

January 30, 2009

Karen Steer, Standards Revision Coordinator  
FSC-US  
3322 NE 14th Avenue  
Portland, OR 97212

Re. Comments on the Draft Forest Management Standard

Dear Karen,

The organizations listed below submit the following comments regarding the FSC US draft Forest Management Standard. We applaud FSC's commitment to sustainable forestry and thank you for the opportunity to participate in the Standard revision process.

The Rural Voices for Conservation Coalition (RVCC) includes local, regional, and national organizations that have joined together to promote balanced conservation-based approaches to the ecological and economic problems facing the rural West. Members of the RVCC envision a well-trained forest-based workforce with the capacity to support the high-value and skilled work needed to restore and maintain our public lands. This workforce requires fair wages, durable employment, diversity of jobs, training opportunities, and safe work environments.

Our comments primarily focus on Principle 4: Community Relations and Workers Rights. As stated in the intent of the principle, social responsibility and economic sustainability are key components in responsible forestry. In fact, one cannot achieve responsible forestry without maintaining the social and economic wellbeing of forest workers and local communities.

Forestry management is a diverse and highly competitive business encompassing a variety of activities from hand tree planting to mechanized tree harvesting. To win contracts, many contractors operate on thin margins to offer the lowest, most competitive bids. This "race to the bottom" contracting culture often rewards contractors who cut corners and offer the lowest prices to do the work, leaving honest contractors at a competitive disadvantage. Unfortunately, forest workers often bare the brunt of unscrupulous cost-cutting measures through hour and wage violations, lack of training, substandard housing, and unsafe equipment and transportation. Through its principles and criteria, FSC can show tremendous leadership in discouraging dishonest contractors and mitigating forestry practices that jeopardize the rights and well being of forest workers. The following is a list of some of the most significant problems facing forestry workers:

### **1. Wages**

Conditions exist where forestry workers are underpaid for the work that they perform in the field. Even though a contract between employer and employee specifies a minimum wage or prevailing wage for the work and region, workers are often paid much less than the federal wage standard. An example of this is for tree planters, where workers are often paid by the number of seedlings that are planted in a given day. At an estimated rate of \$15 to \$30 per bag, employees are expected to plant 2 bags per day, for an average of about \$45 dollars per day, well below the prevailing wage standard. Some forestry companies also frequently under-report worker hours, in order to justify failing to pay employers proper overtime wages. The Fair Labor Standards Act

and the Migrant and Seasonal Agricultural Workers Protection Act are federal laws that protect workers rights, including fair compensation, transportation and safety.

## **2. Safety equipment and training**

Forestry work in any circumstances is a dangerous occupation; without proper equipment and safety training, forestry workers are more vulnerable to accidents and serious injury. Forestry work often occurs in remote locations inaccessible to emergency care. Because workers are often paid based on the quantity of work performed, such as acres thinned or trees planted, they put in long hours becoming vulnerable to injury - sometimes life threatening. Some workers do not receive proper safety training to operate specialty forestry machinery, including chainsaws. To cut costs, some employers do not provide the tools and equipment required to perform the work. State and federal laws require tools and safety equipment - helmets, chaps, eyewear and boots – be provided to forestry workers.

## **3. Fair and safe housing and transportation**

The migratory nature of forestry work often requires forest worker crews to move from one work site to another during the field season. Many companies who employ forestry workers provide housing to migratory workers, as required by law. Unfortunately, conditions exist where housing afforded to workers is sub-standard, overcrowded, and unsafe. In some cases the housing fees charged to workers are at such exorbitant rates that the workers' wages fall below minimum wage. Vehicles used to transport workers to and from the worksite are often unsafe, and overloaded with workers and equipment. In 2002, a van accident killed 14 forestry workers on a remote forest road in Maine.

## **4. Inadequate recruitment practices for local, domestic forestry workers:**

Employers need to establish a lack of domestic workers in the region before they can be allowed to recruit guest forestry workers. To avoid this requirement, some employers fail to adequately advertise their positions in local and national newspapers along with the state workforce agency. This practice excludes local workers from the opportunity to find employment and apply for available jobs that they might be qualified for.

The following comments are categorized by criterion:

### **C 4.1 The communities within, or adjacent to, the forest management area should be given opportunities for employment, training, and other services.**

While the social aspects of responsible forestry that impact local communities are the focus of this Criterion, the guidance provided may not be sufficient to assess whether affected communities are actually given opportunities to engage in forest management. Tracking training opportunities and public presentations are important; however, additional measures need to be identified that show the extent of local benefits provided by forest management activities. Examples may include tracking businesses and contractors that provided forest management services, or tracking where forest products have been sent to see what extent local benefit was created. The process of identifying measures to provide meaningful guidance to landowners and certifiers may take additional thought beyond this public consultation process. Participants in the Rural Voices for Conservation Coalition are willing to work with FSC –US and it's certifiers to identify sufficient measures to guide the implementation of this criterion.

#### 4.1.b Guidance:

*Training opportunities are in place for workers to improve their skills.* Providing workers with initial and continued skill and safety training improves work quality, efficiency, and reduces down-time due to accidents. Evaluation of compliance may be through interviews with workers, review of training programs, and inspection of safety equipment and work conditions.

#### 4.1.c Guidance:

Many of the largest forest management contractors in the industry use guest workers almost exclusively. Although many contractors believe that employing guest workers provides an advantage in winning contracts, there is concern with abuse and exploitation of these workers in wages and working conditions. Through effective compliance with its principles and criteria, FSC can be a leader in ensuring the wellbeing of those who work on certified forestlands

Evaluation and compliance may be through worker interviews, inspection of wage and benefits documents, and observation of working conditions. Adequate evaluation and compliance may be challenging due to the complexity and lack of familiarity (among auditors) with laws and regulations pertaining to local and foreign forest workers. To improve the ability of auditors to effectively evaluate compliance, we suggest FSC support the development of a resource and/or training that provides information on state and federal laws and regulations that pertain to the wellbeing, hiring, and working conditions of local and foreign forest workers.

#### 4.1.d Guidance:

To evaluate compliance, inspect landowner records to determine to what extent local businesses and workers were employed and to what extent goods and services were sourced from local communities.

### **C 4.2 Forest management should meet or exceed all applicable laws and/or regulations covering health and safety of employees and their families.**

As mentioned earlier, adequate evaluation and compliance may be challenging due to the complexity and lack of familiarity with laws and regulations that pertain to local and foreign forest workers. Developing a resource and/or training that provides information on laws and regulations will help landowners and managers make informed decisions about hiring and assessing performance of contractors.

**Indicator 4.2.b** Forest owners or managers and their workers and contractors demonstrate a safe work environment. Contracts or other written agreements include safety requirements.

For many landowners, managers, and consumers, the value of forest certification is the assurance of ecologically responsible forestry. Yet, for forestry to be practiced responsibly, the social and economic wellbeing of forest workers and local communities must be maintained. The FSC Forest Management Standard includes principles and criteria that address the social and economic aspects of responsible forestry, including the fair treatment of forest workers. As laws and regulations pertaining to local and foreign forest workers are complex, the challenge for FSC, participating landowners, and certifying entities is assessing compliance with and enforcing the principles and criteria of this standard.

Providing landowners, managers, and certifiers with resources and training about laws and regulations pertaining to forest workers will lead to greater understanding and increased compliance among participants. FSC and its certifiers can work with organizations that have

expertise in laws and regulations affecting local and foreign forest workers to develop needed tools, resources, and training. RVCC participants would be willing to work with FSC and its certifiers in this effort.

Thank you again for your commitment to responsible forestry and for the opportunity to participate in the Forest Management Standard review process.

Sincerely,

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