

**Center for International Environmental Law · Earth Day Network · Environment  
America · Environmental Defense Fund · Environmental Investigation Agency ·  
Friends of the Earth · Global Witness · Greenpeace · League of Conservation Voters ·  
The Madagascar Fauna Group · Natural Resources Defense Council · Rainforest  
Action Network · Rainforest Relief · Saint Louis Zoo · Sierra Club · Sound and Fair ·  
Union of Concerned Scientists · United States Green Building Council · Wildlife  
Conservation Society · World Wildlife Fund**

January 19, 2012

Mr. Joe Lamond  
President and CEO  
National Association of Music Merchants

Mr. Kevin Cranley  
Chairman  
National Association of Music Merchants

Dear Mr. Lamond and Mr. Cranley:

We urge you to reconsider your support for the RELIEF Act (HR 3210), introduced by Representatives Marsha Blackburn (R-TN), Mary Bono Mack (R-CA), and Jim Cooper (D-TN) in October 2011. We appreciate the desire to respond to specific concerns of the music community, however, the RELIEF Act is neither the appropriate vehicle nor does it provide the correct substance. Instead it weakens the 2008 amendments to the Lacey Act, a law you claim to support, threatening to reverse important gains in curbing illegal logging and associated trade.

We are convinced that your members would not want their names to be associated with the severe weakening of a law designed to protect the very forests and wood species upon which their music ultimately depends. *We ask you to provide your members with the full picture on all the provisions in the RELIEF Act.*

U.S. companies that buy and use wood – not only tone woods, but flooring, furniture, paper and other products – play an integral role in driving what happens in forests around the world, for good or for bad. The Lacey Act 2008 Amendments set a global standard for recognizing that *buyers* have a responsibility to send the signal to timber traders, logging companies and corrupt governments that illegal logging and trade will not stand.

We understand that some musicians and luthiers are concerned specifically about traveling with their instruments and using precious woods acquired prior to 2008 in their products. However, the Lacey Act amendments do not “make it illegal to buy products [that contain rare plant materials or wood] and travel with them,” as stated in your promotion of the RELIEF Act. By perpetuating that myth you do a disservice to your members and the law. The Lacey Act does not ban any woods, rare or not.

Moreover, the Justice and Interior Departments have clearly stated (in an almost unprecedented written statement<sup>1</sup>) that the government **will not** use its limited enforcement resources on individuals who may unknowingly possess an instrument with illegally-obtained wood. On its website the Fish and Wildlife Service elaborated, “to be clear: individual consumers and musicians are not the focus of any U.S. Fish and Wildlife Service law enforcement investigations pertaining to the Lacey Act, and have no need for concern about confiscation of their instruments.” Enforcement is focused on those who are removing protected species from the wild and making a profit by trafficking in them.

Illegal logging and associated trade can take many forms. But as a whole, trade in illegal wood has a devastating impact on the environment, through deforestation, loss of biodiversity and increased greenhouse gas emissions. It harms local livelihoods as communities lose vital forest resources and potential income streams. It inhibits economic development, as huge sums of money go to timber barons and corrupt officials rather than towards the development needs of poor countries. It distorts trade, as legitimate companies lose billions of dollars in revenue annually due to the market distortions caused by illegally harvested timber. This means lost jobs in the U.S., where the forest products industry has estimated losses of approximately \$1 billion annually due to lost export opportunity and depressed prices caused by illegal material in the market. And not least, logging and trade of illegal wood can go hand in hand with violence against forest-dependent peoples and watchdogs. At the end of the day, the RELIEF Act **would primarily provide relief to illegal loggers and those companies that do business with them.**

Yet through NAMM's endorsement, a music industry which has traditionally been a strong advocate for the environment and sustainable business practices is now dedicating significant effort to overturning the core provisions of one of the most important global forest protection laws, under the guise of "making it stronger."

We ask you:

- ***How does reducing penalties to the price of a speeding ticket for "first infractions" make Lacey stronger?*** Setting the penalty for importing wood, paper and other products made from devastated rainforests at an insignificant \$250 removes the most effective deterrent from the legislation - strong penalties that deter bad actors.
- ***How does exempting paper, pulp, and composites from key provisions make Lacey stronger?*** These products are by far the largest segment of imports covered by the 2008 amendments. The declaration requirement provides the U.S. pulp and paper industry and its workers the assurance that they are competing on a level playing field with producers in parts of the world with lower sustainable forest management practices.
- ***Finally, how does allowing companies to keep stolen wood make Lacey stronger?*** The Lacey Act makes illegally sourced wood subject to confiscation, as is U.S. standard practice for dealing with illegal goods. The RELIEF Act would instead allow all major manufacturers to keep wood that has been proven to be stolen, regardless of the severity of evidence of illegal logging. What then is the incentive to ensure legal sourcing?

If NAMM members truly "care deeply and are committed to the ecologically sustainable use of tone woods for the production of musical instruments," as you stated in your September 2011 open letter to President Obama, and "understand that long-term success depends upon future availability of these materials to build and sell the iconic instruments that have defined America's popular music traditions," you will recommit to supporting and *truly* strengthening the Lacey Act provisions.

We strongly urge you to seek the specific clarifications desired by your industry without supporting the RELIEF Act, which does little to address them and instead undermines a law that supports the economic health of U.S. industry and brings about positive change to logging and related trade practices around the world. Your members, and the world's forests, deserve this.

CC: NAMM Members

---

<sup>i</sup> <http://www.fws.gov/news/blog/index.cfm/2011/9/22/Where-We-Stand-The-Lacey-Act-and-our-Law-Enforcement-Work>