



November 2, 2009

Docket No. APHIS 2008-0119
Regulatory Analysis and Development
PPD, APHIS Station 3A-03.8
4700 River Rd., Unit 118
Riverdale, MD 20737-1238

Re: Implementation of Revised Lacey Act Provisions, Docket No. APHIS-2008-0119

Dear Sir or Ma'am:

The United Steelworkers (United Steel, Paper & Forestry, Rubber, Manufacturing, Energy, Allied Industrial, and Service Workers International Union-USW) represents more than 130,000 members in the wood and paper industries in the United States. The Sierra Club represents 1.3 million members and supporters across the United States with a broad interest in conservation of forests in the United States and around the world.

Members of both our organizations have a direct stake in ensuring the positive environmental effects envisioned in the Lacey Act revisions, which expanded the Lacey Act's protection to a broader range of plants and plant products (Section 8204 of the Food, Conservation and Energy Act of 2008 Public Law 110-246). The revisions provided for a declaration requirement whereby importers submit a declaration that contains the scientific name of the plant, value of the importation, quantity of the plant, and name of the country of origin. We believe that the Lacey Act declaration requirement, if properly implemented, is crucial to achieving the goals of the Lacey Act to curb trade in illegally harvested plants. Illegal logging has serious global environmental and economic consequences. We welcome the Lacey Act revisions of 2008 because we believe they will lead to increased environmental protection worldwide and will allow USW employers in the forest and paper industry to operate on a level playing field with their international competitors.

Our two organizations certainly appreciate the tremendous effort put forth by the Animal & Plant Health Inspection Service (APHIS) to develop comprehensive declaration requirements as a part of its enforcement effort. Nevertheless, we wish to express our grave concern at the significant backward step taken by APHIS in its decision in the September 2 draft of the

declaration rule to exclude significant elements of HTS Chapter 44 (wood and articles of wood), as well as to entirely exclude HTS Chapters 47 (wood pulp) and 48 (paper and articles of) from the phase-in schedule for enforcement of the declaration requirement. We believe as detailed below that these categories currently proposed for exclusion by APHIS should be included in the first stages of enforcement.

We believe that if this exclusion is allowed to go forward into the final rule, the environmental and economic benefits to result from the passage of the Lacey Act revisions will not be fully realized. We recognize that while enforcement of the declaration requirement is being phased in, the other Lacey Act amendments are already effective. However, it is our strong belief that the declaration requirement is a critical element of achieving the intent of the broader Lacey Act. To exclude pulp and paper from the declaration requirement is to ensure that a large part of the trade in illegal logs will continue unabated with the blessing of APHIS.

Pulp and paper are among the very largest sectors subject to the Lacey Act revisions. They are among the sectors for which compliance is most straightforward. In a July 13, 2009 consensus statement of a broad range of stakeholders including business groups there was no call for delay in enforcement of the declaration requirement for pulp and paper. The inclusion of all of the product categories for which comment is now being sought has been endorsed by a broad range of stakeholders.

The USW has seen true devastation among our members as multiple plants have closed or reduced production, in large part because of imports from nations where illegal logging is a large part of the timber supply. The multiple plant closings and curtailments taken together have and will impact adversely many hundreds of USW members, including a very significant fraction of the workers remaining in the coated paper sector. There will be additional harm done to the communities in which these impacted facilities are located as the effects of the closings and curtailments ripple through local economies.

Furthermore, tackling the problem of illegal logging is essential to addressing global warming. Currently, 30% of the global warming pollution released into the atmosphere each year is a result of deforestation. Scientists estimate that one quarter of the reductions in carbon dioxide emissions necessary to stabilize the atmosphere can be achieved simply by preserving the world's forests and managing land use sustainably. As one of the world's largest importers of timber and wood products the U.S. has a responsibility to stop illegally harvested timber and wood products from entering our markets. Leaving pulp and paper out of the enforcement schedule for the declaration requirement will allow the economic devastation here in the United States caused by illegal logging to continue without check and will not help prevent the environmental damage caused by illegal logging in the countries of origin.

We believe strongly that the inclusion of HTS Chapters 6 (live trees, plants, etc.), 44 (wood & articles of wood), 47 (wood pulp), 48 (paper and articles of paper), 92 (musical instruments), and 94 (furniture) in the first stages of implementation is essential if the new law is to make a meaningful impact on imports either of illegal logs or products made from illegal logs. If imports of illegal logs are to be curbed, importers must be held fully responsible for the materials they import and for completing the required declarations accurately. If the bar of

responsibility is set any lower, less-scrupulous importers will have a significant window of opportunity by which to evade compliance.

As implementation is developed, our organizations urge that the declaration requirement include products in which wood (or other plant material) is not the sole component. While it is true there are products in which the use of wood or other plant material is minimal, there are others, such as firearms and many hand tools, of which wood is not the only component, but remains a major part of the finished product, and we urge caution to ensure that such exceptions are not construed too broadly.

Our organizations support the creation of an electronic filing system for declarations, the creation of an electronic database of covered plants, including trade names, species and genus, and the foreign laws regulating or forbidding takings of the covered plants, and the creation of a database that brings together tools for tracking wood and assessing the risk of illegal wood sourcing within a wood supply chain. We caution, however, that enforcement should not be delayed significantly if delays are encountered in the creation of any of these tools.

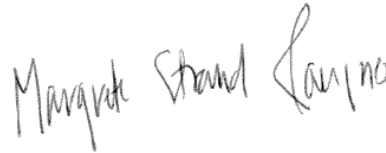
It is our view that a strong enforcement program containing a predictable and expeditious schedule for covering imports of wood, wood products, pulp, and paper, along with solid electronically available informational tools will allow our nation to significantly reduce the imports of products made from illegally sourced wood or other plants.

Thank you very much for your consideration of these comments.

Sincerely,



Holly R. Hart
Legislative Director
United Steelworkers



Margrete Strand Rangnes
Director
Labor, Workers' Rights and Trade Program
Sierra Club