

Rogers & Brown

## SPECIAL NOTICE

March 2009

### The Lacey Act

The Lacey Act makes it illegal to import, export, transport, sell, receive, acquire or purchase in interstate or foreign commerce, any plants or plant products to be taken or traded in violation of domestic or international laws. The act has been amended to require importers to submit a declaration (PPQ505) at the time of importation for certain plants and plant products.

- The following chapters of the HTSUS will require declaration:
  - Chapter 44– Wood and articles of wood; wood charcoal
  - Chapter 47– Only 4701-4705 (not any article from recovered (waster/scrap) paper)
  - Chapter 48– Only 4801-4811 (not ‘printed matter’ cigarette paper and some others)
  - Chapter 94– Only 9401.69 (wooden seats), 9403.30 (wooden office furniture), 9403.40 (wooden kitchen furniture), 9403.50 (wooden bedroom furniture), 9403.60 (other wooden furniture), 9403.90.70 (wooden furniture parts)
- Exemptions include:
  1. Plants or plant products used for packing material to support, protect, or carry another item, such as instruction manuals, labels, pallets, crating, etc.
  2. “Common cultivars” and “Common food crops” (To be defined by APHIS and FWS)
  3. Plants for replanting

#### **All importers are responsible for compliance under The Lacey Act Regulations even if the shipment is exempt from declaration.**

Following is the tentative schedule USDA & US Customs has given for implementation.

- Phase 1 (April 1 - September 20, 2009) HTS Chap. 44
- Phase 2 (October 1, 2009 - March 31, 2010) HTS Chap 47
- Phase 3 (April 1, 2010 - September 30, 2010) HTS Chap 48 & 94

We will be contacting all of our customers that will be directly impacted by this amended regulation.

For information please visit USDA’s Animal and Plant Health Inspection Service website: [www.aphis.usda.gov/plant\\_health/lacey\\_act/index.shtml](http://www.aphis.usda.gov/plant_health/lacey_act/index.shtml)

Please contact Sales for any questions:  
Jessica Smith 864-968-7067 or Tiffany Martin 864-968-7076



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