

COMPREHENSIVE GUIDE TO LACEY ACT COMPLIANCE FOR IMPORTERS

The Lacey Act is a landmark U.S. federal law aimed at combating illegal trade in wildlife and plants. Expanded in 2008, the Act now includes plants and plant products, targeting illegal logging and other environmentally harmful practices.

With the upcoming Phase VII implementation on December 1, 2024, more products will require compliance. Importers need to understand these changes to avoid costly penalties and disruptions to their supply chains.

WHAT PRODUCTS ARE COVERED UNDER THE LACEY ACT?

The Lacey Act applies to various plant-based products. Some of the key categories include:

- Timber, lumber, and wood products.
- Furniture containing wood components.
- Paper and paperboard products.
- Essential oils derived from plant materials.
- Cork and products containing cork materials.

With Phase VII, additional products such as certain furniture and cork items will now require Lacey Act declarations. Composite or synthetic products without plant material remain exempt.

DO YOU NEED A LACEY ACT DECLARATION?

Yes, if:

- Your product contains plant material, including as a component or part of a composite product.
- The product's HTS code is listed under the Lacey Act requirements.
- The plant material is not entirely synthetic.

No, if:

- The product does not contain plant material.
- The product is made entirely of synthetic or non-plant materials.
- The HTS code for your product is not included in the Lacey Act requirements.

To determine if your HTS code requires a declaration, consult the Lacey Act Declaration Implementation Schedule [here](#), and for the new Phase VII products, consult the Lacey Act [Phase VII Notice](#). For additional assistance contact M.E. Dey.

EXEMPTIONS

Certain products and scenarios are exempt, including:

- Packaging materials used exclusively for shipping (e.g., pallets or crates) unless they are the product itself.
- Common food crops and live plants.
- Synthetic materials or non-plant-based goods.
- Items with HTS codes explicitly excluded from the Lacey Act's scope.

HOW TO FILE A DECLARATION

- 1. Identify Your Product's HTS Code:** Use the Harmonized Tariff Schedule to determine if your product requires a declaration.
- 2. Gather Required Information:** Include the scientific name of the plant (genus and species), the country of harvest, the quantity of plant material, and the product's value.
- 3. Submit the Declaration:** Complete and file your Lacey Act declaration ([PPQ Form 505](#)) electronically using the Animal and Plant Health Inspection Service (APHIS) system in coordination with U.S. Customs and Border Protection (CBP).
 - A. Declarations are typically submitted with each Customs Entry via CBP's Automated Commercial Environment (ACE).
- 4. Confirm Submission:** Verify that all information is accurate and complete. Missing or incorrect details can result in delays or penalties.



CONSEQUENCES OF NON-COMPLIANCE

Failure to comply with the Lacey Act's requirements can result in significant consequences:

- Shipments may be detained or rejected at the border.
- Non-compliant goods may be confiscated.
- Fines, penalties, and even criminal charges could be imposed.
- Maintaining accurate and complete declarations is critical to avoiding these risks.

HOW M.E. DEY CAN HELP

M.E. Dey provides expert guidance for Lacey Act compliance, offering:

- **HTS Code Assessments:** We'll determine whether your product requires a Lacey Act declaration.
- **Declaration Filing Support:** Our team ensures accurate and timely submissions of the Lacey Act Declaration (**PPQ form 505**) to APHIS and CBP with each Customs Entry.
- **Compliance Updates:** Stay informed on regulatory changes with our proactive guidance.

To get started, contact M.E. Dey by emailing compliance@medey.com.

