

Advocacy Comments on APHIS' Notice of Enforcement Schedule for Lacey Act Import Declarations- Phase VI

On July 1, 2020, the Office of Advocacy submitted comments to the U.S. Department of Agriculture's Animal and Plant Health Inspection Service (APHIS) on its Notice of Enforcement schedule for wood product imports under the Lacey Act.¹

- On March 31, 2020, APHIS published a Notice of Enforcement Schedule for Phase VI.² Under the Lacey Act importers of plants and plant products must produce an import declaration that contains among other things the scientific name of the plant including genus and species, the value of the importation, the quantity of the plant, and the name of the country from which the plant was harvested.³
- This recent notice would begin on October 1, 2020, and contains five chapter headings (33, 42, 44, 92, and 99) for products covered by the notice. Among the products covered are the following headings: essential oils; trunks, cases, and suitcases; wood and articles of wood; musical instruments; and miscellaneous manufactured articles.⁴ APHIS is currently inviting comments on products covered under this phase.
- On June 24, 2020 Advocacy conducted a teleconference to hear directly from affected small entities about this notice.⁵ During the teleconference, Advocacy and APHIS staff heard from small business stakeholders in wood products manufacturing and import who are directly affected by this enforcement action. Entities engaged in these activities include musical instrument dealers, furniture manufacturers, wood pallet suppliers, importers/manufacturers of wood-containing essential oils and orchestras importing wood instruments.
- Advocacy appreciates the opportunity to provide comments to APHIS on the notice of enforcement and strongly encourages APHIS to consider the comments and recommendations from small entities.
- Advocacy made the following comments to APHIS:
 1. APHIS should delay the effective date of this notice to reduce the burden on small entities.
 2. APHIS should exempt products that may be covered under other statutes in order to avoid unnecessary duplication. Specifically, APHIS should consider

¹ Implementation of Revised Lacey Act Provisions, 85 Fed. Reg. 17849 (March 31, 2020).

² *Supra* note 1.

³ *See id.*

⁴ *Supra* note 1.

⁵ *See* APHIS Implementation Of Revised Lacey Act Provisions Phase VI – Teleconference – June 24 Agenda, available at: <https://advocacy.sba.gov/2020/06/22/aphis-implementation-of-revised-lacey-act-provisions-phase-vi-teleconference-june-24/>



adding an exemption for wood packaging materials and pallets as the Lacey Act allows for such exemptions already, and these products are exempt under other statutes.

3. APHIS should clarify that this notice will not impose additional requirements on products that have already been inspected. Specifically, Advocacy asks that APHIS clarify that musical instruments traveling as part of an orchestra not be subject to duplicative reporting requirements.