

# Congress of the United States

Washington, DC 20515

January 25, 2023

The Honorable Thomas Vilsack  
Secretary  
U.S. Department of Agriculture  
1400 Independence Ave. S.W.  
Washington, D.C. 20250

Dear Secretary Vilsack:

We write to express concern about the lack of progress on full implementation and enforcement of the Lacey Act Amendments of 2008 (section 8204 of P.L. 110-246) for all outstanding plant and wood product categories. Illegal logging and associated trade is the third-largest global transnational crime, generating up to \$157 billion per year and undermining global conservation and climate efforts.<sup>1</sup> The Lacey Act Amendments are a critical tool to combat illegal deforestation, but implementation delays and sporadic enforcement continue to limit their effectiveness.

In 2008, the United States, the world's largest consumer of forest products, became the first country to ban trafficking of products containing illegally sourced wood. In 2009, the U.S. Department of Agriculture (USDA) provided a schedule by which the Animal and Plant Health Inspection Service (APHIS) would phase in Lacey Act declaration requirements for all major product categories by September 30, 2010. However, 12 years later, the declaration requirements still only apply to approximately 44 percent of the value of wood products imported into the United States. This leaves \$47 billion of annual imports uncovered by the declaration requirements, even though they are subject to the Lacey Act Amendments' illegal product prohibition.

In June 2022, you responded to Senator Schatz's questions for the record following your appearance before the Senate Appropriations Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies on May 10, 2022.<sup>2</sup> We appreciate your stated commitment to completing the phase-in of all outstanding product declarations. However, we are concerned that the implementation timeline you articulated falls short of the urgency and ambition this situation demands. We respectfully request that APHIS take the following actions:

- **Prioritize the highest-volume and highest-risk products for Phase 7, particularly furniture, pulp, and paper (chapters 94, 47, and 48).** Wood furniture products and pulp and paper products constitute approximately 95 percent of the volume of the remaining product categories to be phased in, and these products commonly use wood that is considered high risk. Importers have been subject to the law for 14 years and have had ample time to ready themselves to file declaration information at the point of import. Please confirm that you intend to phase in the remainder of chapter 94 (furniture), valued at approximately \$23 billion in 2021, for the Phase 7 enforcement schedule. Additionally, please explain why chapters 47 and 48 (pulp and paper) have not been included in the proposed Phase 7 schedule and describe what resources would be required to include these product categories in the Phase 7 schedule.
- **Provide phase-in plans for Phases 7 and 8.** Your June response notes that "significant outreach" to stakeholders will be required to launch a new phase effectively, and will require a minimum of 12 months. Please provide a plan, including required resources, staff, milestones, and timelines, to complete Phases 7 and 8 within 12 months.

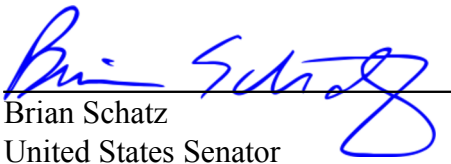
<sup>1</sup> <https://www.cbp.gov/frontline/cbp-stops-illegal-logging>

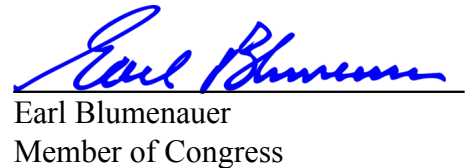
<sup>2</sup> <https://www.schatz.senate.gov/download/usda-qfr-responses>

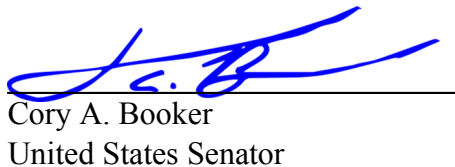
- **Provide a plan for ongoing implementation and enforcement.** Your response estimates that the number of declarations per year will rise from 1.1 million in 2021 to as high as 12 million once the requirements are fully enforced. Information from these declarations will need to be processed, analyzed to inform compliance and enforcement activities, and made publicly available. Enforcement will also require substantial coordination with other agencies, such as Customs and Border Protection, the Fish and Wildlife Service, and the Department of Justice. Please provide a plan to ensure compliance with the Lacey Act Amendments of 2008 from this point forward, including the staffing, resources, and processes that will enable APHIS to effectively manage and use declaration information.

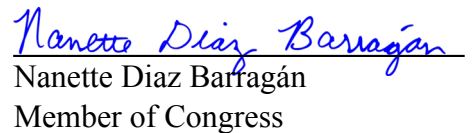
We stand ready to work with you to ensure full and effective implementation of the Lacey Act Amendments to stop the flow of illegal forest products into the United States. Thank you for your consideration, and we look forward to your response.

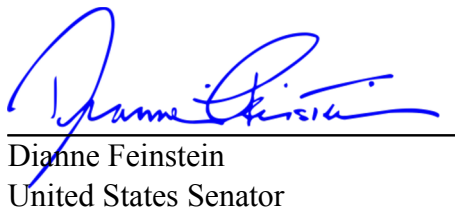
Sincerely,

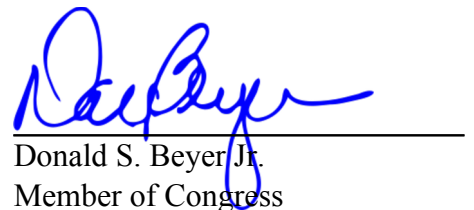
  
Brian Schatz  
United States Senator

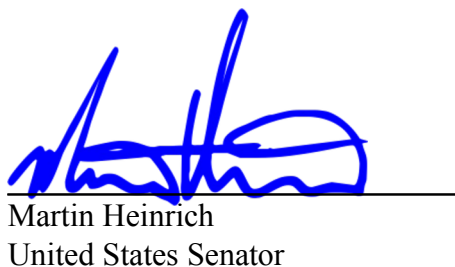
  
Earl Blumenauer  
Member of Congress

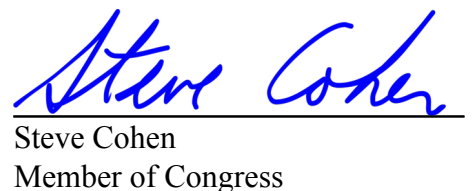
  
Cory A. Booker  
United States Senator

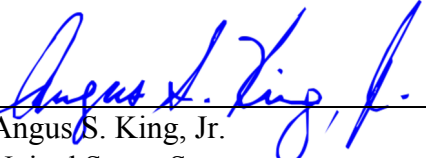
  
Nanette Diaz Barragán  
Member of Congress

  
Dianne Feinstein  
United States Senator


  
Donald S. Beyer Jr.  
Member of Congress

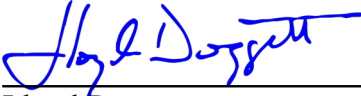
  
Martin Heinrich  
United States Senator


  
Steve Cohen  
Member of Congress


  
Angus S. King, Jr.  
United States Senator

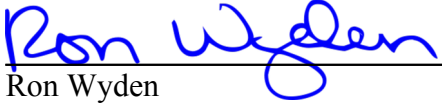
  
John Garamendi  
Member of Congress

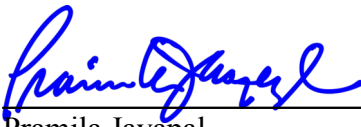
  
Elizabeth Warren  
United States Senator


  
Lloyd Doggett  
Member of Congress


  
Sheldon Whitehouse  
United States Senator

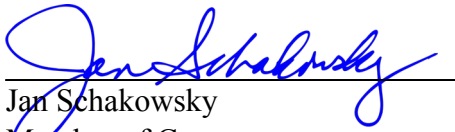
  
Raúl M. Grijalva  
Member of Congress

  
Ron Wyden  
United States Senator

  
Pramila Jayapal  
Member of Congress

  
Mike Levin  
Member of Congress

  
Chellie Pingree  
Member of Congress



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Jan Schakowsky  
Member of Congress



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Dina Titus  
Member of Congress