



The Lacey Act

- The purpose of the Lacey act is to prevent trade in wood products made from illegally harvested lumber.
- The Lacey Act makes it:
 - Unlawful to trade in any plant that is taken, possessed, transported, or sold in violation of the laws of the United States, a State, Indian Tribe, or any foreign law that protects plants
 - Unlawful to falsify documents, accounts or records of any plant covered by the Act
 - Unlawful to import certain plants and plant products without an import declaration

- 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



Schedule of Enforcement of the Plant and Plant Product Declaration Requirement*

(This Version - dated October 29, 2013 - supersedes all previous versions)

HTS Chapters Requiring Plant and Plant Product Declaration (examples of products requiring declaration):

Ch. 44 Headings

- 4401— (Fuel wood)¹
- 4402— (Wood charcoal)²
- 4403— (Wood in the rough)¹
- 4404— (Hoopwood; poles, piles, stakes)¹
- 4406— (Railway or tramway sleepers)¹
- 4407— (Wood sawn or chipped lengthwise)¹
- 4408— (Sheets for veneering)¹
- 4409— (Wood continuously shaped)¹
- 4412— (Plywood, veneered panels)²
-Except 44129906 and 44129957
- 4414— (Wooden frames)²
- 4417— (Tools, tool handles, broom handles)¹
- 4418— (Builders' joinery and carpentry of wood)¹
- 4419— (Tableware & kitchenware of wood)²
- 4420— (Wood marquetry, caskets, statuettes)²
- 4421— (Other articles of wood)³

Ch. 66 Headings

- 6602— (Walking sticks, whips, crops)³

Ch. 82 Headings

- 8201— (Hand tools)³

Ch. 92 Headings

- 9201— (Pianos)³
- 9202— (Other stringed instruments)³

Ch. 93 Headings

- 9302— (Revolvers and pistols)³
- 93051020— (Parts and accessories for revolvers and pistols)³

Ch. 94 Headings

- 940169— (Seats with wood frames)³

Ch. 95 Headings

- 950420— (Articles and accessories for billiards)³

Ch. 97 Headings

- 9703— (Sculptures)³

*All declarations submitted must be accurate; false statements may be referred for enforcement. Failure to submit a declaration will not be prosecuted, and customs clearance will not be denied for lack of a declaration until after the phase-in date above.

¹ Phase 2 Implementation – Declaration required effective April 1, 2009

² Phase 3 Implementation – Declaration required effective October 1, 2009

³ Phase 4 Implementation – Declaration required effective April 1, 2010

- Currently only sections of HTS Chapters 44, 66, 82, 92, 93, 94, 95, and 97 meet the declaration requirement, other chapters are exempt
- 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, etc.
- “Common cultivars” and “common food crops”
- Plants for planting

Common Cultivars vs Common Food Crops

The Act does not define the terms “common cultivar” or “common food crop.” Instead, the USDA, working closely with the U.S. Department of the Interior, has the authority to define these terms. Because common food crops and common cultivars are among the categories of items not subject to the provisions of the Act, establishing definitions is necessary for enforcement purposes. The definitions in the rule are designed to exclude most commercially grown items from the requirements of the Lacey Act.

The current list of common cultivars and common food crops is available on the Animal and Plant Health Inspection Service (APHIS) Web site at :
http://www.aphis.usda.gov/plant_health/lacey_act/index.shtml

Decisions about which products will be included on the list will be made jointly by APHIS and the DOI’s Fish and Wildlife Service (FWS). We will inform our stakeholders when the list is updated via email and other electronic media. We will also note updates of the list on APHIS’s Lacey Act Web site mentioned above.

- The Declaration Requirement is only a small part of the entire Lacey Act
- Even if a shipment is exempt from the Declaration Requirement – the Lacey Act is still in force
- Example: Hammers with wooden handles
 - HTS Chapter 82 – no declaration required
 - The Lacey Act itself still applies to the wooden handles
 - If the handles were made from illegally harvested trees – the hammer shipment is in violation of the Lacey Act

- Many of the data elements that relate to the APHIS form PPQ 505 are already captured by current transactions at the Entry level
- Elements needed:
 - **Container #** - the number of the shipping container in which the product is being shipped (Academy's Broker will complete)
 - **Intended use** – name of product and its use (ex: wooden spoons for kitchenware)
 - **Entered value** – value of entire shipment of imported item
 - **Article or Component of Article** – brief description of each article
 - **Plant Scientific Name - Genus & Species**
 - **Country of Harvest** – country where the plant was harvested
 - **Quantity of Plant Material/Unit of Measure** – how much product is in the shipment
 - **% Recycled Material** – percentage of recycled material in product

Now that we have identified all Lacey Act items, Academy wants to be proactive and with each classification request containing a Lacey Act item, Global Sourcing must ensure a completed PPQ form is provided to Customs Compliance.

- The vendor/factory needs to complete form field #10 and Section 2 (#11 - #18) of the PPQ form so that we can verify that the genes/species is not illegally harvested prior to purchase order processing.
- The preparer must provide their phone number, printed name, signature and date.

- 1. Estimated Date of Arrival:** Enter the date (MM/DD/YYYY) that the product is expected to enter the United States of America.
- 2. Entry Number:** Enter the U. S. Customs entry number assigned to this shipment. (Format: xxx-xxxxxxx-x)
- 3. Container Number:** Enter the number of the shipping container in which the product is being shipped - available from your shipping company. If you have more than container number in your shipment, check the "see attachment" box, and list all of the containers on a separate sheet. Attach the container list to the PPQ 505. If there is no container number, please leave this section blank.
- 4. Bill of Lading:** Enter the Bill of Lading (BOL) number assigned to this shipment - available from the shipping company. If there is no Bill of Lading number, please leave this section blank.
- 5. MID:** Manufacturer Identification Code - available from the manufacturer or customs broker (19 CFR Appendix to Part 102).
- 6. Importer Name:** Enter the name of the import company or individual for the product.
- 7. Importer Address:** Enter the address of the import company or individual in #6.
- 8. Consignee Name:** Name of the individual or company who ordered and will ultimately receive the shipment.
- 9. Consignee Address:** Enter the address of the individual or company in #8.
- 10. Description of the Merchandise:** Enter the name of the plant or plant product, and its use (example: wooden spoons for kitchenware). If the use is unknown, enter only the name of the product(example: lumber). If the product is protected under CITES also input CITES permit number here. If product was manufactured prior to the Lacey Act Amendment also input "Manufactured Prior to May 22, 2008".
- 11. HTSUS Number:** Enter the Harmonized Tariff Code for the merchandise described in #10 - available at <http://www.usitc.gov/tata/hts/>.
- 12. Entered Value (in U.S. Dollars):** Write the entered value of the imported merchandise described in #10 in U.S. Dollars.
- 13. Article/Component of Article:** Enter a brief description of each article, or component of an article, that is manufactured from plants or plant parts. (Example: A decorative item including a wood frame and 100 % recycled paperboard - enter the frame as a line item, and record the percent recycled material in the paperboard in section #18.)
- 14. Plant Scientific Name:** For each article/component in #13 enter the scientific name (example: See next page). If the species of plant used to produce the product varies, and the species used to produce the product is unknown, enter each species that may have been used to produce the product. If product was manufactured prior to the Amendment and you cannot determine species, enter "Special" for Genus and "PreAmendment" for Species. The Scientific Name is NOT trade/common name of the plant.

PPQ Form Instruction continued

15. Country of Harvest: Enter the country where the plant was harvested (example: See below). If the country of harvest varies, and is unknown, enter all countries from which the plant material in the product may have been harvested. This is NOT the country of manufacture/origin.

16. Quantity of Material: How much plant material is in the shipment (example: See below).

17. Unit: This is the Unit of Measure of the Plant Material. Use the drop down box on the form to enter the units for #17. (example: See below).

kg - kilograms m - meter m2 - square meters m3 - cubic meters

18. % Recycled Material: If the product is paper or paperboard, enter the percentage of recycled material it contains (0 - 100%). If the percentage of recycled material varies, enter the average percentage of recycled material used in the product (example: If the percentage of recycled material used is between 25% and 45%, enter 35%).

11. HTSUS Number	12. Entered Value	13. Article/Component of Article	14. Plant Scientific Name		15. Country of Harvest	16. Quantity of Plant Material	17. Unit	18. Percent Recycled
			Genus	Species				
9401692010	1354	Bentwood Seats Made of Oak	Quercus	lineata	Indonesia	500	kg	0
4407950000	8442	European ash lumber (2" x 4')	Fraxinus	excelsior	Switzerland	52	M3	0

Submission of Paper Declaration: Importers should have a copy of the form available for Customs and Border Protection (CBP) to review at the port of entry. After CBP clears the shipment, the importer must mail the original form to the USDA at the following address:

The Lacey Act c/o U.S. Department of Agriculture Box 10 4700 River Road Riverdale, MD 20737

Note: You may use Form PPQ 505B should more space be required. Make as many copies as necessary. Failure to include any and all of the required information will result in the rejection of your declaration.

SPECIAL NOTE: IF YOU HAVE FILED A LACEY ACT DECLARATION ELECTRONICALLY THROUGH THE CUSTOMS SYSTEM, THERE IS NO NEED TO FILE A PAPER DECLARATION.

- Inform Academy's Global sourcing group which item the Lacey Act applies and the vendor will need to complete a PPQ Form 505 for classification request and each shipment of that item.
- The vendor will need to complete form field #10 and Section 2 (#11-18):
 - 10. Description of the merchandise...Style #, name of product, its use, and PO # (ex: wooden spoons for kitchenware)
 - 11. HTS # assigned to the item in #10 by Academy
 - 12. Entered value of the entire shipment not just the value of one item
 - 13, Article /Component of Article which applies to the Lacey Act
 - 14. Plant Scientific Name (Genus and Species)
 - 15. Country of Harvest
 - 16. Quantity of Plant Material
 - 17. Unit of Measure: should be stated in "standardized metric units" of kilograms (kg), meters (m), meters squared (m²), and meters cubed (m³).
 - 18: % Recycled material

Note: Each item must have a separate PPQ 505 and not all items shipped one form.

Yusen Vantage | Performance | Current Bond Formulas (Updated | USDA APHIS | Filing a Lacey Act | ppq505.pdf

aphis.usda.gov/library/forms/pdf/ppq505.pdf

Apps | Gmail | YouTube | Maps | 2021 Harmonized T... | Federal Register :: B... | Livingston Dashboa... | U.S. Customs and B... | Griffin Client | Home | United Stat... | INTEGRATION POINT | USMCA REGULATIO...

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UNITED STATES DEPARTMENT OF AGRICULTURE
ANIMAL AND PLANT HEALTH INSPECTION SERVICE
PLANT PROTECTION AND QUARANTINE

PLANT AND PLANT PRODUCT DECLARATION

SECTION 1 – Shipment Information

1. ESTIMATED DATE OF ARRIVAL (MM/DD/YYYY)	2. ENTRY NUMBER
3. CONTAINER NUMBER(S) <input type="checkbox"/> See Attachment	4. BILL OF LADING
6. IMPORTER'S NAME	5. MANUFACTURER IDENTIFICATION CODE (MID)
8. IMPORTER'S ADDRESS	7. CONSIGNEE'S NAME
10. DESCRIPTION OF MERCHANDISE	9. CONSIGNEE'S ADDRESS

SECTION 2 – Compliance with Lacey Act Requirements (16 U.S.C. 3372(f))

For each article or component of an article, provide the following:

11. HTS NUMBER (no dashes/symbols)	12. ENTERED VALUE	13. ARTICLE/COMPONENT OF ARTICLE	14. PLANT SCIENTIFIC NAME <u>Genus</u> <u>Species</u>	15. COUNTRY OF HARVEST	16. QUANTITY OF PLANT MATERIAL	17. UNIT	18. PERCENT RECYCLED

- Monthly Import Logistics forwards to our Freight Forwarders a list of all items shipping in the next month that will need PPQ forms. The Freight Forwarder will collect the PPQ form for each shipment.
- This is one of the documents the Freight Forwarder will be checking before releasing the Forwarders Cargo Receipt (FCR).
- It is extremely important that the vendor update Global Sourcing on ship date changes so Global Sourcing can update the POs. These date changes directly affect our monthly reporting.

- Please Note: Lacey Act **does** apply to MDF
- For MDF articles, the vendor would complete the PPQ Form 505 and would indicate the Genus as "Special" and the Species as "MDF".
- Please see the Guidance section on the Lacey Act webpage at the link below for more information on Special Use Designations

http://www.aphis.usda.gov/wps/portal/aphis/ourfocus/planthealth?1dmy&urile=wcm%3apath%3a%2Faphis_content_library%2Fsa_our_focus%2Fsa_plant_health%2Fsa_import%2Fsa_lacey_act%2Fct_lacey_act

Violations of the Lacey Act provisions for timber and other plants, as well as fish and wildlife, may be prosecuted in three basic ways:

- Civil Penalties – meaning monetary penalties
- Criminal Penalties – fines and penalties and potential incarceration
- Forfeiture – dispossession of the plant, fish, or wildlife in question

Civil Penalties: The Lacey Act allows for the imposition of civil administrative monetary penalties against a party who in the exercise of due care should have known of the illegal nature of the plant or wildlife in question, or who knowingly commits a false labeling offense or knowingly violates the declaration requirements.

Civil penalties of up to \$10,000 may be imposed, with the size of the penalty depending on the nature, circumstances, extent, and gravity of the prohibited act committed and the violator's culpability, ability to pay, and such other matters as justice may require.

In addition, any person who commits a marking offense or violates the declaration requirements, except for knowing violators, may be assessed a penalty up to \$250.

Criminal Penalties. Criminal penalties may also be imposed for certain violations, with the offense being either a felony or misdemeanor depending on, primarily, the defendant's Felony.

A defendant found guilty of a Lacey Act felony shall be fined not more than \$250,000 for individuals or \$500,000 for organizations or twice the amount of the gross gain or loss, or imprisoned not more than 5 years, or both, for each violation.

Forfeiture. The Lacey Act's civil forfeiture provisions are enforced on a strict liability basis. If illegal timber or a product made from illegal timber (and/or illegal wildlife or fish) is brought into the U.S., that timber or timber product may be seized whether or not the person from whom it is seized knew of the illegal nature of the product. Nonetheless, the government must still show that a plant, plant product, or wildlife has been imported or received in violation of a State or foreign law or regulation.

Lacey Act website

- <https://www.aphis.usda.gov/aphis/ourfocus/planthealth/import-information/lacey-act/lacey-act>
 - What you will find there:
 - Link to PPQ Form 505: Plant & Plant Product Declaration Form
 - Links to Lacey Act Federal Register Notices
 - Links to other Lacey Act related documents
 - Link to look up plant genus and species
- Genus & Species website
 - <http://plants.usda.gov/classification.html>



Questions?

For further information on the Lacey Act please visit: <https://vendor.academy.com/>