



Sunset Review of the Illegal Logging Prohibition Regulation 2021 (Part 2)

Webinar Q&A's

Please note that the following responses have been provided by the United States Department of Agriculture and focus on the US Lacey Act. All other questions received at the webinar are provided in part one of these documents.

Questions answered live at the webinar¹

1. How are higher risk cases defined in the US?

The higher risk cases are the ones that include wood from a country where there's a log ban in place, from countries that have undergoing conflict, and high value products or importers that do a lot of importations in the United States every year. These types of things indicate red flags and are the people that we are going to want to talk to.

2. A Question for Karen, are there any particular sectors that you are regularly finding not completing the declaration correctly?

It may be harder for certain sectors to complete the declaration depending on the product that they are importing. As an example, for someone who's importing plywood or a product that's manufactured with multiple species from multiple countries of harvest, it is going to be more difficult to identify what they have than someone who is bringing in logs of a particular tropical species. They still must comply with the declaration, however if they are unable to explicitly state the species or origin, the Lacey Act makes allowances so that they are only required to say what species may be in the product. It's just a more difficult product to identify, but I think that we've been able to support importers and the system is working well.

3. How does the US manage the data required for composite timber products such as MDF where there could be 50 different species in the one piece of MDF?

The US does have the ability to collect data required for composite timber products. Collecting and managing this data is not an issue. If you have concerns about the assessing the risk of composite timber products, usually the risk is pretty low. Often, the material being used in the MDF is plantation grown, which is generally recognised as low risk. However, if there's a veneer, such as a tropical wood, we might be more interested in that part of it.

¹ Please note that the responses provided within this document have been paraphrased for readability and the exact wording differs slightly to the responses given within the webinar presentation.



Questions not answered at the webinar

4. How does the US manage recycled products?
 - a. APHIS created Special Use Designations (SUDs) to provide some relief to trade when attempting to complete Lacey Act declarations for certain products that contain composite and recycled wood material, such as medium- and high-density fiberboard, oriented strand board, particle board, and paper. If the product contains any of the composite materials listed under "Composite, Recycled, or Reused Plant Materials," the importer may use this SUD if they cannot identify the species after an exercise of due care. If the importer knows the scientific names of a wood used to manufacture the composite article, they should not use the SUD.
5. Non-compliance with trade agreements is a red flag in US - does this relate to specific chapters, environment chapter, or too broader rules of origin & bans?

The Lacey Act is broad. Under the **Lacey Act**, it is unlawful to import, export, sell, acquire, or purchase fish, wildlife or plants that are taken, possessed, transported, or sold: 1) in violation of U.S. or Indian law, or 2) in interstate or foreign commerce involving any fish, wildlife, or plants taken possessed or sold in violation of State or foreign law.
6. Are the designated species groups working well in the US?
 - a. Importers are able to use Special Use Designations for certain products and it is working well to balance the needs to report as required by the Lacey Act while providing relief to businesses importing low-risk products.