



AMERICAN SPICE TRADE ASSOCIATION, INC.

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October 4, 2010

Docket No. APHIS – 2009 -0018
Regulatory Analysis and Development, PPD
APHIS, Station 3A – 03.8
4700 River Road, Unit 118
Riverdale, MD 20737

Comments refer to Docket No. APHIS – 2009-0018

The American Spice Trade Association appreciates the efforts of the agency to define common food crops in the August 4, 2010 Federal Register notice.

Spices and herbs are an important component of our food supply and it is our hope that these definitions will cover all spices and herbs imported by the industry. However, there are some products that may not have been considered when these definitions were developed.

The exemption definitions include a new draft definition for the term “plant” which includes any wild member of the plant kingdom and would seem to include spices and herbs. However the common food crop definition stipulates that the exemption only applies to plants that have “been raised, grown or cultivated for human or animal consumption.” Certain wild growing spices and herbs are harvested or gathered and may not be considered to be technically “cultivated.” However, ASTA believes that if these spices and herbs are under compliance regarding endangered species and other aspects of the Act, then they fall within the group of products Congress intended to be exempted from the Lacey Act declaration requirements.

To ensure that wild spices and herbs are included in the definition of common food crop, ASTA requests that APHIS add the word “harvested” to the definition. The revised version would read:

A plant that:

a) Has been raised, grown, *harvested* or cultivated primarily for human or animal consumption, and

- b) Is a species or hybrid that is *harvested* or cultivated on a commercial scale; and
- c) Is not listed;
 - 1) In an appendix to the Convention on International Trade in Endangered Species of wild Fauna and Flora (27 UST 1087: TIAS 8249
 - 2) As an endangered or threatened species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or:
 - 3) Pursuant to any State law that provides for the conservation of species that are indigenous to the State and are threatened with extinction.

Please contact me at CDeem@ASTASPICE.org or 202-367-1207 if you have questions.

Thank you for your consideration,

Cheryl Deem
Executive Director