

The U.S. Lacey Act

Last modified: 04/25/22

The Lacey Act has served as the primary, long standing tool in the fight against combating illegal trade of wildlife and plants. The most recent provisions codified in section 8204 of the U. S. Farm Bill, amended this act to include the importation of plant and wood products and placed a criminally enforceable ban on the importation of illegally harvested timber.

Regulations have been imposed upon the retailers, importers, distributors, and foreign vendors to pay close attention as to how and where it sources its timber and wood products. Significant responsibilities have been placed on U. S. importers to ensure that the declaration of wood and wood products is accurate and that due care has been taken to minimize the risk of illegal wood entering the supply chains.

It is important to note that the following information is intended to be used as a guide to the Lacey Act. We urge our vendors to review the legislation as it pertains to the goods in which they sell. Other requirements may apply.

The Lacey Act makes it Unlawful To

[The Lacey Act \(16 U.S.C. §3371 et seq\)](#)

1. Import, export, transport, sell, receive, acquire, or purchase any plant or plant products taken, possessed, transported or sold in violation of any laws of a U.S. state or foreign law.
2. Submit any false record, account, or label for, or any false identification of, any plant; and
3. Import certain plants and plant products without an import declaration.

What's Covered and What's Not:

A plant is defined as “any wild member of the plant kingdom, including roots, seeds, parts and products thereof, and including trees from either natural or planted forest stands.” Common examples of a plant product include:

- Paper
- Wooden handles of any tool
- Furniture
- Musical instruments
- Household decorations
- Tableware and kitchenware

Specifically excluded are:

- Common cultivars and common food crops
- Scientific specimen provided it is not endangered

- Any plant that is to remain planted or to be replanted provided it is not endangered

The Import Declaration Requirement

The Lacey Act requires that importers of certain plant products file, at the time of importation, a declaration with the following information:

1. A description of the imported plant product or component
2. The scientific name (genus and species) of any plant contained in the imported product
3. The value of the import
4. The country of harvest
5. The quantity and unit of measure
6. If the product is paper or paperboard
7. The percentage of recycled material

An import declaration ([PPQ Form 505](#)) is currently required for the following products (based on U.S. Harmonized Tariff Schedule headings). Additional plant products are under consideration to be added to the declaration requirement.

Plant products used exclusively as packaging material to support, protect or carry another item are exempt from the declaration requirement, unless the packaging material itself is the item being imported.

Neiman Marcus Group Requirements of the Vendor

In order to ensure that plant and plant products obtained from our vendors and manufacturers are in compliance with the Lacey Act, NMG requires the following information on the invoices submitted for each style identified as containing plant products as defined under the Lacey Act:

- **The genus and species of the plant(s) used in the imported product;**
- **A description of the value of the importation;**
- **A description of the quantity, including the unit of measure, of the plant;**
- **The name of the country from which the plant was taken; and**
- **Invoice with attached information must be forward to the Foreign Buying Office for approval prior to the goods arriving in the U.S.**

Important Notes Regarding Plant Information

If the plant species used to produce the plant product or the country of origin of the plant product varies and is unknown, the declaration must contain all possible plant species that may have been used and all possible countries of origin. The same guideline applies to the invoice.

In addition, if the plant species used to produce the plant product is listed in the [Convention on International Trade in Endangered Species of Wild Fauna and Flora](#) ("CITES"), vendors must provide

the applicable CITES export permit and the proper chain of custody documents indicating that the plant was legally obtained at its origin. Even if the plant species is not listed in CITES, vendors should maintain the chain of custody documents for any plant products and provide the documents when requested by NMG.

For vintage and antique products, the vendor must provide documentation (for example, Pre-Convention Certificate if the product is subject to CITES) showing that the product was made before the plant was listed on CITES or became illegal, and has not been repaired or modified with illegal material.