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newsworthy

importers win Lacey Act concessions

USDA revises documentation requirements for importers of wood and plant-based products.

By **Toby Gooley**, Managing Editor
From the [May 2009](#) issue

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The U.S. Department of Agriculture has narrowed the list of wood and plant products that are subject to provisions of the Lacey Act that bar business transactions involving illegally harvested plant and related products.

The USDA action is a victory for U.S. importers and customs brokers, which faced the potentially onerous task of filing detailed declarations about their source materials for a broad range of wood and plant products. The industry also won a concession from USDA and the Bureau of Customs and Border Protection (CBP) to phase in the provisions' implementation. The agencies agreed to enforce compliance in four phases, based on tariff classifications, with the last phase beginning April 1, 2010.

Since April 1, CBP has been electronically receiving the declarations and forwarding the data to the USDA's Animal and Plant Health Inspection Service (APHIS). The declarations must include shipment details, genus and species of the source plant,

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country of harvest, quantity of plant material, and more.

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Importers, customs brokers, and customs officials maintained they had no advance warning of the provisions and were taken aback by their complexity. They voiced their concerns to policymakers and agencies charged with writing the implementing regulations.

Despite these victories, importers still have much to worry about. For instance, if the genus and species are unknown, the declaration must contain the name of every species of plant that may have been used in the products. And if the country where the plant was harvested is unknown, importers must list the names of all of the countries from which the plant may have been taken.

"This is part of the absurdity [of the law]," said Cynthia D. Allen, educational institute director for the National Customs Brokers & Forwarders Association of America at the recent Northeast Trade and Transportation Conference of the Coalition of New England Companies for Trade (CONNECT). "There could be thousands of possible combinations."

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DC Velocity, Tower Square, Number 4, 500 E. Washington St., North Attleboro, MA 02760, (508) 695-4530