



United States Department of the Interior



FISH AND WILDLIFE SERVICE
International Affairs
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Falls Church, VA 22041-3803

IN REPLY REFER TO:
FWS/DMA/PLA 7-15

January 31, 2023

Dear U.S. importer/exporter/re-exporter of tropical hardwood timber species:

This letter is to inform you of recent actions taken by the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) regarding international trade in wood and wood products of Trumpet trees (*Handroanthus* spp., *Roseodendron* spp., and *Tabebuia* spp.), African mahoganies (*Afzelia* spp.), Cumaru (*Dipteryx* spp.), Padauk (*Pterocarpus* spp.), and Brazil wood (*Paubrasilia echinata*). We are posting this letter on our website at: <https://www.fws.gov/media/cites-cop19-timber-outcomes-importer-letter>, and have provided it to the International Wood Products Association (IWPA), the Hardwood, Plywood, and Veneer Association (HPVA), National Association of Music Merchants (NAMM), and the American Federation of Violin and Bow Makers.

At the 19th meeting of the Conference of the Parties to CITES (CoP19), held in November 2022, decisions were adopted regarding a number of timber taxa, which will result in certain requirements for international trade in these species, as outlined below. The amendments to the CITES Appendices adopted at CoP19 become effective 90 days after CoP19 (i.e., on February 23, 2023), except as noted below where the Conference of the Parties included a delayed implementation date of 24 months (i.e., on November 25, 2024).

African mahogany

African mahogany (*Afzelia* spp.), also called Afzelia, Pod mahogany, or African oak, has been included in Appendix II, with Annotation #17 (Logs, sawn wood, veneer sheets, plywood and transformed wood). The listing includes only the African populations in the genus; no other populations are included in the Appendices. **The listing becomes effective 90 days after CoP19 (i.e., on February 23, 2023).**

Brazil wood

Brazil wood (*Paubrasilia echinata*) has been included in Appendix II since September 13, 2007. The species was originally listed as *Caesalpinia echinata*, with the scientific name changed to *Paubrasilia echinata* in 2019 following taxonomic changes adopted at the 18th meeting of the Conference of the Parties (CoP18; Geneva, August 2019). At CoP19, Annotation #10, which applies to Brazil wood, was amended as follows: All parts, derivatives and finished products, except re-export of finished musical instruments, finished musical instrument accessories and finished musical instrument parts. Under the revised annotation, all parts, derivatives, and

finished products of Brazil wood exported from Brazil or another country of origin will require a valid export permit issued by the relevant CITES Management Authority in order to be lawfully traded. A limited exception will enter into effect only for subsequent re-export of finished musical instruments, finished musical instrument accessories, and finished musical instrument parts. Valid CITES documents will be required for international trade in all other parts, derivatives, and finished products of *Paubrasilia echinata* (e.g., logs, unfinished musical instrument accessories, finished or unfinished furniture, carvings, etc.). **The revised Annotation #10 becomes effective 90 days after CoP19 (i.e., on February 23, 2023).**

The Parties also adopted Decisions to be implemented intersessionally between CoP19 and the 20th meeting of the Conference of the Parties (expected to be held in 2025) that focus on, among other things, enforcement, traceability, stockpile control, and sustainable plantations for *P. echinata*.

Cumaru

Cumaru (*Dipteryx* spp.), also called Shihuahuaco or Tonka, has been included in Appendix II, with Annotation #17 (Logs, sawn wood, veneer sheets, plywood and transformed wood). **The listing includes a delayed implementation of 24 months and will become effective on November 25, 2024.** *Dipteryx panamensis* has been included in Appendix III since February 13, 2003, and the species will continue to be regulated under Appendix III until November 25, 2024, when it will be included in Appendix II with the remainder of the genus.

Padauk

Padauk (*Pterocarpus* spp.), also called African rosewood, has been included in Appendix II, with Annotation #17 (Logs, sawn wood, veneer sheets, plywood and transformed wood). The listing includes only the African populations in the genus, meaning that a covered specimen originating from the African continent will require CITES documents for export, import, and re-export. **The new genus level listing becomes effective 90 days after CoP19 (i.e., on February 23, 2023).**

Two species, *P. erinaceus* and *P. tinctorius*, have been included in Appendix II since January 2, 2017, and November 26, 2019, respectively. As of February 23, 2023, these species will be subject to Annotation #17 and the listing will be limited to African populations.

The species *P. santalinus* has been included in Appendix II since February 16, 1995, and is currently subject to Annotation #7 (Logs, woodchips, powder and extracts). The species will continue to be regulated under CITES subject to Annotation #7. The listing of *P. santalinus* is not limited to African populations.

Trumpet trees

Trumpet trees (*Handroanthus* spp., *Roseodendron* spp., and *Tabebuia* spp.) have been included in Appendix II, with Annotation #17 (Logs, sawn wood, veneer sheets, plywood, and transformed wood). **The listing includes a delayed implementation of 24 months and will become effective on November 25, 2024.** There are several species of Trumpet tree that occur in Puerto Rico and the U.S. Virgin Islands. Six *Tabebuia* spp. are native to Puerto Rico, and two *Handroanthus* spp., one *Roseodendron* sp., and one *Tabebuia* sp. occur in Puerto Rico; and one *Tabebuia* sp. is native to the U.S. Virgin Islands.

Requirements for international trade

General

On the date these listings become effective, imports into the United States of whole plants, whether alive or dead, and any specimens covered by the respective annotations must be accompanied by CITES permits or certificates issued by the country of export or re-export. Even if a shipment was exported or re-exported before the effective date but will arrive in the United States on or after the effective date, it must be accompanied by the required CITES document. Importers are urged to communicate with their trade partners to ensure that shipments are in compliance with CITES requirements.

CITES is implemented in the United States through the Endangered Species Act. *See* 16 U.S.C. §§ 1532(4), 1537a, 1538(c)(1) (making it unlawful “to engage in any trade in any specimens contrary to the provisions of [CITES], or to possess any specimens traded contrary to the provisions of [CITES]”), 1538(g), 1539(g), 1540. U.S. CITES implementing regulations can be found at 50 CFR Part 23. The Secretary of the Interior is designated the U.S. Management Authority and U.S. Scientific Authority for CITES purposes, and the respective functions of each are carried out by the U.S. Fish and Wildlife Service. 16 U.S.C. § 1537a; 50 C.F.R. § 23.6.

When applying for a CITES document, or otherwise claiming the benefit of a permit or exception, it is the burden of the person engaging or seeking to engage in trade to provide sufficient information to demonstrate that all requirements are met. *See, e.g.*, 16 U.S.C. § 1539(g); 50 C.F.R. §§ 23.33, 23.92(b).

Foreign CITES documents

For more information on obtaining CITES documents from a foreign country to import CITES-listed specimens of these species into the United States, please contact the CITES Management Authority of the relevant CITES member country. Contact information can be found on the CITES website at: <https://cites.org/eng/parties/country-profiles/national-authorities>. (**Note:** some countries designate more than one Management Authority, each with specific responsibilities related to permitting, plant or timber trade, etc.)

Pre-Convention specimens

If the specimens being traded internationally originated from trees harvested before the species was first included in the CITES Appendices, the shipment must be accompanied by a CITES document. A CITES pre-Convention certificate may be issued for qualifying specimens, if all applicable requirements are met. The definition of “pre-Convention” can be found at 50 CFR § 23.5, the requirements for issuance of a U.S. pre-Convention certificate can be found at 50 CFR § 23.45, and additional guidance can be found in CITES Resolution Conf. 13.6 (Rev. CoP18) on *Implementation of Article VII, paragraph 2, concerning 'pre-Convention' specimens*, which can be found on the CITES website at www.cites.org.

U.S. export permits

As noted above, several species of Trumpet trees are native to Puerto Rico and the U.S. Virgin Islands and may also grow in other suitable habitat in the United States. In order to export specimens of these species from the United States, consistent with Annotation #17, the shipment

must be accompanied by a U.S. CITES export permit issued by this office, the U.S. CITES Management Authority. The requirements for issuance of a U.S. CITES export certificate can be found at 50 CFR § 23.36.

U.S. re-export certificates

For a shipment of CITES-listed plant specimens, including timber and wood products, to be legally re-exported from the United States, it must be accompanied by a U.S. CITES re-export certificate issued by the U.S. CITES Management Authority. If the material or item to be re-exported originates from trees harvested prior to the date the species was first included in the CITES Appendices, our office may issue a CITES pre-Convention certificate for qualifying specimens, if all applicable requirements are met, as noted above. The requirements for issuance of a U.S. CITES re-export certificate can be found at 50 CFR § 23.37. Re-exporters of commodities that will be covered under these new listings are urged to contact our office to understand the trade requirements and ensure that they obtain the appropriate CITES documents for their shipments prior to re-export.

Stockpiles

We recognize that there are numerous individuals and businesses in the United States that possess stockpiles of wood of the newly-listed timber taxa acquired before they were included in the CITES Appendices and/or acquired after the species were listed in the CITES Appendices but with annotations that only covered raw or semi-processed material. We therefore provide the following suggestions for documenting those stockpiles. In the event that you wish to re-export previously acquired wood of these taxa from the United States, you will be asked to provide documentation showing that the wood to be exported was legally acquired, and in the case of pre-Convention wood, that it was acquired prior to the effective date for the CITES listing of that taxon. Examples of such documentation may include copies of CITES documents used for the import of the wood, sales receipts, or inventory logs. Additionally, photographs, date stamped if possible, of existing stockpiles would further support any documentation provided for determining that wood is pre-Convention. Also, when you apply for a CITES certificate to re-export wood of these taxa from the United States, you may be asked to provide information concerning the total amount of wood of the particular species that you own. Please note that we do not require registration of stockpiles of wood of these taxa held in the United States.

Designated port requirements

All shipments of CITES-listed plant specimens, including timber and wood products imported, exported, or re-exported into or out of the United States must be cleared through a port designated for the import and export of CITES-listed plants by the U.S. Department of Agriculture's Animal and Plant Health Inspection Service (APHIS) per 50 CFR § 24.12.

APHIS is responsible for inspection and clearance of all living CITES-listed plant specimens entering the United States and for all exports/re-exports of living and non-living CITES plant specimens (e.g., logs, sawn wood, musical instruments, orchid cut flowers, herbs and herbal products, etc.) from the United States. The U.S. Department of Homeland Security's Customs and Border Protection (CBP) is responsible for inspection and clearance of non-living CITES-listed plant specimens into the United States.

Definitions of key terms used in annotations

A number of the CITES annotations include terms for which the CITES Parties have agreed to the definitions that are intended to ensure a shared understanding and application of the term and uniform implementation. Please note that these definitions are specific to CITES and may not be applicable in other contexts. Definitions for key terms can be found in the *Interpretation* section of the Appendices (located at the beginning of the Appendices at <https://cites.org/eng/app/appendices.php>) and in Resolution 10.13 (Rev. CoP18) on *Implementation of the Convention for tree species*.

We look forward to working with you on implementing these new and amended listings. If you have questions, please feel free contact us by telephone: 703-358-2095 or email: managementauthority@fws.gov. If you have specific questions about the designated ports for CITES-listed plants, please contact Dr. John Veremis with APHIS Plant Protection and Quarantine by telephone: 301-851-2347 or email: john.veremis@aphis.usda.gov. Also, for additional information about APHIS and the designated CITES plant ports, please visit the APHIS website at <https://www.aphis.usda.gov/aphis/ourfocus/planthealth/import-information/permits/plants-and-plant-products-permits/cites>.

Sincerely,

Naimah Aziz, Chief
Division of Management Authority
U.S. Fish and Wildlife Service

Cc: IWPA; HPVA; NAMM
Cc: CITES Secretariat
Cc: Key range States
Cc: European Commission
Cc: APHIS