

# SFI CERTIFIED ILLEGAL LOGGING



USGBC says it wants to keep illegal wood out of LEED projects. So why have they recognized SFI, a forest certification system that has certified operations guilty of serious legal violations?  
**THERE IS AN ALTERNATIVE.**

**THIS SPRING**, USGBC unveiled a new LEED pilot credit: an [Alternative Compliance Path](#) (ACP) to the LEED 2009 and LEEDv4 credits that had previously recognized wood certified only by the Forest Stewardship Council (FSC). This pilot credit introduced timber industry-backed forest certification systems, including the Sustainable Forestry Initiative (SFI), into LEED—a major policy reversal.

SFI and its counterparts have significantly lower standards than FSC but pretend to equal rigor. Unfortunately, USGBC is now perpetuating this falsehood. The wood ACP is based on a biased and untested [ASTM standard](#) (ASTM D7612-10) whose development was driven by timber industry representatives without the participation of environmental groups or of the sustainable design community. Not only does this standard treat all forest certification systems as equivalent, it even defines ALL wood originating from the U.S. or Canada as “responsible,” whether certified or not.

USGBC’s public position is that the purpose of the ACP is to test the feasibility of a new prerequisite that would require that only legal wood be used in LEED projects—and thus combat illegal logging. This is a laudable goal but it’s a bit hard to swallow given the conventional timber industry’s speedy and coordinated response to the pilot credit’s release (see box at right), not to mention the fact that a) the ASTM reference standard’s guidelines for sourcing legal wood are scanty at best, and b) in developing the ACP, USGBC neglected to consult the organizations most widely recognized for their expertise in forest legality.

## **WHAT IS USGBC REALLY DOING & WHY ARE THEY DOING IT?**

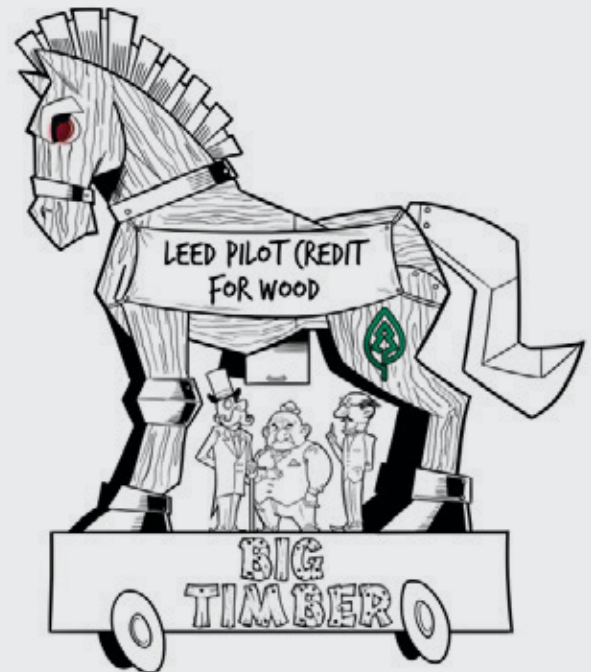
How did USGBC arrive at an approach that ignores the important differences between forest certification systems and classifies all North American wood as “responsible” even while it misses the mark on legality?

**For many years Big Timber and its allies held USGBC under siege, but for the last year and a half or so, industry attacks on USGBC and LEED have ceased. Is there a connection between this fact and the new pilot credit for wood? Has USGBC succumbed to the pressure and given the timber industry what it has long wanted under the guise of combatting illegal logging?**

Let’s hope not. The ACP does contain a provision

## **A TROJAN HORSE FOR BIG TIMBER**

REFERENCE STANDARD USED BY LEED PILOT CREDIT PROMOTES THE AGENDA OF THE CONVENTIONAL LOGGING INDUSTRY



Within 24 hours of USGBC’s announcement of the pilot credit, SFI, the American Tree Farm System and the American Forest & Paper Association released statements of their own.

**“USGBC has decided to treat all credible forest management certification systems as equally acceptable... AF&PA has worked on this issue for many years; it is encouraging to see USGBC open its standard to recognize all credible certification systems, in alignment with our policy.”** —From a statement by the American Forest & Paper Association released the day after USGBC announced the new wood ACP

Within 72 hours, SFI announced a new webinar “explaining” the new credit language. Not long after, SFI posted to its website a 5-page factsheet entitled “How to Count Your Certified Wood for a LEED Point.”

requiring the use of legal wood—something that everyone can support. In light of this requirement, however, it is ironic that, **in recognizing SFI, USGBC has given its blessing to a forest certification system that has certified operations guilty of serious and systematic legal violations.**

## **SFI-CERTIFIED ILLEGAL LOGGING<sup>1</sup>**

A recent and egregious example of SFI-certified illegal logging is the case of Plum Creek in Oregon. In late 2014, the Center for Sustainable Economy filed a [formal complaint](#) with SFI for breaking its own rules by maintaining Plum Creek’s certification in spite of numerous known legal violations. Between 2009 and 2014, Plum Creek received 11 civil penalties from the Oregon Department of Forestry. A number of the regulatory violations related to clearcut size and logging in riparian zones.

### **PLUM CREEK CIVIL PENALTIES 2009-2014**

<b>YEAR</b>	<b>RULE #</b>	<b>NATURE OF VIOLATION</b>
2014	527.740(2)	Size of contiguous clearcut area exceeds 120 acres
2013	527.740(2)	Size of contiguous clearcut area exceeds 120 acres
2012	629-625-0330(4)	Failure to protect waters of the State from road drainage
2011	629-640-0100(2)b	Logging within 20 feet of high water along fish bearing streams
2009	629-630-0200(3)	Landing deck placed in riparian zone
2009	527.740(2)	Size of contiguous clearcut area exceeds 120 acres
2009	527.670(6)	Failure to notify State Forester of operations
2009	527.670(7)	Failure to notify State Forester of change in operations
2009	527.740(2)	Size of contiguous clearcut area exceeds 120 acres
2009	629-605-0170(1)a	Written plan deficiencies, riparian management area
2009	629-630-0200(3)	Landing deck placed in riparian zone

The complaint noted that the violations were geographically dispersed, spread over many years, and duplicative, suggesting a pattern of willful non-compliance. It also noted that one of the root causes of Plum Creek’s repeated violations in Oregon was the rapid liquidation of its forests using high-impact clearcutting techniques. It included satellite imagery showing the illegally logged Plum Creek lands scarred by major landslides and streams filled with debris.

Given that it was a matter of public record that Plum Creek had violated one of the most basic provisions of the SFI standard—that certified forest operations must follow the law<sup>2</sup>—the complaint asked for an immediate suspension of its SFI certification. But SFI itself never responded. Instead, the task fell to the organization that had conducted Plum Creek’s SFI certification audits since 2009. 6 months after the complaint was filed, the certifier sent a letter dismissing it, concluding that there was **“insufficient evidence to demonstrate that any of Plum Creek’s actions were either negligent or willful as to require a suspension...”**

There are other notable examples of SFI-certified companies running afoul of the law, some more recent and others stretching back to SFI's early days:

- In 2007, the Audubon Society sued Weyerhaeuser for unlawful “take” (killing) of endangered northern spotted owls in violation of the Endangered Species Act. The court issued an [injunction against Weyerhaeuser’s logging of the owls’ habitat](#).
- In 2006, the Natural Resource Council of Maine (NRCM) released the [results of an investigation](#) finding that Plum Creek broke the law and was charged a \$57,000 fine—the largest fine ever assessed in history for violating Maine’s timber harvesting laws. NRCM released an extensive report that speaks of “a flagrant pattern of disregard for Maine’s forestry laws and protections for wildlife habitat.” They filed a complaint with SFI to no avail. And in 2009, NRCM [documented a case](#) where Plum Creek violated Maine regulations designed to protect water quality.
- In 2001, [SFI certified the Pacific Lumber Company](#) (PALCO), a company notorious for clearcutting tens of thousands of acres of old-growth redwood and provoking conflict with environmentalists the likes of which has never been seen before or since—including Julia Butterfly’s famous two-year tree sit in 1998. Later that year, PALCO became the first timber company in California history to [lose its logging license](#), having racked up more than 300 legal violations in the previous years. Subsequent to its certification by SFI, PALCO [failed to turn in a complete Sustained Yield Plan as required by law](#), and also [committed hundreds of violations of the terms of a government-imposed Habitat Conservation Plan](#) intended to protect endangered species—breaches that were documented by an independent inter-agency monitoring team. PALCO maintained its SFI certification and continued its liquidation logging until it went bankrupt in 2007.



“ A FLAGRANT PATTERN OF DISREGARD FOR MAINE’S FORESTRY LAWS AND PROTECTIONS FOR WILDLIFE HABITAT. ”

THE NATURAL RESOURCE COUNCIL OF MAINE (NRCM)

Why didn't SFI sanction the irresponsible and illegal behavior of these companies? None of them lost their SFI certification. In fact, SFI has never suspended a certificate in its history. There is no evidence that they even received a Corrective Action Request<sup>3</sup> from their auditors for these major non-conformances with the SFI standard.

This is not surprising given that SFI is less transparent and its auditing less rigorous than FSC. A [comprehensive analysis](#) of SFI and FSC audits in Canada found that:

- SFI audits required many fewer changes and improvements in forest management than did FSC audits.
- About 55% of the public SFI reports excluded pertinent data, including total hectares, auditor days and number of auditors. FSC reports never excluded such data.
- FSC auditors spent significantly more time on ensuring conformance than did SFI auditors.
- On average, FSC reports were almost eight times as long as the SFI reports and contained much more detail.

## WE NEED A LEGAL WOOD PILOT CREDIT THAT ISN'T DESIGNED BY & FOR THE CONVENTIONAL TIMBER INDUSTRY

USGBC's current legal wood pilot credit is fatally flawed. The standard it rests on is a [Trojan horse constructed by and for Big Timber](#). USGBC needs to move as quickly as possible to replace them both with [a well-conceived pilot credit](#)—one with clear procedures and documentation requirements for reducing the risk of using illegal wood in LEED projects while rewarding truly responsible forestry.

## Notes

<sup>1</sup> Particularly for larger-scale operations in states with well-developed forest practice regulations such as California or Maine, it is not uncommon for field operations (harvesting, logging or road construction) to occasionally trigger minor violations of forestry regulations. Such minor violations could be associated with events such as inadvertently falling trees across a watercourse or not properly classifying an ephemeral stream. These can occur on lands certified under any system and typically result in a minor Corrective Action Request (CAR) but not an immediate suspension of a certificate. In contrast to such minor infractions, the examples of violations by notable SFI-certified companies described in this report are serious and/or systematic breaches of the law that in some cases represent an ongoing pattern of illegal behavior—and as is noted elsewhere, there is no evidence of any CARs being issued and thus no possibility of the suspension of a certificate.

<sup>2</sup> Objective 14: Legal and Regulatory Compliance, SFI 2010-2014 Forest Management Standard

<sup>3</sup> This is a formal flagging of a non-conformance issued by an auditor that will eventually result in the suspension of a certificate if they are not addressed.

## Credits

Satellite images of Plum Creek courtesy of the Center for Sustainable Economy