gov](mailto:lacey.act.declaration@aphis.usda.gov)
- Requests should include the following information:
  - Proposed Species Grouping name (Example: SPF for “Spruce, Pine, and Fir”). (actual commercially used trade name)
  - List of species. Finite listing. No genus and/or family only.
  - Country/countries where each of these species is grown. Identify wild harvest vs plantation for each species/country listed.
  - Explanation of how this name is used in trade, including a full explanation regarding the types and volumes of trade, as well as why the designation is used.
  - Explanation of why the similarities in this group would make identifying the particular species in any individual shipment difficult, costly, and/or time consuming.

# Common Food Crop/Common Cultivar

## Definitions Published in 2013 Final Rule

A Common Food Crop is a plant that:

- Is raised, grown, or cultivated for **human or animal consumption**; and
- Is a species or hybrid, or a selection thereof, that is produced on a **commercial scale**; and
- Plants that **cannot** be considered Common Food Crops:
  - CITES or ESA listed
  - Protected by State Law

# Common Food Crop/Common Cultivar

## Definitions Published in 2013 Final Rule

A Common Cultivar is a plant (except a tree) that:

- Has been **developed** through **artificial selection** for specific morphological or physiological characteristics; and
- Is a species or hybrid, or a selection thereof, that is produced on a **commercial scale**; and
- Plants that **cannot** be considered Common Cultivars:
  - CITES or ESA listed
  - Protected by State Law



# Common Food Crop/Common Cultivar

## Requests for Additions to Illustrative List

- Please submit requests to:  
[lacey.act.declaration@aphis.usda.gov](mailto:lacey.act.declaration@aphis.usda.gov)
- Requests should include the following information:
  - Scientific name of the plant (genus, species);
  - Common or trade names;
  - Annual trade volume (e.g., cubic meters) or weight (e.g., metric tons/ kilograms) of the commodity; and
  - Any other information that will help us make a determination, such as countries or regions where grown, estimated number of acres or hectares in commercial production, and so on.