

Non-Paper:

Amendments to the Lacey Act

The Lacey Act, first enacted in 1900 and significantly amended in 1981, is the United States' oldest wildlife protection statute. Effective May 22, 2008, Lacey Act amendments make 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 a U.S. State, as well as most foreign laws.

In addition, the Lacey Act makes it unlawful, beginning December 15, 2008, to import into the United States certain plants and plant products without an import declaration. However, subject to the availability of electronic submission tools being developed for this declaration, the U.S. Department of Agriculture's (USDA) Animal and Plant Health Inspection Service (APHIS) announced its intentions to begin phased-in enforcement of this declaration requirement starting April 1, 2009, and provided dates and products covered for the first three phases of enforcement. The initial focus will be on products most closely linked to illegal logging, but the scope of the declaration requirement has potentially broad applicability covering products from lumber and wood pulp to sporting goods, pharmaceuticals, and other products.

The import declaration must contain, among other things, the scientific name of the plant, value of the importation, quantity of the plant, and name of the country from which the plant was harvested. For paper and paperboard products with recycled content, the declaration must include the average percent recycled content without regard for species or country of harvest. Current information on the declaration requirement as well as other general information regarding the Lacey Act amendment is available on the APHIS web site. The declaration does not require information on legality.

In addition to protecting wildlife, the Lacey Act, as amended, is an important new tool to combat illegal logging. The amendments included in the 2008 Farm Bill will help the United States to support other countries, as well as our own States, with their efforts to protect plant resources.

The most current information on implementation of the amended Lacey Act can be found on the USDA-APHIS webpage at:

www.aphis.usda.gov/plant_health/lacey_act/index.shtml