

Hearing before the Committee on Natural Resources,
Subcommittee on Fisheries, Wildlife, Oceans and Insular Affairs
Tuesday, March 8, 2012

The RELIEF Act (H.R. 3210) & The FOCUS Act (H.R. 4171)

Testimony of the Honorable Earl Blumenauer
U.S. House of Representatives

Chairman Fleming, Ranking Member Sablan, Members of the Committee, thank you for the opportunity to testify in support of the 2008 Lacey Act Amendments and in opposition to legislation that would undermine the success we've had in protecting the U.S. timber industry and leading by example to strengthen sustainable forest practices worldwide.

The two bills under consideration today, the RELIEF Act (H.R. 3210) and the FOCUS Act (H.R. 4171), would not only devastate the 2008 Lacey Act amendments, but throw into question a century of environmental protections while adding additional uncertainty to an already complex issue.

I hope we can work together to address some of the concerns that will be outlined today, but the legislation before us is not the solution.

The Lacey Act, first passed in 1900 to prohibit the trade in endangered species, requires U.S. importers to ensure that the products they import were not harvested illegally.

In 2008, legislation that I sponsored — and *worked on with this Subcommittee* — amended the Lacey Act to include the prohibition of trade in wood and wood products that were illegally harvested in their country of origin.

The purpose of the 2008 amendments is straightforward — Companies who import wood products need to play by the rules in the countries from which they import.

The 2008 Lacey Act amendments were developed and supported by Republicans and Democrats, the timber industry, consumers, importers, labor unions, conservationists, and the Bush administration.

The 2008 Lacey Act amendments were needed for four main reasons.

First, for decades, the U.S. forest products industry struggled, ultimately losing over \$1 billion in lost opportunities and lower prices every year due to illegal logging.

Second, for too long, developing countries that were struggling to do the right thing by implementing sustainable forestry laws were undercut by business interests that cared little about the law or the consequences of deforestation.

Third, illegal logging has devastating consequences for the environment, and in 2008 the rate of illegal logging was rapidly increasing:

Worldwide, the rate of deforestation between 2000 and 2005 jumped to one-and-a-half times the rate of the 1990s.

And fourth, a growing consensus developed that *a legislative approach was necessary* to undermine the black market for wood products and to protect the U.S. economy, the environment, and local communities in areas afflicted by these criminal activities.

As early as 2002, the Bush Administration identified commerce in illegally harvested timber as a significant problem.

After a thorough review of existing authorities, the Department of Justice concluded that *current laws were inadequate to address the trade in illegally harvested timber*, and in 2007 the administration testified *before this Subcommittee* in favor of amending the Lacey Act as a way to address the trade in illegally harvested timber.¹

What ultimately became the 2008 Lacey Act amendments – through an amendment to the Senate Farm bill – was the product of *a very thorough vetting process*, including the Bush administrations DOJ, and two hearings by this Committee.

The importance of the Lacey Act is far broader than the immediate impact it has on protecting U.S. jobs and the forest products industry.

The Lacey Act is the perfect illustration of the U.S. leading by example, and having a very real and positive impact on the strength of local environmental protection laws in developing countries.

Since 2008, illegal logging has been reduced by as much as 25 percent worldwide, and 50-70 percent in some key countries.

Taking their cues from the U.S., countries such as Japan, New Zealand, Australia and the European Union have all adopted laws modeled on the Lacey Act, creating the global approach required to ultimately end illegal logging.

The RELIEF Act and the FOCUS Act would undermine these successes.

Proponents of the legislation claim that the bills offer “technical corrections,” but unfortunately they would move an entire global market back in time while adding greater ambiguity and uncertainty for importers.

¹ See Statement of Eileen Sobeck, Deputy Assistant Attorney General, Environment and Natural Resources Division, US Department of Justice, before the Subcommittee on Fisheries, Wildlife, and Oceans, Committee on Natural Resources, US House of Representatives, Concerning HR 1497, Legal Timber Protection Act, October 16, 2007.

Both bills would remove important tools that the Lacey Act provides to investigators, law enforcement officials, and companies who care about the provenance of their products.

That's why the bills are opposed by a broad group of stakeholders, including the League of Conservation Voters, the Hardwood Federation, American Forest and Paper Association, the Sierra Club, and the United Steelworkers.

(Insert for the record three items – 1: sign-on letter in support of the Lacey Act amendments, 2: industry letter opposing RELIEF Act, 3: Center for International Environmental Law (CIEL) on impacts of the RELIEF Act)

Mr. Chairman, I would like to ask for unanimous consent that two letters – one signed by over XXXX organizations in opposition to the RELIEF Act, and the other signed by XXX companies in support of the 2008 Lacey Act amendments – be entered into the record, along with a report compiled by the Center for International Environmental Law outlining the harmful impacts of the RELIEF Act?

It has been less than four years since the Lacey Act amendments dealing with illegal timber were signed into law.

Implementation takes time, cooperation, and adjustment, all of which is currently happening.

I hope that we can also agree on a constructive path forward that provides not only the support, *but the resources*, necessary to fully implement the 2008 Lacey Act amendments.

Both the RELIEF Act and the FOCUS Act would roll back the clock and I urge my colleagues to reject these proposals.