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

APHIS Extends Protections for World's Plants Through Implementation of Revised Lacey Act Provisions

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Stakeholder Announcement

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The U.S. Department of Agriculture's Animal and Plant Health Inspection Service (APHIS) is announcing the implementation of Phase VII of the Lacey Act provisions. APHIS is finalizing the associated declaration requirement required by Congress for plant and wood products. In this phase, declarations will be required for **all** remaining plant product Harmonized Tariff Schedule (HTS) codes that **are not** 100-percent composite materials.

The Lacey Act is one of the most important conservation laws ever passed by Congress. Since Congress amended the Lacey Act in 2008, it has been illegal to import and trade in illegally harvested plants. This combats illegal logging and associated trade. APHIS was delegated responsibility enforcing the plant import declaration.

Requiring importers to affirmatively declare that their imports are legal means they must do their due diligence to ensure that what they are bringing in doesn't adversely impact forests, thereby reducing the demand for illegally harvested wood and the products made from them. It puts legitimate business and industry on a level playing field ensuring that they cannot be undercut by unscrupulous actors who violate foreign logging laws or endangered species protections.

APHIS began enforcing the declaration requirement on April 1, 2009, and established a schedule for phasing in its implementation. During this phase-in, APHIS conducted extensive outreach with stakeholders and industry. APHIS has spoken at numerous trade events, answered questions from over 1,700 individuals, and published a formal announcement over a year ago, to give stakeholders plenty of time to prepare for this next phase of Lacey Act implementation.

If an importer imports items that contain plant products, but do not currently file a Lacey Act declaration, they likely will need to file under Phase VII. Phase VII includes the broadest range of items, items as varied as industrial or medicinal plants, handbags, plywood, laminated wood, tools, matches with natural wood stems, products of natural cork, products of bamboo and rattan, footwear and more. Plant and wood products included in past phases include timber, some furniture, essential oils, wood cases and trunks, and woodwind instruments and their parts and accessories.

The full enforcement schedule is available on the Animal and Plant Health Inspection Service (APHIS) website at: <https://www.aphis.usda.gov/plant-imports/lacey-act>.

APHIS is responsible for the plant provisions of the Lacey Act while the U.S. Department of Interior's Fish and Wildlife Service is responsible for the wildlife provisions of the Lacey Act. The Department of Homeland Security works with both agencies at the borders and ports.

Phase VII of the enforcement schedule will begin 6 months after publication in the Federal Register. The public can comment on the products to be covered under Phase VII of the enforcement plan, as well as on whether any additional Harmonized Tariff Schedule chapters that should be included in the current phase-in schedule.

APHIS will consider all comments that we receive on or before July 30, 2024. Go to <http://www.regulations.gov>. Enter APHIS-2008-0119 in the Search field. Select the Documents tab, then select the Comment button in the list of documents.

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