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Lacey Act Phase VII Implementation: Frequently Asked Questions

Last Modified:

What is planned for Phase VII implementation?

In this new phase, Lacey Act declarations will be required for **all** remaining plant product Harmonized Tariff Schedule (HTS) codes that **are not** 100-percent composite materials. APHIS is launching an outreach campaign in October 2022 to provide information about the upcoming declaration implementation phase. Since October 2022, APHIS is launching an outreach campaign to provide information about the upcoming declaration implementation phase.

Do you have a list of HTS codes that will be included in Phase VII?

APHIS is currently reviewing HTS codes to determine the complete list of materials and products that will be included in Phase VII. In 2024, APHIS will publish a list of affected HTS codes in the Federal Register that will require declarations for those product codes 6 months later.

What does this mean for importers?

Phase VII will include a wide variety of materials and plant products, such as furniture, cork, and some essential oils that have not yet required a declaration. **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.** Importers should become familiar with their supply chain and review what information is necessary to file a declaration, which they can find on the

[Information to Include on a Lacey Act Declaration](#) web page.

What are composite materials?

Composite materials are plant products and plant-based components of products where the original plant material is mechanically or chemically broken down and subsequently re-composed or used as an extract in a manufacturing process. Examples of composite materials could include paper, paperboard, particleboard, and medium- and high-density fiberboard (MDF and HDF).

What kinds of products currently require Lacey Act Declaration?

A current list of products that require a Lacey Act Declaration can be found on the [Lacey Act Declaration Implementation Schedule](#) web page.

How do I file a declaration?

There are two ways to file a declaration electronically:

1. Automated Commercial Environment (ACE) – The primary method for filing Lacey Act declarations is through ACE. Using this automated system, the trade community can electronically file the data required by U.S. Customs and Border Protection (CBP) and its partner Government agencies, including the APHIS Lacey Act Program.
2. [Lacey Act Web Governance System \(LAWGS\)](#) – Alternatively, the trade community can file the Lacey Act declaration through LAWGS. This is APHIS' web-based system for importers who would otherwise file a paper declaration. Importers who are using ACE to file customs information and LAWGS to submit a Lacey Act declaration, must indicate in ACE that they are filing their Lacey Act declaration through another method.

While we encourage importers to file electronically, they may also file a declaration through the mail. This option is offered primarily for small-volume importers. You can find the paper form and instructions on our [website](#). You will need the entry number from your CBP ACE customs filing.

For more specific information about filing, visit our [Filing a Lacey Act Declaration](#) web page.

What happens if I do not comply with the Lacey Act?

Any person who violates the Lacey Act declaration requirement could be subject to either civil or criminal penalties.

Civil Penalties

Criminal penalties

If the offense involves:

Any person who violates the declaration requirement may be assessed a civil administrative penalty of not more than \$250.

Any person who knowingly violates the declaration requirement, or knowingly falsely labels a plant or plant product, may be assessed a civil administrative penalty of not more than \$10,000.¹

Any plant or plant product imported in violation of the import declaration requirements may be subject to civil forfeiture.

- The importation of plants, fish, or wildlife, or
- The sale or purchase, offer of sale or purchase, or commission of an act with intent to sell or purchase plants, fish, or wildlife with a market value greater than \$350, the criminal penalties for an individual are not more than 5 years in prison and a fine of \$250,000 or twice the gross gain or loss. For a corporation the criminal penalties are not more than 5 years of probation and a fine of \$500,000 or twice the gross gain or loss. Restitution and forfeitures may also be imposed.

If the offense does not involve these factors, the criminal penalties for an individual are not more than 1 year in prison and a fine of \$100,000 or twice the gross gain or loss. For a corporation the criminal penalties in that circumstance are not more than 2 years of probation and a fine of \$200,000 or twice the gross gain or loss. Restitution and forfeitures may also be imposed.

¹ This number is subject to inflation. Current amounts are posted in the [Federal Register](#).

Is there training available to teach me how to file a Lacey Act Import Declaration?

Yes. APHIS has provided a grant to the International Wood Products Association to allow affected industries to take both in-person and online training on Lacey Act topics through the end of September 2024 at no cost. Visit the [Lacey Act Compliance Training](#) to learn more and register for available Lacey Act courses.

Where can I find more information?

For more information on the Lacey Act and how it relates to plants and plant products, please contact APHIS Lacey Act program staff at lacey.act.declaration@usda.gov or visit the [Lacey Act](#) website.

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