



Lacey Act Supporters Commit to Certifying to National Consensus Lacey Due Care Standard

Feb. 26, 2013, Wash., DC. Leading companies and service provider Members of the Lacey Due Care National Consensus Committee committed to provide their first legally binding certifications of compliance to the Standard by May: Shaw Hardwood, Columbia Forest Products, Domtar, Kimberly-Clark, Knoll Furniture, Martin Guitar, and Staples with assistance from Forest Based Solutions, Jason Grant Consulting, and Rainforest Alliance. The Standard was unanimously approved.

Don Finkell, CEO, Shaw Hardwood emphasizes: *“We intend to certify to the Standard to achieve the risk reduction benefits derived from engaging in a logical series of ‘due care’ steps that are supported by a knowledgeable, consensus group of industry and environmental leaders. The Standard specifically recognizes the NWWFA Responsible Procurement Program, which all of Anderson's domestic products are certified to, and the equivalency of the American Hardwood Export Council's Seneca Creek Study for all American hardwoods. We believe the Standard obviates the need to legislatively change the Lacey Act.”*

Like the LEED consensus standard for green buildings, the leadership Lacey Due Care national consensus Standard specifies risk, compliance and legal audits and forest certification so companies providing bona fide certifications to the Standard can assert the Due Care and Innocent Owner Defense to Lacey strict criminal liability including seizure. The supporters of the Due Care Standard believe that such compliance means that their wood and paper products are lawfully possessed and not contraband.

Repeated statements by the United States Justice and Agriculture Departments show that a leadership industry standard provides an important measure of due care. The Standard uniquely identifies the law on Lacey Due Care and Innocent Owner Defenses and retroactivity, and constitutes a legal opinion. The Standard's forest certification requirements are crafted to meet Lacey's express mandate to protect the global forest environment from illegal logging and deforestation since this is the unique way the market addresses this critical global need.

“The National Wildlife Federation (NWF) was pleased to join other leading environmental and conservation organizations in the consensus standard's development process and voted to approve the Standard because it enhances and supports the Lacey Act by clarifying the statutory Due Care requirements,” says **Larry Schweiger**, President & CEO, National Wildlife Federation.

Brad Thompson, CEO, Columbia Forest Products commended the Committee for its extraordinary outreach and work with the environmental community and industry associations who developed key components of the Standard: *“The Standard explicitly recognizes the important research on American hardwoods with documented low levels of illegal logging and increase in forest size and tree volume, resulting in 60% of US forests complying with the certification requirements of the Standard. This provides a well-earned competitive advantage for the United States.”*

The National Association of Music Merchants (NAMM) helped prepare the Standard Legal Annex on Retroactive Interpretation to provide much needed business certainty and clarity and strengthen Lacey Act execution. The Annex identifies the law showing that Lacey is not retroactive to before 2008. According to **Gregory Paul**, Vice President, Business Development, Martin Guitar, *“We were pleased to participate, represent NAMM in the National Consensus Committee, and are proud of this important achievement for NAMM Members and wood owners globally, clarifying Lacey coverage and best practices protecting the global forest environment.”*