

U.S. Government enforcement of Lacey, CITES and ESA regulations in relation to old, pre-amendment items, "legacy" (old inventory) stockpiles, and personal property is decimating the wood, antique and musical instrument industries. This regulation is perhaps the poster child of burdensome regulations for which the public and small businesses are very resentful of government intrusion into their personal lives and businesses. It is very difficult to explain to our clients why the government is wasting enforcement tax dollars on domestic commerce of these items instead of directing their full resources to imports of newly manufactured goods or raw materials. As currently written, these regulations have made virtual criminals of every retail musical instrument dealer who ships interstate, and their clients. As a reasonable solution, my proposals are the following:

1. A simple license to deal in plant/animal materials renewable annually issued by one single governmental entity, either APHIS or F & WS. This would be available to anyone who is legitimately set up as a business under the laws of whatever state(s) of the union they are located in.
2. A blanket exemption for **personal items** regardless of content, age or situation (import/export, interstate, intrastate transportation, or private sale). Any pre-amendment or pre-CITES appendix 1 or 2 imports/exports would be exempt from APHIS PPQ 505 reporting and formal customs entry rules by virtue of a sworn statement on the customs invoices stating "Contains: Pre-Amendment and/or Pre-CITES Materials." This would apply to both licensed businesses AND individuals.
3. An automatic pre-amendment exemption for any plant/animal materials that were legal prior to enactment of Lacey plants amendment or CITES Appendix 1 inclusion. This would be policed by the licensed dealers, who would be on the hook for significant fines/penalties if not scrupulously adhered to. Independent expert opinion would determine the veracity of age and materials content, and would be honor bound just as the current IRS tax reporting requirements for businesses are. Commercial imports/exports which are **pre-Amendment or pre-CITES** would NOT be required to file APHIS PPQ 505, the invoices marked as above: "Contains Pre-Amendment and/or Pre-CITES materials."
4. Under these proposals the governments efforts at Lacey, CITES and ESA enforcement could be directed nearly 100% to the current importation of new goods and raw materials to ensure compliance, rather than criminalizing possession, commerce and trade in old and antique items which are currently illegal only because they lack now required paperwork.
5. Repair/ restoration and recycling of old and CITES appendix 1 and 2 items using pre-Amendment or pre-CITES materials would not only be permitted, but encouraged as an alternative to potential market demand for importing illegal new CITES appendix 1 or 2 materials. It is incomprehensible not to allow these stockpiled legacy materials to be used in lieu of newly harvested and illegal materials. Doing so would NOT change the pre-CITES status of the item repaired or restored. This would also apply to

stockpiled pre-CITES raw and semi-finished materials/goods, and pre-amendment goods and materials covered under the ESA. Antique restorers, musical instrument craftsmen, and many other small industries still preserve huge inventories of these now “banned” materials which were quite legal when they were acquired decades ago, and there is no reason economically nor ethically to make them retroactively “illegal” simply because the owners failed to preserve receipts.

As currently enforced, there is no incentive for the countries of origin to preserve remaining stocks of plant and animal species because our laws make their purchase and commerce completely forbidden. If the commodity has no value, who is going to pay for its preservation, and how would this be justified to the commercial interests in the countries of origin who may have other plans for the lands upon which these flora and fauna survive currently? For instance: the clearing of more of the Brazilian Atlantic rainforest to make room for increased ethanol production, cattle farming, or paper pulp production. Right now, these uses of the land are already more commercially viable options, and if the value of the remaining contents of the surviving 6% of the Mata Atlantica is run to zero by laws enacted outside of Brazil by the US and Europe, then who is going to pay to preserve the remaining patches of forest? Clearly the countries who have **not** enacted this kind of draconian legislation or ignore CITES completely have now been handed a tremendous discount on the world market value of whatever remaining species survive around the planet. Is the USA prepared to challenge Chinese imports on the veracity of their Lacey and customs declarations of new products? If not, there are going to be a LOT of very angry American businesses who wither on the vine while seeing imports which are clearly in violation of Lacey being sold cheaply to the American public. **In a nutshell, strict enforcement of Lacey, CITES and ESA within the USA is going to result in the moving of manufacturing jobs to overseas locations, increasing unemployment in all industries that utilize plant and/or animal derivatives.**