Lacey Act Declaration Requirements

Last Modified:

APHIS, the National Marine Fisheries Service, and the U.S. Fish and Wildlife Service administer the Lacey Act. APHIS is responsible for collecting declarations for imported plants and plant products and defining the scope of plant materials that require a declaration.

Do You Need a Declaration?

Yes

You **do** need to file a Lacey Act declaration if **all** of the following apply to your product or shipment:

- Contains plant material
- Classified under an APHIS-listed Harmonized Tariff Schedule (HTS) code
- Imported as a formal entry
- Falls under one of these entry type codes

No

You **do not** need to file a Lacey Act declaration if at least **one** of the following applies to your product or shipment:

- Free of plant material
- Hand-carried in personal baggage or arrives via international mail
- Contains finished products **not** classified in an APHIS-listed HTS code, even if some materials used to create the product might otherwise require a declaration
- Imported as an informal entry
- Will not remain in the United States (in-bond movements and carnets)
- Meets the *de minimis* requirement
- Is in one of these exempt products categories (unless it's a protected product; then, it requires a declaration)
  - Common Cultivars and Common Food Crops
  - Scientific specimens for lab or field research only
  - Plants that will remain planted or will be planted or replanted

Definition of "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

Definition of "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

Definition of "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

De Minimis Exception

Products containing a minimal, or “de minimis,” amount of plant material are excepted from the declaration requirement if:

- The plant material in the product represents no more than 5 percent of the total weight of the individual product unit, provided that the total weight of the plant material in an entry of products in the same 10-digit provision of the Harmonized Tariff Schedule (HTS) of the United States does not exceed 2.9 kilograms.

The exception does **not** apply if the product contains plant material listed:

1. In an appendix to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (27 UST 1087; TIAS 8249);
2. As an endangered or threatened species under the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*); or
3. Pursuant to any State law that provides for the conservation of species that are indigenous to the State and are threatened with extinction.

Infographic: Does My Entry Qualify for the Lacey Act De Minimis Exemption? (131.73 KB)

More Information

- April 2020 Final Rule—Lacey Act Implementation Plan: De Minimis Exception
- For products that meet the de minimis requirement, you can apply **disclaimer code "G"** to fulfill the Lacey message set requirements when filing import documents in CBP's Automated Commercial Environment.
- *Note: APHIS' Lacey Act de minimis exception is not related to CBP's de minimis exemption, which is based solely on a shipment's value.*

Resources for Scientific Plant Names

The following websites may be useful when looking up scientific plant names:

- **USDA's Germplasm Resources Information Network (GRIN), Taxonomy for Plants, Advanced Query of Species** taxonomic data provide the structure and nomenclature for accessions of the National Plant Germplasm System, part of USDA's National Genetic Resources Program. GRIN Taxonomy for Plants represents all families and genera of vascular plants and 51,691 species from throughout the world, especially economic plants and their

relatives. It also provides information on scientific and common names, classification, distribution, references, and economic impacts.

- **USDA's PLANTS Database** provides standardized information about vascular plants, mosses, liverworts, hornworts, and lichens of the United States and its Territories.

- **Integrated Taxonomic Information System (ITIS)** provides authoritative taxonomic information on plants, animals, fungi, and microbes of North America and the world. ITIS is a partnership of the U.S., Canadian, and Mexican agencies (ITIS- North America); other organizations; and taxonomic specialists.

- **International Plant Names Index (IPNI)** is the product of a collaboration between The Royal Botanic Gardens, Kew, The Harvard University Herbaria, and the Australian National Herbarium. It is a database of names and associated basic bibliographical details of seed plants, ferns, and lycophytes.

- **World Wildlife Fund (WWF) Wood Risk Tool** is a resource for industry to learn about their plant products by providing information, insights, and risk scores for tree species and countries of harvest. The tool includes species that are listed as threatened by CITES or on the IUCN Red List.

Valid Metric Units of Measure

When completing a Lacey Act declaration, only use valid metric units of measure.

Valid Metric Units of Measure	Abbreviation
Grams	G
Millimeters	MM
Square Millimeters	MM2
Cubic Millimeters	MM3
Centigrams	CG
Centimeter	CM

Valid Metric Units of Measure	Abbreviation
Square Centimeter	CM2
Cubic Centimeter	CM3
Kilogram	KG
Meter	M
Square Meter	M2
Cubic Meter	M3
Milliliter	ML
Centiliter	CTL
Liter	L
Kiloliter	KL

Invalid Units of Measure

Piece

Number

Count

Board feet

Thousand board feet

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).

Requirements for Common Products

Expand All

Wood Packaging Materials

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))
- 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

Bamboo Products

You do not need to file a Lacey Act declaration for imported products made of bamboo if the bamboo was cultivated—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 harmonized tariff schedule (HTS) codes listed on APHIS' implementation schedule.

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

Note: *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 more information, visit APHIS CITES (Endangered Plant Species) and the 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 CBP considers your shipment a formal or informal entry.

In other words, you must file a declaration if **all** of the following apply:

- The products are classified under the HTS code listed on APHIS' implementation schedule
- The products are imported as a formal entry
- Your shipment falls under one of these entry type codes

Example

You are importing wood coasters classified in HTS code 4419199010 to resell in the United States online:

- If your order is valued at less than $2,500, and CBP considers this an informal entry type 11, you are **not required** to file a Lacey Act declaration.

- If your order is valued at $2,500 or greater, and CBP considers this a formal entry type 01, you are **required** to file a Lacey Act declaration.

Composite Products

You must file a Lacey Act declaration for imported products listed on APHIS' implementation schedule that contain composite wood material, such as medium- and high-density fiberboard (MDF and HDF), oriented strand board (OSB), particle board, and paper.

APHIS created special use designations (SUD) to provide some relief to trade when completing 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" and you cannot identify the species after exercising due care, you may use the SUD. **If you know the scientific names of a wood or plant used to manufacture the composite article, you should not use the SUD.**

The “SPECIAL COMPOSITE” designation (as in example below) may **only** be used in place of the scientific name of the plant or wood material when the article is:

- Manufactured from small fibers of more than one kind of plant, and
- Has been mechanically processed, mixed, and chemically bonded together (for example, MDF, HDF, OSB, particle board, paper, paperboard, and cardboard)
- ***Note:*** *Thin plies or layers of solid wood do not meet this requirement.*

Example

2. If product contains MDF, HDF, OSB, Particle Board, Paper, Paperboard, etc.	Genus designation: Enter:"SPECIAL"	Species designation: 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 four comments and will conduct further outreach before publishing a proposal in the Federal Register.

Filing Basics

Who Can File

Only the importer of record or their agent, like a customs broker, may file a Lacey Act declaration. If a customs broker files a declaration on their client's behalf, they need Power of Attorney for the importer of record. The importer of record and their agent (if applicable) assume responsibility for the accuracy and truthfulness of the information in the declaration.

When To File

You should file the declaration at the time the shipment lands in the United States' jurisdiction, but most importers file the declaration in the Automated Commercial Environment (ACE; see details below) using the Lacey Act Message Set before the shipment's arrival.

If you did not submit a declaration in time, contact us and provide the number of declarations that were not filed, the associated entry number(s), and the date(s) the shipment(s) arrived in the United States. We will discuss options for resolving the matter. This may include retroactively filing the declaration(s) in APHIS' Lacey Act Web Governance System (LAWGS; see details below) or by submitting a paper declaration form, depending on the circumstances surrounding the failure to file.

What Information You'll Need

- Scientific name (genus and species) of any plant contained in the shipment
- Description of shipment
- Value of the product
- Quantity of the plant (in metric units of measure)
- Name of the country from which the plant was taken
- Importer name and address
- Consignee name and address
- HTS Code
- Bill of lading
- Container number

- Manufacturer Identification Code (MID)
- Name and contact information for importer of record or their agent

If You Don’t Know or Don't Have All of the Required Information

When the plant species used to produce a product varies and the exact species is unknown, the declaration shall contain the name of **each species** of plant that **may have been used** to produce the product. When the plant species used to produce a product is commonly taken from more than one country and the exact country from which the plant was taken is unknown, the declaration shall contain the name of **each country** from which the plant **may have been taken.**

APHIS recognizes it is difficult, and sometimes impossible, to provide the required information for certain plant products. For this reason, we have developed a list of special use designations. These designations provide relief for the trade community when filing Lacey Act declarations for:

1. Plant products that may be categorized by genus or species into common trade groups
2. Plant products containing composite, recycled, reused, or reclaimed materials
3. Plant products that were manufactured before passage of the Lacey Act amendments

Options for Filing

The importer of record or their agent can file the declaration using **one** of these options:

1. Automated Commercial Environment (ACE)—This is the primary method for filing Lacey Act declarations. ACE is a U.S. Customs and Border Protection (CBP) system. It provides a centralized online access point to connect CBP, trade representatives, and participating government agencies involved in importing goods into the United States. Through the portal, you can file the electronic data required by APHIS’ Lacey Act program.
2. Lacey Act Web Governance System (LAWGS)—This is APHIS’ web-based interface for importers and brokers who prefer not to file in ACE. LAWGS allows users to file declarations for importations into Foreign Trade Zones; ACE does not yet have this capability. LAWGS also allows for large uploads of data using

the XML option.

- *If you are using ACE to file customs information and LAWGS to submit a Lacey Act declaration, you must indicate in ACE (via disclaimer code "C") that you are filing your Lacey Act declaration through another method.*
- *Foreign Trade Zone importers must have a serial number to use LAWGS. Contact APHIS to obtain a serial number or for questions about these numbers.*

For more information and filing resources, visit File a Lacey Act Declaration.

See More See Less

Questions?

For help complying with the Lacey Act declaration requirement:

Lacey Act Team

Email: lacey.act.declaration@usda.gov

Print