



United States Department of Agriculture

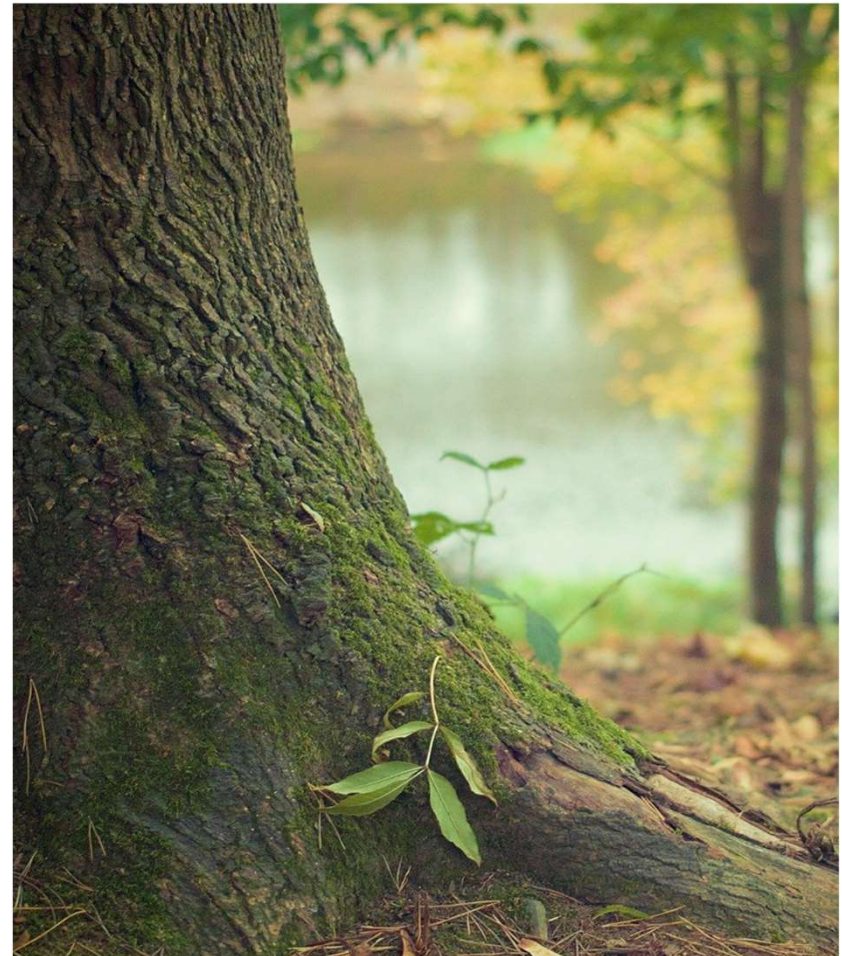


Animal and Plant Health Inspection Service Plant Protection and Quarantine

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Lacey Act Program

August 2024

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Objectives

- Lacey Act Overview
- Program Status
- What's Next?

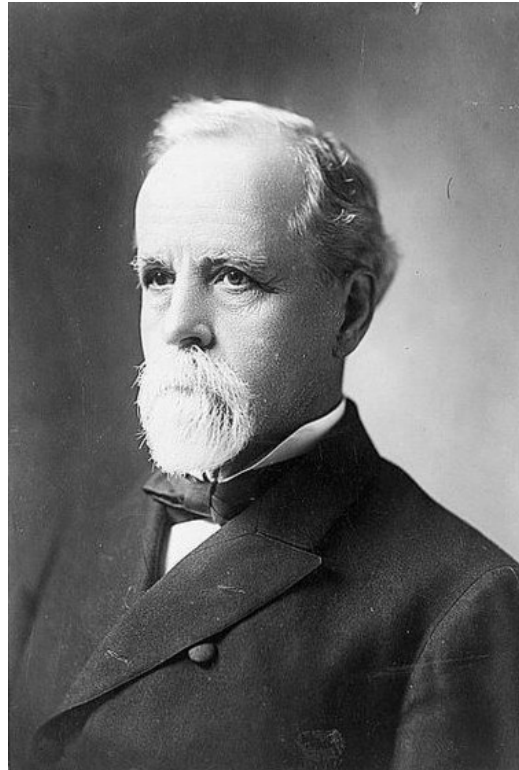


The Lacey Act of 1900

Interstate shipment of unlawfully killed game



Hunting to supply commercial markets



John Fletcher Lacey



Lacey Act 2008 Amendments

- Covers more plants and plant products, including wood products
- Imposes legal requirements
- Requires an import declaration



Combatting Illegal Trade

- Illegal logging leads to:
 - Increased Greenhouse Emissions
 - Loss of Biodiversity
 - Deforestation
 - Corruption and Violence
 - Revenue losses for U.S. businesses



What are the Requirements?

All imported plants and plant products must have been legally harvested, possessed, sold or transported.

Articles imported under the act require a declaration stating:

- Value and quantity
- Country plant was taken
- Scientific name of each plant in product (Genus and species)



Does not require a declaration? Exemptions

**Common
Food Crops**



**Common
Cultivars
(except
trees)**



**Scientific
Specimens**



**Plants for
planting**



**Wood
products
used as
packaging
material**



**Products that
meet the
de minimis
criteria**



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Common Cultivars and Common Food Crops



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Common Cultivars and Common Food Crops (Data Table)

Last Modified: February 27, 2024

Commodities that are derived from common cultivars (except trees) and common food crops, including those listed in the below table, are excluded from the requirements of the Lacey Act and you can use a [disclaimer](#). Plants and plant parts must meet all other regulatory requirements for importation into the United States. This list of common cultivars and common food crops is intended to be illustrative, not exhaustive.

Note: Can search by Common Name and Scientific Name



Common Cultivars and Common Food Crops

Exempted Parts indicates the plant parts covered by the exclusion. For example, apples are considered a common food crop, but wood from an apple tree is not. In some cases, the parts covered by the exclusion are broader than the commodity listed in The 'Commodity Type'. This is intentional, and parts listed in 'Exempted Parts' supersede the commodity listed in 'Commodity Type' for exclusion purposes.

[CSV](#) [Print](#)

Search:

Commodity Type	Genus	Exempted Parts
Lemon	Citrus spp.	Limited to fruit, flowers, leaves, seeds, bark, and products made from the fruit, flowers, leaves, seeds, or bark
Lemon balm	Melissa spp.	All plant parts and products thereof
Lemongrass	Cymbopogon spp.	All plant parts and products thereof

Showing 1 to 3 of 3 entries (filtered from 483 total entries)

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Note: Can search by Common Name and Scientific Name

Common Cultivars and Common Food Crops

- List is not exhaustive, and species can be added
- Instructions on how to propose additions to the list can be found in the Federal Register:
- <https://www.federalregister.gov/documents/2016/01/25/2016-01399/lacey-act-implementation-plan-definitions-for-exempt-and-regulated-articles>



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Common Cultivars and Common Food Crops

- Send request to Lacey.Act.Declaration@usda.gov
- Include:
 - Scientific name of the plant (genus, species)
 - Common or trade names
 - Annual trade volume (e.g., cubic meters) or weight (e.g., metric tons/kilograms) of the commodity
 - Any other information that will help us make a determination, such as countries or regions where grown, estimated number of acres or hectares in commercial production, and so on



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Endangered Species Act
1973



**Exclusions do not
apply to
Protected Plants!**



Schedule of Enforcement

Chapter 44	Chapter 94
Chapter 66	Chapter 95
Chapter 82	Chapter 96
Chapter 92	Chapter 97
Chapter 93	



Readings

- 9401612010—(upholstered teak chair, househ...
- 9401612030—(upholstered teak chairs, other) ⁴
- 940169—(Seats with wood frames) ³
- 9401901500—(parts of bent-wood seats) ⁴
- 9403304000—(bent-wood office furniture) ⁴
- 9403404000—(bent-wood kitchen furniture) ⁴
- 9403504000—(bent-wood bedroom furniture)
- 9403604000—(other bent-wood furnit...

See tariff codes in each chapter

Lacey Program Status

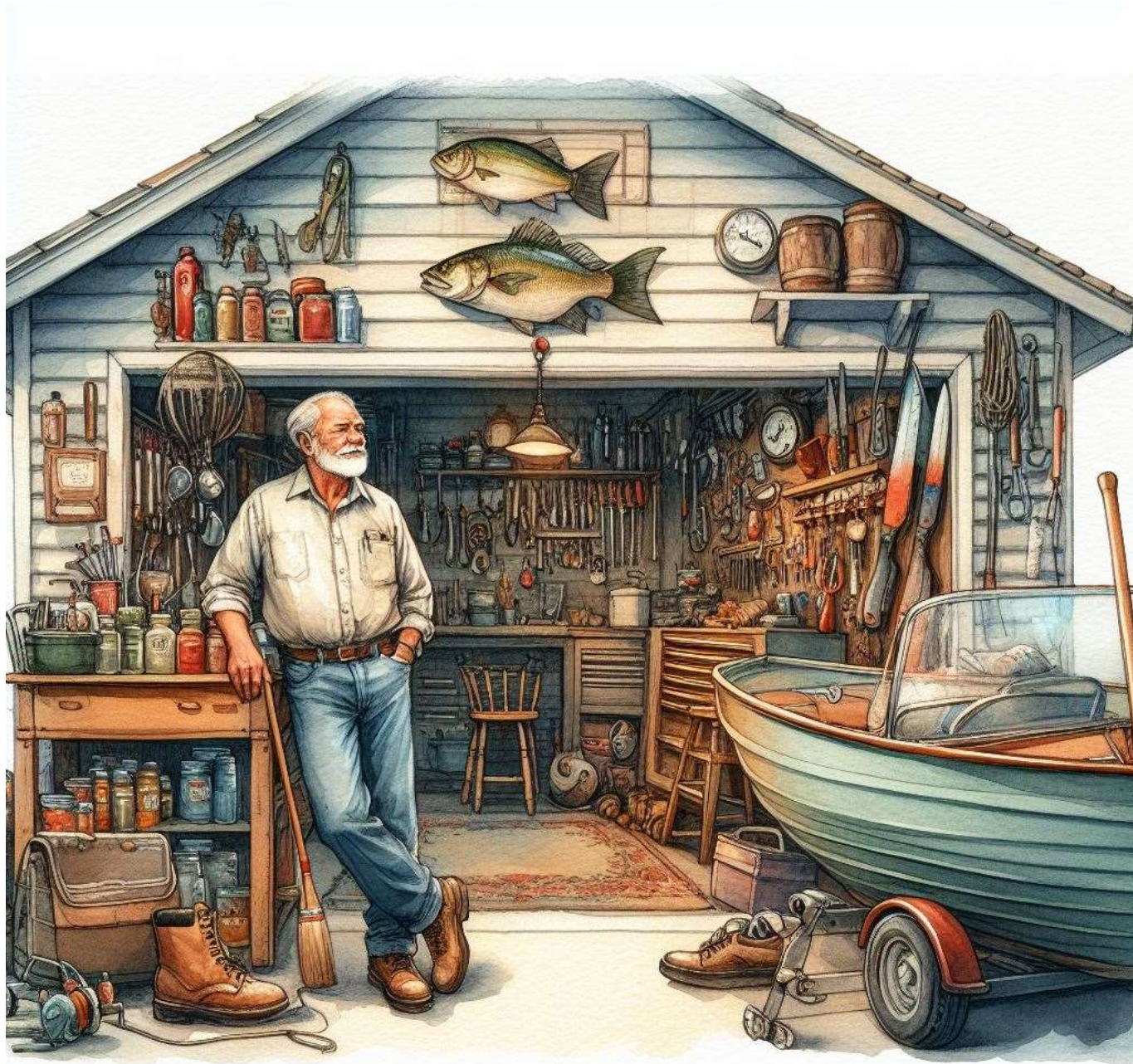
- Phases I-VI implemented (2008 - 2021)
- Phase VII – slated for 2024 implementation
- Phase VIII – composites



Lacey Act Program – Phase VII Update

- May 31, 2024 – Notice published in the Federal Register with Phase VII HTS codes
- Comment Period open until 7/30/2024
- Implementation Date is December 1, 2024
- <https://www.federalregister.gov/documents/2024/05/31/2024-11901/implementation-of-revised-lacey-act-provisions>





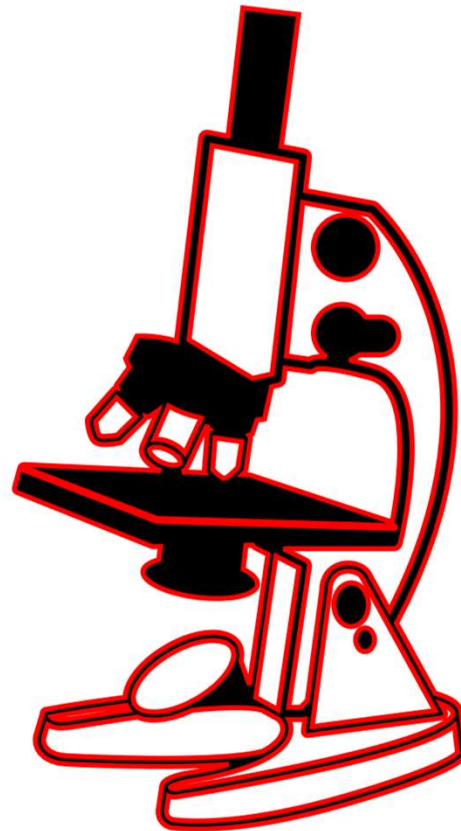
Bottom line:

If the HTS code is flagged for Lacey, you will need species and country of harvest information for:

- Articles containing wood or plant products
- Plant products not 100% composite material that are not otherwise exempted



Lacey Act Program – Additional Projects



Lacey Act Program – What’s Next?

- Phase VIII
 - All remaining composite materials





United States Department of Agriculture

APHIS Lacey Act Website

<https://www.aphis.usda.gov/plant-imports/lacey-act>





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Contact Us

USDA, APHIS

Lacey.Act.Declaration@usda.gov

*Promoting responsible
harvest to save the
world's forests*

