



United States Department of Agriculture

# Lacey Act Program

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

**NAFTZ Annual Meeting  
Orlando, Florida  
October 17, 2016  
(Revised November 23, 2016: slide 11)**

# 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.

# 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 (e.g. APHIS Core, FWS, foreign laws)



# 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.

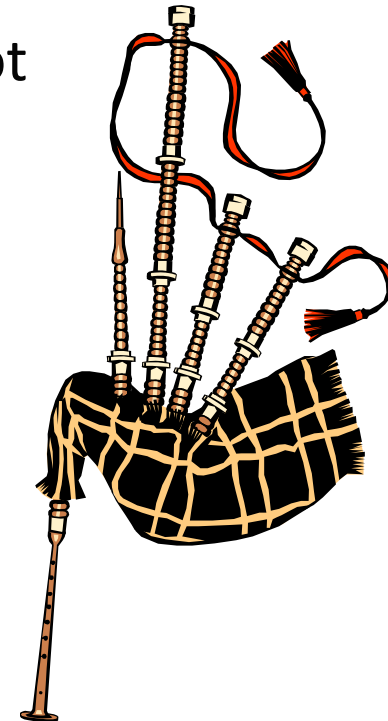
# Legality Requirement

VS.

# Declaration Requirement

## Example: Bagpipes with wooden pipes

- HTS Section 92059020 – declaration currently not required
- The Lacey Act still applies to wooden pipes
- If made from illegally harvested trees, bagpipe shipment in violation of Lacey Act



**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)

## **Schedule of Enforcement - Lacey Act Plant and Plant Product Declaration Requirement, Aug. 2015**

### **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**

9401612010—(upholstered teak chair, household)

9401612030—(upholstered teak chairs, other)

940169—(Seats with wood frames)

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)

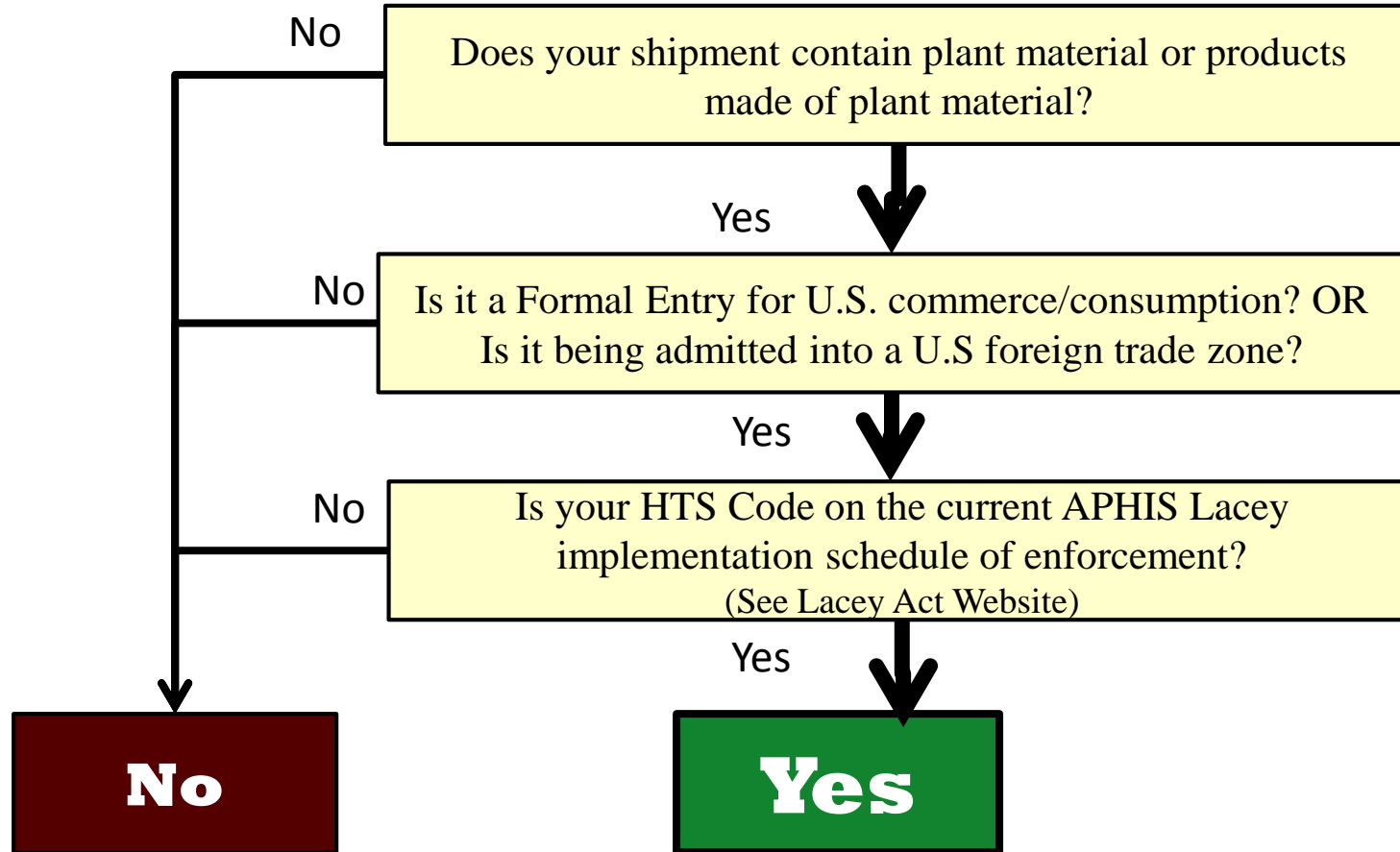
### **Ch. 96 Headings**

9614002100—(rough wood blocks for smoking pipe manufacture)

### **Ch. 97 Headings**

9703—(Sculptures)

# When is Lacey Act declaration required?







# Lacey Disclaimer function new to ACE

**A-Not Regulated:** used to indicate Lacey Act information not required because product not regulated or exempt at statute level - - includes common cultivars, common food crops, scientific specimens, plants intended for planting, and products containing zero (0) plant material.\*

**B-Not Required:** used to indicate Lacey Act information not required because APHIS guidance identified product not requiring Lacey Act Declaration.

**C-Filed Through Other System:** used to indicate filer submitted Lacey Act information directly to APHIS using Lacey Act Web Governance System (LAWGS).

**D-Filed Through Paper Submission:** used to indicate filer submitted Lacey Act information directly to APHIS using Plant and Plant Product Declaration (PPQ Form 505). Note: APHIS strongly discourages filing via paper when ACE and LAWGS electronic options are available.

\*Does not apply to protected species

# Stakeholder Engagement - NAFTAZ

- Plant/plant product FTZ shipments not exempt from Lacey Act
- Requirements existed prior to ACE development
- APHIS/NAFTZ collaboration since February 2016 to facilitate orderly submission of declaration data in ACE
- APHIS will enforce ACE business rules for FTZ shipments Nov 28, 2016
- Developed interim measure for complying with Lacey Act
- Delivered LAWGS webinar August 24, 2016
- Implementation of declaration requirement for FTZ shipments
  - Facilitate U.S. trade
  - Support compliance with the Lacey Act declaration requirement
  - Align with CBP ACE implementation schedule

# Stakeholder Engagement - NAFTAZ

Lacey data collection for:

➤ Shipments admitted into FTZ

- File e214

AND

- File declaration data via LAWGS or paper (PPQ Form 505) at same time as e214 (Note: see APHIS Lacey FAQ for FTZ filing details for submitting data via LAWGS and paper, including using APHIS Lacey-assigned 11-digit alphanumeric serial number)

➤ Shipments leaving FTZ and entering US commerce (must use ACE process)

- File all Lacey data directly into ACE when entering U.S. commerce, w/o disclaimer codes

OR

- Use disclaimer code B, or
- Use disclaimer code C, or
- Use disclaimer code D

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**(Updated November 23, 2016:** Consistent with the disclaimer use, APHIS will continue to evaluate any future need to reference e214 number in the message set for goods leaving the FTZ and entering US commerce; see APHIS Lacey FAQ #13 and #14 for more FTZ filing details for submitting data in LAWGS or PPQ Form 505)

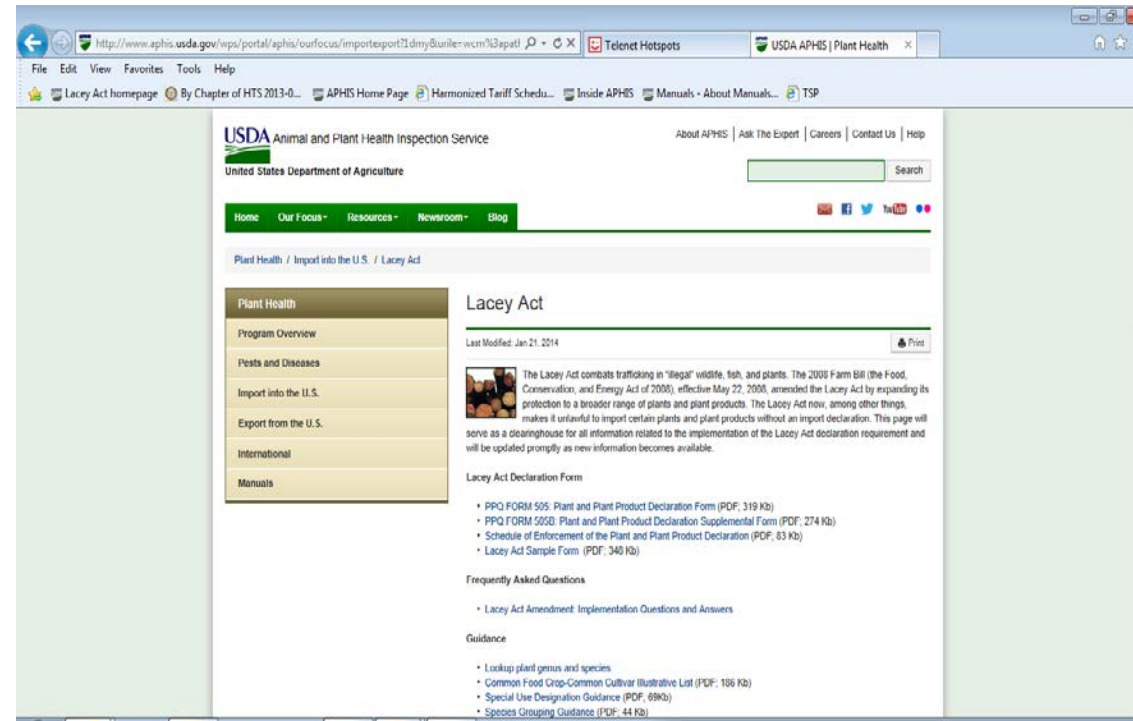
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Look for upcoming **FTZ FAQ** on Lacey Act Program website for more details!

Per CBP, anticipate CBP integration of PGA data into e214, mid-2017

# APHIS Lacey Act Website

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



# APHIS Lacey Act Inquiries



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