

## Summary

# Lacey Due Care Standard Technical Requirements

The Lacey Due Care Standard technical requirements are summarized as follows:

- [Action Plan below](#)
- [Due Care Achievements below](#)
- [Flow Chart below](#)

## Lacey Due Care Action Plan

The Action Plan Purpose is to Identify & Achieve Needed Steps to Execute a Legally Binding Certification of Compliance With the Lacey Due Care Standard, and thus a Defense to Liability.

1. **Select Appropriate Forest Certification Option for Due Care** that the company or independent third party will certify compliance to the Standard pursuant to §11.
2. **Identify Timeline for Achieving Compliance** with the applicable level of Due Care.
3. **Decide Whether to Achieve FSC, or PEFC, or Seneca Creek / AHEC US Hardwood Program.** If an FSC option is specified, decide which FSC Standards to comply with.
4. **Complete Required Risk, Compliance & Legal Audits.**
5. **Decide How to Complete the §11 Legally Binding Certification** to the Lacey Due Care Standard. FSC Step 3 / PEFC and Seneca Creek AHEC allow self certification to §11 as well as third party. FSC Steps 2 & 1 require independent third party certification to §11. Decide whether the §11 Certification will be to the FTC Environmental Marketing Guides or an express warranty that is part of the contract of sale of the wood or paper product.
6. **Place Summary of the §11 Certification on a Web Site** so that it is publicly available.
7. **Decide Whether There is Internal Capacity to Complete this Action Plan,** or whether outside services should be engaged.

# Achievement of Due Care

Achievement of Lacey Due Care & Defense to Liability: Forest Certification and Risk, Compliance & Legal Audits are All Required. §10 Allows Equivalency Petitions.

## §11 Legally Binding Certification That Forest Environment is Protected

Joint Statement of the Lacey Conference Managers: A Primary Statutory Purpose is to Protect the Forest Environment From Illegal Logging.  
110 H. Rpt. 627, Food, Conservation & Energy Act of 2008 Conference Report to Accompany H.R. 2419 (2008)

### Risk Audit

Evaluate supply chain risk based on relevant and appropriate law, and ecological significance of place of origin. Risk factors include species type, CITES list, supplier integrity and practices, and level of corruption and other serious social issues like conflict in place of origin.

### Law & Practices Audit

Confirm license to operate, plant species & plant protection laws, permits, tax payments, supplier export license, forest governance regulatory structure, export restrictions, first placement compliance, and law in any EU Voluntary Partnership Agreement.

### Compliance Audit

Conduct inspections, audits for suppliers, continuous improvement programs, and determine needed qualifications. Develop procurement policy ensuring contractual agreement with vendors throughout the supply chain to adhere to Lacey Due Care Standard and allow compliance auditing.

### FSC OR PEFC OR Seneca Creek / AHEC Program Protecting & Enhancing US Hardwood Forests.

**FSC Step 3 / PEFC:** Required is independent field audited achievement of risk reduction activities. Needed means to counter government corruption undermining the rule of law & meet statutory purpose. With forest management preconditions, two years are allowed to set up systems for Stepwise Approach or PEFC, and 5 years to achieve FSC Step 2. **Seneca Creek / AHEC:** Achieve AHEC Certificate of Compliance or equivalent, and achieve conditions ensuring low risk of illegal logging with 3 year review of material forestry and logging activities and indicators. **FSC Step 2:** Stds. - Principles & Criteria, Forest Management Evaluation, Controlled Wood for Forest Mgt. Enterprises, Regional Std. for Forest Management Unit, Chain of Custody for all companies, Company Evaluation of FSC Controlled Wood, Product Classification. Identification of Wood Source, Origin & Category. **FSC Step 1:** Identification of Wood Origin & Source by forest management unit & Product Must be "FSC Certified Product" as defined in the most recent FSC Chain of Custody Standard.



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