

May 20, 2020

Docket No. APHIS-2008-0119
Regulatory Analysis and Development
PPD, APHIS, Station 3A-03.8
4700 River Road
Unit 118
Riverdale, MD 20737-1238

Re: Implementation of Revised Lacey Act Provisions
Docket No. APHIS-2008-0119

Gentlemen:

This letter is submitted by National Association of Music Merchants (NAMM), the trade association for the international music products industry, in response to the request for public comment on a Notice to implement Phase VI of the Lacey Act enforcement schedule adding several product categories to the requirement that declarations be filed whenever certain covered plant products are brought into the country. The notice was published in the *Federal Register* on March 31, 2020 (85 FR 17849).

By way of background, NAMM was founded in 1901 and is headquartered in Carlsbad, CA. NAMM has more than 10,000 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.

I. Effective Date of Declaration Requirement

APHIS proposes that the Phase VI enforcement schedule would begin on October 1, 2020, yet the Notice solicits comments on the proposed HTS list through June 1, 2020, with presumably a final list to be issued sometime thereafter.



Because the covered product list is subject to change, NAMM strongly urges that the effective date for the declaration filing be set at six months after the final notice is issued. This will give exporters and importers sufficient time – especially in light of disruption to the global music products industry caused by the COVID-19 pandemic – sufficient time to gather the information which must be disclosed in the declaration, i.e., the scientific name of each plant product contained in the instrument, the value of the importation, quantity of the plant and name of the country from which the plant was harvested.

Gathering this information is especially important for musical instruments, many of which are several years old when traded globally and thus the required information may not be readily available.

II. Definition of “Import”

In its most recent rulemaking, APHIS restated its decade-long enforcement policy that the term “import” is limited to formal entries only. NAMM urges that a final Notice on Phase VI declaration enforcement includes a statement of this enforcement policy.

III. Conclusion

NAMM has appreciated the opportunity to work constructively with APHIS in the past and we would be happy to discuss these issues in greater detail with appropriate APHIS personnel.

Sincerely,



Mary L. Luehrsen
Director, Public Affairs and Government Relations

