

EXPERT BLOG BY ANTHONY SWIFT & JOSHUA AXELROD

# Spinning Green: Stumps Speak Louder Than Words on a Page

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Thirteen-year-old Yale study does not support Canadian forest industry and government claims about sustainable, on the ground outcomes in Canada's boreal forest

This is the third blog post in a series examining issues to Canada's boreal forest.

Do stringent logging policies translate into positive ecosystem outcomes on the ground?

The Canadian boreal forest should be a good place to answer that question, and so far, sadly, the answer appears to be no. A mounting body of evidence ranging from satellite images to wildlife population trends to biodiversity losses is raising alarm bells that not all is well in the world's great northern forest. Clearcutting continues at a staggering pace. Oil and gas development is polluting once-pristine waters. Intact forest areas are disappearing, and continued survival of iconic species like the woodland caribou is increasingly threatened.

## The Disconnect: Policies aren't a stand in for on-the-ground enforcement and compliance

In the face of this stark, on-the-ground reality, the Canadian forest industry and several provincial governments have relied on a 2004 Yale study to argue that logging in Canada is sustainable because it is subject to the world's most stringent forestry regulation, compliance, and enforcement regimes. In the face of this disconnect between strict policies and sustainable outcomes on the ground, we reached out to the authors to see if they felt their study was being misused to make the case for the on-the-ground sustainability of Canada's timber industry.



Woodland caribou. U.S. Fish and Wildlife Service.

Back in 2004, a well-known Yale University researcher and professor, Dr. Ben Cashore, produced a comparative study of forestry regulations alongside his colleague, Dr. Constance McDermott of Oxford University. That study was a "tabletop exercise" that looked at the written regulations as opposed to their enforcement and outcomes on the ground. And it seems to have gained celebrity status among Canada's forestry industry.

In the years since, Natural Resources Canada (NRCan), the Forest Products Association of Canada (FPAC), Resolute Forest Products, and others have leaned very heavily on "the 2004 Yale University study to support their claims that Canada has the best, strictest, and most sustainable on-the-ground forestry practices in the world."

And while it may be true that the laws and regulations on the books are the best that can be found—that's a separate issue—what we're most interested in today is enforcement and compliance. Strict regulations look and sound great on paper, but if companies fail to comply with them, if there are loopholes or exemptions, or if there is minimal or light enforcement, the strictest regulations are largely meaningless.

It's a key point, and one on which NRDC and FPAC agree wholeheartedly. Here's FPAC on the importance of compliance with forestry regulations:

"Written policies that are ignored by those whom they are meant to govern and/or those responsible for their enforcement, have little meaning for environmental protection."

This statement comes from FPAC's summary of Dr. Cashore and Dr. McDermott's 2004 study, and in conversation, the authors agree that it's a critical point to remember.

But then, FPAC's summary goes on to say, "[i]n this study felt it necessary to consider compliance, and as a consequence reviewed extensive literature to help shape observations. At the same time, it is readily acknowledged that this is not a substitute for a definitive study of compliance methods and success rates." According to Dr. Cashore, that portrayal of the study's focus may be a bit misleading: "On enforcement we actually had a section saying we didn't look at enforcement on the ground, and called for research into that question," he told us. "In that section, we did refer to literature on enforcement that showed developed countries tend to have more enforcement capacity than developing countries, but we made it clear it wasn't our study and that this kind of research was beyond the scope of the study. We also did not measure 'sustainability practices' on the ground."

## Taking stock of how things are going on the ground

A favorite industry talking point has to do with legislated regeneration rates following harvest. The legal requirement across Canada is for 100% regeneration on public lands, but this is both unrealistic and unrealized given relatively harsh conditions in the boreal and the prevalence of clearcutting. Studies on actual achieved regeneration rates are sparse, but government data suggests that it may be well below 70% in many places. And that number may be generous, due to the way governments define "successful regeneration." In addition, replanting rates in the key boreal provinces of Quebec and Ontario are quite low, standing at 35% and 67% respectively in 2014, but and drop below even those numbers in previous years. The remaining gap is expected to be filled by natural reseeded.

Elsewhere, the plight of the woodland caribou provides a stark example of the unsustainability of multiple logging operations across the country. Provinces have failed to enact woodland caribou conservation and recovery plans, as required by Canada's Species at Risk Act (SARA). The federal government has dragged its feet on enforcing SARA, despite alarming population trends among woodland caribou herds. Ontario has specifically exempted logging companies from the provincial Endangered Species Act requirement that they not destroy critical caribou habitat. And perhaps the saddest measure of the lack of enforcement of these critical biodiversity laws is the recent news that the Val d'Or woodland caribou herd will be rounded up and put in a zoo, since Quebec officials no longer believe they can survive in the wild.



Clearcut in Ontario's boreal forest

## The Spin on 'Sustainable' Forest Management

The problem with governments and industry relying on the 2004 study to gloss over what's happening on the ground is encapsulated by NRCan in its marketing materials for Canadian wood products:

"Consumers of forest products harvested in Canada can be confident that the wood they are buying is harvested within an extensive system based on sustainable forest management."

That claim is based on regulations that Dr. Cashore and Dr. McDermott reviewed in 2004, and they've tied it to the findings in the Yale study. Here's a sampling of how government and industry use the study to validate the above statement:

- "[W]e know [Canada's Boreal] is one of the world's best managed forests—a fact recognized by researchers at prestigious institutions like Yale University..." Resolute Forest Products (citing FPAC).
- "A third-party study by Dr. Cashore of Yale University in 2004 compared forest policy and regulations across 38 jurisdictions worldwide and found that "...the regime of forest management and conservation in Canada, is, in the aggregate, one of the most advanced in the world." Natural Resources Canada, quoting FPAC (not Dr. Cashore and Dr. McDermott).
- "Canadian forests, particularly the Boreal, are some of the most strictly regulated forests in the world as evidenced by, among other things, a comprehensive Yale University world ranking Canada's forestry laws and management as among the world's most rigorous." Resolute Forest Products in their brief supporting a court claim against Greenpeace and Stand in U.S. courts.
- "Notwithstanding these interpretations, a major comparative study by Yale University of forest regulations, sustainability practices and enforcement structures around the world found that Canada is top-ranked in terms of government policies, industry activities and the speed of certification adoption." Resolute Forest Products.
- "I would like to point out that Québec's forest regime is the most stringent in the world." Quebec's former Minister of Forests, Wildlife and Parks, echoing what appears to be a widely-distributed talking point.
- And on and on and on.

## What the Yale study really looked at

You might notice a pattern in that list of citations. We certainly did and it made us very curious about what this study said, since it's cited so frequently to support the assertion that no one does sustainability better than the Canadian forest industry. Finding the study was a challenge in itself—FPAC, Resolute, and others usually link to an FPAC summary instead of the study itself.

Indeed, the full study is no longer available online. We can provide the link thanks to Dr. Cashore and Dr. McDermott providing us with files of key chapters. However, it is clear from the study's text that understanding its focus is critical to how it is interpreted and used by stakeholders on all sides. The authors state:

"The framework developed in this report is not intended to stand alone as an evaluation of the effectiveness of the different regulatory approaches towards achieving environmental protection goals. Instead, it lays the necessary groundwork for future, field-based studies designed to test which types of regulatory approaches (and under which conditions) are most effective in addressing environmental policy questions..."

This was our initial concern when we noticed how frequently governments and industry were pointing to the Yale study: had the researchers looked at the regulations, or the outcomes those regulations were meant to achieve? The above statement reads something like a warning: research on the ground is needed before conclusions about effectiveness can be drawn and touted.

Because it has been 13 years since the study was released, we also wanted to talk to the authors to get their perspectives on how the study is being used and what cautions they may have—for the environmental community, and for industry. Here's what they said:

"Our report makes no claims about how 'good' or appropriate [Canada's] forest policies are, nor does it provide grounds for complacency surrounding the protection of [Canada's] forested environment. . . . The report did not grant 'high marks' for the quality of BC's or Canada's forest policies—an important question that can only be addressed through field-based research on the effects of forest practices on forest ecosystems."

The report's focus was on comparing the stringency of written forest practices standards in various jurisdictions according to five selected criteria. The report called for greater attention to understanding how enforcement of written policies occurs 'on the ground.' The report did not claim that greater stringency means 'better policies.'

We also wrote at the time that the scope of our more than 450-page report precludes any broad generalizations about which country, state and/or province is 'best' . . . . [1]

The authors' words today are a good reminder of the caution they urged back in 2004 when they wrote, in the same study:

"This report does not take a position on the 'ideal' levels of stringency, nor on the appropriateness or adequacy of policy content, nor does it dismiss the idea that different types of forest conditions may require different types of policies. . . . In fact the intra-country differences of our case study jurisdictions regarding the industry of approach to key policy indicators are often of greater magnitude than inter country differences between Canada and the US. Thus generalizations about which country has more 'stringent' environmental protection policies are clearly misleading."

## Time for a Better Conversation

Today, looking at many human-caused threats facing Canada's boreal forest, NRDC urges all relevant players to come to the table in good faith to talk about the health of this globally critical forest and how it can be improved. Claiming that the boreal forest is fine based on a 13-year-old comparative study of written regulations is not a productive place to start. A growing body of evidence suggests that what is taking place on the ground is gravely concerning—forest degradation occurring at an alarming rate, iconic species disappearing, harvest methods and rates leading to increased carbon emissions, and forest regeneration that is nowhere near what is legally required under federal and provincial law.

Northern communities, provinces, the international marketplace, and humanity as a whole need a thriving boreal for the environmental and economic benefits it provides. Without careful stewardship, common-sense environmental safeguards supported by scientific observation, and new efforts to monitor conditions on the ground, we risk irreparably harming the critical ecological functions this vast forest provides to all of us.

We believe that one of the best ways to get a sense of what is happening on the ground is to listen to those whose culture and livelihood has been shaped by the boreal forest over millennia. Over the past two years, NRDC has been working with the small indigenous community of Waswanipi in Northern Quebec to better understand their perspectives on the way human activity has slowly altered their way of life. We're helping them, as much as we can, to advocate for conservation and protection of their remaining undisturbed lands.

For a brief look into their fight to save part of the Broadback River watershed from industrial development, we worked with them to produce this video.

[1] Quotes from Dr. Cashore and Dr. McDermott come from conversations that we had with him during the writing of this post and in subsequent follow-up conversations to ensure we were not misconstruing their perspectives.

Yet another post distorting the reality in the boreal to deflect from the thousands of stakeholders whose questions and concerns have been ignored by NRDC.

...if you choose to ignore easily verifiable information demonstrating otherwise.

Actually, less than 0.2% of Canada's boreal forest is harvested each year - a fraction of what is disturbed annually by natural causes like forest fires, insects and disease.

What's more - compliance with local laws and regulations is a requirement for all three forest certification standards in use in Canada (SFI, CSA and FSC).

The authors are "on the ground" in Washington, DC, far from the reality in the boreal.

It is a FACT that Canada's boreal is one of the best regulated and sustainably managed forests in the world.

They are! And while it may be true that the laws and regulations on the books are the best that can be found—that's a separate issue—what we're most interested in today is enforcement and compliance. Strict regulations look and sound great on paper, but if companies fail to comply with them, if there are loopholes or exemptions, or if there is minimal or light enforcement, the strictest regulations are largely meaningless.

Yet Swift and Axelrod fail to mention any actual compliance data.

Absolutely. But as Drs. Cashore and McDermott themselves say, their study did not examine enforcement - the reckless implication that Canadian laws aren't enforced comes directly from NRDC.

Natural regeneration is always preferable. In Quebec and Ontario, a high percentage of harvested areas regenerate naturally, sometimes so abundantly that spacing techniques must be implemented.

Recent caribou population surveys in Quebec indicated increasing populations surpassing 2023 goals.

The study does NOT "gloss over" anything. It reviews laws and regulations, but never claimed to review compliance with those laws and regulations.

...and the United Nations.

There is plenty of research on the ground, not to mention the regular audits conducted through the forest management certification process.

Claiming that the boreal forest is NOT fine while citing zero evidence is not just unproductive - it's irresponsible.

Interestingly, none of that evidence is supplied here.

Alarmist and misleading. Harvest plans are carefully implemented, and clearcutting is one of many forest management strategies. Clearcutting is used in specific circumstances - for instance, in order to expedite regeneration of species that require direct sunlight, or to spur growth after forest fires or other natural tree loss.

We couldn't agree more - luckily, Canada's policies ARE enforced on the ground.

Here, the authors try to argue that Canada's strict laws protecting forests and tough sanctions for violating those laws simply don't matter.

Other studies have confirmed this finding, including a 2017 report by InluFor North America.

BASELESS: Again, zero evidence is provided to back up this insinuation.

Canadian companies are subject to government audits on their practices, and compliance with local laws and regulations is the most basic requirement of all three forest certification schemes in use in Canada (SFI, CSA and FSC). Compliance is verified annually by third party auditors. Since Canada is among the countries with the highest percentage of certified forests in the world, Canadian companies' compliance is well documented.

In the same report cited by authors, provinces like Ontario have a 98% compliance rate.

...in favor of enforcing the already established Crown Forest Sustainability Act - the "gold standard" for species at risk.

An effort to save a small, separated herd in a specific region of Quebec. Thousands of caribou roam freely throughout the rest of Quebec.

These statements are all easily verifiable. Is NRDC implying otherwise? If so, where is the evidence?

They didn't set out to give 'high marks' at all. They simply looked at the policies themselves.

Over 12 weeks ago, various northern communities reached out to NRDC to ask questions and discuss just this - questions NRDC apparently ignored.

Instead, NRDC is using conjecture to create a misleading narrative - and readers should ask why.