



FMC 857

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**LACEY ACT AMENDMENTS
REQUIREMENTS UNDER 2008 FARM BILL**

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Dear Client:

This is a reminder to all clients shipping plants and plant products, **including wood and wood products**, to the U.S., that Customs and Border Protection (CBP) in a coordinated effort with the U.S. Animal and Plant Health Inspection Service (APHIS) announced an amendment to the Lacey Act, and that effective **April 1, 2009**, APHIS is implementing Phase II of its enforcement program for the Lacey Act Amendments declaration.

The Lacey Act amendments under the 2008 Farm Bill, require importers of plants or plant products, **including wood and wood products**, to submit upon entry a declaration on APHIS form PPQ 505 at time of importation to include information on:

- Scientific name of plant;
- Value of importation;
- Quantity of the plant;
- Name of the country in which the plant was harvested;
- (For paper and paperboard products with recycled content) The average percentage of recycled content without regard for species or country of harvest.

The Lacey Act amendments expand the protection to a broader range of plants and plant products. It makes it unlawful to import certain plants and plant products taken or traded in violation of a U.S. state law or most foreign laws; it also prohibits the submission of false information.

Phase I enforcement was limited to outreach, and the submission of the declaration was voluntary. In Phase II beginning 4/1/2009 goods imported under Tariff Chapter 44, the PPQ 505 Section 1 requires: Estimated time of arrival; Entry Number; Container number; Manufacturer code; Importer name; Consignee name; Importer and consignee addresses.

PPQ 505 Section 2 requires the following information:

1. description of the merchandise
2. the HTS tariff number
3. entered value of the article
4. article/component of the article
5. plant scientific name (Genus and Species**)
6. country of harvest **
7. quantity of plant material
8. unit of measure
9. percent of recycled material
10. ** if unknown, then all possibilities must be listed

Please use the this link for more information and to download the PPQ form:

http://www.aphis.usda.gov/plant_health/lacey_act/downloads/declarationform.pdf

The APHIS website has a tool where an importer can find assistance for Plant Genus and Species. The website is <http://plants.usda.gov/classification.html>.

Under Phase II, APHIS is only enforcing this declaration requirement for entries of certain Chapter 44 headings, specifically headings:

Chapter 44 Headings (Wood & articles of wood)

- 4401 fuel wood;
- 4403 wood in rough;
- 4404 hoopwood, 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 builder's joinery and carpentry of wood.

Phase III will commence on **October 1, 2009** and will cover the rest of HTS numbers in Chapter 44 of the tariff and Chapter 47 for wood pulp. Among the many products covered in this phase are wood frames, tableware, kitchenware, statuettes, plywood panels, particle board. All importers entering goods under these headings should advise their suppliers and obtain the necessary information. Importers should include this requirement in all their purchase orders issued to suppliers.

Phase IV will start on **April 1, 2010** and will cover the last heading of chapter 44 wood articles, not elsewhere specified, Chapter 48 Headings for paper and paper articles 4801 through 4811 and Chapter 94 headings for wood furniture and parts.

We urge all importers of goods in the chapters described above to notify their suppliers of the requirements so that the USDA APHIS has this information prior to arrival of the vessel. This information must be transmitted electronically or cargo will not be released by APHIS until the data is received.

There will be a fee associated with this filing. The fee structure is dependant upon the work entailed to properly gather and report the required information.