

AF&PA Update on Lacey Act Implementation

In September 2009, the USDA Animal and Plant Health Inspection Service (APHIS) published a revised schedule for enforcement of the import declaration requirement of the Lacey Act, removing various composite plant products, including pulp and primary paper products, from the schedule and placing them under consideration for a subsequent phase that would begin on or after September 1, 2010.

At that time, APHIS solicited comments in three areas: (1) whether these products should be made subject to the declaration on September 1, 2010; (2) how the declaration requirements should be enforced for articles of paper and other plant products that are not on the September 1 schedule; and (3) general comments on the declaration process.

In November, AF&PA reiterated its support for the declaration being applicable to pulp and primary paper products, requesting no further delay for declaration requirements for those products beyond September 2010, with documentation requirements that are not overly burdensome or costly. AF&PA repeated a number of recommendations from earlier comments to avoid such burdens. [AF&PA's November comments are linked for reference.](#)

It is important to note that the declaration requirements are only one element of the Lacey Act. It has been against federal law to import into the U.S., or to transport in interstate commerce, any products with illegally harvested plant material since the amended law was signed by the President in 2008. This prohibition has been and remains in effect for pulp and paper products.

Chip Murray, AF&PA's Deputy GC is handling the Lacey Act for AF&PA and can answer any additional questions you might have (Chip_Murray@afandpa.org).