

APR 09 2009



**U.S. Customs and  
Border Protection**

## **PORT OF SAVANNAH PIPELINE # 2009-05**

ENT-1-SV:FO:LFB

**TO:** All Customhouse Brokers, Freight Forwarders, Importers, and Other Interested Parties

**FROM:** Area Port Director  
Savannah, Georgia

**SUBJECT:** Implementation of Lacey Act Amendments

The Lacey Act is an important tool in our government's efforts to support other countries in the conservation of protected plant and wildlife resources. The Act was amended with the enactment of the 2008 Farm Bill. Amendments to the Act made it unlawful to import, export, transport, sell, receive, acquire, or purchase in interstate or foreign commerce a broader range of plants taken or traded in violation of the laws of the United States, a state within the U.S. , or another country. It also made it unlawful to make or submit any false record or false identification of this broader group of plants covered by the Act. Finally, it introduced the requirement for an import declaration for plants entering the United States and provides for both civil and criminal penalties for failure to comply.

Enforcement of the declaration requirement will begin with the Harmonized Tariff Schedule (HTS) headings shown in the following table.

### **HTS Chapters scheduled for the first phase of enforcement of the plant import declaration**

<b>HTS code</b>	<b>Brief description</b>
4401	Fuel wood
4403	Wood in the rough
4404	Hoopwood, poles, posts, stakes
4406	Railway and tramway sleepers
4407	Wood sawn or chipped lengthwise
4408	Sheets for veneering
4409	Wood continuously shaped
4417	Tools, tool handles, broom handles
4418	Builders' joinery

The declaration is required to obtain release of the covered product and includes the scientific name of the plant, value of the importation, quantity of the plant and the name of the country where the plant was harvested. A website is available for assistance in determining the genus and species of a specific plant. The website address is <http://plants.usda.gov/classification.html>. U.S. Customs & Border Protection (CBP) has automated the process for collecting these elements with the U.S. Department of Agriculture (USDA), Plant Protection and Quarantine (PPQ) Form 505 declaration. Electronic filing of the PPQ 505 is encouraged and will not preclude participation in CBP's Remote Location Filing (RLF). Paper filing of the PPQ 505 will preclude the shipment from being filed via RLF.

Although the electronic filing of this information is encouraged, an importer has the option to complete and present a paper PPQ 505 for each line. This declaration is found online at [www.aphis.usda.gov](http://www.aphis.usda.gov) under the "Hot Issues" section. Click on the link for "Lacey Act" and the tab for "Forms". If a paper form of the PPQ 505 is used, the importer (or importer's representative) must mail the form to USDA.

Although the acceptance of the data began on April 1, 2009, enforcement of the data collection requirement will begin on May 1, 2009. The 30-day transition period will allow for live testing of the electronic system and allow time to integrate the Lacey declaration requirement into the expedited border release programs.

Again, CBP expects most importers to use the electronic system to file the declaration. Instructions for the electronic declaration have been provided via Cargo System Messaging Service (CSMS) message numbers 09-000092, 09-000115, 09-000128, 09-000138, and 09-000156. If the entry package is presented to CBP to obtain release, the CBP form 3461 must be annotated in Box 29 to indicate "PPQ 505-Paper" if the declaration is submitted on paper or "PPQ 505-ABI" if the declaration is submitted electronically. Paper PPQ 505 forms will be returned to the importer or importer's representative for mailing to USDA. The completed forms must be mailed to; The Lacey Act, C/O USDA, Box 10, 4700 River Road, Riverdale, MD 20737-1231.

Questions regarding this notice may be directed to Ms. Lynn Brennan, Assistant Port Director, at (912) 447-9400.



John S. Porter  
Area Port Director