

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 below.)

Composite, Recycled or Reused Materials Example

	Genus	Species
MDF	Special	MDF
Particle Board	Special	Particleboard
Recycled Materials	Special	Reclaimed
Reused Materials	Special	Reclaimed
Driftwood	Special	Driftwood

Examples for Other Special Cases

Please Also Identify Special Case in Box 10 (Description of Merchandise)

	Genus	Species
Manufactured Prior to Amendment	Special	PreAmendment
No Plant Material Present in Shipment*	Special	None
Musical Instrument travelling to/from Performance*	Special	Performance

*Quantity of Plant Material should be entered as “0 kg” (only for performance and no plant material)