

**UPDATE:
Enforcement of New Farm Bill “Plant Declaration” Requirement
Expected to be Delayed Beyond December 15, 2008**

Several news reports indicate that enforcement of a new “plant declaration” requirement that is expected to apply to a large group of imported merchandise will be delayed beyond the current effective date of December 15, 2008.

The “plant declaration” requirement arises from the recently-passed Food, Conservation and Energy Act of 2008 (also referred to as the “Farm Bill”). The requirement makes it unlawful to import a wide range of “plants and plant products” unless a declaration is filed at the time of importation that contains the scientific name of any plant contained in the importation; a description of the value of the importation and the quantity of the plant; and the name of the country from which the plant was taken.

A strict reading of the new law suggests that it covers items including wood and wood products (including, for example, furniture and flooring), paper products, textiles and apparel, and virtually any product containing one or more components made of wood, paper or plant material. Additional details regarding the plant declaration requirement are available in our Sept. 8, 2008 *NGJ International Trade Update* available at <http://www.ngjensen.com/itu.php>.

Although the new law provides for the plant declaration requirement to become effective December 15, 2008, we are advised that an implementation plan is being developed by CBP and other federal agencies that would delay enforcement of the requirement until April 1, 2009. During the period between December 15, 2008 and April 1, 2009, importers may voluntarily submit plant declarations. The implementation plan is said to provide a number of phases during which the requirement is expected to be phased in over a period of time with respect to different merchandise groups.

Efforts also continue by CBP, other federal agencies, and members of the trade community to define the scope of the products covered by the requirement.

We will provide more information on this issue as it becomes available.

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