



The American Companies

"News Flash"

February 9, 2009

Lacey Act Amendment– Latest Updates, February 2009

The February 3 Federal Register published the most recent updates to the Lacey Act Amendments, following a series of modifications in October. The Animal and Plant Health Inspection Service (APHIS), the federal agency charged with the implementation and enforcement of the rules, revised again the 'phased' implementation schedule and provided a more definitive list of the products comprised in each phase. These modifications were in general response to public questioning and comment received during the 60 day period that ended on December 8. See: http://www.aphis.usda.gov/plant_health/lacey_act/downloads/FederalRegister02-03-2009.pdf

The Lacey Act (1900) seeks to block illegal trade and traffic in protected and controlled animal and plant species. The Lacey Act Amendment was originally included as section 8204 of the Food, Conservation and Energy Act of 2008 (known as the 'Farm Bill'), effective May 2008. The "Amendments" expand the Lacey protections to a 'broader range of plants and plant products' and seeks to enforce all US and foreign law with the same intent. The first release of the Amendment in May called for a hard-copy declaration specifying various details of the imported wood or plant-related products (scientific name, country of origin, etc), effective December 2008. The range of affected products was not clearly limited, creating a possibly open-ended product base and much uncertainty in the trade community. The hard-copy requirement would have precluded paperless and remote location releases for wood-based products included in the Act, adversely impacting the global supply chain.

In the October revision, reacting to the first round of public comment and their own limited resources, APHIS announced a 'phased approach' to the declaration requirement and a delay to the start of the first enforcement phase until at least April 2009, eliminating the hard-copy document mandate in anticipation of an electronic system for transmission of the data, still in development. While the basic hard-copy certification requirement did become effective on December 15, 2008, as originally scheduled; the submission of the required information is voluntary at this time; a printable declaration form is available at http://www.aphis.usda.gov/plant_health/lacey_act/downloads/declarationform.pdf

In the recent (February 3) revisions, APHIS announced four new updates to the October release. 1) maintaining the phased approach, phase lengths have been extended from 3 months to 6 months, beginning with the projected April 1 enforcement start; further, the products included in each phase were 2) more specifically listed than previously and 3) prioritized based on 'their degree of processing and complexity of composition', with the most basic wood products coming in the first phase, more complex afterwards; finally, 4) the declaration will be required only for formal entries, excluding informal, personal, mail shipments, in-bond movements, temporary importations, etc.

These continuing modifications result from the agency's attempt to satisfy the legislative intent of the law within the limits of their own resources and in cooperation with the trade community, as expressed and supported by the numerous trade organizations and their allies and representatives in Congress. APHIS will continue to review this program over time and will adjust its requirements accordingly. http://www.aphis.usda.gov/plant_health/lacey_act/index.shtml

To view previous News Alerts on the Lacey Act Amendments, and other trade issues, see our web-site <http://www.shipamerican.com/> and click on 'Newsletter' in the content choices on the left side of the home page. The American Companies continues to follow trade issues and legislative changes that impact the trade community, and our customers in particular. For any questions or further conversation on this subject, contact the Compliance Manager (Client Support Services), Jim Carroll, 201-478-4682 (direct) or jamesc@shipamerican.com

The American Companies

250 Moonachie Road (HQ Office – Full Service)
Moonachie, NJ 07074 (201-478-4600)
0782)

400 Oceangate, Suite 1106 (Full Service)
Long Beach, CA 90802 (562-435-2327)

881 Route 83 (Full Service)
Bensenville, IL 60106 (630-860-0782)

Domestic USA Ground Operations
Domestic USA Air Operations
Asheville NC 828-271-2061

3PL Locations
Fairview, NJ
Santa Fe Springs, CA
Bensenville, IL