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**Printed:**

Wed Oct 21 18:14:17 UTC+0800 2009

## **Guidance on the Lacey Act Declaration**

10/15/2009

### **Introduction**

The Lacey Act (16 U.S.C. 3371 et seq., the Act) as amended makes it unlawful to import, export, transport, sell, receive, acquire, 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. On September 2, 2009, the U.S. Department of Agriculture (USDA) Animal and Plant Health Inspection Service (APHIS) published a notice in the Federal Register announcing a revised enforcement phase in plan for the Act's requirement for a plant product import declaration (see 74 Fed. Reg. 45415 for details). (USDA: Animal and Plant Health Inspection Service) The revised plan identifies a list of products and the associated Harmonized Tariff Schedule (HTS) Chapter or Heading as to which the requirement for a Plant Product Declaration Form (PPQ 505) is anticipated to be enforced.

### **PPQ 505: Plant Product Declaration**

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 electronically file the PPQ 505 data can be found in the Participating Government Agencies chapter in the Customs and Trade Automated Interface Requirements (CATAIR) page. ( Participating Government Agencies (doc - 706 KB.) ) An importer has the option to complete and present a paper PPQ 505 for each line. ( Plant and Plant Product Declaration Form ) If a paper form of the PPQ 505 is used, the importer must mail the form to USDA at the address on the form.

### **For All Importers**

CBP expects and urges most importers to use the electronic system to file the declaration. If an entry package is presented to CBP to obtain 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. CBP will not mail forms to USDA. As a reminder, providing false or misleading information to the U.S. government can result in civil or criminal actions against any involved party and may result in the seizure and forfeiture of the merchandise.

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. The most current information on implementation of the amended Lacey Act can be found on the USDA website. ( Plant Health: Lacey Act )

If you have any CBP related questions, please contact Ms. Anne Rothrock, Office of International Trade, at (202) 863-6573.

### **see also:**

**on cbp.gov:**

Participating Government Agencies  
(doc - 706 KB.)

**on the web:**

USDA: Animal and Plant Health Inspection Service

Plant and Plant Product Declaration Form

Plant Health: Lacey Act