

LACEY ACT

IMPORT CONTROLS ON PRODUCTS MADE OF WOOD

Introduction

The Lacey Act makes it unlawful to import, export, transport, sell, receive, acquire, or purchase in interstate or foreign **commerce any wild member of the plant kingdom, including roots, seeds, parts, and products thereof.**, with some limited exceptions*, taken or traded in violation of the laws of the United States, a U.S. State or a foreign country. On February 3, 2009, USDA Animal and Plant Health Inspection Service (APHIS) published a notice in the Federal Register announcing a revised enforcement phase in plan for the Act's requirement for a plant product import declaration.

Scope of Affected Goods Narrowed

The USDA will only require a declaration for formal entries (generally commercial shipments) **and only for the product being imported** and not for sundries that ordinarily accompany it, such as tags, labels, manuals and warranty cards. Transportation and exportation entries, in-transit movements, carnet importations (i.e., merchandise or equipment that will be re-exported within a year) and foreign-trade zone and warehouse entries are not affected by this new enforcement measure.

PPQ 505: Plant Product Declaration

A declaration is required from the importer required in order to obtain release of a covered product. Among other details, the importer must provide detailed data concerning the Plant Scientific name (or the best guess) and country of harvest (if multiple, enter all)! M.E. Dey & Co., Inc intends on assisting its' customers in meeting their responsibilities. Please help us help you. Consider your imported product and compare to the Tariff headings below. Enforcement (penalty action) of the data collection requirement will begin May 1, 2009. As a reminder, providing false or misleading information to the U.S. government can result in civil (monetary up to \$100,000 per violation) or criminal actions against any involved party and may result in the seizure and forfeiture of the merchandise.

PHASE IN SCHEDULE OF ENFORCEMENT OF THE DECLARATION REQUIREMENT FOR GOODS OF, OR CONTAINING, PLANTS OR PLANT PRODUCTS*

HTS Headings Scheduled for Phase II of Enforcement (April 1, 2009)

Ch. 44 Headings (wood & articles of wood)

HTS HEADING	Brief Description	HTS HEADING	Brief Description
4401	Fuel wood	4408	Sheets for veneering
4403	Wood in the rough	4409	Wood continuously shaped
4404	Hoopwood, poles, posts, stakes	4417	Tools, tool handles, broom handles
4406	Railway or tramway sleepers	4418	Builders' joinery & carpentry of wood
4407	Wood sawn/chipped lengthwise		

HTS Headings Scheduled for Phase III of Enforcement October 1, 2009

Ch. 44 Headings (wood & articles of wood)

HTS HEADING	Brief Description	HTS HEADING	Brief Description
4402	Wood charcoal	4419	Table, Kitchenware (wood)
4412	Fiberboard	4420	Wood marquetry, statuettes
4414	Wood Frames		

PLUS PHASE II

HTS Headings Scheduled for Phase IV of Enforcement April 1, 2010

- Ch. 44 Headings (wood & articles of wood)
- Ch. 66 Headings (umbrellas, walking sticks, riding crops)
- Ch. 82 Headings (tools, implements)
- Ch. 92 Headings (musical instruments)
- Ch. 93 Headings (arms and ammunition)
- Ch. 94 Headings (furniture, etc.)
- Ch. 95 Headings (toys, games, & sporting equipment)
- Ch. 97 Headings (works of art)

HTS HEADING	Brief Description	HTS HEADING	Brief Description
4421	Articles of wood, not elsewhere specified or included	9302	Revolvers and pistols
6602	Walking sticks, whips, crops	93051020	Parts & accessories for revolvers & pistols
8201	Hand tools	940169	Seats with wood frames
9201	Pianos	95042	Articles and accessories for billiards
9202	Other stringed instruments	9703	Sculptures

PLUS PHASES II & III

* Declaration requirements were effective as of December 15, 2008. 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.

Exceptions

1. Common cultivars, except trees. And common food crops.
2. **Scientific specimens of plant genetic material that are to be used only for lab or field research.
3. **Plants that are to remain planted or replanted.
4. **Plants used exclusively as packaging material to support, protect or carry another items, unless packaging material itself is the item being imported.**
Exception 2 and 3 must still be declared if plant material is listed in an appendix to the convention on International Trade in Endangered Species of Wild Fauna and Flora, As an endangered or threatened species under the Endangered species act of 1973 or any state law that provide for the conservation of species that are indigenous to the States and are threatened with extinction.