



NEWS RELEASE

United States Department of Agriculture • Animal and Plant Health Inspection Service • Legislative and Public Affairs
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Correction: (The ninth paragraph is corrected to show that completed declaration forms should be mailed to USDA).

USDA REVISES IMPLEMENTATION PLAN FOR DECLARATION REQUIREMENT UNDER LACEY ACT

WASHINGTON, Feb. 3, 2009--The U.S. Department of Agriculture's Animal and Plant Health Inspection Service (APHIS) today announced revisions to its plan to enforce the declaration requirement of the amended Lacey Act.

With the revised schedule, APHIS is extending the length of each enforcement period from three months to six months. The entire enforcement period is now Dec. 15, 2008, to Sept. 30, 2010. APHIS is also providing an affirmative list of products that are part of each phase of enforcement.

During the first period of enforcement, which began on Dec. 15, 2008, persons importing certain plants and plant products may voluntarily submit the declaration form to APHIS. The second phase, which will begin on or about April 1, 2009, will include products that are minimally processed and/or of less complicated composition, such as wood in the rough or sheets for veneering. In this phase, the declaration will only be required for the product itself and not the sundries that ordinarily accompany the product (e.g., tags, labels, manuals and warranty cards).

The third phase will include those products that are more processed and of more complex composition, such as wood pulp and particle board. Finally, phase four includes highly processed products, such as paper or furniture.

The 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 where the plant was harvested. For paper and paperboard products containing recycled content, the declaration also must include the average percent of recycled content without regard for species or country of harvest.

APHIS will continue to consider whether the declaration requirement should be applicable to those products not listed in the phase-in schedule and is seeking public input as to how the declaration requirement should be enforced as to those articles. APHIS is also inviting the public to comment on the products covered under phases three and four of the revised plan.

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On May 22, 2008, the Lacey Act was amended to make it illegal to import, export, transport, sell, receive, acquire or purchase in interstate or foreign commerce, any plant--with limited exceptions--to be taken or traded in violation of domestic or international laws. The amended Act now covers a broad range of plants and plant products, including timber deriving from illegally harvested plants. This Act provides the federal government with the legal authority to take action when products stemming from the practice of illegal logging enter the United States.

It is important to note that while enforcement of the declaration requirement will be phased-in beginning on April 1, 2009, the other Lacey Act amendments are in effect and action to enforce those requirements may be taken at any time.

The declaration form and other current information on the Lacey Act implementation is available on the APHIS Web site at www.aphis.usda.gov. Under "Hot Issues" click on the link for "Lacey Act." Mail completed forms to The Lacey Act, c/o USDA, Box 10, 4700 River Rd., Riverdale, MD 20737-1231.

This notice is published in the Feb. 3 *Federal Register*.

Consideration will be given to comments received on or before April 6. Send two copies of postal mail or commercial delivery comments to Docket No. APHIS-2008-0119, Regulatory Analysis and Development, PPD, APHIS, Station 3A-03.8, 4700 River Road, Unit 118, Riverdale, MD 20737-1238. If you wish to submit a comment using the Internet, go to the Federal eRulemaking portal at <http://www.regulations.gov/fdmspublic/component/main?main=DocketDetail&d=APHIS-2008-0119>.

Comments are posted on the Regulations.gov Web site and may also be reviewed at USDA, Room 1141, South Building, 14th St. and Independence Ave., S.W., Washington, D.C., between 8 a.m. and 4:30 p.m., Monday through Friday, excluding holidays. To facilitate entry into the comment reading room, please call (202) 690-2817.

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