



LACEY ACT PLANT AND PLANT PRODUCT DECLARATION SPECIAL USE DESIGNATIONS Updated June 19, 2019

Special Use Designations were created by APHIS to provide relief for the trade community when filing Lacey Act declarations for specific types of plant products. The specific types of products are categorized below:

- (1) plant products that may be categorized by genus or species into common trade groups; and,
- (2) plant products containing composite, recycled, reused or reclaimed materials; and,
- (3) plant products that were manufactured prior to the passage of the Lacey Act Amendments.

APHIS has compiled the following chart of Special Use Designations (SUDs) to address issues associated with filing declarations for these types of plant products. The SUDs should help ease the reporting process for plant products for which the scientific name (i.e., genus/species name) is difficult or impossible to identify. You may use the applicable SUD in lieu of a scientific name for the plant product when completing the Lacey Act declaration. Note that SUD's must be entered using all capital letters.

The following chart contains information on each Special Use Designation:

Circumstance	Genus Designation	Species Designation
1. Species groupings¹		
SPF	SPECIAL	SPF
2. Composite, Recycled, or Reused Plant Materials²		
MDF, HDF, OSB, Particle Board, Paper, Paperboard, etc.	SPECIAL	COMPOSITE
Recycled Material	SPECIAL	RECYCLED
Reclaimed or Reused Material	SPECIAL	RECLAIMED
3. Other Special Cases³		
Manufactured Prior to May 22, 2008 - Sourcing of Pre-Amendment Materials Untraceable Despite Due Care	SPECIAL	PREAMENDMENT

There is no SUD for the country of harvest field. If the country of harvest of the plant or plant product is unknown or is believed to be from more than one country, importers must provide the name of all countries from which the plant material may have been harvested (i.e., the country in which the plant was cut, logged, or removed). [See 16 U.S.C. §3372\(f\)\(2\)\(B\)](#).

The proper use of a SUD in a Lacey Act declaration fulfills the requirements of the Lacey Act regarding the declaration of the scientific name (genus/species). A declaration which uses a SUD to identify the scientific name must include all other information required by the Lacey Act.



Provided that the importer uses the SUDs listed [above](#) properly (truthfully, accurately, completely, and appropriately pursuant to this guidance) in a Lacey Act declaration that is otherwise in compliance with the requirements of the Lacey Act, APHIS will not refer for prosecution or take any other enforcement action for failing to provide the scientific name of the plant product in a declaration. Importers must take note of the effective date of this document when using SUDs as APHIS may remove or add new SUDs to the list of options in the above chart.

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 represent 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 species information for such groups on Lacey Act declarations. The shorthand designations would represent 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 plant products which fall into these commonly-traded species groups. Enter the SUD into the “genus” and “species” field(s) for the declaration as demonstrated below.

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		15. Country of Harvest	16: Quantity of Plant Material	17: Unit of Measure	18. Percent Recycled
			Genus	Species				
44071001	2141	SPF lumber	SPECIAL	SPF	Canada	15115	M3	0

2. Composite, Recycled, Reused or Reclaimed Materials

On October 1, 2009, APHIS began enforcement of the declaration requirements for plant products in certain Harmonized Tariff Schedule chapters 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) material. For the purposes of the Lacey Act Declaration, importers of such materials may have difficulty identifying the scientific name (genus/ species), of the plant products they import. If an importer of such



materials is unable through the exercise of due care to determine the scientific name for the plant materials, the importer may use the applicable SUD listed [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 scientific name of such plant materials. If a product is not composed entirely of composite, recycled, reused and/or reclaimed materials, the importer must indicate the scientific name for all other plant product components.

In an effort to simplify the SUD policy, APHIS has combined the SUDs for composite products into one designation (“Composite”) and for reused and reclaimed into another designation (“Reclaimed”). The importer should use the appropriate designation for their product in the Scientific Name fields. Importers must also identify the type of product in the article description field. APHIS has not made any changes to the SUD for recycled material.

For purposes of the Lacey Act Declaration, APHIS uses the following definitions for the terms “Composite”, “Recycled”, and “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), O riented 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	Excluding driftwood, these are materials which have initially been processed by another company for a difference purpose, and are then repurposed to create new products. The plant materials include: driftwood, construction debris, reclaimed lumber or wood salvaged from old buildings, furniture or ships.

HTS Number	Entered Value	Article/ Component	Scientific Name		Country of Harvest	Quantity of Plant Material	Unit of Measure	Percent Recycled
			Genus	Species				
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

When plant products are imported that were manufactured prior to the enactment of the 2008 Amendments to the Lacey Act (May 22, 2008), manufacturers may not have tracked the species name for their raw materials. It may be impossible to secure this information after the fact. If an importer of products manufactured prior to May 22, 2008, is unable, through the



exercise of due care, to determine the scientific name of the plant materials contained in the products, the importer should use the applicable SUD set forth [above](#). By using the SUD, the importer is representing that it is not possible, through the exercise of due care, to determine the scientific name for the plant materials. If a product is not manufactured entirely prior to May 22, 2008, the importer must indicate the scientific name for all product components manufactured after that date.

HTS Number	Entered Value	Article/ Component	Scientific Name		Country of Harvest	Quantity of Plant Material	Unit of Measure	Percent Recycled
			Genus	Species				
92011000	1354	Vintage Upright Piano (made in 1956)	SPECIAL	PREAMENDMENT	Italy	800	Kg	0

B. No Plant Material Present – This SUD has been removed

This SUD is no longer necessary. Importers should not file a declaration for products that do not contain any plant material. However, for importers or brokers filing the declaration in Customs and Border Protection’s Automated Commercial Environment (ACE), they will need to enter Disclaim Code “A” when the system prompts them to file a declaration for a product that contains no plant material. This may occur when the harmonized tariff (HTS) code used to identify a product is one of the HTS codes listed in our [Schedule of Enforcement](#) but your product does not contain any plant material (e.g., stone sculptures).