



Homeland
Security

LACEY ACT

United States Department of Homeland Security
Customs and Border Protection

Customs and Border Protection

Presented by

Donald Payne – CBPAS Supervisor

United States Department of Homeland Security

Customs and Border Protection

Donald.PayneJr@DHS.GOV

OBJECTIVES

- To understand the history and purpose of the Lacey Act
- To learn the declaration requirement implementation schedule
- To identify the exemptions to the declaration requirements
- To identify violators and prosecutions

History of the Lacey Act

- Introduced by Iowa Congressman John F. Lacey
- Signed into law by President William McKinley on May 25, 1900
- Oldest wildlife protection statute in the U.S.
- It has been amended several times
- Most recently amended in 2008



Purpose of the Lacey Act Amendment



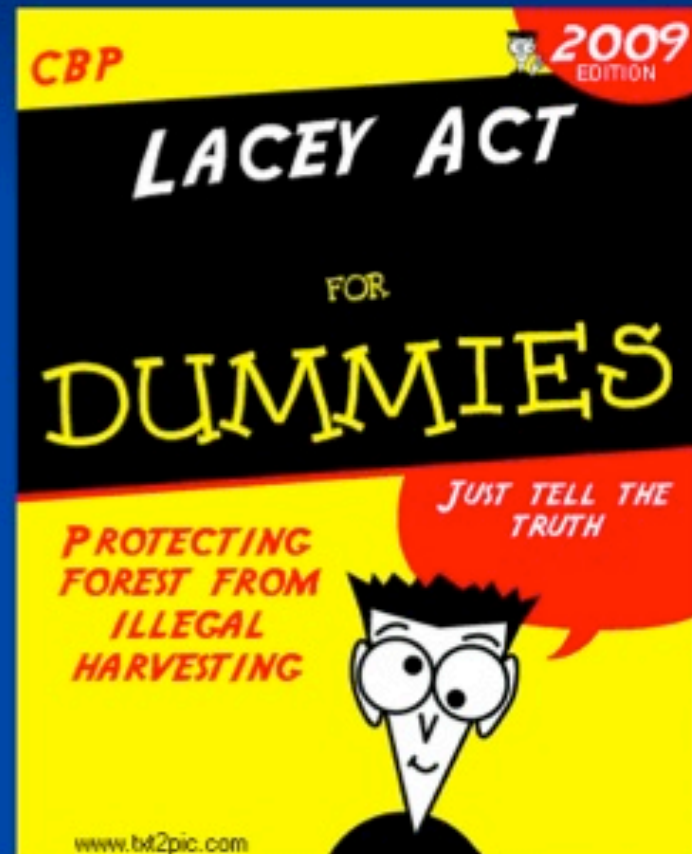
- Prevent trade in illegally harvested lumber
- Prevent trade in wood products made from illegally harvested lumber

The Lacey Act makes it...

- Unlawful to trade any product made from plants that are taken, possessed, transported, or sold in violation of the laws of the United States, a specific State, Indian Tribe, or any foreign law that protects plants.
 - Applies to interstate and foreign commerce
- Unlawful to falsify documents, accounts or records of any plant covered by the Act
- Unlawful to import certain plant products without an import declaration

In Plain English...

- Make sure your shipments were obtained legally
- Make sure your shipments' documentation and records are true and accurate
- Make sure your shipment is properly declared under the Lacey Act declaration requirement



Phase I

March 2009

- The PPQ Plant Import Declaration form 505 is available on the USDA web site.
- Persons importing certain plant products may voluntarily submit the declaration form to APHIS

Phase II

April 1, 2009 – September 30, 2009

HTS Chapters:

Ch. 44 Heading: Wood & Articles of Wood

4401-Fuel wood

4403-Wood in the rough

4404- Hoop wood; poles, piles, stakes

4406-Railway or tramway sleepers

4407-Wood sawn or chipped lengthwise

4408-Sheets for veneering

4409-Wood continuously shaped

4417-Tools, tool handles, broom handles

4418-Builders' joinery and carpentry of wood

Phase II

April 1, 2009 – September 30, 2009

- Applies to products that are minimally processed and/or of less complicated composition, such as wood in the rough or sheets for veneering.
- Starting April 1, 2009, a declaration must be submitted in order to import wood products regulated under this particular phase

Phase III

October 1, 2009 – March 31, 2010

HTS Chapters:

Ch. 44 Heading: Wood & Articles of Wood

- 4402-Wood charcoal
- 4405-Wood wool {excelsior}
- 4410-Particle board
- 4411-Fiberboard of wood
- 4412-Plywood, veneered panels
- 4413- Densified wood
- 4414 Wooden frames
- 4415 Packing cases, boxes, crates, drums
- 4416 Casks, barrels, vats, Tubs
- 4419-Tableware & kitchenware, of wood
- 4420- Wood marquetry; caskets; statuettes

Ch. 47 Heading: Wood Pulp

- 4701-Mechanical wood pulp
- 4702-Chemical wood pulp, dissolving
- 4703- Chemical wood pulp, sulfate
- 4704- Chemical wood pulp, sulfite
- 4705 Combination mechanical and chemical

PLUS PHASE II

Phase III

October 1, 2009 – March 31, 2010

- The third phase will include products that are more processed and of more complex composition, such as wood pulp and particle board.

Phase IV

April 1, 2010 – September 30, 2010

HTS Chapters:

Ch. 44 Heading: Wood & Articles of wood

4421- Articles of wood, Nisei

Ch. 48 Heading: Paper

4801-Newsprint

4802-Uncoated writing paper

4803-Toilet or facial tissue stock

4804-Uncoated craft paper

4805 Other uncoated paper and board

4806 Vegetable parchment, etc.

4807 Composite paper and board

4808- Corrugated paper and board

4809-Carbon paper

4810-Coated paper and board

4811-(Paper coated, etc. other than 4803, 4809, 4810)

Ch. 94 Heading: Furniture, etc.

940169 (seats with wooden frames)

940330 (wooden office furniture)

94340 (wooden kitchen furniture)

940350 (wooden bedroom furniture)

940360 (other wooden furniture)

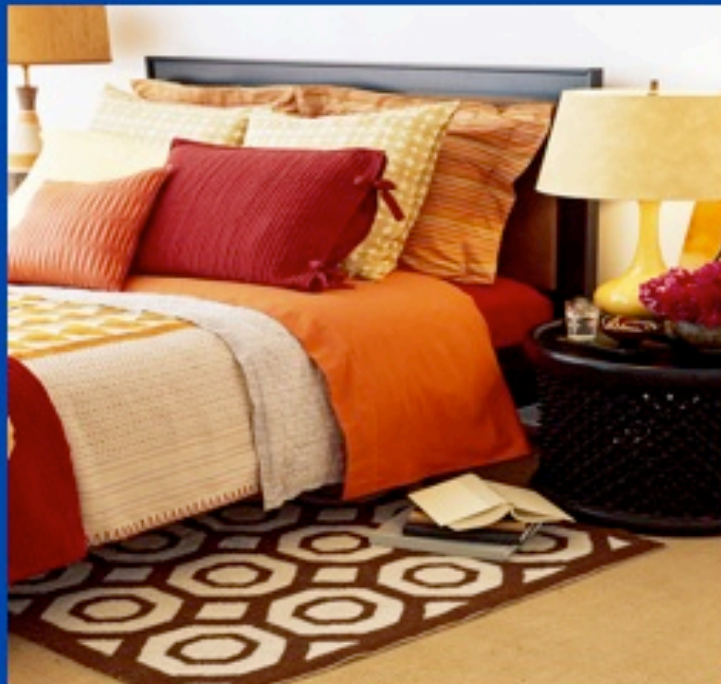
94039070 (wooden furniture parts)

PLUS PHASES II & III

Phase IV

April 1, 2010 – September 30, 2010

- The fourth phase will include highly processed products, such as paper and furniture.



Exemptions from the Declaration Requirement

- Plants and plant products used exclusively as packing material to support, protect, or carry another item including (but not limited to):
 - Instruction manuals, labels, pallets and crating
- “Common cultivars” and “common food crops”
(Note: Will be later defined by APHIS and FWS)
- Plants for planting

Contents of Declaration

- The declaration must contain the scientific name of the plant from which the article is made, value of the importation, quantity of the product, and the name of the country where the plant was harvested.
- Paper and paperboard products containing recycled content must include the average percent of recycled content without regard for species or country of harvest

Contents of Declaration

- If the plant species from which the products are made varies and are unknown, importers will have to declare the name of each species that may have been used to produce the product.
- If a product is made of a plant species commonly harvested in more than one country, and the country is unknown, the importer will be required to declare the name of each country from which the plant may have been harvested.

Declaration Requirements

- All declarations submitted must be accurate.
- False statements may be referred for enforcement.

Violators of the Lacey Act

- Anyone who imported, exported, transported, sold, received, acquired or purchased wood products made from illegal timber
- Anyone who knew or should have known that the wood was illegal may be prosecuted

Violations may be prosecuted in three basic ways

1. Civil – Monetary penalties
2. Criminal – Fines, penalties, and/or potential incarceration
3. Forfeiture – Dispossession of the product in question



The burden of proof rests on the U.S. government.

<http://trac.syr.edu/laws/16/16USC03373.html>

APHIS Lacey Act Website

- www.aphis.usda.gov/plant_health/lacey_act/index.shtml
- www.CBP.gov

Contents:

- Link to PPQ form 505: Plant and Plant Product Declaration Form
- Links to the Lacey Act Federal Register Notices
- Links to other Lacey Act related Documents
- Link to look up plant scientific names
- Link to the Lacey Act Declaration email address
- Link to the PPQ Stakeholder Registry

Please refer Lacey Act Inquiries to:

- Lacey.act.declaration@aphis.usda.gov