



Empire State Forest Products Association

The people behind New York's healthy forests and quality wood products

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ESFPA Accomplishments 2020

The year 2020 was like no other. Although a great deal of time and effort was put into Pandemic related activities, there were still plenty other issues which needed and received attention from the Association. Advocacy regarding public policy which may affect New York's Forests, forest products industry and forest landowners is the primary goal of the Empire State Forest Products Association (ESFPA) and below is a summary of all our efforts from this past year. Several of our efforts utilized new software programs which engaged you, our members, into the grassroots efforts that have brought about real change for our industry.

ESFPA is the voice of the forest products industry in Albany and beyond, representing "*the people behind New York's healthy forests and quality wood products.*" And here are some highlights:

Agriculture/Silviculture

1. Supported and secured funding of the Wood Products Development Council under a new line in the Environmental Protection Fund at \$200,000 which was included in the enacted SFY 2019-20 and 2020-21 Budgets.
2. Opposed legislation A. 820 (Glick)/ S. 985 (Breslin) relating to reduction of acreage for clear cuts within the Adirondack Park and cumulative impact assessments of Working Forest Conservation Easement (not reported out of Committee in 2019).
3. Continued to oppose regulatory changes of the Lake George Park Commission regarding timber harvests of 5,000 sq. ft. or larger. Regulations for storm water controls and stream protections were released as draft in 2020. ESFPA has testified on the stormwater regulations.

Climate Change

1. Opposed the Climate and Community Protection Act (A. 3876 – Englebright/S. 2292 – Kaminsky) as introduced in January 2019. The CCPA had been introduced in the Assembly the past 3 years but never saw action in the Senate until the change in Senate majority in 2019.
2. Testified at the Budget hearings on Climate Change legislation including the CLCPA, Carbon Pricing and various energy related provisions.
3. Testified in February 2019 at the Senate hearings on Climate Change and again in May at the Assembly hearing on Climate Change.
4. Supported the Governor's budget legislation known as the Climate Leadership Act which would have placed New York on a pathway to "carbon neutrality". The Legislature refused to address climate related policy/legislation in the Budget process.
5. Actively engaged in the end of session push to enact Climate related legislation. In late May the Assembly, Senate and Governor negotiated the Climate Leadership & Community Protection Act (A 8429 – Englebright/S. 6559 – Kaminsky) which was eventually signed as Chapter 106 of the

Laws of 2019. While less than we expected we were able to get some concessions more favorable to forests and the wood products sector.

6. Engaged with the Department of Environmental Conservation and NYS Energy Research & Development Authority in several forest and wood products roundtables in the Fall of 2019 and winter of 2020 to present the CLCPA and the role of forests and wood products in climate change.
7. ESFPA representatives John Bartow, Tom Gerow and Donna Wadsworth were appointed to the Agriculture & Forestry Advisory Panel of the Climate Action Council in May 2020. The panel will make recommendations on the Greenhouse Gas Emission reductions in the CLCPA and the role of forests and harvested wood products in climate change.
8. Commented on draft regulations for establishing 1990 base level emissions for Greenhouse Gases (6NYCRR Part 496) and 2030/2050 emission reductions called for in the CLCPA. Supported DEC's call for recognizing carbon sequestration in forests and harvested wood products when annually reporting on emissions going forward.
9. Commented on the proposed "*Establishing a Value of Carbon: Guidelines for Use by State Agencies*" which implements the requirement that State agencies conduct a cost benefit analysis of their actions (regulatory and otherwise) prior to acting.
10. Participated in a stakeholder's roundtable held by the Majority Staff of the House Energy and Commerce Committee on Climate Change legislation. This invitation was the direct result of an August 2019 tour and meeting with Congressman Paul Tonko who chairs the Subcommittee on Climate and the Environment.
11. Served on the Board of the National Alliance of Forest Owners (NAFO) 2019-2020 and was influential in shaping NAFO's climate policies through the NAFO Air Task Group.
12. ESFPA Executive Director was appointed to the American Forest Foundation (AFF) Woodland Operating Committee in 2019 for a 6-year term. Also sponsored an AFF and The Nature Conservancy virtual presentation of the AFF Family Forest Carbon Program in December 2020.

Economic Development

1. Achieved the "Essential Businesses" designation for forest product businesses across the forest sector in Pause NY as a result of the COVID-19 pandemic in March 2020. Initially, on March 18th only household paper manufacturers were recognized. Working with DEC, Agriculture & Markets and the Executive Chamber, within 48 hours, we were able to get all primary wood product manufacturing, forest land management and the supply chain that supports them designated.
2. Supported efforts at both the State and federal level to increase investment tax credits for capital investments in the forest products industry and making such credits equitable across industry sectors.
3. Closed out the 2015-2019 Northern Border Commission Grant which promoted and sought transformational change in Northern New York's forest product manufacturing industries. Joint project with the Northern Forest Center.
4. Worked with SUNY College of Environmental Science & Forestry on the Climate and Applied Research Institute (CAFRI) proposals for New York's Bioeconomy. This is becoming a major goal of the Climate Action Council.

Education/Workforce Investment

1. Helped secure SFY 2019-20 funding for and participated in the Logger Training School at Paul Smiths College in August 2019.
2. Worked with the Workforce Development Institute (WDI) on securing a Northern Border Regional Commission Grant of \$600,000 for workforce training in 2020-2021. \$50,000 for New

York Logger Training and the balance to broader workforce initiatives across the wood products sector.

Energy

Carbon

1. Supported Federal budget language enacted into law in the FFY 2019 and 2020 budgets recognizing biomass as “carbon neutral”. 2020 is the fourth year of temporary budget language while we work toward a permanent definition of biomass carbon neutrality by EPA.
2. Worked with NAFO and other national affiliates on several climate initiatives including climate priorities for the Forest Climate Working Group and the NAFO CEO Policy Principles. Both efforts lay out a priorities and policy principles that call for rewarding the carbon benefits of wood building products, funding for forest carbon science and data collection, and incentives for working forests that sequester carbon.

Biomass

1. Supported legislation (A. 2282-B - Woerner/S. 3410-A - Harckham; Passed Senate) which establishes the NYS Clean Energy Tech Production Program, a self-directed program for rate payers to support clean energy projects through energy service charges. Included biomass as a directed clean energy.
2. Supported State and federal legislation which recognizes biomass as a renewable energy resource and providing carbon benefits.
3. Supported legislation (A. 954 - Jones/S. 830 – Gallivan) establishing a personal income tax credit for residential use of densified pellet fuels.
4. Supported legislation (A 4294 -Cusick/S 23 – Parker) requiring the Public Service Commission to address the Tier 2 “Maintenance Tier” under the Clean Energy Standard recognizing the contribution of legacy generators (including biomass, hydro and wind electric generation). S 23 Passed both Houses and is before the Governor for his action.
5. Supported efforts in New York and the Northern Forest Region in education, outreach, and marketing of the benefits of biomass energy alternatives and the economic benefits of locally derived fuel.
6. Partnered with the Northern Forest Center on the Automated Wood Heat program to market and promote the use of densified wood pellet heating systems in residential, commercial, and institutional buildings.

Energy Costs

1. Supported the Senate SFY 2018-19 proposals to repeal and retire the Section 18-a energy gross receipts tax in 2019.
2. Supported legislation (A. 2285 - Woerner/S. 3410 - Harckham) allowing a self-directed choice of ratepayer assessments imposed by the Public Service Commission.
3. Supported the development of wind farm projects on Tug Hill, where such infrastructure would help add energy markets to sustainably managed forest lands.

Environment

Environmental Regulation

1. Supported regulatory efforts of DEC to streamline the Forest Tax Law (RPTL section 480-A).
2. Supported continued record funding in enacted SFY 2019-20 and SFY 2020-2021 Budgets for the Environmental Protection Fund. \$300 Million included in SFY 2018-19 enacted Budget. Secured line items for the Wood Products Development Council (\$200,000), Regenerate NY (\$500,000), Community Forests (\$500,000), Hemlock Wholly Adelgid (\$500,000) and Easements for Land Trusts (\$1.5 million).

3. Supported legislation (A. 2296 - Woerner/S. 1939 – Little) for tax benefits to encourage private forest landowners to undertake stewardship practices that benefit healthy forests and forest habitats.
4. Supported implementing legislation (A. 1625 - Jones)/ S. 2026); no action) regarding Proposition #3 which passed in the 2017 statewide ballot for a Constitutional amendment creating a land bank in the Catskill and Adirondack Forest Preserves. Nearly two years since approval by the voters this implementing legislation continues to wain in the Legislature.
5. Opposed legislation (A. 3658 - Englebright/S. 5576 - Mayer) which would extend DEC regulation of wetlands down to 1 acre in size and amend the process for filing maps of regulated wetlands (no action in 2019).
6. Participated in stakeholder discussions and comments on Conservation Subdivision Design legislation within the Adirondack Park A. 8123 (Englebright)/ S. 6484. ESFPA is not opposed to the bill as drafted so long as silviculture and forest management is allowed as of right. The stakeholders have come to consensus in 2019 on language as drafted although some interests remain opposed.
7. Opposed legislation (A. 1813 - Abinanti; stalled in Committee) which would have enabled local governments to enact local laws or ordinances requiring property owners to replace trees removed at a rate of up to a 3:1 ratio for every tree removed. This legislation did not allow for forest harvest and natural regeneration.
8. Commented on proposed Lake George Park Commission stormwater and stream protection regulations (6 NYCRR Part 646) which could regulate timber harvesting in the Lake George Basin.
9. Opposed legislation on the regulation of streams (A. 8349 – Ryan/S. 5612-A – Harckham) which would have added all Class C streams to DEC’s Protection of Waters Program. Supported the Governor’s veto of the legislation (Veto 60, 2020).

Endangered Species

1. Supported efforts by the DEC to streamline standards and regulations (6 NYCRR art 182) for the protection of rare, threatened, and endangered species and aligning state standards with federal standards. In late 2019 we saw rules proposals for “experimental species” which ESFPA supported as well as in 2020 the rules to amend the listings of Endangered, Threatened and Species of Conservation Concern which ESFPA and NCASI commented on.
2. Supported legislation (A. 2296 - Woerner/S. 1939 - Little) to benefit private forest stewardship practices on forest lands aimed at improving habitat and recovery rates of species of “greatest conservation concern”.
3. Supported federal regulatory changes to the Endangered Species Act. In late 2019 we saw proposed changes to the Endangered Species list which ESFPA commented on.

Invasive Species and Forest Pests

1. Worked with DEC and DAM on information regarding Spotted Lantern Fly which was found in New York in 2020.
2. Supported legislation (A. 3632 - Gunther/S. 920 - Young) which would clarify the definition of “Integrated Pest Management” (IPM) including biological, physical, and chemical tools.
3. Opposed a variety of bills which would limit the sale, use or distribution of pesticides and herbicides such as neonicotinoids and glyphosate. One bill calling for the prohibition of the use of chlorpyrifos (A. 2477 – Englebright/S. 5343 – Kaminsky) may well set the stage for other legislation circumventing the State and federal pesticide registry processes. In 2020 A. 2477/S. 5343 was vetoed by the Governor (Veto 193, 2019) and we hope sets the stage for supporting the administrative processes of DEC and EPA on regulating pesticide use.

4. Opposed A. 732-B – Rosenthal/S. 6502-A – Serrano (Passed Both Houses) which would ban the use of glyphosate on state lands and worked with NY Farm Bureau and others on memos to the Governor in support of a veto.
5. Continued to oppose guidance and regulations designed under “Tree SMART Trade” which would unduly regulate solid wood pallets and packaging while supporting those recommendations which could have a positive impact on the importation of new forest pests.

Water Quality/Source Water Protection

1. Opposed legislation (A. 8439 – Ryan/S. 5612-A Harckham) which would extend the Protection of Waters Regulatory Program to Class C and Class D streams. Bill was amended to remove Class D streams but ESFPA continues to oppose expansion to Class C streams.
2. Supported new lines in the Environmental Protection Fund aimed at watershed protection funding including the acquisition of easements or in fee which would also allow forest management.
3. Opposed local laws aimed at regulating forestry and forest practices in the Towns of Cobleskill Lake George, Postenkill, Richmondville and Ticonderoga and Schoharie County where such regulations would undermine the ability of private forest landowners to manage their forests.
4. Opposed legislation on the regulation of streams (A. 8349 – Ryan/S. 5612-A – Harckham) which would have added all Class C streams to DEC’s Protection of Waters Program. Supported the Governor’s veto of the legislation (Veto 60, 2020).

Forest Markets

1. Spent a significant amount of time working with New York’s federal Congressional Representatives on Trade related issues with the United State Mexico and Canada Agreement (USMCA) and the Chinese Trade War.
2. Worked with the Hardwood Federation and other national trade associations on ways to develop domestic markets in lieu of lost international trade markets. Served on the advisory board of the Real American Hardwood Marketing Campaign in 2020.
3. Supported the Wood Products Development Council efforts aimed at increasing the use of wood products from forests for green building (including green schools).
4. Worked with NYS DEC and Ag. & Markets on climate related proposals related to the use of wood as a substitute for more carbon intensive products such as concrete and steel.

Labor/Human Resources

1. Opposed legislation (A. 4508-A Crespo/S. 3314-A – Sanders) known as Carlo’s Law which would change the penalties and fines for worker death or injury. The legislation would make certain offenses felony charges and extend liability to supervisors and managers.
2. Opposed legislation (A. 1261 – Bronson/S. 1947 Ramos) which would impose “prevailing wage” on many private projects receiving actions other than just public funding. In some instances, it could require prevailing wage for locally funded projects, tax breaks or agency approvals for permits.

Manufacturing

1. Supported language in the Climate legislation enacted in 2019 calling for attention to Energy Intensive and Trade Exposed (EI/TE) industries. This was a priority of ESFPA and the Business Council of New York and a major piece of the final enacted CLCPA.
2. Advocated for Marginal Cost Abatement accounting included in the enacted CLCPA. This accounting helps to ensure that carbon costs reflect impacts on industry. Marginal Cost Abatement accounting was included in DEC’s proposed “*Establishing a Value of Carbon: Guidelines for Use by State Agencies*”

Taxation

Real Property Taxes

1. Supported DEC's administrative efforts to reform Real Property Law on forest lands (RPTL 480-a) aimed at streamlining regulatory requirements. These administrative regulatory changes were drafted in 2020 but not yet released. Legislative changes to 480A are being considered by the Climate Action Council in 2020.
2. Supported favorable tax incentives at both the State and federal level which recognize the long-term benefits of working forest conservation easements.

Income/Franchise/Estate Taxes

1. Supported adjustments to both federal and State estate tax limits.

Tax Credits

1. Support equitable tax credits for all business research and development and investment tax credits that are equitable across business sectors.
2. Supported State legislation (A. 1874 - Woerner/S. 138 - Little; Passed Senate) for tax credits to private landowners for forest and habitat improvements.
3. Supporting recommendations to the Climate Action Council for forest carbon tax credits.
4. Hosted a Family Forest Carbon Program in December 2020 with the American Forest Foundation and The Nature Conservancy regarding the AFF pilot Family Forest Carbon Program.

Transportation

1. ESFPA has worked with Team Safe Trucking on new programs for the recruitment and retention of truckers in the forest products sector. We have also worked with WDI to see if there will be efforts to integrate some Team Safe Trucking into the new Workforce grant obtained by WDI to start in 2020.
2. Opposed local laws proposed by the Towns of Cobleskill Lake George, Postenkill, Richmondville and Ticonderoga and in Schoharie County regulating forest truck traffic on town highways and imposing bond requirements.
3. Monitored the Transportation Climate Initiative (TCI) being developed by many of the Regional Greenhouse Gas Inventory states. To date 11 Mid-Atlantic and East Coast states have agreed to participate in the TCI effort. New York has yet to formally support the proposal but is working toward the program. We expect that NY will bring forth a formal proposal in early 2020. ESFPA believes that any transportation proposal under TCI should be worked through the Climate Action Council.
4. Became a member of the Clean Fuels NY Coalition in support of the Low Carbon Fuel Standard similar to A. 5262-A – Woerner/S. 4003-A – Parker.