

## APHIS Announces Implementation Plan For Declaration Requirements On The Importation of Plants and Plant Products

*On October 8, 2008, the United States Department of Agriculture (USDA) Animal and Plant Health Inspection Service (APHIS) published a notice and request for comments in the Federal Register regarding the implementation of the new Lacey Act declaration requirements.*

Following up on their May 22, 2008 amendment to the Lacey Act, titled "Prevention of Illegal Logging Practices," APHIS announced its plan to implement and enforce the new requirements.

### TIMELINE FOR ACTION

No enforcement of Lacey Act declaration requirements will occur until the Customs and Border Protection (CBP) completes the development of an electronic system that will collect the additional required data that it does not already require of importers. CBP anticipates it will complete the system by April 1, 2009.

Until then, and beginning December 15, 2008, APHIS will make a paper declaration form available for voluntary submission. While the paper submission is voluntary, false submissions may be prosecuted.

After April 1, 2009 or after CBP finally completes the electronic system (whichever is later), APHIS will begin "phasing-in" the enforcement of the declaration requirements, taking into consideration any technical issues that may be encountered in the initial process of implementing the electronic filing system.

The first group to have declaration requirement enforcement phased-in will be goods contained in Harmonized Tariff Schedule Chapter 44 (woods and articles of wood) and Chapter 6 (live trees, plants, bulbs, cut flowers, ornamental foliage excluding those listed under CITES, the ESA or State laws that exempt them from the declaration requirements).

Then, beginning approximately July 1, 2009, APHIS will begin phasing-in the declaration requirement enforcement for any goods in Chapter 47 (wood pulp), Chapter 48 (paper and articles of paper), Chapter 92 (musical instruments), and Chapter 94 (furniture).

Finally, after September 30, 2009, based on the experience of implementing the electronic system, APHIS will phase-in declaration requirement enforcement for goods in several other chapters containing plants or plant products covered by the Lacey Act.

### PUBLIC DISCLOSURE

APHIS will hold a meeting to inform the public of the phase-in plan for the enforcement of declaration requirements, enforcement of provisions already in effect, scope of the plan, and other related issues. APHIS will allow the public to ask questions of the agencies involved in implementing the requirements. The meeting will take place on October 14, 2008 from 10 a.m. to 12 p.m. in the Jefferson Auditorium, South Agriculture Building, USDA, 1400 Independence Ave., SW, Washington D.C.

APHIS will publish information about further phase-in schedules, the specific date it will complete the electronic system, and the locations and dates of additional public meetings in the Federal Register.

APHIS has invited comments on the Lacey Act and its implementation and enforcement until December 8, 2008.

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