



United States Department of Agriculture
Animal and Plant Health Inspection Service

Plant Protection and Quarantine



The Amended Lacey Act: An Update

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Lacey Act History

- Oldest wildlife protection statute in the U.S.
- First enacted in 1900
- Significantly amended in 1981
- Amended again in 2008
- Designed to combat illegal trafficking of wildlife, fish or plants



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The Lacey Act Already Made it . . .

- Unlawful to import, export, transport, sell, receive, acquire, or purchase certain plants that are taken, possessed, transported, or sold in violation of the laws of the United States or any foreign law that protects plants.
- Unlawful to falsify documents, accounts or records of any plant covered by the Act



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The Amended Lacey Act

- Expands Lacey protection to broader range of plants
- Extends the statute's reach to encompass products, including timber, that derive from illegally harvested plants
- The amendment also introduces a requirement for a Plant Import Declaration
- Substantive provisions in effect and enforced since May 22, 2008. Declaration requirement enforcement being phased in

Purpose of the Lacey Act Amendment



- Prevent trade in illegally harvested lumber
- Prevent trade in wood products made from illegally harvested lumber
- Not intended as a tool to manage trade



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In plain language importers must:

- Make sure shipments were obtained legally
- Make sure shipments' documentation and records are true and accurate
- Make sure shipment is properly declared under the Lacey Act declaration requirement
- **Note: Importers will depend on exporters for some of this information**



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The Plant Import Declaration

- The declaration requires basic information about the shipment: scientific name of the plant, value, quantity and the name of the country in which the plant was harvested

Does **not** require information on legality or “chain of custody”

Does **not** establish standards or require certification



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What if information is unknown?

- If species varies and is unknown: Importers must declare the name of each species that may have been used to produce the product
- If the species is commonly harvested in more than one country, and the country is unknown: Importers must declare the name of each country from which the plant may have been harvested



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Lacey Act Requirements in Effect

- A wide variety of products, to the extent that they contain covered plant products, are now covered by the Lacey Act prohibitions against trade in illegally harvested plants and plant products.
- Even if a shipment of covered plants is not scheduled for enforcement of the declaration, the Lacey Act prohibitions still apply.
- The declaration requirement is subsidiary to and supportive of the Lacey Act's prohibitions.

Lacey Act Enforcement

Penalties for Lacey Act Violations:

- Forfeiture—seizure of product
- Civil Penalties—Monetary penalties
- Criminal Penalties—Fines and potential imprisonment
- Unlawful plants or products are subject to seizure and forfeiture

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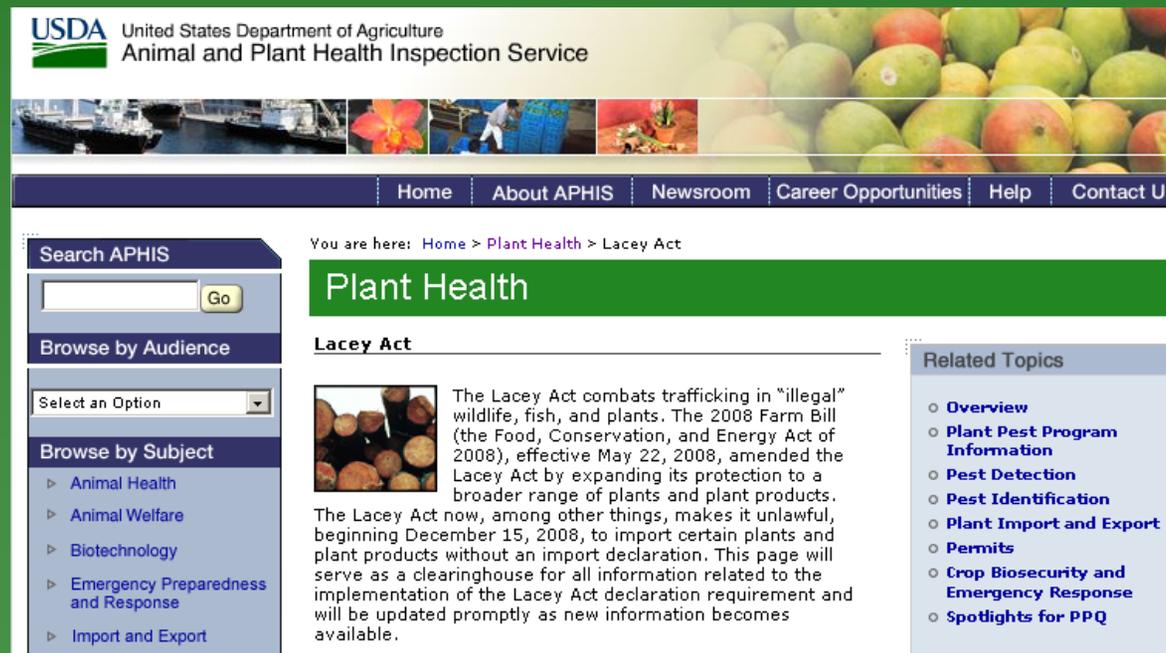
PHASE-IN SCHEDULE OF ENFORCEMENT OF THE DECLARATION REQUIREMENT FOR GOODS OF, OR CONTAINING, PLANTS OR PLANT PRODUCTS*

Phase II April 1, 2009	Phase III October 1, 2009	Phase IV April 1, 2010
<p>HTS Chapters:</p> <p>Ch. 44 Headings (wood & articles of wood)</p> <ul style="list-style-type: none"> • 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) • 4418—(Builders' joinery and carpentry of wood). 	<p>HTS Chapters:</p> <p>Ch. 44 Headings (wood & articles of wood)</p> <ul style="list-style-type: none"> • 4402—Wood charcoal • 4412—Plywood, veneered panels <ul style="list-style-type: none"> ○ except 44129906 and 44129957 • 4414—Wooden frames • 4419—Tableware & kitchenware of wood • 4420—Wood marquetry, caskets, statuettes. <p>PLUS PHASE II</p>	<p>HTS Chapters:</p> <p>Ch. 44 Headings (wood & articles of wood)</p> <ul style="list-style-type: none"> • 4421—Other articles of wood <p>Ch. 66 Headings (umbrellas, walking sticks, riding crops)</p> <ul style="list-style-type: none"> • 6602—Walking sticks, whips, crops <p>Ch. 82 Headings (tools, implements)</p> <ul style="list-style-type: none"> • 8201—Hand tools <p>Ch. 92 Headings (musical instruments)</p> <ul style="list-style-type: none"> • 9201—Pianos • 9202—Other stringed instruments <p>Ch. 93 Headings (arms and ammunition)</p> <ul style="list-style-type: none"> • 9302—Revolvers and pistols • 93051020—Parts and accessories for re-volvers and pistols <p>Ch. 94 Headings (furniture, etc.)</p> <ul style="list-style-type: none"> • 940169—Seats with wood frames <p>Ch. 95 Headings (toys, games, & sporting equipment)</p> <ul style="list-style-type: none"> • 950420—Articles and accessories for billiards <p>Ch. 97 Headings (works of art)</p> <ul style="list-style-type: none"> • 9703—Sculptures <p>PLUS PHASES II & III.</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.

APHIS Lacey Act Website

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



The screenshot shows the APHIS Lacey Act website interface. At the top, it features the USDA and APHIS logos, the text "United States Department of Agriculture Animal and Plant Health Inspection Service", and a navigation menu with links for Home, About APHIS, Newsroom, Career Opportunities, Help, and Contact Us. Below the navigation is a search bar labeled "Search APHIS" with a "Go" button. To the left, there are sections for "Browse by Audience" and "Browse by Subject" with a list of categories: Animal Health, Animal Welfare, Biotechnology, Emergency Preparedness and Response, and Import and Export. The main content area is titled "Plant Health" and "Lacey Act". It includes a breadcrumb trail: "You are here: Home > Plant Health > Lacey Act". A small image of oranges is shown next to a text block explaining the Lacey Act's purpose and effective date (May 22, 2008). Below this, another text block states that the Lacey Act now makes it unlawful to import certain plants and plant products without an import declaration, and that the page will serve as a clearinghouse for related information. On the right side, there is a "Related Topics" section with a list of links: Overview, Plant Pest Program Information, Pest Detection, Pest Identification, Plant Import and Export, Permits, Crop Biosecurity and Emergency Response, and Spotlights for PPQ.

What you will find there . . .

- Link to PPQ Form 505: Plant and Plant Product Declaration Form
- Links to Lacey Act Federal Register Notices
- Links to other Lacey Act related Documents
- Link to look up for plant genus and species
- Link to Lacey Act Declaration email address
- Link to PPQ Stakeholder Registry