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1. [Home](#)
2. Print
3. Pdf
4. Node
5. Entity Print

Do I Need a Lacey Act Declaration?

Last Modified:

Yes, if...(all must apply)

- Your product contains plant material, **and**
- Your product is classified under a Harmonized Tariff Schedule (HTS) code listed on APHIS' [Implementation Schedule](#), **and**
- Your shipment is imported as a [formal entry](#), **and**
- Your shipment falls under one of these [entry type codes](#)

No, if...(at least one must apply)

- Your product is free of plant material, **or**
- Your product falls in one of these categories of exempt products (unless the product is [protected](#), then a declaration is required):
 - [Common Cultivars and Common Food Crops](#), **or**
 - Scientific specimens for lab/field research only, **or**
 - Plants that will remain planted or will be planted/replanted
- Your product is hand-carried in personal baggage or arrives via international mail, **or**
- Your shipment is an [informal entry](#), **or**
- Your shipment contains finished products that are not classified under one of the HTSUS code on APHIS' [implementation schedule](#), even if some of the materials used to create the product might otherwise require a declaration, **or**

- Your shipment will not remain in the United States (in-bond movements and carnets), **or**
- Your shipment meets the [de minimis](#) requirement

Declaration Requirements for Frequently Asked About Products

Wood Packaging Materials (i.e. shipping containers, cases, crates, drums, and pallets)

Do I need to file a Lacey declaration to import all wood packaging materials in Harmonized Tariff Schedule of the United States (HTSUS) 4415, including shipping containers, cases, boxes, crates, drums, and pallets?

Effective October 1, 2021, importers are required to file a Lacey declaration for **new** wooden products in [HTSUS 4415](#) that are formally entering the United States as merchandise. The Lacey Act provides an exception to the plant import declaration requirement for plants used exclusively as packaging material to support, protect, or carry another item, unless the packaging material itself is the item being imported (§ 3372(f)(3)). In addition, APHIS does not require U.S. importers to file a Lacey declaration for used, recycled, and reclaimed wooden products in HTSUS 4415, whether empty or under load, that are used to carry goods imported into the United States.

How do I disclaim wooden products in HTSUS 4415 that are used exclusively as packaging material to support, protect, or carry another item?

The Lacey Act does not apply to plant products used exclusively as packaging material to support, protect, or carry another item, unless the packaging material itself is the item being imported. However, when filing import documents in ACE for any products in tariff provision 4415, the Lacey message set will prompt you to file a declaration. For these products, you can apply disclaimer code “A” to fulfill the Lacey message set requirements.

How do I disclaim used, recycled, and reclaimed wooden products in HTSUS 4415 that do not require a Lacey declaration?

APHIS does not require importers to file a Lacey import declaration for used, recycled, or reclaimed wooden products in tariff provision 4415. However, when filing import documents in ACE for any products in tariff provision 4415, the Lacey message set will prompt you to file a declaration. For these products, you can apply disclaimer code “B” to fulfill the Lacey message set requirements.

APHIS Lacey message set application of disclaimers for products in [Harmonized Tariff Schedule 4415](#)

Data not provided because:	Data Element: Disclaimer Code
Plant products used exclusively as packaging material to support, protect, or carry another item. For example, this would apply to a wooden pallet that is being used to carry 200 cases of shoes.	Apply “A” – Product not regulated by Animal and Plant Health Inspection Service (APHIS)
This does not apply when the packaging material itself is the item being imported into the United States.	
Used, recycled, or reclaimed packaging material, whether empty or under load, that are used to carry goods imported into the United States.	Apply “B” – Data is not required per agency guidance.

What is the difference between Disclaimer Codes and Special Use Designations?

Importers can use [Disclaimer Codes](#) for products, when the APHIS Lacey message set flags the tariff codes but the product does not require an ACE filing of the Lacey Act declaration data. This includes products that are not regulated by APHIS, not required per APHIS guidance, already filed through LAWGS or paper method, or for de minimis exemptions.

Importers can use [Special Use Designations](#) (SUD) to provide descriptions of the plant material in products that require a Lacey declaration. They can use the applicable SUD when it is not possible to provide the scientific names (genus/species). The proper use of a SUD in a Lacey Act declaration fulfills the requirements of the Lacey Act regarding the declaration of the scientific names. A declaration which uses a SUD to identify the scientific names must include all other information required by the Lacey Act.

Bamboo Products

You do not need to file a Lacey Act declaration for imported products made of bamboo if the bamboo was cultivated (i.e. planted for the purpose of harvesting and using commercially). If the bamboo was harvested from wild stands or you do not know, then you must file a Lacey Act declaration for products with tariff codes (Harmonized tariff schedule of the United States (HTSUS)) listed on APHIS' [implementation schedule](#).

If you need help determining the tariff code under which your products are classified, please contact your customs broker or [U.S. Customs and Border Protection](#).

Please note that all plant-sourced products, with few exceptions, that are imported into the United States are subject to the Lacey Act Amendments of 2008. That means the bamboo or other wood must be legally harvested.

Instruments shipped internationally for performances

You do not need to file a Lacey Act declaration for your instruments if U.S. Customs Border Protection (CBP) considers your imported instrument an informal entry. APHIS is not enforcing the Lacey Act declaration requirement for informal entries at this time. You are required to file a Lacey Act declaration if CBP considers your importation a formal entry.

Some musical instruments contain protected plant material listed in Appendices I and II of the Convention on International Trade in Endangered Species (CITES). If your instrument contains any of those materials, you may be required to obtain a permit or other import documentation to travel across international borders with your musical instrument. For additional information, please visit the [APHIS CITES \(Endangered Plant Species\)](#) web site and [U.S. Fish and Wildlife Service](#).

Wood products imported to sell online

When importing products to sell online in the United States, you may be required to file a Lacey Act declaration depending on the entry type code and whether U.S. Customs and Border Protection (CBP) considers your shipment a formal or informal entry. In other words, you are required to file a declaration if the products are classified under the Harmonized Tariff Schedule (HTS) code listed on APHIS' [Implementation Schedule](#), **and** they are imported as a [formal entry](#), **and** your shipment falls under one of these [entry type codes](#).

For example:

If you are importing wood coasters classified in Harmonized Tariff Code 4419199010 to resell in the United States online and:

- your order is valued at less than \$2500, and U.S. Customs and Border Protection considers this an informal entry type 11, you are **not required** to file a Lacey Act declaration.
- your order is valued at \$2500 or greater, and U.S. Customs and Border Protection considers this a formal entry type 01, you are **required** to file a Lacey Act declaration.

Composite Products

You are required to file Lacey Act declaration for imported products listed on the [Implementation Schedule](#) that contain composite wood material, such as medium- and high-density fiberboard, oriented strand board, particle board, and paper. APHIS created [Special Use Designations](#) (SUD) to provide some relief to trade when attempting to complete Lacey Act declarations for products that contain composite materials. If your product contains any of the composite materials listed under "[Composite, Recycled, or Reused Plant Materials](#)," you may use this SUD if you cannot identify the species after an exercise of due care. **If you know the scientific names of a wood or plant used to manufacture the composite article, you should not use the SUD.**

NOTE: The "SPECIAL COMPOSITE" designation may only be used in place of the scientific name of the plant/wood material when the article is manufactured from small fibers of more than one kind of plant and have been mechanically processed, mixed, and chemically bonded together (e.g. MDF, HDF, OSB, Particle Board, Paper,

Paperboard, and Cardboard). Thin plies or layers of solid wood do not meet this requirement.

2. If product contains MDF, HDF, OSB, Particle Board, Paper, Paperboard, etc. Genus designation: Species designation:
Enter:"SPECIAL" Enter:"COMPOSITE"

In 2018, APHIS published an [advanced notice of proposed rulemaking](#) to solicit public comment on regulatory options that could address issues with the implementation of the declaration requirement for composite plant materials. APHIS received 4 comments and will conduct further outreach before publishing a proposal in the Federal Register.

Description of Terms

Formal Entry

Formal entries, as defined by U.S. Customs and Border Protection (CBP) regulations, generally have an aggregate value of \$2,500 or more and must be covered by a bond.

CBP Entry Resources:

[Tips for New Importers and Exporters](#)

Informal Entry

Informal entries, as defined by U.S. Customs and Border Protection (CBP) regulations, are usually valued at less than \$2,500 (value subject to change), and typically do not require a bond. Some products are restricted from informal entry (for example, high-risk products), regardless of value. When importing your product, you must first determine which entry type you will file with CBP. All entry types are created and defined by CBP.

CBP Resources:

[Basic Importing and Exporting](#)

Federal Regulations:

[Title 19, Chapter1, Part 143, Subpart C](#)
[Merchandise eligible for informal entry](#)

Protected Product

A product is protected if it is:

- Listed in an [appendix](#) of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (27 UST 1087; TIAS 8249);
- Considered an endangered or threatened species under the [Endangered Species Act of 1973](#) (16 U.S.C. 1531 et seq.);
- Covered by any State or foreign regulation or law that provides for the protection of plants, conservation of species that are indigenous and threatened with extinction, or that regulates the theft or unlawful taking of plants.

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