

Why Your Broker Needs You to Sign a Paper Lacey Act Declaration

by Robert Stein - Monday, September 27, 2010

The Animal and Plant Health Inspection Service (APHIS) of the United States Department of Agriculture (USDA) has updated the frequently asked questions (FAQ's) document on the Lacey Act Declarations. The most important update is a new question that addresses the responsibilities of Importers of Record and Customs brokers for paper Lacey Act declarations.

The FAQ states that the Importer of Record is responsible for completing, signing, and submitting the Lacey Act declaration form to APHIS. A Customs broker may only sign the paper declaration form if they have Power of Attorney for the Importer of Record.

Once a broker signs a declaration on behalf of the Importer of Record, the broker then takes on legal responsibility for the accuracy of the information. Though the broker cannot be held solely responsible, according to sources at APHIS, they would have some liability since the PPQ 505 is a federal government form.

Since Mohawk Global Logistics transmits Lacey Act data electronically to Customs and APHIS, without a Lacey Act declaration signed by the Importer of Record, Customs and APHIS could hold Mohawk liable for data accuracy (just as if the broker had signed the paper declaration form).

What does this mean?

Brokers must now require the importer of record to sign a paper Lacey Act Declaration to ensure that they aren't held liable for the information transmitted to Customs and APHIS. While this may be inconvenient for some, it's important that the information provided is accurate and complete. It's also important for importers to understand why Customs brokers cannot accept any liability for Lacey Act declaration information—as the broker never sees, touches, or knows the origin of the goods.

Maria Segretto-Ludington, Import Coordinator (Syracuse), submitted the lead for this article. Robert Stein is a licensed Customs broker, Certified Customs Specialist, and Vice President, Customs & Trade Compliance.



<http://mohawkglobal.com/global-news/why-your-broker-needs-you-to-sign-a-paper-lacey-act-declaration/>