

August 6, 2012

Docket No. APHIS-2012-0036  
Regulatory Analysis and Development  
PPD, APHIS, Station 3A-03.8  
4700 River Road Unit 118  
Riverdale, MD 20737-1238

Re: Notice of Request for Extension of Approval of an  
Information Collection; Lacey Act Declaration Requirement  
Docket No. APHIS-2012-0036

Gentlemen:

This letter is submitted by NAMM, the trade association for the international music products industry, in response to the request for public comment on a notice to request extension of the approval for the information collection activity contained in the Lacey Act declaration requirement. The notice was published in the *Federal Register* on June 6, 2012 (77 FR 33388).

**I. NAMM: Who We Are and Who We Represent**

Founded in 1901 and headquartered in Carlsbad, CA, NAMM has more than 9,000 members in the United States and 100 other countries and is dedicated to expanding the market for music products and giving people of all ages the opportunity to experience the proven benefits of making music.

NAMM's members represent all segments of the music products industry, *i.e.*, manufacturers, distributors and retailers, as well as all types of music products entities, including those involved in both instruments and accessories. The association's membership ranges from large companies to individual artisans producing hand-crafted products. As a result, NAMM has a unique perspective on issues facing music products industry members of all types and sizes. All of NAMM's members are dedicated not only to expanding the market, but also to preserving the raw materials that are used in the manufacture of the products they sell.



## **II. Previous NAMM Submissions to APHIS**

On numerous occasions since the effective date of the 2008 Lacey Act amendments, NAMM has filed comments with APHIS on issues pertaining to the declaration requirement imposed under these amendments. Most recently, in August, 2011, NAMM commented on an Advance Notice of Proposed Rulemaking concerning regulatory options on certain issues relating to the declaration requirements. Unfortunately, no specific proposed changes have resulted from this ANPR, including the definition of “common food crop and common cultivar,” a possible *de minimis* exception and a simplified declaration form which allows for “Check the Box” compliance in certain circumstances.

While NAMM and its members are appreciative of the measured approach to implementation of the import declaration requirements that has been undertaken to date by APHIS, we would seriously question whether the import declaration requirement in its present form should be continued.

## **III. Suggested Modification to Import Declaration Process**

Associate APHIS Administrator Kevin Shea reported on the current volume and cost of the current import declaration requirement in his May 8, 2012 testimony to the House Subcommittee on Fisheries, Wildlife, Oceans and Insular Affairs. According to Mr. Shea, the agency is receiving some 10,000 import declarations each week, the majority of them in paper format because of the extreme difficulty encountered in filing the information electronically through the normal Customs and Border Protection system.

The estimated cost for these filings, to industry and to the government, according to Mr. Shea’s testimony was significant.

If the import declaration requirement were expanded to the current statutory maximum, APHIS would receive approximately 1,000,000 declarations per month, representing roughly 4,500 individual tariff codes and at a cost in excess of one billion dollars annually.

NAMM believes that the time has come to significantly modify the information collection process, i.e., NAMM believes that declarations should no longer be filed with each import entry, but rather APHIS should institute a “declaration on demand” system under which importers would be required to maintain information required by the 2008 amendments – genus, species and country of harvest – and make it available to the agency only on request.



This process, which is used for many other import-related information-collection requirements, including those imposed under the Consumer Products Safety Improvements Act, would reduce costs and administrative burdens for both industry and government and would enable APHIS to more effectively focus scarce compliance and enforcement resources.

#### **IV. Conclusion**

NAMM and its members are most appreciative of the flexibility shown by APHIS in the past in implementing the import declaration requirements of the 2008 Lacey Act Amendments. We believe that the suggestions made in this submission will provide greater clarity in the further implementation of these requirements.

NAMM would be happy to discuss these issues in greater detail with appropriate APHIS personnel.

Sincerely,



Mary L. Luehrsen  
Director of Public Affairs and  
Government Relations

