



**Animal and Plant
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News Release

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USDA Publishes Interim Final Rule Establishing Definitions for Common Cultivar and Common Food Crop Terms Used in Lacey Act

WASHINGTON, July 9, 2013 – The U.S. Department of Agriculture’s (USDA) Animal and Plant Health Inspection Service (APHIS) is publishing an interim final rule establishing the definitions of “common cultivar” and “common food crop” and seeking public comment on the definitions of “commercial scale” and “tree,” terms used in the Lacey Act, a federal law that combats trafficking in illegal wildlife, fish, and plants.

The Act allows limited exclusions from its provisions for three categories of plants: (1) common cultivars, except trees, and common food crops; (2) scientific specimens; and (3) plants that are to remain planted or to be planted or replanted (i.e., nursery stock). The Act does not define the terms “common cultivar” or “common food crop.” Instead, the USDA, working closely with the U.S. Department of the Interior, has the authority to define these terms. Because common food crops and common cultivars are among the categories of items not subject to the provisions of the Act, establishing definitions is necessary for enforcement purposes. The definitions in the rule are designed to exclude most commercially grown items from the requirements of the Lacey Act.

An illustrative list of current common cultivars and common food crops is available on the Animal and Plant Health Inspection Service (APHIS) Web site [here](#). Because this list is always evolving, we encourage the public to send inquiries about specific taxa or commodities and requests to add taxa or commodities to the list by writing to The Lacey Act, ATT: Common Cultivar/Common Food Crop, c/o U.S. Department of Agriculture, Box 10, 4700 River Road, Riverdale, MD 20737 or by email to lacey.act.declaration@aphis.usda.gov. Inquirers and requesters 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 information could include the countries or regions where the taxa or commodities are grown, estimated number of acres or hectares in commercial production, etc.

APHIS and the U.S. Fish and Wildlife Service (FWS) will jointly decide which products to include on the list. We will inform stakeholders when the list is updated via GovDelivery and other electronic media. We will also note updates of the list on APHIS's Lacey Act Web site. Individuals interested in commenting on the proposed definitions of "commercial scale" and "tree" can do so online at Regulations.gov at

www.regulations.gov/#!documentDetail;D=APHIS-2009-0018. Individuals can also send comments by mail to Docket No. APHIS-2009-0018, Regulatory Analysis and Development, PPD, APHIS, Station 3A-03.8, 4700 River Road Unit 118, Riverdale, MD 20737-1238.

More information about the final rule regarding current definitions for the Lacey Act can be found on the Federal Register [here](#). More information about the Lacey Act and APHIS' role can be found [here](#).

The Obama Administration, with Agriculture Secretary Vilsack's leadership, has aggressively worked to expand export opportunities and reduce barriers to trade, helping to push agricultural exports to record levels. U.S. agriculture is currently experiencing its best period in history thanks to the productivity, resiliency, and resourcefulness of our producers and agribusinesses. Today, net farm income is at record levels while debt has been cut in half since the 1980s. Overall, American agriculture supports 1 in 12 jobs in the United States and provides American consumers with 83 percent of the food we consume, while maintaining affordability and choice. Strong agricultural exports contribute to a positive U.S. trade balance, create jobs, boost economic growth, and support President Obama's National Export Initiative goal of doubling all U.S. exports by the end of 2014.

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