

APES Article- “When A Tree Falls Illegally In The Forest”

by Jonathan Lash

One of the most interesting and overlooked environmental victories in 2008 came in the form of an amendment to a 100-year old U.S. statute. The Lacey Act, as it is known, has been a mainstay in fighting wildlife crime by banning the U.S. import of illegally sourced (according to laws in the country of origin) animal products. Lacey’s most recent amendment—passed on May 22nd, 2008—places a similar ban on plants, including trees, and lumber products such as paper, furniture and flooring. In other words, the updated Lacey Act is now a potent weapon in the fight to reduce illegal logging and global deforestation.

Recent studies estimate that illegal logging may make up 8-10% of primary wood production, causing \$15 billion in lost revenues to the countries in which it occurs. In some places, illegal logging may represent 50% of harvested wood. So with 18 million acres lost to deforestation each year—accounting for 15-20% of global greenhouse gas emissions and a host of other environmental and social consequences—illegal logging is a huge problem. At fault are weak governance and enforcement structures in timber-rich developing countries, rampant corruption, and rich countries that look the other way on the forest products they import. International efforts to put the brakes on deforestation don’t stand much chance if the policies they imagine can’t be enforced.

That’s where the new Lacey could make a big difference. Under the Act, all imported forest and plant products must now include basic declarations of where they originate from. More importantly, the onus is on importers to exercise “due care” to ensure that products coming into the U.S. are sourced legally. Importantly, prosecutors don’t have to prove that a shipment or portion of it was illegally harvested. They must merely show that it originated from a source that is known to have engaged in illegal activity.

In other words, one bad fruit could poison the tree. Using satellite imagery, environmental groups can already document illegal logging activity in remote areas, and pick out the illegal roads used to transport ill-gotten timber to nearby mills. Lacey’s reporting requirements make it possible to red-flag shipments from those mills (or their owners) as subject to prosecution—if the U.S. gets serious about enforcement.

As the world’s largest importer of wood products, the U.S. is a significant player in the trade of wood products. According to the Environmental Investigation Agency, 17% of global “forest product” exports are destined for the U.S. market—20% if furniture is also included—worth almost \$60 billion in 2006. Research indicates that perhaps 10% of these imports are at “high risk of illegal origin.”

U.S. businesses are now responsible for ensuring that the wood they import is legal. If and when Lacey Act enforcement efforts step up, there will be increasingly strong incentives throughout the entire global supply chain to document the legality of imported forest products. Imagine the ripple effect if—in response to a Lacey case—U.S. importers decide to blacklist companies that deal in ill-gotten forest products. U.S. markets, the Customs Service, overseas timber mills, and manufacturing centers would suddenly share an interest in monitoring and enforcing legal forest practices and in key regions of the world. Businesses that don’t get it right will lose access to the biggest market for wood products on the planet.

The amended Lacey Act makes the United States the first country in the world to place an outright ban on illegally harvested wood products. At a time when U.S. leadership has been sorely remiss on crucial global environmental issues, Lacey is a welcome change of pace. But advocates hope the story won't end with the U.S. Lacey is a powerful precedent for similar legislation in other developed countries, which would create even greater incentives for global compliance.

Ultimately, Lacey could be a big breakthrough for efforts to combat climate change from deforestation. In international efforts to reduce emissions from deforestation and degradation—REDD as it's known—the elephant in the room is the lack of capacity in developing countries to enforce any international regime on forestry. The largest wood products market could unexpectedly provide a critical missing piece of that puzzle.

Forestry Free Response Question

After reading the article When A Tree Falls Illegally in the Forest by Jonathan Lash, answer the following questions:

1. Discuss TWO characteristics of forests that change when logging operations occur within them.
2. Describe THREE ecological services provided to humans by forests. Explain how logging would affect each ecological service you describe.
3. Describe TWO economic services provided to humans by forests. Explain how the new provisions of the Lacey Act affect these economic services in undeveloped countries.
4. Identify THREE practices we can employ to sustainably manage forests.