



Anticipated Delay in the Lacey Declaration Implementation Schedule

Importers of wood and wood products have been granted a temporary reprieve from compliance with the Lacey Act's demanding import declaration requirements. The Department of Agriculture's Animal and Plant Health Inspection Service ("APHIS") has announced its intention to amend the implementation schedule of its "Plant and Plant Product Declaration Form." All U.S. importers of plants and plant products will be required to file this declaration with Customs and Border Protection ("CBP") following the applicable phase-in date. For many wood product imports, the delay in implementation provides a significant improvement over the previous implementation schedule.

December 15, 2008 through April 1, 2009 is Phase I of import declaration implementation, during which time the declaration will be accepted by CPB on a voluntary basis. During Phase II, imports falling under portions of HTS Chapter 44, including subchapters 4401, 4403, 4404, 4406-4409, 4417 and 4418, will be required to file import declarations. Imports falling under these chapters will be phased-in between April 1, 2009 and September 30, 2009. Phase III, set for implementation between October 1, 2009 and March 31, 2010, includes imports classified in the following subchapters encompassing wood, articles of wood and wood pulp: 4402, 4405, 4410-4416, 4419, 4420 and 4701-4705. Phase IV includes wood products, paper and wooden furniture and will be phased in between April 1, 2010 and September 30, 2010. Imports classified under HTS subchapters 4421, 4801-4811, 940169, 940330, 940340, 940350, 940360 and 94039070 will be phased-in during this time.

Remember that this delay applies only to the import declaration requirement. The Lacey Act amendments' general prohibition on the importation of plants or plant products taken in violation of any U.S. or foreign law became effective upon passage in May 2008.

For more information, please contact Susan Lehman at Mowry International Group, LLC www.mowrygroup.com.