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October 19, 2011

The Honorable Jim Cooper
1536 Longworth House Office Building
United States House of Representatives
Washington, DC 20515

Dear Congressman Cooper;

The Retail Industry Leaders Association (RILA) appreciates your interest in the Lacey Act. As you are aware, Congress amended the Lacey Act in 2008 to significantly expand the scope of the law and to add several new requirements for importers of a wide variety of consumer products. Illegal logging is a global problem that has serious environmental and economic consequences, and effectively addressing this problem is an important goal that retailers support. At the same time, the 2008 amendment was enacted with little input from the importing community and it has become apparent that there are some challenges with the law as it is written. Unless these challenges are meaningfully addressed, the Lacey Act declaration requirement could pose an unworkable burden on importers and raise a significant barrier to trade. RILA supports H.R. 3210, the Retailers and Entertainers Lacey Implementation and Enforcement Fairness Act (the "RELIEF" Act), that you have introduced along with Representatives Mary Bono Mack and Marsha Blackburn. We believe that H.R. 3210 is an effective way to address some of the challenges with the 2008 amendment without undermining the goal to stop illegal logging.

By way of background, RILA is the trade association of the world's largest and most innovative retail companies. RILA members include more than 200 retailers, product manufacturers, and service suppliers, which together account for more than \$1.5 trillion in annual sales, millions of American jobs and more than 100,000 stores, manufacturing facilities and distribution centers domestically and abroad.

Most importantly, welcomes the provision in H.R. 3210 to limit the Lacey declaration requirement to plant products that are solid wood, if the plant product is derived from a tree. RILA has found that traceability of genus and species information for composite wood products (such as particle board and fiberboard) is extremely difficult, if not impossible. This is because composite wood products are generally made of byproducts such as sawdust, scraps, and other remnants from other manufacturing processes and therefore have a broad spectrum as to the potential genus, species, and countries of origin. While this type of materials reuse is positive

from a recycling perspective, it makes collection of useful data for the Lacey Act virtually impossible in the foreseeable future.

RILA also welcomes the requirement for a review and report to Congress on the feasibility of the U.S. Government creating and maintaining a public database of all foreign laws from countries in which plants are exported. Given that the Lacey Act makes it a matter of U.S. law to be compliant with all foreign laws related to the protection of plants, RILA has requested in comments to APHIS that the U.S. government establish and maintain an online database of foreign laws to provide a tool to assist importers in complying with the Lacey Act.

RILA welcomes H.R. 3210 and appreciates your effort to address some of the challenges that have arisen with the 2008 amendment to the Lacey Act. We also share your interest in maintaining an effective regime to combat illegal logging. We believe that goal can be achieved without hindering legitimate commerce. Please do not hesitate to contact me if you have any questions at (703) 600-2046 or by email at stephanie.lester@rila.org.

Sincerely,



Stephanie Lester
Vice President, International Trade

cc: The Honorable Mary Bono Mack, Chairman, House Energy and Commerce
Subcommittee on Commerce, Manufacturing and Trade

The Honorable Marsha Blackburn, Vice-Chairman, House Energy and Commerce
Subcommittee on Commerce, Manufacturing and Trade