

Advice Note for Labeling Community and SLIMF products - FSC-ADV-XX-XXX V1-0 D1-0 EN

Compiled Comments from Questionnaire and Emails

Policy Contact: Shoana Humphries, FSC Social Policy Manager, s.humphries@fsc.org
24-Jun-11

Comments forms received from:

- (1) Ms. Kathryn Fernholtz, Dovetail Partners (Envir, North, Org),
- (2) Mr. Gary Featherstone, Forest Strategy Ltd (Econ, North)
- (3) Mr. Theo Kern, Swiss Landowner Association (Econ, North)
- (4) Mr. Lincoln Quevedo (Soc, South, Indiv)

Comments received in emails without the comment form

- (5) Mr. Thomas Kroll, (Soc, North)
- (6) Mr. Alessandro Leonardi, COPADE (Social, North, Org)
- (7) Ms. Ana Patricia Gomez, IMAFLORA (Econ, South, Org)
- (8) Mr. Peter Dam (Envir, South)
- (9) Mr. Duncan MacQueen, IIED
- (10) Mr. Jens Kanstrup, Nepenthes (Envir, North)
- (11) Mr. Orin Quinn (Envir, North)
- (12) Mauricio Voivodic and Patricia Cota Gomes, Imaflora (Econ, South, Org), Certifier
- (13) Ms. Rosie Teasdale, FSC UK

Advice Note section	Question	Comment received	FSC Response
1.0 Definitions	1.a What is your opinion on how "small producer" should be defined?	(1) I agree with the definition of Small Producer that is included in the Advice Note	--
		(2) The proposed definition is acceptable. Groups with both SLIMF and non-SLIMF will have to run two labelling processes and have some chain of custody systems to keep the products separate. This only has to be done if they want to use the community label.	This is correct.
		(3) No comment.	--
		(4) Un "pequeño productor" es lo opuesto a un productor próspero, rico, que tiene grandes ganancias. Entonces, el término "pequeño" sería equivalente a estar significativamente por debajo del promedio de la riqueza o ganancias de otros productores del mismo país. Habiendo aclarado esto, el bosque del pequeño productor debería cumplir los siguientes requisitos: a) Que la superficie del bosque sea pequeña en relación a la superficie promedio del país b) Que el volumen aprovechado sea pequeño (en consecuencia, el bosque podría ser relativamente grande, pero la producción pequeña).	This is in agreement with the current policy of allowing each country to define "small" and "low-intensity" for the SLIMF eligibility criteria.

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	1.b What is your opinion on how "community producer" should be defined?	(1) The definition is a bit confusing due to the ANDs and ORs, but I don't have any objections to it.	
		(2) The definition is workable but the management criterion is not required as it contains all possibilities for management and therefore all community producers will qualify on the management criterion. That is they either manage it themselves or use others. Any one that qualifies on the tenure criterion must qualify on the management criterion.	The exception is that members of a community that decide to do forest management as individuals (i.e., not at the communal level) will not qualify.
		(3) We have forests owned by communities but no indigenous peoples or traditional peoples. Therefore this definition will exclude the community managed forests in Switzerland. Also forests that are owned and managed by communities should be able to get the claim "community producer".	It is correct that these communities would likely be excluded as "community producers," but other community-owned forests in Europe may qualify. The intent of the new labelling option is for communities that have traditionally lived in and from forests to be the beneficiaries. Other community-owned forests would qualify as "small producers" if they meet the SLIMF eligibility criteria.
		(4) Pertenece a un grupo indígena reconocido en su país o es un grupo de campesinos o pueblos tradicionales que manejan su bosque en forma comunitaria.	It is correct that recognized indigenous groups or traditional communities would fit the tenure criteria for a "community producer". A group of "campesinos" or farmers would likely fit in the "small producer" category.
		<p>(5) We are a SLIMF producer that is approaching the 1000 hectare mark for our forest. Since we are approaching the 1000 ha mark we would like some clarification on the definition of what makes a community producer. This is kind of a generic comment, but it could be a reality for us if we were to purchase more forest land.</p> <p>Our forest is communally held by about 175 Benedictine monks, and we would like to know if this fits the definition for a community producer. They term themselves a Benedictine Community and communally have title to the land as the "Order of Saint Benedict" which is the name on our certificate. (SCS-FM/COC-00100) They have owned this land for 150+ years.</p> <p>1) If they are SLIMF and communally own and manage the land, are they qualified for the Small and Community Producer label?</p> <p>2) If they had more land than SLIMF allows, would they be considered a "traditional group?" Based on your definition, I would expect that they may qualify as "traditional peoples." I did not see a specific definition of that term. Did you intend to include groups such as old monasteries in "traditional" groups?</p>	<p>The intention is for communities to be people who have traditionally occupied and used forests, and to exclude municipal forests, etc, that are also held communally.</p> <p>The definition of traditional peoples is the following (from proposed new FSC Principles and Criteria): Traditional peoples (new): Traditional peoples are social groups or peoples who do not self-identify as indigenous and who affirm rights to their lands, forests and other resources based on long established custom or traditional occupation and use. [Source: Forest Peoples Programme (Marcus Colchester, 07 October 2009)]</p> <p>Here are responses to your numbered questions:</p> <p>1) If the monk's forest meets SLIMF eligibility criteria they can use the new label option -- regardless of if they meet community producer criteria.</p> <p>2) The monks may qualify as traditional peoples; it would be up to the certification body to decide. If they exceed the area limit, perhaps they would meet the low intensity criteria for SLIMF (< 5000 m3/yr and 20% of mean annual increment)?</p>

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		<p>(5 continued) Another example would be a family owned forest with the family having about 20 members holding stake in a SLIMF forest. They communally own the land in what Minnesota calls "undivided interest" meaning they all own a part of each parcel. Would the management that this family undertakes through a communal decision qualify them as a community owned producer? What if that family only had 2 members and made communal decisions about their management?</p> <p>I think that it is good that you have added this category, but I find it a bit unclear as to who is qualified. Based on the examples, it appears that FSC was headed towards only native or indigenous groups. Again any clarification on the definition of what makes a community producer is much appreciated, especially by including other examples.</p>	<p>The family forest would also not qualify the family owners/managers as community producers, but they would qualify to use the label as a SLIMF.</p> <p>Regarding communities, yes, the intention is for the new labelling option to benefit native or indigenous groups and traditional peoples (e.g., rubber tappers who have lived in the forest for many years, communities with strong cultural ties to forests). But we also want small producers to benefit (e.g., family forests in the US) if they meet the SLIMF eligibility criteria.</p>
		<p>(8) Thanks for your invitation to comment on the FSC community & small producers labelling initiative.</p> <p>There still is a big problem with the current definition of "community producer". As it now stands ALL logging operations on communally owned land, for which communities give their consent, will fall under the definition.</p> <p>The formulation "authorizes management by others" means that all logging operations under all types of Timber Permits, over which communities normally have no control whatsoever, will be covered by the definition as it currently stands. For PNG where we have 97% of the land under customary ownership, this would mean ALL logging operations would qualify to carry the "community producer" label, which of course completely beats its purpose! We suspect there will be similar situations in other countries.</p> <p>We do not have any suggestions ready for new definition text. The part that is the problem for us is "OR the community authorizes management of the forest by others (e.g., resource manager, forest products company)." We would prefer for this part to be removed and have the definition cover only operations managed by communities themselves. We fear that any addition of "authorisation of management" will open up the definition too much and will lead to misuse of the label. However, we realise there may be situations in other countries that you try to capture in this definition that we are not aware of.</p>	<p>This exact issue was discussed in the Policy and Standards Unit, and we initially decided to not make a judgement about how involved communities should be in management to benefit from the new labelling option for various reasons. First, there are requirements for FPIC and local benefits (in addition to legality issues) in the certification standards, and these would be even stronger if the proposed new P&C are approved. Furthermore, in my professional view, if a community decides it is not in their interest to be actively involved in management (due to limited capacity, efficiencies, capital, economies of scale, etc.) they still face challenges entering the forest products market (poor transportation infrastructure, small volumes of commercial species, etc.) and should benefit from the label. However, I fully respect the concerns raised in the comments received.</p> <p>PSU staff and the FSC Policy and Standards Committee discussed Imaflora's suggested criteria. It was decided that the main concern is that communities make informed and transparent decisions regarding authorization of management to others. Thus, new criteria have been developed and added to Advice Note version 2.</p> <p>Also, Peter responded to Mauricio Vovoidic's suggested criteria (see comment attributed to (12) in this section below) for determining if a community forest is "community managed".</p>
		<p>(9) Like Peter, I struggled with that particular additional piece of text and would prefer to see it removed.</p>	<p>It has not been removed, but criteria have been added.</p>
		<p>(10) I also flagged this concern earlier, and I haven't changed my mind. Community products should originate from community operations and businesses. It's important to ensure that the label is easy to communicate and easy for ordinary people to understand. If not I fear that it will not add value to the groups it was intended to benefit when the motion was formulated.</p>	<p>This was taken into consideration.</p>

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		<p>(11) Please excuse my tardiness on this issue and I completely agree with Peter Dam and Duncan Macqueen.</p> <p>We are strong advocates of Community Forests in British Columbia which are generally partnerships between local communities and First Nations.</p> <p>The label would be seriously impacted if larger (what we define a majors) forest companies were able to qualify.</p> <p>In BC, majors generally operate with much less input from the surrounding community as opposed to community managed forests.</p>	<p>This was taken into consideration.</p>
		<p>(12) We understand the situation presented by Peter and other colleagues since there are similar situations in Brazil, where the community forest is managed by companies and the community don't have any involvement in the forest management. We definitely agree that this situation should not be eligible for the community labeling.</p> <p>However, in Brazil there are other arrangements between communities and companies, where the communities outsource some of the management activities, be the inventory, the harvesting or the transportation. Most of the communities in the Amazon have no money and structure to do this activities alone and, therefore, they decide to hire companies as services providers. We take this situation as community forestry since all of the forest management decisions are still in the community hands. They decide the harvesting procedures, the species and volume to be harvested, and they personally follow the whole process. It's our understanding that this situation should be applicable to the new community label.</p>	<p>The suggested criteria are appreciated and were discussed and considered in the development of the new criteria which have been added to the community producer definition.</p>
		<p>(12 cont.) When the national FSC standard for communities was developed in Brazil, it was created a sort of a "decision tree" to differentiate these two types of arrangements. I bring this to your attention as a suggestion of something practical that could be included in the Advice Note.</p> <p>1. Legal Responsibility: Does the community have a legal responsibility for the harvesting operations? If No: Advice Note not applicable If Yes: Answer the Question 2</p> <p>2. Execution: Does the community performs the harvesting operations? If Yes: Advice Note applicable If No: Answer the Question 3</p> <p>3. Control: Is the community responsible for the forest management decisions and follow and monitor the operations? If Yes: Advice Note applicable If No: Advice Note Not applicable</p> <p>I apologize if the translation seems confused but I hope that you can get the idea. I hope this can be useful.</p>	

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<u>2.0 Chain of Custody Requirements</u>	2.a Do you have any comments on the section on product groups?	(1) I have no comments on this section. I agree with the description of product groups that is included in the advice note.	--
		(2) Product groups section is workable and sensible.	--
		(3) No comment	--
		(4) No comment	--
	2.b Do you have any comments on the section on Claim on sales documentation?	(1) No comments	--
		(2) The Claim on sales documentation section is workable and sensible.	--
		(3) No comment	--
		(4) No comment	--
	2.c Do you have any comment on the section on System for controlling the claim?	(1) No comments	
		(2) The section on controlling the claim is sensible but could be worded in the positive rather than the negative by stating what systems can be used, that is transfer and percentage.	PSU determined this is the clearest and most concise way to word this part.
		(3) No comment	--
		(4) No comment	--
	2.d Do you have any comment on the section on Eligibility for using the FSC Small or Community Producer label?	(1) No comments	--
		(2) I am confused by this section that seems to interchange the product classes (FSC Pure and FSC Mix) and the controlling systems (transfer and percentage). The transfer system can be used to produce FSC Mix and FSC Pure (page 19 FSC-STD-40-004), but the section says all product groups produced under the transfer system can be labelled as FSC Mix..Better wording is required.	The guidance provided is very similar to the chain of custody standards and should be sufficiently clear. As there were no other comments on this section, it was decided to not revise it.
		(3) No comment	--
		(4) No comment	--
<u>3.0 Other comments</u>	3.a What other feedback would you like to provide that could help develop this Advice Note?	(1) I think the Advice Note is clear and concise. I think there will be additional opportunities for improvement identified as the advice note is applied.	--
		(2) Thanks for the chance to participate.	You are welcome!

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		<p>(3) I see one major problem with passing on the new Label through the chain of custody. The producer has got that new label but the interim trade won't be able to get the new label. Therefore the CoC is broken and the new label won't make it into the shelves of the supermarkets. There should be a solution for this concern.</p> <p>If it is a successful project or not will depend on the demand of the retailers for such products. As I'm pointed out earlier, I'm not very pleased with this project. I would rather prefer that the origin of the product is communicated.</p>	<p>To clarify, processors and retailers down the supply chain can benefit from the new labelling option as long as they keep the product from small producers separate from that of other producers and note that the product is "From small or community producers" on invoices.</p>
		<p>(4) Un comentario: la traducción al español de "Advice Note" no parece ser "Nota de Opinión". En español no tiene sentido. Además, el término "Advice" está relacionado en español más como "Consejo" que como "opinión" (pero tampoco parece funcionar la traducción como "Nota de Consejo"). Por el momento no tengo un advise sobre cuál sería la traducción correcta al español.</p> <p>Quizás una buena traducción de "Advice Note" al español sea "Nota de Aclaración" o "Nota Aclaratoria".</p>	<p>It is agreed that "Nota de Aclaracion" or "Nota Aclaratoria" would be better. It is suggested that the PSC officially decide one of these terms should be used. Currently there is only one Advice Note translated to Spanish, and the term "Nota de Opinion" was used for this translation.</p>
		<p>(6) great work! I've read through the advice note and I have no additional comments.</p>	<p>--</p>
		<p>(7) Revisamos o Advice e demais documentos e achamos que está muito bom. Não temos comentários adicionais, além dos que já havíamos enviado anteriormente.</p> <p>Por favor, nos avise quando for "aprovado" para que possamos implementar ainda nesta safra, junto às comunidades do Acre.</p>	<p>--</p>

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		<p>(13) Can you explain the rationale behind the decision to change it from a policy document to an advice note?</p> <p>Reading the background document, I understand that the advice note will not be circulated for consultation after the PSC make a decision, but will be approved (presumably) for a one year pilot.</p> <p>Even though this is now an advice note, and is therefore not bound by the same consultation requirements as for a change in policy, the fact remains that it was initially issued as a policy document and does, in my opinion relate to a change in policy rather than advice on existing policy. Of course, had it stayed as a policy document, the consultation process would have been followed. My concern is that there seems to be little transparency in a 1 week targeted public review of a new advice note.</p> <p>I appreciate that the timing of the PSC meeting has meant that time for proper public consultation on this document was limited but even a week (if genuinely issued as a public consultation document) would have been more transparent, in my opinion.</p> <p>As our stakeholders are not aware of the “public review” of the advice note, it is highly unlikely that anyone will requested it. In fact, FSC UK (and the other National Offices) were only informed of the review after the deadline for comment. Have Kingfisher been consulted or is it just those who responded to the draft policy document?</p> <p>Hopefully the new label will be welcomed by FSC’s stakeholders and the procedure for issuing this advice note will not raise concerns, particularly as it will only lead to a one year pilot. I am just wary of any move towards “targeted” public consultation.</p>	<p>Since implementation requires only minor changes to existing chain of custody and trademark standards, it was decided an Advice Note was more appropriate than a new policy.</p> <p>The second argeted consultation was sent to individuals who commented on the original draft policy, as well as other key stakeholders who have been in touch about the new labelling option, including selected key clients, national initiatives, and donors.</p>

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