

Animal and Plant Health Inspection Service, Plant Protection and Quarantine

Questions and Answers

APHIS Lacey Foreign Trade Zone (FTZ) Frequently Asked Questions (FAQ's) for Interim Measures for Submitting APHIS Lacey Data

November 18, 2016: updated #14 and 18

March 23, 2017: updated #13, 16; clarified dates by adding reference to year (2016); uploaded questions from 11/16/2016 webinar

September 05, 2017: updates to #20, 28, 56, and 57

1. Why is a Lacey Act declaration required?

Under the Lacey Act amendments of 2008, the requirement to provide a declaration for plant and plant products includes information on the species of plant (the scientific name), the name of the country where the plant was taken (harvested), the value of the shipment, and quantity of the plant material. Among other things, attention under the Act has been focused on curbing illegal logging and associated trade, as well as on the trade of other under threat from illegal harvesting. APHIS has been delegated the responsibility for implementing the import declaration requirement. The agency has been gradually phasing in the declaration requirement since 2009, and will continue to list additional product types to the implementation schedule by harmonized tariff (HTS) codes. APHIS remains committed to publishing a notice in the federal register as new product types will be added. The most recent list of product types subject to a declaration is listed in the schedule of enforcement:

http://www.aphis.usda.gov/plant_health/lacey_act/downloads/ImplementationSchedule.pdf

2. When will Lacey declaration data be required for FTZ shipments?

Effective November 28, 2016, all plant and plant product shipments when admitted into and leaving a U.S. foreign trade zone (FTZ) will be subject to the Lacey Act declaration requirement. This is an interim measure intended to help the FTZ community meet the requirements of the Lacey Act, as amended in 2008.

3. How will I know if my shipment is subject to a Lacey Act declaration when admitted into the FTZ?

Check the most recent list of product types by HTS code in the schedule of enforcement:

http://www.aphis.usda.gov/plant_health/lacey_act/downloads/ImplementationSchedule.pdf. If your product is listed, then it is subject to the Lacey Act declaration requirement.

4. How do I submit APHIS Lacey data for shipments admitted into the FTZ?

Filers are required to follow Customs and Border Protection (CBP) processes for submitting an electronic e214 form for shipments subject to the Lacey Act declaration requirement. At the

same time when filing the e214, effective November 28, 2016, filers will be required to submit Lacey data to APHIS via the agency's Lacey Act Web Governance System (LAWGS) or by paper (PPQ Form 505 – Plant and Plant Product Declaration) for the shipment admitted into FTZ and corresponding to the e214.

Important: Well in advance of filing, contact the APHIS Lacey Act Program at: lacey.act.declaration@aphis.usda.gov to request an APHIS Lacey-assigned 11-digit alphanumeric serial number to list in the “entry number field” in LAWGS or on the paper form; see template in question #5. APHIS will assign a block of numbers to the importer or designated authorized filer for use only for submitting Lacey data via LAWGS or paper for shipments at the time of admission into the FTZ, as this process is mandatory for successful completion and submission.

5. How do I request an APHIS Lacey-assigned 11-digit alphanumeric serial number to list in the entry number filed in LAWGS or on the paper form?

Use the following template to submit an email request to the APHIS Lacey Act Program at Lacey.Act.Declaration@aphis.usda.gov with the information below. At the subject line, write: Request for FTZ Lacey-assigned serial numbers

This is to request a block of 50 APHIS Lacey-assigned 11-digit unique serial numbers for use in the entry number field when submitting Lacey Act declaration information electronically via Lacey Act Web Governance System (LAWGS) or paper via PPQ Form 505 (Plants and Plant Products Declaration). This request is part of an interim measure related to my submission of agency data for shipments subject to the Lacey Act declaration requirement only when admitted into a U.S. Foreign Trade Zone (FTZ). In submitting this request, I understand that the numbers assigned are for use as part of an interim measure, are not transferable, and may be withdrawn by APHIS at any time due to deviation of agency policy or non-compliance.

- *Name of importer*
- *Name of contact at organization filing Lacey Act declaration information*
 - *Title of contact at organization*
 - *Email of contact*
 - *Phone number of contact*

6. Is the e214 number required if I use LAWGS to file my Lacey data for goods admitted into the FTZ?

Yes. Filers are required to enter the shipment's corresponding 17-digit e214 number in LAWGS within the field designated for this purpose. The e214 number will help the filer and the agency better track and monitor shipments admitted into and leaving the FTZ.

7. How do I access the APHIS Lacey Act Web Governance System (LAWGS)?

You can access the agency's electronic filing system at: <https://lawgs.aphis.usda.gov/lawgs/>

8. Is there a test site for the APHIS Lacey Act Web Governance System (LAWGS) where I can practice submitting Lacey data in LAWGS?

Yes: <https://lawgs-training.aphis.usda.gov/lawgs/>. You will see the words "LAWGS Training" in the upper left side of the LAWGS test site's home page.

9. Is the e214 number required if I use the paper declaration (PPQ Form 505) to file my Lacey data for goods admitted into the FTZ?

Yes. Filers are required to enter their shipment's corresponding 17-digit e214 number directly on the paper declaration form. While there is no specific field on the paper form at this time for this information, filers are required to list both the e214 number and description of merchandise in block#10, as part of an interim measure. The e214 number will help the filer and the agency better track and monitor shipments admitted into and leaving the FTZ.

10. Where can I get the paper form (PPQ Form 505)?

You can download the paper form (PPQ Form 505 – Plant and Plant Products Declaration) at: https://www.aphis.usda.gov/plant_health/lacey_act/downloads/declarationform.pdf

11. Will ACE flag shipments leaving the FTZ and entering U.S. commerce under entry type (06)?

Yes. APHIS has been working with CBP to integrate Lacey declaration requirements into CBP's Automated Commercial Environment (ACE). As such, effective November 28, 2016, ACE will be programmed to flag shipments based on HTS codes listed in the Lacey implementation schedule.

12. How do I submit APHIS Lacey data for shipments leaving the FTZ and entering U.S. commerce?

Filers are required to follow CBP's ACE process for entry type (06) shipments that are subject to the Lacey Act declaration requirement.

Note: Effective November 28, 2016, filers will be required to submit Lacey data to APHIS via agency's Lacey Act Web Governance System (LAWGS) or by paper (PPQ Form 505 – Plant and Plant Product Declaration) for shipments admitted into FTZ and corresponding to the e214. The

agency continues to encourage filers to use the LAWGS process for submitting information for goods admitted into the FTZ.

13. What if my shipment was admitted into the FTZ before November 28, 2016 and will be leaving the FTZ and entering U.S. commerce on or after November 28, 2016?

Filers are required to follow CBP's ACE process for entry type (06) shipments subject to the Lacey Act declaration requirement. For shipments admitted into the FTZ before November 28th and leaving the FTZ and entering U.S. commerce after November 28, 2016, filers may use the ACE Disclaimer Code Option "B". Use of Disclaimer "B" will provide notification to APHIS that your shipment was admitted into this FTZ prior to November 28, 2016.

Consistent with the use of this disclaimer option, APHIS will provide guidance in the near future on how to list the shipment's corresponding e214 number in the Lacey message set in ACE.

14. What if my shipment was admitted into the FTZ on or after November 28, 2016 and will be leaving the FTZ and entering U.S. commerce on or after November 28, 2016?

Filers are required to follow CBP's ACE process for entry type (06) shipments subject to the Lacey Act declaration requirement. For shipments admitted into the FTZ on or after November 28, 2016 and leaving the FTZ and entering U.S. commerce after November 28, 2016, filers may use the following options:

File Lacey data directly into ACE when entering U.S. commerce, without use of any disclaimer codes

OR

Use disclaimer code "C" in ACE to indicate that the Lacey data corresponding to the shipment was filed in LAWGS when the shipment was admitted into the FTZ. Use of Disclaimer "C" will provide notification to APHIS that your shipment was admitted into this FTZ on or after November 28, 2016 using e214 and that you submitted Lacey data directly to APHIS via LAWGS at that time.

Currently, APHIS Lacey does not require filers to reference the 17-digit e214 number on the ACE 06 entry. Consistent with the use of this disclaimer option, APHIS is evaluating options on reconciling shipment information using corresponding information (e.g. e214 number) in ACE for 06 entry type, and will notify the trade in advance of implementation of such a process. The agency will continue to work with CBP officials to integrate Lacey Act requirements into CBP's ACE e214 module.

OR

Use disclaimer code "D" in ACE to indicate that the Lacey data corresponding to the shipment was filed using PPQ Form 505 when the shipment was admitted into the FTZ. Use of Disclaimer "D" will provide notification to APHIS that your shipment was admitted into this FTZ on or after November 28, 2016 using e214 and that you submitted Lacey data directly to APHIS via the paper form (PPQ Form 505) at that time.

Currently, APHIS Lacey does not require filers to reference the 17-digit e214 number on the ACE 06 entry. Consistent with the use of this disclaimer option, APHIS is evaluating options on reconciling shipment information using corresponding information (e.g. e214 number) in ACE for 06 entry type, and will notify the trade in advance of implementation of such a process. The agency will continue to work with CBP officials to integrate Lacey Act requirements into CBP's ACE e214 module.

15. If my product type is not listed on the current Lacey Act implementation schedule, do I still need to comply with the Lacey Act?

Yes. While a Lacey Act declaration is not required at this time if your product is not listed on the current implementation schedule, you are still required to meet all other provisions of the Lacey Act (e.g. must be legally harvested, etc.); this is true regardless of the declaration requirement.

16. When will APHIS Lacey data be integrated into the ACE e214 module?

Based on an update the agency received in March 2017, Customs and Border Protection (CBP) officials anticipate beginning the important work on integrating APHIS Lacey data requirements into its ACE e214 module in 2018. This timeframe is subject to revision, as circumstances warrant.

17. Once CBP integrates the APHIS Lacey information on the e214, will it still need to be declared when coming out of the FTZ and entering U.S. commerce?

CBP's work to integrate partner government agency (PGA) requirements into e214 has not yet been established. APHIS will first need to review the circumstances under which APHIS Lacey data will be integrated into the CBP e214 module and to ensure agency requirements are met to inform this decision.

18. Where can I get more information about the Lacey Act Program?

More information on the Lacey Act Program is available at:
www.aphis.usda.gov/plant_health/lacey_act

Begin questions from the 11/16/2016 webinar:

19. Where in ACE ('06) entry will the e214 17digit number be referenced?

Currently, APHIS Lacey does not require filers to reference the 17-digit e214 number on the ACE 06 entry. APHIS is still evaluating options on reconciling shipment information using

corresponding information (e.g. e214 number) in ACE for 06 entry type, and will notify the trade in advance of implementation of such a process. The agency will continue to work with CBP officials to integrate Lacey Act requirements into CBP's ACE e214 module.

20. What is the requirement if goods are NOT eligible for Lacey going in to the zone but are when coming out of FTZ and entering the commerce?

For such products, filers may provide information directly in ACE (i.e. using no disclaimers) or select disclaimer code "B" when submitting Lacey Act declaration information for (06) entry type shipments.

21. Within the 11 digit serial number interim program as defined, how will this work for a one off or unexpected shipment that is arriving?

See responses to questions 2 and 4. We welcome more information on this question to better understand the question and inform our response.

22. I have multiple BOL's on the same 214 admission. From the webinar/questions on the 16th, I thought we were told we would be able to send data on multiple BOL's on the same Lacey Serial number. How can I do that? The screen where I entered the first container/BOL/MID looks like there is room to enter many containers, but the other lines don't look like they have as much space.

There are two ways to add information for Manufacturer Identification (MID), Bill of Lading (BOL), and Container numbers. The first method is through manually adding this information on the LAWGS merchandise screen. Within this method, while there is ample room to add numerous container numbers, there is a 50 character limit to adding Bill of Lading (BOL) and Manufacturer Identification (MID) numbers.

The second method is available through an xml upload. Download the template as an excel file, add shipment information, including MID, BOL, and Container numbers, then save it as an xml file and upload to the merchandise screen. Based on requests from filers, LAWGS updated functionality for the second method, allowing for the addition of multiple Manufacturer Identification (MID) Bill of Lading (BOL), and Container numbers through the XML upload feature. A template of the XLS document is available through the LAWGS training site: <https://lawgs-training.aphis.usda.gov/lawgs/>

23. Estimated date of arrival? I am reporting based on actual date of Admission. Do you want the date I admitted the goods into the Zone? Or do you want the date I am

submitting data in LAWGS? I think the only date they can provide that resembles “est. date of arrival” would be the date of admission into the zone.

For the purpose of submitting Lacey declaration data in LAWGS at the FTZ admission process, please use the actual date of admission of goods into the FTZ.

24. Entered Value - what are you looking for in this? Are you looking for it to be the dutiable value that I am reporting to Customs? Something else?

Entered value is the value of the entire shipment in U.S. dollars and is the same value used for Customs Entry.

25. The Entered value I put in is based on the number of pieces, so I anticipate that would change from admission to admission. How can a template help me if I need to change data each time? I had the same HTS for 2 different products, so I had to enter 2 lines with the Entered value identified first for each (vs. creating 2 lines with the HTS and being able to modify the field for value).

The template concept is intended to assist filers from re-entering frequently used information in fields such as importer name or HTS code. We do not have a template for declared value.

26. If I have multiple "users" within my Company that I want to be able to access our account in LAWGS, can I get multiple sign-ons for them? The only thing I saw was to be able to add a Broker and that's not what I am looking for.

Multiple user accounts within the same company may be facilitated through the Lacey Act Web Governance System (LAWGS) account management system. The LAWGS Help Menu contains guidance on this process. Also, the link “Need Help?” is located toward the top right corner of any page. You may also contact the LAWGS Help desk for additional assistance.

27. If I provide the tracking number for my submission, can I review it with someone at Lacey to confirm the data is what you are looking for?

While the filer is responsible for completing the data fields with valid and truthful information, APHIS does not have the resources to provide such confirmation.

28. For companies with multiple FTZs with multiple IORs, do I need a separate block of numbers for each FTZ? For each IOR in each FTZ, or can I use this block of numbers throughout my 6 FTZs.

Companies with multiple FTZ’s may draw from one block of Lacey serial numbers for submitting Lacey Act declarations.

29. LAWGS training appears to screen the HTS and Genus & Species information entered. What is the source of the Genus & Species information in the database used to screen entries into LAWGS?

Information on sources for looking up scientific names is listed on USDA APHIS homepage: [Lacey Act – Plant Genus and Species](#)

30. I thought that ACE was to become the "single interface" for all PGA and Customs interaction?

CBP intends to work with APHIS Lacey and other partner government agencies (PGA's) to integrate message set information into CBP's e214 module for ACE; however, that part of the ACE system has not yet been developed.

31. If there is a Valid HTS or Genus & Species that the system is rejecting as "invalid", what is the process to have them added to Database?

Submit your inquiry to a member of the Lacey Act Program: lacey.act.declaration@aphis.usda.gov. To facilitate the routing of your inquiry to the appropriate member of our staff, please insert in the subject line: "Invalid Plant Name" or "Invalid HTS Code" or both, depending upon your issue.

32. You mentioned that some users are filing their Lacey Act data at the time of their 06 entry (Option 1) instead of admission. Can you explain how that process works?

Within the ACE System, we have seen a handful of filers who submit data thru ACE for entry type 06 shipments. However, this does not preclude the filer from submitting Lacey information at the time of admission into the zone.

33. Will we still have to use LAWGS once e-214 becomes available?

It is our intention to integrate APHIS LACEY requirements into CBP's e214 module within ACE, and to relieve the filer requirement to submit required data through LAWGS or paper once this integration has occurred. CBP intends to work with APHIS Lacey and other partner government agencies (PGA's) to integrate message set information into CBP's e214 module for ACE; however, that part of the ACE system has not yet been developed.

34. Can you speak to the reference in the FAQs that indicates that APHIS will provide guidance in the future about how to list admission/e214 numbers in the message set when using one of the disclaim options on the 06 entry?

See our response to question #19.

35. We hear from CBP that they will start migrating e214 off the ACS onto the ACE platform in a couple of months. However, they have said adding the PGA datasets for those PGAs seeking their compliance information at admission through e214 will not happen until the PGAs provide funding to do so. What is your understanding on this?

APHIS leadership is aware that CBP has asked Partner Government Agencies (PGAs) to fund future ACE development.

36. Is there a list or a training that will assist with specifically determining when APHIS Lacey or APHIS Core apply?

APHIS is not aware of a list or training for this functionality, and refer the filer to the specific PGA message sets to determine requirements as listed by HTS code, and to the port CBP client representative.

37. Could you advise what enhancements are being made to the XML upload in LAWGS?

There are now an increased number of lines available to the LAWGS XML upload, as several physical constraints were changed to allow for longer streams of data. This expansion was the result of an inquiry from a previous LAWGS webinar for the FTZ community. See response in Question 22.

A template of the XLS document is available through the LAWGS training site: <https://lawgs-training.aphis.usda.gov/lawgs/>

38. What's max # of lines in ACE to expect?

We do not have that information and advise you contact your CBP client representative on your line entry needs in ACE.

39. The process of allowing a disclaimer, is it available on both cargo release for an individual 06 entry and on entry summary for a weekly 06 entry?

The disclaimer option is available for APHIS Lacey in ACE for declarations at cargo release or entry summary.

40. Do we have to file in LAWGS for both 06 entry and e214?

Use ACE to file 06 entry for goods entering U.S. commerce. We can explain this process using the following scenario. A shipment subject to the Lacey declaration requirement is admitted into the FTZ. At this time, the filer submits Lacey data through LAWGS using the e214 number and

Lacey serial number. Refer to question #5 above on where to obtain Lacey serial numbers. When the shipment enters U.S. commerce under 06 entry, file in ACE and use disclaimer code “C” to indicate that the corresponding Lacey data was filed in LAWGS when the shipment was admitted into the FTZ. Use of Disclaimer “C” will provide notification to APHIS that your shipment was admitted into this FTZ on or after November 28, 2016 using e214 and that you submitted Lacey data directly to APHIS via LAWGS at that time.

41. We have some inventory layers that were not previously declared Lacey. After November 28th, when these are removed we will report on our 06 entry. Do we also need to retroactively report the layers prior to November 28th?

For shipments admitted into the FTZ prior to Nov. 28, 2016 and leave on or after Nov. 28, 2016, the filer should be able to use disclaimer option B.

42. Is disclaim option “A” available on November 28, 2016 for a product which is flagged but for which APHIS Lacey declaration is not required.

We welcome examples of this scenario to better understand the circumstances and help inform our response.

43. Would a FTZ location be able to request more than 50 serial numbers in a single request?

Yes.

44. Can an FTZ user certify APHIS Lacey on the 06 entry summary for product that has been admitted prior to 11/28/2016 and after 11/28/2016?

See question 41. The filer is required to account for the product that was admitted into the FTZ after November 28, 2016.

45. Can we continue to certify on the entry summary until the e214 is available?

See responses to questions 12, 13, and 14.

46. Do I put in e214 number on the (06) entry in ACE as my material is leaving the FTZ and entering U.S. commerce?

Currently, APHIS Lacey does not require filers to reference the 17-digit e214 number on the ACE 06 entry as the shipment leaves the FTZ. APHIS is still evaluating options on reconciling shipment information using corresponding information (e.g. e214 number) in ACE for 06 entry type, and will notify the trade in advance of implementation of such a process. The agency will

continue to work with CBP officials to integrate Lacey Act requirements into CBP's ACE e214 module.

47. For a straight distribution zone, do I submit Lacey information in LAWGS and PPO Form 505 (paper)?

Use LAWGS to submit information for plants/plant products subject to the Lacey declaration requirement at admission into the FTZ on or after November 28, 2016.

48. If I have multiple disclaimers for a single line number, will LAWGS accept the multiple disclaims for a single line or will I have to create separate 7501 lines on the weekly entry?

LAWGS cannot accept multiple disclaimers for a single line. This functionality should be discussed in the context of development of CBP's e214 module in ACE.

49. Will the 7501 be able to accept multiple disclaimers in ACE?

Contact your CBP client representative for questions related to CBP documentation.

50. I have responsibility for multiple zones. When reporting information in LAWGS, do I need to submit a LACEY serial number for each zone? Each product number? Or can I use 1 Lacey serial number for all Lacey product admitted on a given day (and have the applicable admission number associated with each product number)

The Lacey requirements should be submitted through LAWGS for shipment(s) covered by a unique e214 number for the shipment(s) within each zone. Filers may not use the same Lacey serial number to cover shipments associated with more than one e214 number.

51. When filing FTZ admissions in LAWGS, we will have multiple MIDs per e214 admission. Will we be able to submit once using one LAC# and list all MIDs or will we need to submit for each MID using a new LAC#?

Filers may submit multiple MID numbers associated with one specific entry per one specific e214 admission.

52. Where can I find the APHIS Lacey FAQs?

www.aphis.usda.gov/plant_health/lacey_act

53. When entering data into the LAWGS the field for 'line' what line number is that referring to?

LAWGS provides useful onscreen “tools” to provide more information related to a specific term. The entry line on the product is reflected on the CBP line number.

54. What is the line number on the CBP Form 3461 entry type 06 estimate?

See your CBP client representative for more information on a CBP document.

55. Which disclaimer should be used when an adjustment is shipped from the zone?

We currently do not have this information.

56. If I am moving goods from one zone to another, there are at least 2 admissions numbers where I am reporting this to Customs. What admission number are you looking for on Entry Summary?

The LAWGS submission should include the e214 number associated with the shipment admitted into the first FTZ. We defer to the entities involved to communicate information for products shipped from one zone to another zone related to satisfying the Lacey Act declaration requirements.

57. In a manufacturing zone, if none of the plant components are subject to Lacey requirements upon admission into the FTZ, but on leaving the FTZ for entry into US commerce, however, on the 7501 the finished goods are HTS numbers that are subject to Lacey Act requirements. Which disclaimer code should be used?

For such products, filers may provide information directly in ACE (i.e. use no disclaimers) or select disclaimer code “B” when submitting Lacey Act declaration information for (06) entry type shipments.

58. We export everything admitted to the zone. Having provided all APHIS LACEY information upon admission, will there be any repercussions over time as none of this is recorded back to your database?

We continue to encourage filers to submit APHIS Lacey information through LAWGS for goods subject to the declaration requirement when admitted into the FTZ, and to keep on file accurate records of documents. Additional functionality needs should be discussed in the context of development of CBP’s e214 module in ACE.

59. Is there a requirement for LACEY reporting for goods subject to the declaration when moving in bond under I.T. or T.E. if there is a diversion?

Yes.