



**Testimony of**

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**Before the Committee on Agriculture, Conservation and Forestry regarding LD 1874 – An Act to Support Maine Loggers' and Truckers' Right to Work in Maine by Improving Labor Standards**

**Monday, May 15, 2023**

Senator Ingwersen, Representative Pluecker and members of the Committee on Agriculture, Conservation and Forestry, my name is Dana Doran, and I am the Executive Director of the Professional Logging Contractors of Maine. The Professional Logging Contractors of Maine (PLC) is a trade association that represents logging and associated trucking contractors throughout the state of Maine. The PLC was formed in 1995 to give independent contractors a voice in a rapidly changing forest industry.

As of 2021, logging and trucking contractors in Maine employed over 3,000 people directly and were indirectly responsible for the creation of an additional 2,500 jobs. This employment and the investments that contractors make contributed \$582 million to the state's economy. Our membership, which includes 200 contractor members and an additional 120 associate members, employs more than 75% of the individuals who work in this industry and is also responsible for 80% of Maine's annual timber harvest.

Thank you for providing me the opportunity to testify on behalf of our membership in support of LD 1874 – An Act to Support Maine Loggers' and Truckers' Right to Work in Maine by Improving Labor Standards. As was the case with LD 1849, heard previously in this committee, this legislative change was not a priority of our membership for this session, however, it is raising an issue that our membership and all logging contractors across the state and the country have been dealing with since forest certification was introduced 30 years ago. As a result, we are supportive of the efforts of Senator Jackson. If state owned land is going to voluntarily adopt forest certification standards to convey exemplary forest management, those standards must ensure recognition and respect for logging contractors and not place burden or increased cost at their feet.

As background, forest certification systems were created in the early 1990's, both here in the United States, but also globally, to ensure forests were being managed sustainably as a response to an uproar from the environmental community as a result of perceived mismanagement by the pulp and paper industry. Two of the most notable forest certification systems, the Forest Stewardship Council (FSC) and the Sustainable Forestry Initiative (SFI) were created at this

period of time. State forests that are owned by the state of Maine and managed by the Bureau of Parks and Lands, hold dual certification for both FSC and SFI.

FSC, the world's first forest management certification system, was created through a democratic participatory platform made up of economic, environmental and social interests, to ensure that a standard was not only put in place to encourage sustainability, but to ensure the value proposition of certified forests extended to all parties through verification of on the ground performance measurement. To this day, FSC's certification standard still operates from this perspective and provides for participation for anyone that wants to be a part of it.

SFI is the second forest certification system that is also maintained by the Bureau of Parks and Lands for state owned land. SFI was created in 1994 by industry, specifically the pulp and paper industry, as an alternative compliance system to FSC at a time when pulp and paper manufacturers were also large industrial landowners in the United States. SFI was organized and managed by the American Forest and Paper Association (AFPA) until 2004, when the pulp and paper community divested of its land ownership, and SFI was spun off from AFPA to its own non-profit management organization.

SFI is known to be a compliance monitoring system, or program-based system, as it monitors compliance with adherence to policies, but doesn't measure actual performance on the ground. One major area of compliance monitoring that SFI has always adhered to is logger training as a requirement of work or wood sales for logging companies and their employees. Logger training and its effectiveness on the ground is not measured, but merely verified for compliance. In full disclosure, the SFI logger training provision is also the reason that organizations like the PLC, American Loggers Council and many other similar state-based logging organizations across the country were organized in the mid-1990's. Loggers pushed back then against an unfunded mandate that was placed upon them, both then and now, that doesn't actually provide any upward mobility for contractors but actually has had the opposite effect.

With respect to the bill before you today, the decision before this Committee is quite simple. Should the state of Maine continue to maintain forest certification on its lands if that certification system does not uphold, respect and protect the rights of all parties that play a role. Does the certification system ensure that those rights are being respected, or does the certification merely ensure that a policy to protect those rights is in place. The choice is quite clear as in the case of Maine's public lands, one certification system it endorses does this and the other does not; it's really that simple.

As I mentioned before, SFI is a compliance monitoring certification system which measures whether a certificate holder has created the policy it said it would. This is known as a program-based approach.

FSC is an effectiveness monitoring certification system which measures whether a certificate holder achieves the outcomes it must adhere to. This is known as a performance-based approach.

One approach measures compliance to having a policy in place and the other approach actually measures performance on the ground with respect to the outcomes it must adhere to. Thus, the decision before his Committee is, should the state endorse a system that verifies if a policy is simply in place or has it actually been implemented with on the ground checks and balances? From our perspective, the choice is quite clear.

To protect workers' rights, FSC has established standards and guidelines that all companies seeking FSC certification must adhere to and be evaluated on. These standards seek to protect and secure workers' rights. According to FSC, protecting workers involves following the four (4) fundamental principles and rights at work: 1) no child labor; 2) no forced or compulsory labor; 3) no discrimination in employment and occupation; and 4) freedom of association and collective bargaining. The FSC International Standard takes it a step further by requiring the promotion of gender equality in employment practices; implementation of legal occupational health and safety practices; payment of fair wages that meet or exceed minimum wages; provision of training adequate for safe and effective implementation; and provision of grievance resolution and compensation for loss and damage. All of these requirements are not only required to be upheld, but audited to verify implementation by using a performance-based approach.

SFI's approach to topics important to contractors and workers is minimal and incomplete. Its standard merely expects certified companies to meet applicable social laws or provide a, "written policy demonstrating commitment to comply with social laws...." (SFI 2022 Standard). The indicator pertaining to labor does recognize a breadth of potentially applicable laws, including laws covering equal employment opportunities, gender equality, anti-discrimination, and rights to organize. However, this does not sufficiently recognize and protect such values, including for contractors, unless an audit is performed to determine compliance and implementation. The existence of a policy does not mean that workers' rights are actually being protected. Finally, SFI's definition of "forestry enterprises" also excludes independent contractors, who may be a significant part of a company's in- the-woods workforce, and who may be most in need of protections.

Again, I would like to thank Senator Jackson for bringing this issue before this Committee today to start a discussion and examine whether the state should be endorsing a certification system that doesn't require verification of standards are actually occurring on the ground. Logging contractors have had to work under these systems for almost 30 years and unless they are going to be respected partners in the system with rights that are upheld, the state should not be utilizing such a system in the end.

Thank you for the opportunity to provide the opinion of our membership before you today and I would be happy to answer any questions you may have at a future work session.