

# LACEY ACT

## PLANT AND PLANT PRODUCT DECLARATION SPECIAL USE DESIGNATIONS

Public comments to Federal Register notices have raised several issues regarding efficient and accurate completion of the Plant and Plant Product Declaration Form known as PPQ505. The issues currently fall into three categories:

- (1) the possible use of shorthand for common trade groupings of species;
- (2) the possible difficulties involving in identifying composite, recycled, reused or reclaimed materials to the genus and/or species level; and,
- (3) the difficulty in identifying the genus and species for certain articles manufactured prior to the passage of the Lacey Act Amendments.

APHIS has compiled the following chart of Special Use Designations (SUDs) to address these issues. SUDs are for specific products (as listed below) on Lacey Act Declarations ([PPQ Form 505](#)). These Designations may help ease the reporting process for plant products that are difficult or impossible to identify to the species level. Place the appropriate SUD in Box 14 in lieu of a scientific name.

The following chart contains information on each Special Use Designations:

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

Importers must provide all known countries of harvest (I.E. The country in which the plant was harvested, cut, logged, or removed).

If the country of harvest is unknown, an importer must list all possible countries of harvest. [See 16 U.S.C. §3372\(f\)\(2\)\(B\)](#). However, if this list of possible countries of harvest includes more than ten (10) countries, the importer may use a SUD of “\*\*” (two asterisks).

The proper use of a SUD in a [PPQ Form 505](#) fulfills the requirements of the Lacey Act regarding the declaration of genus and species. A declaration which uses a SUD to identify genus and species must, of course, include all other information required by the Lacey Act.

Provided that the importer uses the Special Use Designations listed [above](#) properly (truthfully, accurately, completely, and appropriately pursuant to this guidance) in a PPQ Form 505 that is otherwise in compliance with the requirements of the Lacey Act, APHIS will not refer for prosecution or take any other enforcement action as to such a PPQ Form 505 filed while this guidance is in effect, based on any failure to provide genus, species or country of harvest information as set forth in the Lacey Act amendments.

## **1. Species Groupings**

The 2008 Lacey Act Amendments state that the import declaration must contain both the genus and the species of the imported plant material. 16 U.S.C. § 3372(f)(1)(A). The Act further requires that if the species of plant used to produce the product that is the subject of the importation varies, and the species used to produce the plant is unknown, the declaration shall contain a list of each species of plant that may have been used to produce the plant product. 16 U.S.C. § 3372(f)(2)(A).

APHIS recognizes that some products are commonly traded under shorthand names that stand for a specific collection of plant species. Public Comments to Federal Register Notices have recommended that APHIS develop a list of shorthand designations that would satisfy the requirement to provide detailed genus and species information for such groups on each PPQ505. The shorthand designations would stand for a specific list of species and satisfy the declaration requirement more efficiently.

Consequently, APHIS has developed a list of SUDs to facilitate the declaration of certain types of shipments. Enter the SUD into the Scientific Name field(s) on the PPQ Form 505 (Box 14). APHIS approved Species Groupings are one type of Lacey Act SUD.

Please see the [List of Approved Species Groupings](#) and the [Instructions for Requesting a New Species Grouping](#).

11. HTS Number	12. Entered Value	13. Article/Component	14. Scientific Name Genus      Species		15. Country of Harvest	16. Quantity of Plant Material	17. Unit of Measure	18. Percent Recycled
44071001	2141	SPF lumber	Special	SPF	Canada	15115	M3	0

## **2. Composite, Recycled, Reused or Reclaimed Materials**

Beginning October 1, 2009, APHIS began enforcement of the declaration requirements for goods in certain Harmonized Tariff Schedule chapters that include some products that are composed in whole or in part of composite materials, such as medium density fiberboard (MDF), particle board, or paperboard; or recycled, reused, or reclaimed (including driftwood) materials. For the purposes of the Lacey Act Declaration, importers of such materials may have difficulty identifying the genus, species, and country of harvest of all plants in the products they are importing. If an importer of such materials is unable through the exercise of due care to determine the genus, species, and/or country of harvest of such materials, the importer should use the applicable SUD set forth [above](#). By using the Special Use Designation, the importer is representing that it is not possible through the exercise of due care to determine the genus, species, and/or country of harvest of such materials. If a product is not composed entirely of composite, recycled, reused and/or reclaimed materials, the importer must indicate the genus, species and country of harvest for all other product components.

In an effort to simplify the Special Use Designation system, APHIS has combined the SUDs for Composite Products into one SUD (“Composite”) and those for Reused and Reclaimed into another Designation (“Reclaimed”). The importer should use the appropriate Designation for their product in the Scientific Name (Box 14) field and also identify the type of product in the article description (Box 13) in the PPQ Form 505. APHIS has not made any changes to the SUD for Recycled Material.

For purposes of the Lacey Act Plant and Plant Product Declaration, APHIS considers the following definitions for the terms “Composite”, “Recycled”, “Reused and/or Reclaimed”:

Composite	These are materials made of small fibers of more than one kind of plant that are bonded together chemically and include: Medium Density Fiberboard (MDF), High Density Fiberboard (HDF), Oriented Strand Board (OSB), Particle Board, Paper, Paperboard, and Cardboard.
Recycled	These are materials which are derived from highly processed waste material and include: Recycled Paper, Recycled Paperboard.
Reused and/or Reclaimed	These are materials which have been processed, found and repurposed for new products and include: Driftwood, Construction Debris, reclaimed lumber or salvaged products from old buildings, ships or other constructions.

11. HTS Number	12. Entered Value	13. Article/ Component	14. Scientific Name Genus      Species		15. Country of Harvest	16: Quantity of Plant Material	17: Unit of Measure	18. Percent Recycled
9401692010	1354	Bentwood Seats Made of Oak	Quercus	lineata	Indonesia	500	Kg	0
9401692010	2432	Seats made with MDF	Special	Composite	Malaysia	450	Kg	0
9401692010	0	Paper veneer	Special	Composite	Canada	5	Kg	0

### **3. Other Special Cases**

#### **A. Items Manufactured Prior to May 22, 2008**

In a limited number of situations, items presently on the [declaration enforcement schedule](#) may be manufactured in whole or in part prior to the effective date of the Lacey Act Amendments. The manufacturer, prior to the Lacey Act Amendments, may not have tracked the sources or species of its raw materials. It may be impossible to trace those sources after the fact. If an importer of items manufactured prior to May 22, 2008, is unable through the exercise of due care to determine the genus, species and/or country of harvest of the plant materials contained in that item, the importer should use the applicable SUD set forth [above](#). By using the Special Use Designation, the importer is representing that it is not possible through the exercise of due care to determine the genus, species and/or country of harvest of such materials. If a product is not manufactured entirely prior to May 22, 2008, the importer must indicate the genus, species and country of harvest for all product components manufactured after that date.

11. HTS Number	12. Entered Value	13. Article/Component	14. Scientific Name		15. Country of Harvest	16: Quantity of Plant Material	17: Unit of Measure	18. Percent Recycled
			Genus	Species				
92011000	1354	Vintage Upright Piano (made in 1956)	Special	PreAmendment	Italy	800	Kg	0

#### **B. No Plant Material Present**

As APHIS stated in the September 2, 2009 Federal Register Notice, the Lacey Act does not require that importers file a Plant and Plant Product Declaration for any shipment containing zero (0) plant material, even if the shipment contains goods in one of the HTS chapters for which enforcement of the declaration requirement has commenced. For example, both metal hammers and hammers with wooden handles are included in HTS Chapter 82. However, declarations only need to be filed for hammers with wooden handles. Notwithstanding that guidance, we have been informed that some customs brokers have required importers of goods in one of the HTS chapters for which enforcement of the declaration requirement has commenced to file a Lacey Act declaration even if the goods contain zero (0) plant material. Since filing a Lacey Act declaration is unnecessary for goods containing zero (0) plant material, importers facing such a demand from brokers should refer the broker to the [APHIS Lacey Act Website](#) for current guidance. However, if the broker still requires the importer to submit a declaration for goods containing no plant material, APHIS has provided the [above](#) SUD. This circumstance is uncommon and should only be used as needed. The example below shows a declaration of this type with the Special Use Designation of “Special” and “None” followed by the Country of Harvest Designation of “\*\*” (double asterisk).

11. HTS Number	12. Entered Value	13. Article/Component	14. Scientific Name		15. Country of Harvest	16: Quantity of Plant Material	17: Unit of Measure	18. Percent Recycled
			Genus	Species				
82013000	1354	Picks with fiberglass handles	Special	None	**	0	Kg	0