



The American Companies

"News Flash"

March 23, 2009

Lacey Act Amendment– GO LIVE April 1 2009

New data requirements for Imported wood and plant-derived products

The Lacey Act enforcement stage begins April 1. The law as amended is intended to monitor the international trade in plant and wood products. U.S. importers of specified products are required to provide information as to the genus and species of the wood and plant(s) used in the manufacture of the product, the country of harvest, the value of the plant and wood product, and if recycled, the percentage of recycled material used.

This information is detailed in the manual form 505 of Plant Protection and Quarantine (PPQ) of the US Department of Agriculture, available on-line at http://www.aphis.usda.gov/plant_health/lacey_act/downloads/declarationform.pdf. If your product is covered by the Act (see paragraph below) we strongly recommend that you have your shipper / vendor provide the required information by completing this form and attaching it to the entry documents. The American Companies is ready now to transmit the new data to CBP as an extension of the customs entry.

Customs published a implementation schedule in the February 3 Federal Register, for the four phases of enforcement, including the initial phase (December 2008 – March 31, 2009) of voluntary participation and governmental outreach. The schedule includes the harmonized tariff codes / product types that fall under the purview of the law in each phase: For details of the covered products see http://www.aphis.usda.gov/plant_health/lacey_act/downloads/FederalRegister02-03-2009.pdf

Each successive phase covers products with a greater level of processing. The second phase (April 1, 2009 to September 30, 2009) covers mostly rudimentary wood products; the third phase (October 1, 2009 to March 31, 2010) includes particle board, wood packing material and wood pulp mixtures; phase four (April 1 2010 to September 30, 2010, includes newsprint, corrugated paper and paperboard, coated papers and furniture of wood. Importantly, for many importers, the law does not cover common packaging of imported product, whether of wood or corrugated paper. **Wood and paper packaging material is covered in phases 3 & 4 only when the packaging material is itself the imported product.**

The American Companies' has created a report of entries over the past year + in order to identify clients who have imported merchandise with harmonized numbers affected by the law. We will make our best effort to contact those clients in particular to coordinate with them in their preparation for the new requirements. However we strongly recommend that all our customers closely review the schedule and list of product types to determine if the importation of any listed product is anticipated in the coming year. Since you know your product best it is your responsibility to identify any products you will import that fall within the new requirements and provide us with this information.

The Animal and Plant Health Inspection Service (APHIS), the federal agency charged with the implementation and enforcement of the rules, has stated their intention to review this program over time and adjust its requirements accordingly. For more information about the Lacey Act Amendment go to 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. 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.

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