

BRIEFING ON LACEY ACT – COMPLIANCE AND BEYOND
08 JUNE 2010

Questions & Answers

Question 1:

How do we differentiate between genuine buyer and “undercover” buyer?

Answer:

The industry need to do extra checking on the buyer. Furthermore, STIDC has to be alerted if there are visits by unknown parties.

Question 2:

There are instances where Ramin timber being exported to China without CITES certificate. How can this happen? Is there any measures taken to prevent these activities?

Answer:

This was due to international recognition to Sarawak CoC certificate. Irresponsible agents falsify the certificate and used it to export the timber. STIDC is to be notified if there are such activities going on for necessary actions to be taken.

Question 3:

Can protected species like Engkabang which were found in minimal amount be felled from agriculture conversion area?

Answer:

Engkabang is listed under Protected Species under The Wildlife Protection Ordinance. Therefore, any felling of the species must have the permission of the Director of Forests.

Question 4:

Species like Engkabang are not prohibited in the USA and Japan. What is the reason for Sarawak for not lifting or grant certain quota for the industry to export these species?

Answer:

Protected species like Engkabang that was felled with permission from the Director of Forests are for domestic processing only. Further clarification from the Forest Department of Sarawak is needed whether products of these species are allowed to be exported.

Question 5:

An importer in China buys Malaysian products that were shipped on wooden pallets. Are the Malaysian exporters still affected by the Lacey Act if the importer re-processes the pallets into new products, and then export them to the USA?

Answer:

The products are to be declared as recycled products under the Lacey Act.

Question 6:

How to declare export of pulp and paper products under Lacey Act?

Answer:

The exporters need to declare the species accordingly, except for products from recycled materials. For such products, the average percentages of recycled content have to be stated, without regard for species or country of harvest.