



**International Wood Products Association**

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Public Comments Processing  
Attn: Docket No. FWS-HQ-IA-2021-0008  
U.S. Fish and Wildlife Service Headquarters  
5275 Leesburg Pike, MS PRB (JAO/3W)  
Falls Church, VA 22041-3803

Re: Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES); Nineteenth Regular Meeting: Taxa Being Considered for Amendments to the CITES Appendices, [Docket No. FWS-HQ-IA-2021-0008](#)

To Whom It May Concern:

I am writing for the International Wood Products Association (IWPA) to provide comments on Docket No. FWS-HQ-IA-2021-0008 concerning the U.S. Fish and Wildlife Service's Notice soliciting comments and information as the agency develops its negotiating positions on proposed resolutions, decisions, and amendments to the CITES Appendices in advance of the Nineteenth Meeting of the CITES Conference of the Parties (CoP19).

IWPA is the international trade association for the North American imported wood products industry, representing nearly 200 companies and trade organizations engaged in the importation of hardwoods and softwoods from sustainably managed forests in more than 30 nations across the globe. Association members consist of three key groups involved in the import process: U.S. importers and consuming industries, offshore manufacturers, and the service providers that facilitate trade. The vast majority of these companies are small- to medium-sized family-owned businesses.

IWPA strongly supports the goals of CITES, namely to ensure that international trade in specimens of wild animals and plants does not threaten their survival. We also appreciate the work of the CITES Secretariat and the individual parties to ensure that the Convention does not place any unnecessary burden on the legal trade in CITES-listed species.

IWPA recently conducted a survey of members who are involved in procurement and sale of CITES regulated products and could be impacted if certain plant species proposals are adopted at CoP19. There are several key takeaways:

- More than two-thirds of stakeholder businesses have less than 100 employees, and 80% have less than 250 employees.
- 100% percent of survey respondents indicated that they would have to cut employees if the proposed timber listings were adopted due to revenue loss.
- 100% of respondents indicated that they maintain an in-house compliance program to vet the sustainability and legality of the wood products they source.

- 100% attested that “given the application and technical properties of the species in question, they will not be able to easily replace these wood products with a domestically harvested and manufactured wood product.”

Attached is historical data that IWPA collects from the U.S. Department of Commerce<sup>1</sup> on monthly import volumes of hardwood lumber of several species, including Ipe, Padauk, and Khaya (Acajou d’Afrique).

### **Principles When Considering Proposals to Amend the CITES Appendices**

As FWS considers its position with respect to proposals to amend the CITES Appendices, several core principles should be followed:

- **Science-based Decision Making** – The CITES Convention can only maintain its legitimacy if Parties and national and international stakeholders agree that it continues to effectively accomplish its aim of ensuring that international trade in specimens of wild animals and plants does not threaten the survival of the species and is not a tool being used to reduce trade or advance a political agenda. To achieve the Convention’s stated aim and maintain its legitimacy, decisions made by the Parties must be evidence-based and deeply rooted in sound scientific findings. It is critical that Parties avoid making decisions on a generally disputed or incomplete scientific basis or based on political considerations.
- **The Experience and Expertise of Range State Parties** – Range states have the primary responsibility for the management and conservation of their natural resources. For CITES to be successful, parties, particularly in exporting nations, must be committed to effective and transparent administration of the Convention. As such, any range state concern about proposed amendments to the Appendices must be taken seriously and addressed. Included in this concern is adequate time to properly conduct non-detriment findings and to have administrative procedures established to accommodate the volume of newly required permits for any amendment to the CITES Appendices.
- **Regulation at the Point a Commodity First Appears in International Trade as an Export from Range States** – CITES parties have agreed in Conf. 11.21 (Rev. CoP18) that a key to the effective implementation of CITES listings is that they be tailored to regulate the commodities that first appear in international trade as exports from range states. This is especially important for wood products which nearly always involve multi-stage manufacturing. As such, it is critical that any plant species added to the CITES Appendices must include an appropriate annotation. While the regulation of further-processed goods may be appropriate in specific instances, there is not a significant additional conservation benefit of requiring a CITES permit if the inputs used in the good have already received permits when initially being exported from the range state. Doing otherwise will increase costs and administrative burdens with no subsequent conservation benefit.
- **Exemption for Non-Native Populations such as Plantation Grown Timber** – As CITES aims to ensure that international trade in specimens of wild animals and plants does not threaten their survival, it is important to note that many timber species are also

<sup>1</sup> <https://www.census.gov/foreign-trade/index.html>

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cultivated in plantation settings. Because wood harvested from plantations does not negatively impact wild populations of timber species, and in many cases reduces commercial pressure on wild species, annotations must be thoughtfully crafted to ensure that artificially propagated populations are not unnecessarily regulated. Examples of this are the recent listing of the genus *Cedrela* and previously the listing of Genuine Mahogany (*Swietenia macrophylla*), which both are cultivated on plantations around the world and so the listings were limited to neotropical populations.

- **Ability to be Implemented Effectively** – One of the most challenging aspects of CITES, for both administration and enforcement officials as well as the covered industry, is species identification and look-alike species. In some instances, experts are not able to effectively differentiate between several species which are not of conservation concern. While we understand this concern, we must be mindful that regulating any look-alike species will shift resources to administering the necessary increase in permits and away from other important activities with conservation benefit. New or amended species listings must be tailored to avoid unnecessary restrictions on trade in species that are not threatened.
- **Sufficient Time to Implement** – Put simply, a rushed implementation only ensures that implementation is unnecessarily costly and will affect products in transit and lead to confusion and mistakes. A minimum one-year implementation period should be required for amendments to the CITES Appendices for products currently in trade. This additional time will allow management authorities to develop and issue necessary guidance and conduct appropriate outreach to impacted stakeholders. There is clear precedent for this, as in the approved delay of the *Cedrela* listing for 12 months following CoP18.

### **Considerations for Species Proposals**

Regarding several timber species proposals that will be considered at CoP19, I would note several key considerations that the U.S. delegation should have in mind when developing negotiating positions:

- We are concerned that Props. 44 - Ipe, 48 - Cumaru, 50 - Padauk, and 51 – Khaya/African mahoganies, as submitted, do not meet the standard for inclusion in CITES Appendix II, namely that “it is known or can be inferred or projected that regulation of trade in the species is required to ensure that the harvest of specimens from the wild is not reducing the wild population to a level at which its survival might be threatened by continued harvesting or other influences.”
- A recent EMBRAPA study on the occurrence of Ipe in Brazilian forests in Mato Grosso and Acre<sup>2</sup> mapped more than 40 million adult trees of the species *Handroanthus serratifolius* and *Handroanthus impetiginosus*. The current incidence of the species, when combined with current knowledge of the growth and structure of the species, carrying capacity of the forest environment, stock of natural forest under management, and reproductive maturity, indicates that trade in Ipe is not detrimental to its survival.

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<sup>2</sup> Study, English translation, and summary attached.

- A preliminary summary of a soon to be released EMBRAPA study on the occurrence Ipe in Brazilian forests in Para<sup>3</sup> identified that the species *Handroanthus impetiginosus* is abundant in in different regions of Para. The identified volume (m<sup>3</sup>/ha) varies from 0.1 to 35.2 m<sup>3</sup>/ha and abundance from 0.02 to 5.1 trees per hectare. The preliminary summary concluded that “the possibility of including the species mentioned in the CITES appendix II, with the justification that legal forest management activities pose a threat to the ipê is contrary to all the technical knowledge that underlies the current legislation based on the sustainability of the activity, considering that the idea that native forest management is the main activity that guarantees forest conservation and biodiversity is widely disseminated.”
- For Ipe, Cumaru, and Khaya, it is important to note that the primary range countries did not sign on as proponents of the listing proposals.
- Trade in these three species is economically important to many U.S. businesses and they indicate that they cannot be replaced with domestically harvested and manufactured wood products.
- For Ipe and Cumaru, the primary export country, Brazil, has a strong system of forest management. The system is continuously undergoing improvements and is one of the most sophisticated in the world.
- Importers in the U.S. and EU, which are primary export markets for Ipe, Cumaru, and Khaya, comply with robust laws and enforcement with regards to the importation of illegally procured timber.

FWS should continue to conduct extensive consultations with domestic industry stakeholders (such as importers, manufacturers in sectors including home building, musical instrument manufacturing, furniture making, and retailers), range states, and international organizations such as the International Tropical Timber Organization, to understand the economic implications of species proposals and determine whether they are necessary to ensure that international trade in specimens of wild animals and plants does not threaten their survival.

### **Considerations for Proposed Resolutions, Decisions and Agenda Items**

- **Electronic Permitting** – We strongly encourage CITES to institute an electronic permit system. Electronic permitting would help to streamline and make more efficient the process of acquiring, using, and invalidating CITES permits. The current paper-based system is rife with inefficiencies such as lost or stolen permits and long delays in transmitting physical documents. Movement to a universally-accepted electronic system would allow permits to be applied for, issued, transmitted, and verified instantaneously. Additionally, real-time electronic transmission of CITES documents would allow them to be verified as goods are being shipped, preventing costly delays that happen as documents are verified only once a shipment is received at the port of entry.
- **Verification of Legal Acquisition** – At the 70<sup>th</sup> Meeting of the CITES Standing Committee the Parties considered a draft resolution on verification of legal acquisition of CITES specimens. We are grateful for the work of the U.S. delegation to ensure that this

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<sup>3</sup> Summary attached

resolution was amended to be in keeping with the principle of CITES that Legal Acquisition Findings are the primary responsibility of the CITES authorities of the exporting nation. Shifting this burden to those applying for a permit fails to recognize that compliance professionals rely on the important work of CITES Management Authorities as one of many tools in their due diligence procedures. Additionally, requiring an applicant to provide information on the entire chain of custody back to the origin of the specimen as proposed in the draft resolution is unworkable for many manufactured goods. Information about chain of custody should not be determinative when obtaining such information is impossible or impractical and other verification tools exist.

### **Permit Delays and Industry Outreach**

Parties should work closely with impacted domestic industry members to understand what will be required for compliance by both exporters and importers. Working with industry to foster a culture of compliance allows customs and law enforcement officials to focus limited resources on criminal activity that puts protected species at the greatest risk.

IWPA encourages the U.S. to work closely with other parties to work toward solutions that preserve the level of trade in these species that is not detrimental to the health of the species in question. Overexploitation of the most desirable timber species is harmful to the global wood products industry as it undermines the long-term health of forests and imperils the livelihoods of communities that are supported by jobs in the forest products industry worldwide.

We are particularly concerned that a listing of all species within a genus (as in the *Dalbergia* and *Cedrela* listings) including those that are not threatened, will place unworkable administrative burdens on exporting nations. If exporting nation Management Authorities do not have the staff or resources to process legitimate non-detriment findings and export permits, there will be considerable opportunities for errors or criminal activity, which runs counter to the objective of CITES. Such activity could then be used as a rationale to further limit legitimate trade.

Additionally, every loosely targeted listing increases the burden on management and scientific authorities in a manner that can result in delays to industry members seeking permits, including for re-export of previously permitted goods. IWPA has heard from multiple members that they have decided to no-longer re-export CITES-regulated goods from the U.S. because of persistent delays in permit issuance.

Lastly, we are concerned that listings of species such as Ipe, Cumaru, and Khaya that are traded in large volumes with an annotation that includes “transformed wood” could lead to substantial uncertainty both among Parties and the regulated industry about what products are or are not covered based on Party-by-Party interpretation of that term. This uncertainty would lead to an additional time and resource burden on Management and Scientific Authorities and substantial permitting delays for traders.

### **Conclusion**

Responsible trade is critical to ensuring that global producers and the U.S. and North American consumers of these products understand the value of CITES-listed species and the role they play in supporting communities that rely on a vibrant forest economy. IWPA looks forward to working closely with FWS staff to advance this principle.



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Thank you for this opportunity to share IWPA's perspective on this Notice. Please contact Joe O'Donnell ([joe@iwpawood.org](mailto:joe@iwpawood.org)) or myself ([ashley@iwpawood.org](mailto:ashley@iwpawood.org)) if you have questions or need additional information.

Sincerely,

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