



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington, D.C. 20240

ADDRESS ONLY THE DIRECTOR
FISH AND WILDLIFE SERVICE

In Reply Refer To:
FWS/DMA PLA 7-12

October 22, 2003

Dear U.S. Importer / Re-exporter of Bigleaf Mahogany Wood:

We were provided with the name of your business by the U.S. Department of Agriculture's Animal and Plant Health Inspection Service (APHIS) as an importer and/or re-exporter of bigleaf mahogany (*Swietenia macrophylla*) wood. As you are aware from our letter of April 18, 2003, the neotropical populations of bigleaf mahogany have been listed in Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). This listing was adopted by the CITES Party nations at the 12th meeting of the Conference of the Parties to CITES (COP12) in November 2002. The listing regulates logs, sawn wood, veneer sheets, and plywood, but not any other parts or derivatives of mahogany. The listing becomes effective November 15, 2003. Until November 15, the neotropical populations of this species remain listed in CITES Appendix III.

This letter is to inform you of two key elements of the U.S. plans for its national implementation of the CITES Appendix-II listing of bigleaf mahogany. The United States is the world's primary importer of neotropical mahogany. It was therefore extremely important that our country have at least a national interim plan for implementation and enforcement in place in time to inform the U.S. timber industry in advance of the November 15 listing date, and thus avoid a disruption of the flow of legal mahogany imports into our country over the transition period of the listing from Appendix III to Appendix II.

There are two issues of importance that we have addressed below with respect to the U.S. implementation plan. First, the United States has decided on what types of CITES documentation it will require upon import for shipments of *Swietenia macrophylla* exported to the United States before, on, and after November 15. Second, the United States has decided that it will enforce the Appendix-II listing for *Swietenia macrophylla* plywood based upon the definition and commodity tariff classifications for plywood recognized by the Harmonized System of the World Customs Organization. Plywood is not included in the current Appendix-III listing. Its inclusion in Appendix II on November 15 will affect U.S. importers and re-exporters of bigleaf mahogany plywood, as CITES documents will now be required to accompany such shipments.

I. U.S. acceptance of Appendix-III and Appendix-II documents for *Swietenia macrophylla*

We have consulted with the CITES Secretariat regarding this matter. The Secretariat has informed us that, in their interpretation of the CITES treaty, any shipment of *Swietenia macrophylla* logs, sawn wood, or veneer sheets exported before November 15, 2003 (that is, with a date of export endorsement of November 14 or earlier), must be accompanied by a CITES Appendix-III document. Similarly, any shipment of *Swietenia macrophylla* logs, sawn wood, veneer sheets, or plywood exported on or after November 15, 2003 (where the date of export endorsement is November 15 or later), must be accompanied by a CITES Appendix-II export permit. Based upon our own assessment of this situation, coupled with the results of our consultation with the Secretariat, we have developed the following interim U.S. policy with regard to what CITES documentation must accompany shipments of *Swietenia macrophylla* exported to the United States before, on, and after November 15.

A. CITES documentation acceptable to the United States for *Swietenia macrophylla* exported to the United States before November 15, 2003

Until November 15, 2003, *Swietenia macrophylla* logs, sawn wood, and veneer sheets remain listed in CITES Appendix III. Any shipment of logs, sawn wood, or veneer sheets of this species exported to the United States before November 15, 2003 (that is, with a date of export endorsement of November 14 or earlier), must be accompanied by a CITES Appendix-III document or it will not be accepted into the United States. This policy applies regardless of whether such a shipment arrives in the United States before, on, or after November 15.

For any such shipment exported to the United States from Bolivia, Brazil, Colombia, Costa Rica, Mexico, or Peru (the six countries that have listed *Swietenia macrophylla* in Appendix III), that shipment must be accompanied by an Appendix-III export permit. For any such shipment exported to the United States from one of the other range countries, that shipment must be accompanied by a CITES Certificate of Origin. The Certificate must indicate on its face the information recommended in Annex 1 of CITES Resolution Conf. 12.3 (copy enclosed), including the Appendix in which the species is currently listed (i.e. Appendix III).

B. CITES documentation acceptable to the United States for *Swietenia macrophylla* exported to the United States on and after November 15, 2003

On November 15, 2003, *Swietenia macrophylla* logs, sawn wood, veneer sheets, and plywood will be listed in CITES Appendix II. Any shipment of logs, sawn wood, veneer sheets, or plywood of this species exported to the United States on or after November 15, 2003 (that is, with a date of export endorsement of November 15 or later), must be accompanied by a CITES Appendix-II export permit or it will not be accepted into the United States. Regardless of whether the permit accompanying such a shipment has an issuance date earlier than, equal to, or later than November 15, if it is exported to the United States on or after November 15, it must be accompanied by a CITES Appendix-II export permit.

II. Definition and commodity tariff classifications that the United States plans to enforce for the Appendix-II listing for *Swietenia macrophylla* plywood

Effective on November 15, 2003, the Appendix-II listing for *Swietenia macrophylla* will include the commodity plywood, in addition to logs, sawn wood, and veneer sheets. Plywood is not included in the current Appendix-III listing for the species, so CITES inspection officials have thus far not had to be concerned with plywood shipments. This will change on November 15. In order to address the issue of CITES effectively implementing the listing for plywood, the United States submitted Document PC13 Doc. 10.4 (entitled *Determination of the Definition of Swietenia macrophylla Plywood*) for discussion at the 13th meeting of the CITES Plants Committee.

Document PC13 Doc. 10.4 proposed a definition for *Swietenia macrophylla*, the appropriate tariff classification codes for Parties to apply in describing the commodity, and the appropriate unit of measure for *Swietenia macrophylla* plywood. The Plants Committee endorsed the U.S. proposals in this document and the U.S. recommendation that the document be submitted for consideration of the CITES Mahogany Working Group at its meeting in Brazil, October 6-8, 2003. Subsequently, the U.S. mahogany plywood document (Document MWG2 Doc. 10.1 - copy enclosed) was discussed at the Mahogany Working Group meeting and the Working Group agreed that the U.S. proposals in the document be adopted as the interim CITES policy for mahogany plywood until they can be formally adopted at COP13 in October 2004. Therefore, the United States has adopted the proposals of its mahogany plywood document in developing the following interim U.S. policy with regard to the enforcement of the Appendix-II listing for *Swietenia macrophylla* plywood effective on November 15, 2003.

A. Interim U.S. recognized definition of *Swietenia macrophylla* plywood

CITES Resolution Conf. 10.13 (on timber - copy enclosed) recommends that, “for the purpose of annotations in the Appendices for parts and derivatives of species traded as timber, definitions to be used should, to the extent possible, be based on the tariff classifications of the Harmonized System (HS) of the World Customs Organization.” The United States followed this recommendation in determining its interim definition of plywood, which it plans to use with regard to the *Swietenia macrophylla* Appendix-II listing.

HS tariff classification code 44.12 of the Customs Harmonized Tariff Schedule includes “plywood, veneered panels and similar laminated wood.” Within this HS code, plywood is defined as:

“consisting of three or more sheets of wood glued and pressed one on the other and generally disposed so that the grains of successive layers are at an angle.”

In accordance with Conf. 10.13, the United States has adopted this HS recognized definition as its interim CITES definition of the term “plywood.”

B. Interim U.S. recognized tariff classification codes to describe *Swietenia macrophylla* plywood

As in A above, the United States followed the recommendations of Conf. 10.13 in determining the following HS tariff classification sub-codes of HS code 44.12 to describe *Swietenia macrophylla* plywood that it intends to recognize in its interim plan to implement the Appendix-II listing for plywood. These sub-codes (and the descriptions of each) are taken directly from the HS tariff schedule and are universally recognized by the World Customs Organization.

SUB-CODE	PRODUCT DESCRIPTION
4412.13	Plywood consisting solely of sheets of wood, each ply not exceeding 6 mm in thickness, and with at least one outer ply of tropical wood specified in subheading note 1 to this chapter *
4412.14	Plywood consisting solely of sheets of wood, each ply not exceeding 6 mm in thickness, and with at least one outer ply of non-coniferous wood
4412.22	Other (meaning one ply, or more, that is greater than 6 mm in thickness), with at least one outer ply of non-coniferous wood, and with at least one ply of tropical wood specified in subheading note 1 to this chapter *

* Subheading Note 1: For the purposes of subheadings 4403.41 to 4403.49, 4407.24 to 4407.29, 4408.31 to 4408.39, and 4412.13 to 4412.99, the expression “tropical wood” means one of the following types of wood:

Abura, Acajou d'Afrique, Afrormosia, Ako, Alan, Andiroba, Aningré, Avodiré, Azobé, Balau, Balsa, Bossé clair, Bossé foncé, Cativo, Cedro, Dabema, Dark Red Meranti, Dibétou, Doussié, Framiré, Freijo, Fromager, Fuma, Geronggang, Ilomba, Imbuia, Ipé, Iroko, Jaboty, Jelutong, Jequitiba, Jongkong, Kapur, Kempas, Keruing, Kosipo, Kotibé, Koto, Light Red Meranti, Limba, Louro, Maçaranduba, **Mahogany**, Makoré, Mandioqueira, Mansonia, Mengkulang, Meranti Bakau, Merawan, Merbau, Merpauh, Mersawa, Moabi, Niangon, Nyatoh, Obeche, Okoumé, Onzabili, Orey, Ovengkol, Ozigo, Padauk, Paldao, Palissandre de Guatemala, Palissandre de Para, Palissandre de Rio, Palissandre de Rose, Pau Amarelo, Pau Marfím, Pulai, Puhah, Quaruba, Ramin, Sapelli, Saqui-Saqui, Sepetir, Sipo, Sucupira, Suren, Teak, Tauari, Tiama, Tola, Virola, White Lauan, White Meranti, White Seraya, Yellow Meranti.

C. Interim U.S. recognized unit of measure for *Swietenia macrophylla* plywood

In order to effectively monitor the amounts of *Swietenia macrophylla* in trade as plies of plywood, it is important for CITES to decide on an appropriate unit of measure for this commodity. The U.S. Customs Service requires that, in accordance with the HS, U.S. importers record plywood in cubic meters. However, the U.S. Customs Service has noted that most U.S. importers of plywood measure this commodity in square meters for the purposes of their market.

For any given piece of plywood containing *Swietenia macrophylla*, the species is most likely to occur as one ply of veneer, usually 6 millimeters or less in thickness. Therefore, the United States intends to record its trade in plywood containing *Swietenia macrophylla* using square meters as the unit of measure whenever possible. This unit of measure would, in most cases, give the most accurate measure of how much *Swietenia macrophylla* is in the plywood. In cases of such plywood shipments where the square meter measure is not known, the United States intends to record the trade using cubic meters as the unit of measure.

As we informed you in our letter of April 18, any shipment of Appendix-II mahogany logs, sawn wood, veneer sheets, or plywood to be imported into or re-exported from the United States must go through an APHIS designated port for timber, where the shipment is cleared prior to entering or leaving the United States. Also, for legal import into the United States from a mahogany re-exporting country, a shipment of Appendix-II mahogany must be accompanied by a CITES re-export certificate issued by the CITES Management Authority in the country of re-export, and for legal re-export from the United States, a shipment of Appendix-II mahogany must be accompanied by a CITES re-export certificate issued by this office. Domestic sales and purchases (commercial transactions within the United States) of bigleaf mahogany are not be affected by the Appendix-II listing.

If you need an application for a CITES certificate for the re-export from the United States of bigleaf mahogany logs, sawn wood, veneer sheets, or plywood, you may download it from our Website at <http://forms.fws.gov/3-200-32.pdf>.

We look forward to working with you on the implementation of this listing. We are in the process of developing additional mahogany outreach materials and a Web page on CITES timber listings, with a focus on mahogany. Please watch for the new Web page at <http://international.fws.gov>. As we compile additional information about the Appendix-II listing of mahogany or such new information becomes available to us, we will post it on this Web page.

If you have any questions, please contact me at: tel: 703-358-2093, fax: 703-358-2281, or Email: managementauthority@fws.gov. If you have specific questions about APHIS designated ports for CITES-listed timber, or other mahogany inspection or enforcement policies, please contact Mr. Bud Petit de Mange, with APHIS Plant Protection and Quarantine, at: tel: 301-734-7839, fax: 301-734-5269, or Email: bud.petitdemange@usda.gov.

Sincerely,

Peter O. Thomas, Chief
Division of Management Authority

Enclosure

cc: International Wood Products Association
Hardwood, Plywood and Veneer Association