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Plant Protection Today: Lacey Act Phase VII Is Coming

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USDA Combats Trafficking of Illegally Taken Plants

By April Dawson

In the fall, APHIS will announce the schedule of the next phase of Lacey Act declaration implementation: Phase VII. But now is the time to get the word out to importers so they can get ready! Phase VII will include a wide variety of materials and plant products that have not yet required a declaration. APHIS launched an outreach campaign in October 2022 to provide information about the upcoming declaration implementation phase.

In Phase VII, Lacey Act declarations will be required for all remaining plant product Harmonized Tariff Schedule (HTS) codes that are not 100-percent composite materials. That means a wide array of imported products—such as furniture, additional essential oils, and cork—that have never before needed Lacey Act declarations will now need them.

Our message to importers: If you import items that contain plant products, and you do not currently file a Lacey Act declaration, you will likely need to file one once we implement Phase VII. Now is the time for you to prepare by becoming familiar with your supply chain and reviewing what information is necessary to [file a declaration](#). APHIS' Lacey Act [web page](#) provides this guidance:

- Know your supply chain for each piece of plant material in the product.
- Learn how to file a declaration.
- Read the frequently asked questions.
- Stay connected.

Why is the Lacey Act Important?



Historically, the Lacey Act was created to combat bird poaching. It was first enacted in 1900, but the 2008 Farm Bill heavily amended the Lacey Act and extended protections to a broader range of plants and plant products, making it unlawful to import certain products without an import declaration. The amendments focus on illegal logging and harvesting of wild plants, practices often linked to terrorist funding, political instability, deforestation, and unlawful trade.

What should importers know?



You can help stop illegal timber trade and protect endangered animals. Under Federal law, you must submit a Lacey Act declaration to import certain plants and plant products into the United States. Your declaration helps our country prevent illegal trade in timber and timber products—so we can protect forests, people, and wildlife worldwide.

“When you import plant products or items that contain plant products, you must ensure that those plant products were legally harvested,” said Erin Otto, Lacey Act National Policy Manager. “The import declaration must contain the scientific name of the plant, the value of the importation, quantity of the plant, and the name of the country where the plant came from.” Since 2009, APHIS has been phasing in the declaration requirement.

While many plants and plant products will require a Lacey Act declaration, the following do not:

- Common cultivars, except trees
- Common food crops
- A scientific specimen of plant genetic material used only for laboratory or field research
- Any plant that is to remain planted or will be replanted
- Packaging material such as wood crating, wood pallets, cardboard boxes, and packing paper used as cushioning or support unless the packaging material itself is the item being imported
- The plant material in a product represents no more than 5 percent of the total weight of the individual product unit, provided the total weight of the plant material in an entry of products in the same 10-digit tariff provision does not exceed 2.9 kilograms

Learn more about the Lacey Act and how it relates to plants and plant products by visiting the [APHIS website](#). For further questions, please contact APHIS Lacey Act program staff at lacey.act.declaration@usda.gov.

To find out which plants and plant products require a declaration, go to [Lacey Act website](#) and select Implementation Schedule.