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Filing a Lacey Act Declaration

Last Modified:

Who is allowed to file a Lacey Act declaration?

Only the Importer of Record (IOR) or their agent (e.g., a customs broker) may sign the Lacey Act declaration form (PPQ Form 505) or file a declaration in the LAWGS data system or the Automated Commercial Environment. The IOR assumes responsibility for the accuracy and truthfulness of the information provided in the paper or electronic declaration. If a customs broker files a declaration on their client's behalf, the broker must have Power of Attorney for the IOR and understand that they also assume legal responsibility for the accuracy and truthfulness of the information.

When do I need to file the declaration?

The 2008 Lacey Act amendments require the declaration "upon importation." That means it is required at the time the shipment lands in the United States' jurisdiction. Most importers file the required declaration information in the U.S. Customs and Border Protection's (CBP) Automated Commercial Environment (ACE) using the Lacey Act Message Set at or before the shipment's time of arrival. APHIS will also accept Lacey Act declarations at Cargo Release or when the Entry Summary 7501 is filed in ACE. APHIS may examine this issue further and propose different guidance in a future regulatory action.

If you did not submit a declaration when you should have, please contact our office to notify us of the error. Please be prepared to provide the number of declarations that were not filed, the associated entry number(s), and the date(s) the shipment(s)

arrived in the United States. We will discuss options for resolving the matter, including retroactively filing the declaration(s) in our LAWGS system or by submitting a paper declaration form, depending on the circumstances surrounding the failure to file.

How can I disclaim products that are excluded from the Lacey Act declaration requirements?

If you are filing customs information in ACE and are prompted to file a Lacey Act declaration for a product that is excluded from the declaration requirements, select the appropriate disclaim option in the APHIS Lacey Act Message Set:

A. Not Regulated: This disclaimer code is used to indicate that the Lacey Act information is not required because the product is not regulated under the 2008 Amendments to the Lacey Act or it is exempt under the Act. This includes products that are common cultivars, common food crops, scientific specimens, and plants intended for planting, and products containing zero (0) plant material. [Protected plant species](#) are not part of these exemptions.

B. Not Required: This disclaimer code is used to indicate that the Lacey Act information is not required because the product has been identified in APHIS policy as not requiring a Lacey Act Declaration.

C. Filed Through Other System: This disclaimer code is used to indicate that the filer has already submitted the required Lacey Act information directly to APHIS using the Lacey Act Web Governance System (LAWGS).

D. Filed Through Paper Submission: This disclaimer code is used to indicate that the filer has already submitted the required Lacey Act information directly to APHIS using the Lacey Act Plant and Plant Product Declaration (PPQ Form 505/505b) paper form.

G. De minimis: This disclaimer code is used to indicate that the HTS line is claimed as de minimis for products containing plant material that represents no more than 5 percent of the total weight of the individual product unit, provided that the total weight of the plant material in an entry of such products (at the CBP line level, single HTS code) does not exceed 2.9 kilograms.

How do I file the declaration?

The Importer of Record or their agent can electronically file the declaration using one of these options:

- [Automated Commercial Environment \(ACE\)](#) – The U.S. Customs and Border Protection (CBP) ACE system is the primary method for filing Lacey Act declarations. The ACE portal provides a centralized online access point to connect CBP, trade representatives, and participating government agencies involved in importing goods into the United States. Through the portal, you can file the electronic data required by APHIS' Lacey Act Program. To apply for an ACE secure data portal account, contact CBP or visit their [website](#). To find guidance for filing the Lacey Act declaration in ACE, refer to [CBP and Trade Automated Interface Requirements \(CATAIR\)](#) on CBP's website.
- [Lacey Act Web Governance System \(LAWGS\)](#) – Alternatively, you can file the Lacey Act declaration through LAWGS. This is APHIS' web-based interface for importers and brokers who prefer not to file electronically in ACE. Until CBP implements a module in ACE for filing declarations for importations into Foreign Trade Zones, LAWGS provides that capability. It allows for large uploads of Lacey Act declaration data using the XML option. If you are providing Customs information in ACE and prompted to file a Lacey Act declaration, but you intend to file it in LAWGS, select the disclaim option (Disclaim C) in the APHIS Lacey Act Message Set to indicate you will file through another method to meet the Lacey Act requirements.

See above panel entitled, "How can I disclaim products that are excluded from the Lacey Act declaration requirements?" for information on disclaimer codes.

The use of LAWGS for Foreign Trade Zone (FTZ) importers requires a serial number. The Lacey Act Program will provide the necessary serial number to use as the LAWGS entry number in LAWGS. For questions about Foreign Trade Zone (FTZ) numbers, please contact the Lacey Act team directly.

You do not need to mail a paper declaration if you submit it electronically. By choosing the electronic option and going paperless, you will not only be eco-friendly but also gain these important benefits:

- Speed up the submission time;
- Reduce business cost for paper, printers, copiers, ink and toner cartridges;
- Cut the cost of packaging and postage stamps;

- Provide an electronic record of your submission; and
- Decrease paper record storage.

If necessary, you can file a paper declaration using PPQ Form 505. Follow these steps to complete the fillable form:

1. [Go to this form](#) (410.85 KB):
2. In the Internet browser, fill out the form. Do not download the form to your computer first.
3. From the browser, select Print to PDF.
4. The file should save as the completed PDF that can be opened in Adobe.

Similar to the process for those filing a declaration in LAWGS, if you are filing customs information in ACE and are prompted to file a Lacey Act declaration, you must select the disclaim option (Disclaim D) in the APHIS Lacey Act Message Set to indicate you will file through another method and retrieve the entry number.

See above panel entitled, "How can I disclaim products that are excluded from the Lacey Act declaration requirements?" for information on disclaimer codes.

Can I submit a blanket declaration?

You cannot submit a blanket declaration.

Do I need to submit supply chain documentation with my declaration?

The 2008 Lacey Act amendments do not impose any additional paperwork or reporting requirements beyond the import declaration. However, those responsible for transporting, purchasing, and processing regulated plant products entering the United States should know their supply chain. The Lacey Act requires, in an exercise of due care, that you know the plants or plant products were not taken, possessed, transported, or sold in violation of the Act or in a manner unlawful under any underlying law, treaty, or regulation. Those who either knowingly or unknowingly accept illegally taken and transported plant products, including timber, may be subject to penalties for violating the 2008 Lacey Act amendment.

How will APHIS use the data from my declaration?

APHIS collects, stores, and reviews declaration data to ensure compliance with the 2008 Amendment of the Lacey Act. We may also use the data to track national

import activities and anticipate future market trends. We may share the data with other government agencies to assist in the enforcement of the Lacey Act.

- [Lacey Act Declaration Information Systems, System of Records Notice](#)
- [Privacy Impact Assessment](#)

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