



## What is the Lacey Act?

The Lacey Act is a conservation law that was first passed in 1900. The Act's initial purpose was to combat trafficking in illegal wildlife, fish and plants. In May 2008, the Act was amended to extend this protection to prohibit all trade in plant and plant products (including paper and paper products) that are illegally sourced from any U.S. state or any foreign country.

The May 2008 amendment added the following mandates:

1. It is unlawful to import, export, transport, sell, receive, acquire or purchase (in interstate or foreign commerce) any plant taken in violation of U.S. or foreign law that protects plants.
2. It is unlawful to falsify documents, accounts or records of any plant covered by the Act.
3. It is unlawful to import certain plants and plant products without an import declaration.

## Impact of Import Declaration enforcement on forest products including paper and pulp:

Importers of wood-based products including printing paper and pulp will need to provide documentation, in the form of a declaration, showing compliance to the newly revised act. Specifically importers will be required to file an APHIS "Plant and Plant Product Declaration Form" (PPQ 505). The latest revised Phase-In Schedule of Enforcement of the Declaration Requirement for Goods of, or Containing, Plants or Plant Products was published the Federal Register (FR) on September 2, 2009 (74 FR 45415). Commodities will be phased-in as follows:

Currently only certain sections of the Harmonized Tariff Schedule (HTS) Chapters 44, 66, 82, 92, 93, 94, 95, & 97 are scheduled for enforcement of the declaration requirements. A full listing under the Phase In Schedule can be found at the following link: [http://www.aphis.usda.gov/plant\\_health/lacey\\_act/downloads/2008-0119.pdf](http://www.aphis.usda.gov/plant_health/lacey_act/downloads/2008-0119.pdf)

Additional HTS chapters/subchapters are under consideration for subsequent phases that are scheduled to begin sometime after Sept. 1, 2010 which includes additional commodities listed under Ch. 44 (wood and articles of wood), Ch. 47 (wood pulp), and Ch 48 of the HTS (paper & articles of).

**Importers of finished printed materials under HTS Chapter 49 Printed Books, Newspapers, Pictures and other products of the Printing Industry are not required to submit an Import Declaration at this time and have not been listed by APHIS for consideration for subsequent phases as of yet.**

More information can be found at the United States Department of Agriculture Animal and Plant Inspection Services web site: [http://www.aphis.usda.gov/plant\\_health/lacey\\_act/](http://www.aphis.usda.gov/plant_health/lacey_act/)

## Lightning Source Inc.'s Position

Lightning Source supports compliance with the Lacey Act as well as all applicable environmental laws and regulations. Lightning Source has informed all of its suppliers that complete compliance relative to materials sourced from them is required. Lightning Source has received certificates and/or statements from all of its current suppliers that they are aware of the mandates of the Act and will comply with the Act when filing any orders from Lightning Source.

## Lightning Source Inc.'s Responsibility

It is Lightning Source's responsibility to take "due care" to ensure materials that it import, export, transport, sell, receive, acquire or purchase are obtained legally. Lightning Source will be responsible for verifying Lacey Act compliance for the paper and other forest products it buys and controls.