

U.S. CUSTOMS AND BORDER PROTECTION

FIELD OPERATIONS, NEW YORK

INFORMATIONAL PIPELINE NO. 09-011-NYFO

TO : Carriers, Brokers, Importers and Others Concerned

SUBJECT : Implementation of Lacey Act Amendments

DATE : APR 28 2009

This pipeline informs the New York Trade Community of recent amendments to the Lacey Act (16 U.S.C. 3371 et seq., the Act) which make it unlawful to import, export, transport, sell, receive, obtain, and/or purchase in interstate or foreign commerce any plant, with *some* limited exceptions, taken or traded in violation of the laws of the United States, a U.S. state, or a foreign country. Additionally, it also made it unlawful to make or submit any false record, account, or label for any false identification of this broader group of plants covered by the Act. Finally, the Act introduced the requirement for an import declaration for plants entering the United States and provides for both civil and criminal penalties for failure to comply.

The U.S. Department of Agriculture (USDA) Animal and Plant Health Inspection Service (APHIS) published a *Federal Register* notice on February 3, 2009, announcing a revised enforcement *phase-in* plan for the Act's requirement for a plant product import declaration. The revised plan identifies a list of products and the associated Harmonized Tariff Schedule (HTS) Chapter or Heading to which the requirement for a Plant Product Declaration Form (PPQ 505) is to be enforced.

A declaration is required to obtain release of a covered product. Customs and Border Protection (CBP) has automated the process for collecting the PPQ 505 data elements. Data will be transmitted to CBP's Automated Commercial System (ACS) through the Automated Broker Interface (ABI) in the cargo release module. Electronic filing of the PPQ 505 declaration will not preclude remote location filing. Additional information on how to file the PPQ 505 data electronically may be found in the Participating Government Agencies chapter of the Customs and Trade Automated Interface Requirements (CATAIR) on CBP.gov. An importer has the option to complete and present a paper PPQ 505 for each line. If a paper form of the PPQ 505 is used, the importer must mail the form directly to USDA APHIS at the address on the form.

Electronic submission of the required data elements will be accepted beginning April 1, 2009. Enforcement of the data collection requirement will begin May 1, 2009. Importers are encouraged to use the 30-day grace period beginning April 1, 2009, for live testing of the electronic system.

CBP expects and urges importers to use the electronic system to file the declaration. If an entry package is presented to CBP to obtain a release, the CBP 3461 form will be annotated in Box 29 to indicate 'PPQ 505-Paper' if the declaration is presented in paper or

'PPQ 505-ABI' if the declaration information was submitted electronically. If a paper form is submitted to CBP as part of the entry package, the paper form will be returned to the importer or importer's representative for mailing to USDA APHIS. CBP will not mail forms to USDA APHIS.

Enforcement of the declaration requirement will begin with the tariff schedule headings shown in the following table. Additional chapters are scheduled for enforcement beginning October 1, 2009, and April 1, 2010. APHIS has been designated the lead regulatory agency for these new requirements and CBP is assisting APHIS with the electronic collection of data to fulfill the import declaration requirement. CBP will continue to work as part of the interagency working group, consulting with trading partners, importers, exporters, and other interested groups as the provisions of the Act are fully implemented.

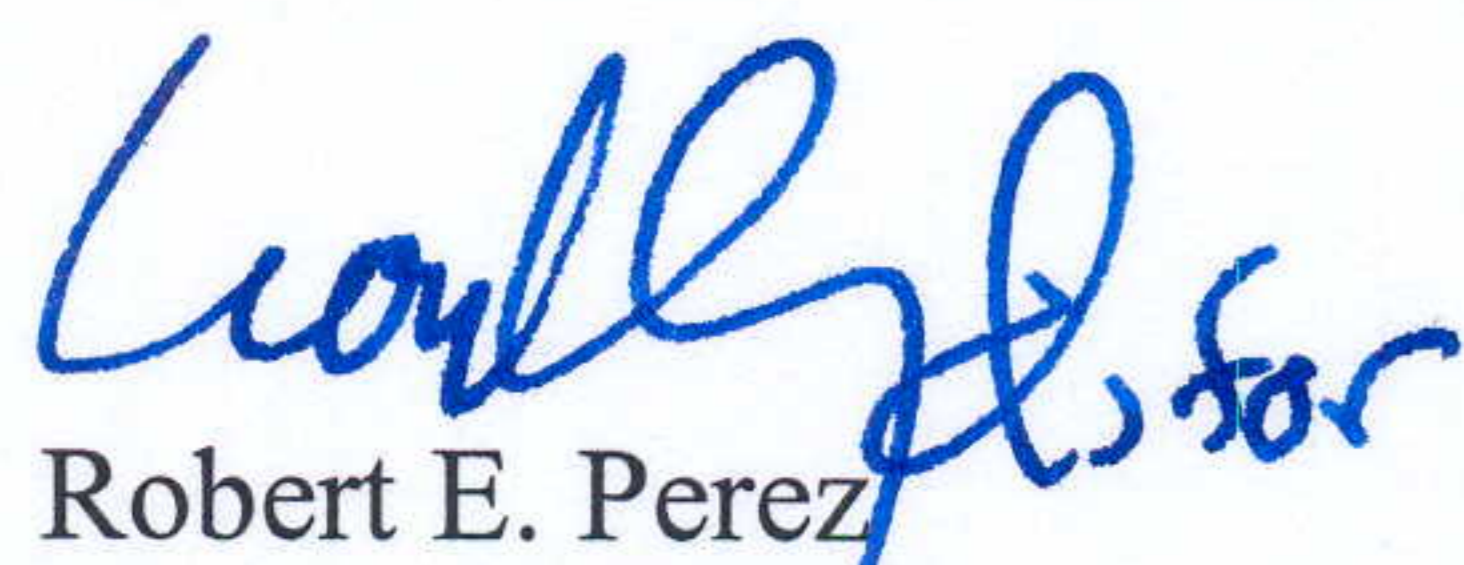
Further information on the enforcement guidelines may also be found at the following:

http://cbp.gov/xp/cgov/trade/trade_programs/cargo_summary/laws/food_energy/amended_lacey_act/guidance_lacey_act.xml

HTS Headings scheduled for the first-phase of enforcement of the plant import declaration are:

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

Any questions or comments regarding this information may be directed to Operations Specialist Rose Andretta at (646) 733-3230.



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