

## **Additional Guidance for Filing Lacey Act Declarations for Composite, Recycled, or Reused Materials**

In a *Federal Register* notice published on September 2, 2009, the Animal and Plant Health Inspection Service (APHIS) revised the Federal Government's phase-in schedule for implementation of the Lacey Act declaration requirement. As noted in that publication, APHIS received several comments from affected industry about the difficulty of identifying composite and recycled or reused materials (e.g., medium density fiberboard, particleboard, and scrap wood) to the genus and/or species level. In response to those comments, we delayed enforcement of the declaration requirement for such products to allow the Federal Government more time to evaluate options for enforcing the declaration for these goods.

Beginning October 1, 2009, we began enforcement of the declaration requirement for five additional Harmonized Tariff Schedule (HTS) chapters under Chapter 44 Headings (wood and articles of wood). We recognize that some products now requiring a declaration are still composed of composite, recycled, and/or reused materials, which presents a challenge to importers filing Lacey Act declarations. While those importers must file a Lacey Act declaration, APHIS is instructing importers to indicate the type of material (e.g., MDF) under "Plant Scientific Name." If a product is not composed entirely of composite, recycled, or reused material, an importer must indicate the genus, species, and country of harvest for all other product components. (Please see the example on the following page.)

# Plant and Plant Product Import Declaration (cont.)

## SECTION 2 - Compliance with Lacey Act Requirements (16 U.S.C. 3372(f))

10. DESCRIPTION OF MERCHANDISE:  Wooden picture frames made of Medium Density Fiberboard (MDF) with cherry wood veneer	11. HTSUS NUMBER: (no dashes/symbols) <table border="1" style="width: 100%; text-align: center; border-collapse: collapse;"> <tr> <td style="width: 12.5px; height: 18px;">4</td> <td style="width: 12.5px; height: 18px;">4</td> <td style="width: 12.5px; height: 18px;">1</td> <td style="width: 12.5px; height: 18px;">4</td> <td style="width: 12.5px; height: 18px;">0</td> <td style="width: 12.5px; height: 18px;">0</td> <td style="width: 12.5px; height: 18px;">0</td> <td style="width: 12.5px; height: 18px;">0</td> <td style="width: 12.5px; height: 18px;"></td> <td style="width: 12.5px; height: 18px;"></td> </tr> </table> 12. ENTERED VALUE: (in U.S. Dollars) 20,000	4	4	1	4	0	0	0	0		
4	4	1	4	0	0	0	0				

For each article or component of an article, provide the following:

13. ARTICLE/ COMPONENT OF ARTICLE	14. PLANT SCIENTIFIC NAME: (Genus and Species)	15. COUNTRY OF HARVEST:	16. QUANTITY OF PLANT MATERIAL:	17. UNIT OF MEASURE:	18. % RECYCLED MATERIAL:
Frame core material	MDF	N/A	1,000	kg	
Cherry wood veneer	Prunus avium	USA	100	kg	

I certify under penalty of perjury that, to the best of my knowledge and belief, the information furnished is true and correct:		
I. M. Porter		
Signature	Type or Print Name	Date

Knowingly making a false statement in this Declaration for Importation may subject the declarant to criminal penalties in accordance with 16 U.S.C. 3373(d).