



The Lacey Act

What You Should Know

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Disclaimer

The information provided within this document is accurate to the best of our knowledge and is provided in good faith to assist suppliers in navigating through the complexities of the Lacey Act. It is important to remain informed regarding regulations and requirements.

Consult your legal representative, your Customs specialists, and your trade associations for additional information or clarification.

What is the Lacey Act?

The Lacey Act is administered by the Departments of the Interior, Commerce, and Agriculture through their respective agencies. These include the U.S. Fish and Wildlife Service, National Marine Fisheries Service, and Animal and Plant Health Inspection Service.

The Lacey Act, 16 U.S.C. §§ 3371-3378, protects plants and wildlife by creating civil and criminal penalties for a wide array of violations. Most notably, the Act prohibits trade in wildlife, fish, and plants that have been illegally taken, possessed, transported or sold.

The 2008 Farm Bill (the Food, Conservation, and Energy Act of 2008), effective May 22, 2008, amended the Lacey Act by expanding the law banning commerce in illegally sourced plants and their products and set a groundbreaking precedent for global trade.

CVS Pharmacy Requirements for US Customs Clearance

The Lacey Act requires importers to provide a Plant and Plant Product Declaration Form (PPQ Form 505) for each article or component of an article that falls within the scope at the time of importation.

A complete list of products subject to the Lacey Act can be found in the Lacey Act Declaration Implementation Schedule at <https://www.aphis.usda.gov/plant-imports/lacey-act/implementation-schedule?page=1>

PPQ Form 505 and instructions can be found at <https://www.aphis.usda.gov/sites/default/files/ppq505.pdf>

Each shipment requires its own Plant and Plant Product Declaration.

CVS Pharmacy will exercise reasonable care, which requires undertaking certain steps to ensure that we are not violating the law.

Declaration will be filed through CBP's Automated Commercial Environment (ACE) in the cargo release module at the time of import.

CVS Pharmacy Supplier Responsibilities

As a supplier of CVS Pharmacy:

Suppliers must submit a completed Plant and Plant Product Declaration Form with the commercial documents or list the information on the commercial invoice by item.

Determine which products you supply to CVS Pharmacy that contain plant materials within the scope of the Lacey Act.

Work with your suppliers to ensure all plant materials are harvested legally.

Adopt company policies with respect to the U.S. Lacey Act and require your suppliers to adopt similar policies and systems.

Providing false or misleading information can result in civil or criminal actions against any involved party and may result in the seizure and forfeiture of the merchandise. As the supplier, you will be liable for any costs of holds and/or violations related to the declaration of these goods.

Lacey Act Declaration Data Requirements

Data Requirements:

- Value of the imported plant products.
- Article name (e.g. “coffee table”, “baskets”).
- Scientific name (genus and species) of all trees and wild plants. “Plant” means any wild member of the plant kingdom, including roots, seeds, parts or products thereof, and trees from either natural or planted forest stands (example: genus *Juglans*, species *Neotropical*).
- Name of the country in which the plant was harvested.
- The quantity of the plant product and unit of measure (approved units of measure are listed in the instructions to PPQ Form 505).
- Percentage of the plant product that is made from recycled material.

Exemptions:

- Common cultivated plants and common food crops (not including trees)
 - Example: Commercially cultivated bamboo
- Packing material, unless the packing material itself is the item being imported
- Paper products that ordinarily accompany a product (e.g., tags, labels, manuals, warranty cards)

Additional Requirements for Lacey Act Declarations

For products made of composite or recycled material such as MDF, paper, or paperboard, a special use designation must be used in the Genus and Special fields of box 14 on PPQ Form 505. The following chart contains valid special use designations.

Circumstance	Genus Designation	Species Designation
1. Species groupings¹		
SPF	Special	SPF
2. Composite, Recycled, or Reused Plant Materials²		
MDF, HDF, OSB, Particle Board, Paper, Paperboard, etc.	Special	Composite
Recycled Material	Special	Recycled
Reclaimed or Reused Material	Special	Reclaimed
3. Other Special Cases³		
Manufactured Prior to May 22, 2008 - Sourcing of Pre-Amendment Materials Untraceable Despite Due Diligence	Special	PreAmendment
No Plant Material Present	Special	None

Additional Requirements for Lacey Act Declarations

The Animal and Plant Health Inspection Service (APHIS) and U.S. Customs and Border Protection (CBP) have confirmed that APHIS will enforce its requirement for plant material quantities to be reported using standardized metric units (such as kg, m², and m³), for both paper and electronic declarations.

APHIS has been designated the lead regulatory agency for these requirements, and CBP is assisting APHIS with the electronic collection of data to fulfill the Plant and Plant Product Declaration requirement.

For further information go to the APHIS Lacey Act website at <https://www.aphis.usda.gov/plant-imports>

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