

INTERNATIONAL COMPARISON OF FOREST MANAGEMENT

LEGAL FRAMEWORKS + CERTIFICATION STANDARDS



THE FOREST PRODUCTS ASSOCIATION OF CANADA (FPAC) CO-FUNDED A 2016 STUDY BY INDUFOR NORTH AMERICA TO COMPARE THE STRINGENCY OF FOREST MANAGEMENT FRAMEWORKS IN 14 NATIONAL OR SUB-NATIONAL JURISDICTIONS AROUND THE WORLD. THE REPORT RECOGNIZES CANADA AS A LEADER.



REPORT HIGHLIGHTS

STUDY FRAMEWORK

The study focused on the interplay between legal frameworks and forest certification standards because each influences the other. Forest certification can be indispensable in establishing sustainable forest management practices in countries with weak or poorly enforced legal frameworks. In jurisdictions that already operate under rigorous forest management laws and regulations, certification provides added assurance that a forest company is operating legally, sustainably and in compliance with globally recognized standards for sustainable forest management.

LEGAL FRAMEWORKS

Forest management legal frameworks in many of the world's productive forests are complemented by voluntary forest certification standards. The findings show that jurisdictions such as Canada, with significant forest areas under public ownership, presented some of the most stringent forest management legal frameworks.

CERTIFICATION + WEAK LEGAL FRAMEWORKS

In jurisdictions where forest legislation is weak or poorly enforced, certification standards provide robust guidance to forest managers. The presence of a legal framework does not necessarily mean forests are managed sustainably so the study included a brief review of the effectiveness of these frameworks.

CERTIFICATION + ADAPTING TO LOCAL NEEDS

The study found that forest certification standards reflect local and regional challenges, and are compatible when endorsed by either of the international certification programs — the Programme for the Endorsement of Forest Certification (PEFC) or the Forest Stewardship Council (FSC).

The research team also reported challenges related to classifying requirements as discretionary or non-discretionary, especially with the certification standards. Sometimes allowing flexibility leads to better on-the-ground results because practices can be adapted to local conditions.



INDUFOR REPORT OVERVIEW

The Canadian jurisdictions in this study present robust legal frameworks covering the 16 elements of sustainable forest management that are generally supported by voluntary certification standards.

JURISDICTIONS COVERED

Australia (New South Wales state), Brazil (Amazon region), Canada (British Columbia, New Brunswick, Ontario and Quebec provinces), Chile, Finland, Germany (Bavaria), Russia (Leningrad Oblast), Sweden, United States (Alabama, California and Oregon).

STUDY OBJECTIVES

The study updated a similar 2009 study. The new study addressed changes in laws and regulations, added five more jurisdictions with a significant amount of certified forest, and included an assessment of legal framework effectiveness. The study's objectives were to:

- present an up-to-date assessment of how forest management legal frameworks in 14 jurisdictions treat the 16 elements of sustainable forest management
- evaluate the stringency of the legal frameworks relative to the certification standards present in each jurisdiction
- highlight the performance of the legal frameworks or certification standards in achieving the aims of sustainable forest management

ABOUT INDUFOR



Indufor ...forest intelligence

Indufor Group (indufor.fi) is one of the world's leading forest consulting service providers. It helps both public and private sector players add value when they are reshaping and defining their strategies, forest policies and governance issues at the international, national and local level. Its work related to forest certification has included global data on certified forests, conformity analyses on certification systems against international requirements, and training and capacity building.



DEFINING CERTIFICATION

Third-party forest certification is a voluntary process where independent, accredited audit teams measure the planning, procedures, systems and performance of on-the-ground forest operations against a predetermined standard. A certificate is issued if forest management is found to be in conformance with the standard.

PEFC and FSC are independent non-profit global programs. PEFC endorses national standards that meet its detailed requirements, and FSC endorses national and regional standards developed to its principles and criteria for forest management.

CANADA IS A WORLD LEADER IN THIRD-PARTY FOREST CERTIFICATION

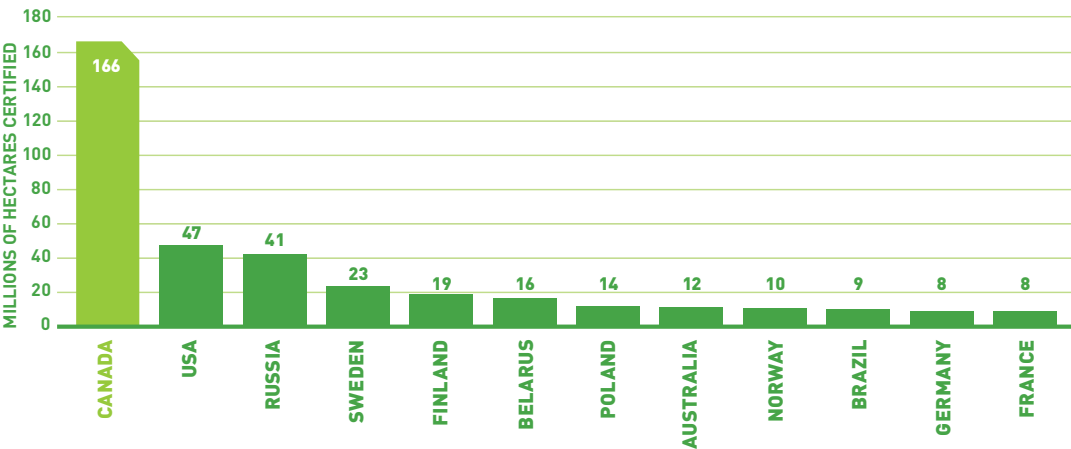
Canada leads the world with a total of 166 million hectares certified to one or more of six certification standards:

- two endorsed by PEFC — the Canadian Standards Association (CSA) and the Sustainable Forestry Initiative (SFI)
- four regional FSC standards — National Boreal, Maritimes, British Columbia and the Great Lakes-St. Lawrence

CERTIFICATION'S GLOBAL REACH

The Indufor report compares certification programs in various jurisdictions. However, this comparison doesn't address the fact that even the best certification program is only as effective as the degree to which it is used. Canada has more than half of the world's PEFC-endorsed certifications and almost a third of the world's FSC certifications.

CANADIAN CERTIFICATION IN THE GLOBAL CONTEXT • 2015 YEAR-END



STUDY TOPIC AREAS

HARVEST LEVEL

Most of the jurisdictions studied regulate harvest levels to a certain degree to ensure sustainability in the long term. In half of them, including Canada, Russia and Oregon, legislative requirements are more stringent than or equal to certification standards.

CANADIAN JURISDICTIONS

- The sustainable harvesting level is based on forest inventory data and planning (like Finland and Sweden).
- Canadian jurisdictions prioritize the promotion of sustainable forest management and sound economic development.

REFORESTATION

In general, rules around reforestation are quite strict in both legislation and certification. Jurisdictions where the legal frameworks surpass certification standards — including all the Canadian provinces — require replanting with native species within a certain time after harvest, set restrictions on minimum re-stocking levels, and include on-the-ground performance related to soil and water protection.

CANADIAN JURISDICTIONS

- Legislation in all Canadian jurisdictions requires reforestation after harvesting.

CLEARCUTTING

All the jurisdictions studied recognize clearcutting as a legitimate and scientifically accepted silvicultural practice where biologically appropriate. All certification standards allow for clearcutting.

CANADIAN JURISDICTIONS

- Companies that harvest Canada's public forests must regenerate them to reflect the original natural diversity.
- The clearcut and shelterwood systems are used to manage even-aged forests. The selection system is used to manage uneven-aged stands.

FOREST CONVERSION

Most jurisdictions regulate the permanent conversion of forest land to other uses such as agriculture or urban development. In many, forest managers must assess the impact on nature and seek permission to convert forest to non-forest uses.

CANADIAN JURISDICTIONS

- Canadian forest tenure holders are not entitled to convert forest to non-forest uses or to other forest types (e.g., plantations), making it similarly stringent to Australia, Brazil, California, Finland, Russia and Sweden.

PLANTATIONS

Plantation forestry, often based on exotic species, is only relevant in Brazil, Chile and Australia.

CANADIAN JURISDICTIONS

- In Canada and Europe, provisions related to reforestation of native species restrict plantations.

FOREST RISKS AND PRODUCTIVITY MANAGEMENT

Forest health is of great concern in all jurisdictions, and legal regulations give significant authority to government agencies to take action to prevent natural disturbances such as wildfire, pests and disease. Jurisdictions where wildfire is a major risk, including Canada, often have separate fire protection legislation.

CANADIAN JURISDICTIONS

- Similar to other jurisdictions, the legal framework in Canadian jurisdictions gives significant authority to government agencies to take actions to prevent forest fires or pests. Tenure or licence holder must monitor and report on action taken to prevent fires and epidemics.

AVOIDING ILLEGAL LOGGING

Illegal logging is not a concern in most jurisdictions, including Canada, where there are strict regulations and enforcement. All certification standards complement legislation and require legal compliance, and regular monitoring and audits reduce the risk of illegal logging on certified lands. Illegal logging is a major problem in Brazil and Russia.

CANADIAN JURISDICTIONS

- The risk of illegal logging is mitigated by efficient control of timber transport through licences, and marking or monitoring of volumes and transportation times.
- The certification standards in Canadian jurisdictions require traceability and chain-of-custody certification to avoid the purchase of illegal timber.

WILDLIFE HABITAT MANAGEMENT

Legislation related to wildlife includes habitat protection, species management and hunting regulations, with emphasis on protecting endangered or threatened species. Forest management plans in Canada must include wildlife habitat management. In most jurisdictions, certification standards either match or exceed legal requirements.

CANADIAN JURISDICTIONS

- In the United States and Canada, the wildlife habitat management requirements are more stringent for state forestry than for private owners.
- All the studied provinces in Canada require integration of wildlife management into forest management objectives.

**FOREST MANAGEMENT PLANS IN CANADA
MUST INCLUDE WILDLIFE HABITAT MANAGEMENT.
IN MOST JURISDICTIONS, CERTIFICATION STANDARDS
EITHER MATCH OR EXCEED LEGAL REQUIREMENTS.**

CANADA HAS FEDERAL LEGISLATION ON SPECIES PROTECTION THAT IS FURTHER SPECIFIED IN PROVINCIAL LEGISLATION.

ENDANGERED SPECIES MANAGEMENT

All the jurisdictions studied have national or provincial lists of endangered species, and set strict requirements to protect them. The certification standards imply that management plans must consider and protect endangered species, and some go beyond legislation by requiring set-aside targets, up-to-date inventories and monitoring.

CANADIAN JURISDICTIONS

- Canada has federal-level species protection legislation that is further specified in province-level legislation.

WATER QUALITY MANAGEMENT

All the jurisdictions studied have legal requirements to maintain water quality and quantity, and prohibit actions that might have adverse impacts on water resources. Most Canadian provinces require that forest management planning consider water resources. Some certification standards require broader buffer zones or compliance with best practices that are more stringent than legislation.

CANADIAN JURISDICTIONS

- Several pieces of legislation require that water resources be taken into consideration in forest management planning.

OLD-GROWTH MANAGEMENT + SPECIAL SITES

While old-growth is rarely addressed in legislation, it is governed by regulations related to protected areas and biodiversity. The United States and Canada have regulations to protect biologically valuable sites in public forests, and the United States, Germany and Finland have voluntary programs for private lands. Certification standards often go beyond legal requirements.

CANADIAN JURISDICTIONS

- Conservation requirements are more stringent for public forestry than for private forests (including industrial and woodlot owners).

RESTRICTING GENETICALLY MODIFIED ORGANISMS

In all of the jurisdictions studied, the deliberate release of genetically modified material is subject to environmental impact and risk assessment, and licensing procedures. National legislation in Canada applies to the use of genetically modified seeds or plants. EU certification standards do not add to legal requirements. In Canada, the standards are more stringent because they explicitly ban commercial use of genetically modified trees.

CANADIAN JURISDICTIONS

- The use of GMOs in forests in Canada is regulated by the federal Canadian Environmental Protection Act (CEPA) and the federal Seeds Regulation, which set extremely strict conditions for approval of field trials on GMOs or any potential commercial release of GMOs in forests.
- Provincial forest seed regulations prohibit GMOs.

MANAGING CHEMICAL USE

In EU countries, Canada and Brazil, lists of chemicals are approved for specific use in forestry. The standards support legislative requirements.

CANADIAN JURISDICTIONS

- Aerial spraying is strongly restricted in EU countries whereas in the United States and Canada it is allowed when feasible.

CLIMATE CHANGE + CARBON MANAGEMENT

Although all jurisdictions studied recognize the role healthy forests play in carbon sequestration and climate change mitigation, in general, forest laws do not yet address climate change. SFI, CSA and FSC BC specifically address climate change.

CANADIAN JURISDICTIONS

- Ontario and British Columbia include forestry in their climate change-related strategies. Ontario and Quebec require that climate change be taken into consideration in forest management planning.

PUBLIC PARTICIPATION + INDIGENOUS + COMMUNITY INVOLVEMENT

In Canada, Finland and Sweden, the rights of Indigenous peoples are defined in the constitution or comparable legislation. In Canada, provinces have the duty to consult with Indigenous people on issues relating to using forest land and resources. Many of the certification standards emphasize the importance of public participation and Indigenous rights, and most go beyond legislation.

CANADIAN JURISDICTIONS

- In Canada, the constitution and treaties with Indigenous groups set detailed provisions on participatory planning and consultations when operating on Crown land.
- CSA, FSC and SFI require involvement with affected Indigenous peoples to make sure that their rights, knowledge and values are respected.

TRAINING + OUTREACH

Sustainable forest management relies on skilled professionals. Canadian provinces have legislation that requires appropriate training and sets competency requirements. Certification standards often expand the training, including safety-related issues such as dealing with chemicals and fire and awareness of legal updates.

CANADIAN JURISDICTIONS

- Training on fire prevention and emergency management is required in Canada.
- SFI emphasizes professional development, training and information sharing between different participants in forestry operations. CSA emphasizes development of training programs.

SFI, CSA AND FSC BC SPECIFICALLY ADDRESS CLIMATE CHANGE. CANADIAN PROVINCES ARE ALSO ADDRESSING CLIMATE CHANGE.



A WORLD LEADER IN SUSTAINABLE FOREST MANAGEMENT

Certification makes a positive contribution, even in jurisdictions like Canada with tough laws. Even though only 10.9%¹ of the world's forests are certified, there continues to be an increase in chain-of-custody certification, which shows that businesses and buyers recognize the benefits of third-party certification, especially when in several areas of the world thousands of hectares of forests are illegally harvested every year and deforestation is a major contributor to climate change.

A recent United Nations report says: "The transition towards a green economy depends heavily on policies and market-based instruments. The EU Forest Strategy, international trade agreements and timber regulations have significant influence, along with non-regulatory systems such as voluntary certification programs, markets for ecosystem services, and green building innovations."²

With more third-party certified lands than any other country and three credible certification programs, Canada is well-positioned to meet this growing demand. In a statement, Canada's forest ministers said governments in Canada accept that CSA, FSC and SFI "demonstrate, and promote the sustainability of forest management practices in Canada."³ In *Environmental claims: A guide for industry and advertisers PLUS 14021*, the Canadian Standards Association, in partnership with the Competition Bureau of Canada, said the preferred approach for forest products is to identify them as coming from a forest certified to a sustainable forest management standard such as CSA, FSC and SFI.⁴

FOR MORE INFORMATION

Canadian Standards Association (CSA) · csagroup.org

Forest Stewardship Council (FSC) · FSC International ic.fsc.org · FSC Canada ca.fsc.org

Sustainable Forestry Initiative (SFI) · sfiprogram.org

Programme for the Endorsement of Forest Certification (PEFC)

PEFC International pefc.org · PEFC Canada pefccanada.org

¹ 2014-2015 UNECE/FAO Forest Products Annual Market Review. Page 16 www.uncece.org/forests/fpamr2015.html


² 2014-2015 UNECE/FAO Forest Products Annual Market Review. Page 1 www.uncece.org/forests/fpamr2015.html

³ Canadian Council of Forest Ministers' Statement on Forest Certification Standards in Canada

www.sfmcanada.org/images/Publications/EN/CCFM_StatementCertif_EN.pdf

⁴ Environmental Claims: A Guide for Industry and Advertisers www.competitionbureau.gc.ca/eic/site/cb-bc.nsf/eng/02701.html



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