



2006 Review of forest certification schemes

Submitted comments and responses - General

December 22, 2006

- 1. Equality of treatment 2
- 2. CPET Criteria 3
- 3. CPET Processes 6
- 4. Additional Background Information 9

These comments were submitted as part of the 2006 Review of forest certification schemes. The comment period closed on the 24 of June 2006. Each comment has been assigned a number, based on the order in which they appear in the document below. Though the names of the stakeholders have been kept anonymous, each group or individual has been assigned a numbers which is consistent through all five of the 'scheme comment' documents, to facilitate identification of their comments by the stakeholders. These numbers are found under the heading 'Commentator'.

1. Equality of treatment

	Equality of treatment	Commentator	CPET responses
1	<p><i>All materials shall have equal treatment.</i> Equal environmental requirements shall be demanded for all products competing with each other; i.e. timber, aluminium, concrete, plastics, steel etc. as a building materials; paper, paperboard, plastics, glass etc. as a packaging materials etc. If this is not the case, substitutes for timber and paper will gain market shares - timber and paper as environmentally friendly materials will face a trade barrier which is not acceptable for the industry.</p>	2	Comments are not relevant to specific schemes or criteria and thus cannot be taken into account as part of the Review.
2	<p><i>All certification systems and standards, which are used by the certification systems, shall have equal treatment.</i> Until now, CPET has assessed all PEFC national schemes already endorsed by the PEFC council based on in-depth assessment by an independent consultant. National standard-setting of any FSC-scheme has not been assessed by CPET. Roughly half of the forest area certified by FSC has been carried out by so-called "interim standards". Standard setting procedures of these standards do not fulfil the criteria CPET has set for standard setting. - There are also some FSC national standard setting processes where stakeholder participation has been very weak. These national FSC-processes shall be assessed more carefully, i.e. in a similar way than PEFC national processes have been assessed.</p>	2	Comments are not relevant to specific schemes or criteria and thus cannot be taken into account as part of the Review.
3	<p>[Organisation] requests the CPET-led review of certification schemes process to:</p> <p>guarantee an equal treatment of wood vis-à-vis any other competing material (e.g. steel or plastics), so that referring to certification in public procurement does not end up in negative discrimination vis-à-vis wood products.</p> <p>guarantee equity of treatment and full transparency in the assessment and revision of the forest certification schemes, keeping also in mind that sustainable forest management takes place in forests which are not necessarily certified.</p>	5	Comments are not relevant to specific schemes or criteria and thus cannot be taken into account as part of the Review.

4	<p>Equal Level of Analysis - Based on a review of the CPET Reference Board minutes posted to the ProForest/CPET web-site it is clear that CPET efforts over the course of the last year have been focused on ensuring PEFC endorsed national standards meet CPET standards development criteria, and yet FSC which is also an umbrella certification program that recognizes national/regional standards has not been subject to the same level of monitoring and compliance to ensure implementation at the national/regional level. Our position is that any enhanced rigour of assessment by CPET should be carried across the board and across all certification programs, especially in light of the recent FERN correspondence soliciting evidence of non-compliance targeted to specific certification programs.</p>	12	<p>Comments are not relevant to specific schemes or criteria and thus will not be taken into account as part of the Review.</p>
5	<p>Treating Certification Programs Equally - [Organisation] feels that due to comments received in the past and also those recorded through the Environmental Audit Committee hearings (albeit a separate but related process) an uneven assessment field has been established. All four programs (CSA, FSC, SFI, PEFC) promote sustainable forest management when endorsed standards are used, and all four programs should be assessed with the same level of rigour and analysis. For CPET to subject one program to more in-depth analysis than another can result in a situation where a program is under scrutiny not because it is necessarily deserving of that added scrutiny but rather because one stakeholder group has been successful at lobbying for that scrutiny. Any enhanced rigour of assessment by CPET should be carried across the board and across all certification programs, especially in light of the recent FERN correspondence soliciting evidence of non-compliance, referred to immediately below.</p>	16	<p>Comments are not relevant to specific schemes or criteria and thus will not be taken into account as part of the Review.</p>
6	<p>Any concern registered in this review process should not be analyzed in the context of a specific standard, but across all standards.</p>	17	<p>Comments are not relevant to specific schemes or criteria and thus will not be taken into account as part of the Review.</p>

2. CPET Criteria

	CPET criteria	Commentator	CPET responses
7	<i>Criteria and interpretation of these criteria in CPET assessment process shall be kept unchanged at least some years - preferably 5 years.</i> If requirements of "sustainability" or requirements of the tools to proof sustainability change almost constantly, it will be impossible for well-established, sound certification systems - or any other seriously established verification systems - to try to implement demanded changes in a very short period of time.	2	Comments are not relevant to specific schemes or criteria and thus will not be taken into account as part of the Review.
8	<i>National public procurement policies shall fulfil respective EU-directive(s).</i> Such criteria should not be used in public procurement policy, which have no link with the subject-matter of the contract, namely the performance of the product when it is used and/or disposed of. The implementation of the EU-directive in "greening public procurement" has led to a situation where the link between environmental requirements and the properties of the product/service. The link is obvious when it concerns characteristics that have an impact on the environment when the product is used and/or disposed of, e.g. low energy or water consumption, easy disposal etc. But environmental concerns related to management of the raw material source cannot be considered as linked neither to the product nor to its functioning.	2	Comments are not relevant to specific schemes or criteria and thus will not be taken into account as part of the Review.
9	[Organisation] requests the CPET-led review of certification schemes process to: <ul style="list-style-type: none"> secure long-term stability by not changing too often criteria, as this would lead to an un-secure operational environment for wood-processing industries. We remind CPET and Proforest that [organisation] is delighted to offer its Comparative Matrix of Forest Certification Schemes as a contribution to the assessment of certification systems.	5	Comments are not relevant to specific schemes or criteria and thus will not be taken into account as part of the Review.
10	Processes Used to Develop Revised Criteria - We are aware that CPET criteria for assessing certification schemes underwent a revision process earlier this year including a call for comments. We are aware of several submissions that drew to your attention some of the improvements as well as the remaining opportunities for improvement for the criteria. It was our	12	The comments are now available on the CPET website.

	<p>understanding that comments received would be made available on the CPET web-site, however this information does not appear to be available. We encourage you to make this information available as this will help achieve closure on the revision of the criteria which is a necessary step prior to reassessing certification program compliance with these indicators (which is now underway).</p>		
11	<p>CPET Criterion 4.4 – This criterion states “If mixing of certified and uncertified material in a product or product line is allowed and the proportion of uncertified material can exceed 30%, then the uncertified material must be covered by a verifiable system which ensures that it is from sustainable forest sources where the requirements for sustainability set out in criteria 1.2.3-1.2.6 above are being met.” While it is logical to look at the uncertified content in a product line it seems odd that the uncertified material can be passed on to CPET as presumably meeting its “sustainable” criteria by only adhering to CPET criteria 1.2.3-1.2.6., and not the other CPET criteria. It appears that CPET’s assessment process and criteria could result in a situation where wood from a NON-certified forest could qualify for CPET’s sustainable ranking if it is mixed with certified content in a product and covers off CPET criterion 1.2.3 – 1.2.6. regardless of whether its standards development, certification or accreditation requirements meet the CPET criteria.</p> <p>Similar concerns are raised with CPET’s Category B evidence, as opposed to CPET Category A criteria pertaining to certification schemes. By using CPET’s Category B evidence it seems that wood from a non-certified forest has an easier path to a CPET sustainability ranking with much less evidence than wood from a certified forest. This is a delicate issue as governments should clearly not discourage the trade of uncertified but well-managed wood, but at the same time certified wood should not have to undergo a higher level of scrutiny than uncertified wood to meet CPET’s sustainability ranking. We leave it to CPET to work through these complex issues.</p>	12	<p>Comments are not relevant to specific schemes and thus will not be taken into account as part of the Review.</p>
12	<p>Revised CPET Criteria - There are a variety of outstanding concerns with the revised CPET criteria and we encourage you to make previous comments related to the criteria revision process public as was originally intended and communicated by DEFRA back in February 2006. It is important to understand what issues were raised and how they were addressed in the revision of the</p>	16	<p>The comments are now available on the CPET website.</p> <p>Comments are not relevant to specific schemes and thus will not</p>

	<p>criteria, prior to applying a new analysis of certification programs against those revised criteria.</p> <p>[Organisation] does not believe that inter-governmental criteria require further analysis than FSC criteria or ITTO criteria, and therefore encourage you to reconsider guidance to CPET Criterion 1.2.1 that calls for intergovernmental processes to delve down to the FMU level, rather than staying at the criteria level as is the case with FSC and ITTO. In addition, Criterion 1.2.2 and the use of the term "performance-based" will likely lead to confusion and mixed expectations as to what CPET is analyzing, hence FPAC encourages you to use terminology that is more specific and less open to subjective interpretation and therefore disappointment when implemented. While changes to Criteria under Section 4 on Chain of Custody are a significant improvement over what was proposed earlier with the CPET criteria revision, more work is required here to ensure uncertified wood does not gain quicker, easier and more direct access to a CPET sustainable recognition than certified wood does. It is very important to ensure access of uncertified wood as wood does not have to be certified to be well managed, however at the same time, more scrutiny should not be paid to certified wood as opposed to uncertified wood when evidence of sustainability is being sought. This statement holds true as well for Category A evidence vs Category B evidence.</p>		<p>be taken into account as part of the Review.</p>
13	<p>Criteria 4.4 still needs clarification before it is applied in terms of determining conformance with certification programs under your review. It is positive that you are looking at the assurances around the uncertified content, but I'm not sure that by meeting criteria 1.2.3-1.2.6 the uncertified content can be qualified as being from sustainable forest sources. I felt that it was your Category B evidence that ensured the legality and/or sustainability around the uncertified content, not only criterion 1.2.3-1.2.6. Perhaps it makes more sense to just seek legality assurances for the uncertified content as it seems to onerous to have to refer to Category B for uncertified content in a product line.</p>	17	<p>Comments are not relevant to specific schemes and thus will not be taken into account as part of the Review.</p>

3. CPET Processes

	CPET Processes	Commentator	CPET responses
14	<p>Processes Used to Solicit Evidence of Non-Compliance - The current CPET public review is aimed at receiving objective verifiable evidence related to certification program non-compliance with the CPET criteria or documented scheme requirements. The number of comments received and pertaining to a specific certification program could influence the way in which CPET treats that program, and the level of analysis and monitoring CPET focuses upon that program. As such, I was particularly concerned with the actions of one of CPET's Reference Board members who seems to be more concerned with ousting specific certification programs than with ensuring that all certification programs under your assessment be treated fairly and undergo an equal level of scrutiny in terms of compliance with your criteria. Moreover, her statement implies that through her position on the CPET Reference Board she is well positioned to address comments received. For your reference, I have attached the correspondence from one of your board members who states, <i>"If you feel any of the schemes does not deliver legal or sustainable forest management and can substantiate that by highlighting how it does not meet relevant CPET criteria, please send in your comments using the template attached. This is our best chance to get non credible certification schemes ousted (or changed) by the UK Government as acceptable for delivering sustainably produced timber...As you may know Beatrix Richard and me are in the CPET Reference Board, which will look at CPETs recommendation based on all comments ..."</i></p> <p>This e-mail was distributed extensively and in my opinion may undermine the credibility of the CPET process, which is unfortunate given the time, work, and effort DEFRA has dedicated to this process to date. Therefore, we urge the CPET Reference Board to consider carefully the path forward as a result of comments received and to ensure additional analysis is consistent across certification programs.</p>	12	Comments are not relevant to specific schemes or criteria and thus will not be taken into account as part of the Review.
15	CPET Reference Board - Canadian representatives from government and standards bodies have made requests to DEFRA/CPET to reconsider the composition of the CPET Reference Board and to ideally broaden that composition to ensure there is balanced representation of the certification programs being assessed. A Canadian representative on this CPET Reference Board would	12	Comments are not relevant to specific schemes or criteria and thus will not be taken into account as

	<p>contribute to the Board's diversity and interest in treating all certification programs equally given that Canada is quite unique in that it is a major exporter of forest products and also uses 4 of the 5 certification programs under CPET's assessment. We would strongly encourage you to enhance the composition of the CPET reference board and would be pleased to put forward names of candidates that could contribute to the balance of your Reference Board. We understand through minutes posted on the CPET web-site that the CPET Reference Board noted <i>"Various stakeholders had expressed an interest in either joining the Reference Board or supporting CPET's activities in some way. The Board considered that the Board was well balanced at present and saw no merit in expansion for the time being..."</i> We would encourage DEFRA and not the CPET Reference Board to reconsider whether the CPET Reference Board has members that are interested in assessing all forest certification programs equally and whether better balance could be achieved through Canadian participation.</p>		part of the Review.
16	<p>We would however reiterate the comments made by Teresa Presas, the Managing Director of the Confederation of European Paper Industries (CEPI) in her letter to the Minister earlier this year. It is important that the commitment the industry has to forest certification, as a means of providing independent verification of sound forestry management practices, is maintained. We believe the CPET process to be a vital component in this endeavour, but that support for it could be compromised by too many reviews and consultations.</p> <p>We understand totally the Government's need to be transparent and rigorous in its approach to timber procurement. We are reassured by your response to Ms Presas, dated 5 April, in which you state that a period of stability is indeed required, that it is not Defra's intention to carry out annual full-scale reassessments and that specific issues will be addressed only if evidence is produced. We are not sure however that this is fully understood by all stakeholders and think it would be useful if these sentiments could be articulated more clearly on the CPET website and when the results of the review are published.</p>	15	Comments are not relevant to specific schemes or criteria and thus will not be taken into account as part of the Review.
17	CPET Reference Board Composition - [Organisation] was disappointed by a widely distributed e-mail by a member of the CPET reference board (FERN) soliciting evidence to oust specific	16	Comments are not relevant to specific schemes or criteria and thus

<p>certification programs. [Organisation] feels strongly that members of the CPET reference board should be impartial and should be capable of treating all standards equally in terms of solicitation for comments and in the assessment review process. [Organisation] would like to reiterate previously expressed interests by Canadian agencies to include a Canadian expert on forest certification and / or trade issues to provide increased balance and international expertise to your Board's composition. Given our nation's dominant forest product export position as well as our positive exposure to a variety of certification programs we have a high level of understanding of the differences and similarities across these endorsed certification programs and feel we can contribute constructively to the UK government's CPET process to set criteria and assess forest certification programs. Please feel free to contact me for Canadian recommendations should you decide to review or add to the CPET Reference Board's composition.</p>		<p>will not be taken into account as part of the Review.</p>
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4. Additional Background Information

Additional background information	Commentator	CPET responses
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<p>18</p>	<p>During the 1990's the Canadian industry (the largest exporter of forest products in the world) was quite concerned about the pressures being brought to bear in the domestic and international private sector marketplace by the WWF sponsored "FSC Buyers' Groups" in Europe, North America and elsewhere. Despite these best efforts of WWF, other ENGOs and the FSC, attempts to establish a monopoly for the FSC were unsuccessful.</p> <p>Most of the players in the commercial marketplace do not like monopolies; they like the application of raw pressure tactics (six weeks of rotating demonstrations in Home Depot's parking lots) even less and react against organizations that try to impose a monopoly on independent business.</p> <p>The result of these pressures by WWF et al was to further stimulate the development of alternative approaches to certification as evidenced by the organization of the PEFC, the development of the CSA and SFI programs as well as certification schemes in Malaysia, Indonesia and Brazil. Ghana was also seriously considering the development of a national standard during the late 1990's.</p> <p>It is particularly important to avoid monopolies during the early stages of development of new ideas. Competition in the marketplace is the best way found thus far to develop systems and products that offer the best value and that are able to deliver results that match objectives. Forest management standards are no exception to this rule.</p> <p>Forest management is very complex. There are lots of factors to consider. Forest management standards must be designed to fit the diverse forest management circumstances of each country to which the standard will be applied.</p> <p>The WWF and other supporters of the FSC enjoyed limited success with the imposition of the FSC system on the private sector. We are now entering a new phase of pressures to support the use of one standard over another. This new phase is the development of national policies to guide the purchase of forest products by all levels of government.</p> <p>It started in the Netherlands with the proposed 'Voss Bill' designed to establish the FSC as the only acceptable forest certification program to be used to qualify forest products for import into</p>	<p>13</p>	<p>Comments are not relevant to specific schemes or criteria and thus will not be taken into account as part of the Review.</p>
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<p>the Netherlands. The EU disallowed the Voss Bill as being too restrictive. It would have been a Technical Barrier to Trade. Canada's Dept of External Affairs & International Trade became involved.</p> <p>The CPET approach is founded on broader principles in that a set of criteria are selected and used to assess forest management certification standards to determine whether they deliver assurance of both legality and sustainability of forest management. But criteria can be selected to deliver a desired result. And if the criteria selected in the first instance do not deliver as planned, they can be changed. We are having a painful and humbling experience with this in Canada. In 1993 a newly elected government cancelled a \$4.6 billion contract signed by the previous government for the purchase of military air/sea rescue helicopters and paid a cancellation fee of almost \$500 million to the British supplier. In 2004 the same government let a contract for the same type of helicopters. There is news of a possible \$1 billion lawsuit taken against the Government of Canada by the British helicopter supplier accusing the Canadian government of political interference in the specifications to ensure that the same British supplier of excellent helicopters would not win the contract again, and thereby cause intense embarrassment to the Canadian government of the day. There is another troubling aspect to the proliferation of national processes to assess the credibility of forest management certification programs. As national governments decide to establish purchasing policies there will naturally be some diversity of national opinion, based on culture and values, as to which criteria are important. There may even be some national rivalry between governments to be seen as the most rigorous in their requirements. This will probably result in a set of diverging requirements in a state of flux that all national forest management standards must meet or the users will find that trade doors are closed to them.</p> <p>Decisions made by government forest certification assessment processes like CPET will affect purchasing decisions in the private sector as well as by public institutions. Private organizations that do not have the technical ability to carry out their own assessment program will understandably follow the lead of the government program. Technical Barriers to Trade will result. The process must be above reproach or appeals to the WTO will probably result.</p>		
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<p>Standards established under national standards institutions, like BSI and SCC- CSA, are revised on a relatively fixed schedule (5 years) to provide a good compromise between changes in technology & human values and the provision of some stability in product requirements for industry. It is therefore difficult for standards to quickly respond to a constant flow of differing demands for change in order to maintain trade access.</p> <p>This is the very reason why ISO was established. It is to develop standards in an international forum that will be accepted by national governments in order to facilitate international trade. Internationally accepted standards for many products, processes and measurement systems have been developed through ISO Technical Committees and do indeed facilitate international trade through the provision of internationally agreed standards for all suppliers to meet.</p> <p>It is interesting to note that efforts by Canada, Australia and several other countries in 1995/6 to have ISO TC 207 undertake the development of what would have become an ISO Standard for forest management was frustrated in large part by the passionate (and I do mean passionate) objections from the British delegation to TC 207. This decision by TC 207 resulted in the development of many national forest management certification standards.</p> <p>The scope of requirements in a standard is of primary importance. But so is the observance of internationally agreed standards practice. It is possible to become so engrossed in detail that matters of strategic importance are overlooked. I had a seminal experience in Kenya in 1965 that will illustrate this point. While driving on the gravel road from Mombassa to Nairobi in my 1962 VW Beetle I became engrossed in the task of avoiding the worst potholes. It was not until my companion started to make noises of alarm that I looked ahead to see a very large elephant on the road. By this time we were too close to stop, so I stepped on the accelerator and sped around the great beast. We went a further 100 yards and stopped to admire it. We then realized that we were in the middle of the herd. The bush on both sides of the road was alive with elephants. We quickly moved on.</p>		
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19	Whether schemes like for example the North American SFI scheme of the Canadian CSA scheme, which limit their efforts to the USA and Canada or even the PEFC which limits its certification efforts to forest management operations in countries which seek membership in its international council, qualify as technical barriers to trade for wood imports from countries where forest operations have no possibilities of becoming certified to their respective requirements, remains to be seen if these schemes are evaluated under international provisions including WTO.	19	
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