



Forest Stewardship Council®



Working Group to revise FSC Pesticides Policy (FSC-POL-30-001)

Terms of Reference and Operating Rules

November 2015

WORKING GROUP SUMMARY

Type of Working Group:	Stakeholders and technical experts.
# of stakeholders:	6 interest balanced stakeholders
# of Technical experts:	3 interest balanced technical experts
Coordinator:	Maria Pilar Melero Bravo
Working language	English (other languages may be supported as needed)

PROJECT SUMMARY

Project Title:	Revision of the FSC Pesticides Policy (FSC-POL-30-001).
Project Manager:	Maria Pilar Melero Bravo
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PROJECT INFORMATION

1 Introduction

The FSC International Board of Directors approved these TOR in its 70th meeting in Finland with the following statement on the strategic direction of the Working Group:

“We are committed as an organization to delivering meaningful impact on the ground. Based on our values we will protect and restore natural processes and respect the rights of workers, Indigenous Peoples, communities and other under-represented groups. Through our practices we promote responsible use of forests based on continuous improvement and best available science, going beyond the status quo and baseline policy conditions in forests.

To be the leading catalyst and defining force for improved forest management globally, and meet our objective of ‘20 by 2020’, we will improve certification uptake, focusing on ground performance, cost-effectiveness and outcomes by stabilizing and simplifying FSC policies. We must continue to be relevant for the full range of forest types, including plantations, as elements of sustainable landscapes”.

2 Background of the Project

The FSC Pesticides Policy (FSC-POL-30-001) regulates the use of pesticides in certified natural forests and plantations. The Policy was approved in 2005 and was going to be subject to review in 2015.

In 2015 FSC has completed the revision processes of two normative documents closely related to the FSC Pesticides Policy -Indicators & Thresholds for identifying ‘highly hazardous’ pesticides (FSC-STD-30-001) and the Pesticides Derogation Procedure (FSC-PRO-30-001).

During the revision processes of these documents some stakeholders expressed concerns about different aspects related to the FSC Pesticides Policy. In response to these concerns and to tackle them more rapidly, the FSC Board of Directors has approved a revision of the FSC Pesticides Policy without first going through the formal review process.

The revision process will involve the establishment of a **Working Group (WG)** with the objective of identifying the best feasible approach to reduce the use of chemical pesticides in FSC certified forests and plantations and to prevent, minimize and mitigate the related environmental and social impacts.

3 Set up of the project

In the context of this project, FSC will establish a **Working Group (WG) consisting of six interest balance¹ stakeholders and three interest balanced technical experts** to advise and provide content related input to the revision process of the FSC Pesticides Policy and to deliver on the tasks and responsibilities outlined in these Terms of Reference (TOR).

- **Subgroup of stakeholders**, a group of six selected stakeholders (not necessarily FSC members) with professional experience in the field of pesticides and/or integrated pest management in forestry, equally representing the perspectives of the social (2 persons), environmental (2 persons) and economic (2 persons) interests, and southern and northern perspectives.

Within the WG decisions are taken by the stakeholder subgroup, in consensus between the three interest groups.

- **Subgroup of technical experts**, selected research scientists or highly qualified specialists in integrated pest management in forestry, pesticide environmental impacts, pesticide social impacts, health and pesticides safety, toxicology, etc., representing the perspectives of the social, environmental and economic interests.

Technical experts are contracted to participate in the Working Group discussions as resource persons and to provide input based on science and technology. Technical experts shall have voice in the WG discussions, but no formal vote in its decision making processes.

Applications to both subgroups are open to all stakeholders. When applying, candidates shall identify the interest group they represent (economic, environmental or social).

In addition, the following bodies are involved in the project, established in line with FSC-PRO-01-001 V3-0:

A **Project Manager**, appointed by the Policy Director, to manage the project.

A **WG Coordinator**, appointed by the Policy Director to set up, administering and managing the WG and the Consultative Forum. The Project Coordinator is responsible for ensuring that the WG operates responsibly and in accordance with its terms of reference and applicable procedures.

A **Steering Committee** composed of the FSC Director General (Kim Carstensen), the Policy Director (Achim Droste), the Project Supervisor (Pasi Miettinen), a liaison from the FSC Board of Directors (Estevão do Prado Braga) and a liaison from the Policy and Standards Committee (Ivone Satsuki Namikawa), provides oversight on all phases of the process until the final decision by the FSC Board of Directors.

¹ FSC is aiming to establish a sub-interest balanced Working Group. Should this not be possible, interest balance with adequate representation from the North and the South will be sought.

Liaisons from the FSC Board of Directors and the Policy and Standards Committee can be invited to the Steering Committee, though they do not have a decision-making role on the Steering Committee.

A **Consultative Forum** is a self-selecting group of interested/affected members, certificate holders, certification bodies and other stakeholders interested in providing ongoing, direct and meaningful input into the process as follows:

- Prior to WG meetings, provide topics and papers to be discussed by the WG.
- Provide advice to the WG in specific aspects when required.

A **Facilitator**, to support the Working Group in running successful conference calls and face to face meetings.

WORKING GROUP INFORMATION

4 Objective

The Working Group (WG) consisting of six stakeholders and three technical experts is expected to advise, provide content-related input and come to an agreement about the revision of the FSC Pesticides Policy (FSC-POL-30-001).

The Working Group shall prioritize as their first task the development of the fundamental approach of FSC towards the use of pesticides, including a discussion of the future of derogations in the FSC pesticides system.

In this context, the WG shall at least:

- Assess the feasibility of continuing or discontinuing the entire approach toward derogations.
- If a derogation system is proposed, review the entire existing derogation process to minimize administrative burden and costs, and increase effectiveness, including on whether a derogation for the same pesticide can be extended or reissued, under what conditions, and whether only one extension is permissible.
- Review the decision making process.
- Explore the inclusion of temporary derogations to National Forest Stewardship Standards.

Based on this discussions and prior to the public consultation of Draft 1, the WG shall deliver a report for the FSC International Board of Directors with a statement and recommendations on the future of derogations.

Further tasks include looking at least at the following specific aspects:

- Definition of the scope of the Policy.
 - Definition of chemical, active ingredient, pesticide, fertilizer, etc.
 - Use of chemicals in non-forest areas (nurseries, workers infrastructures, etc.).

- Use of chemicals in CoC activities.
- Use of chemicals for protection of human health.
- Identification of the best feasible approach to:
 - Reduce the use of chemicals in FSC certified forests and plantations.
 - Prevent, minimize and mitigate the related environmental and social impacts.
 - Strengthen the participation of local and regional experts.
- Develop an outcome oriented Policy which, integrates hazard and risk-based approach, incorporate market implications and analyses for cost-effectiveness.
- Align the Policy with Criterion 10.7 of FSC Principles and Criteria V5-2, observing in particular the new elements of the criterion.
- Provide advice on appropriate procedure and metrics for monitoring and reporting on use of pesticides.

5 Tasks and responsibilities of the Working Group

a) For all WG members

Stakeholders and technical experts will work together throughout the process, discussing issues and interacting with each other as a group in and outside of meetings as necessary and/or required by the coordinator.

All WG members shall:

- Analyze, discuss, and negotiate the requirements of the document regarding the need for revision;
- Seek comprehensive advice on the development and outcome from the FSC Global Network, FSC Board of Directors, FSC accredited CBs, FSC certificate holders, other FSC stakeholders and/or relevant Technical experts;
- Provide detailed input into the development of draft versions;
- Review and advise on comments received during public consultation;
- Participate in stakeholder outreach and information-sharing forums, as needed;

b) Specific for stakeholder subgroup

Moreover, members of the **stakeholder subgroup** shall:

- Present consensus-based proposals for the development of the drafts;
- Recommend when a draft is ready for public consultation;
- Recommend when the final draft is ready to be sent for decision making by the FSC Board of Directors;
- Provide input into the final revision report to the FSC Board of Directors;

6 Selection of Working Group members

A call for expressions of interest (supported by CVs) will be launched to the public for identifying the candidates for stakeholders and technical experts.

Members of the WG will be selected by the Steering Committee according to the following criteria:

- a) Ability to provide specific technical input on:
 - 1. Integrated pest management in forestry.
 - 2. Environmental impacts of pesticide use.
 - 3. Social impacts of pesticide use.
 - 4. Health and pesticides safety.
 - 5. Toxicology of pesticides.
- b) Up-to-date knowledge and experience of FSC's systems and procedures;
- c) Understanding of the potential impact of a normative document on affected stakeholders;
- d) Understanding of and support for FSC's mission and vision;
- e) Desire to seek and reach consensus on controversial issues;
- f) Ability to review and comment on documents submitted in the working language(s) agreed for the WG;
- g) Track record on successful working groups is an asset;
- h) Gender balance and balance of geographical regions, where possible.
- i) In the selection of technical experts, scientific career will be taken into account (research experience, scientific peer-reviewed publications, participation in congresses, etc.).

Applicants, who do not get chosen, may apply to participate in the Consultative Forum.

7 Structure and Accountabilities

The WG consists of 9 interest balanced members: 6 stakeholders and 3 technical experts.

The term of WG members ends with the submission of the final draft for decision making.

Appointed WG members are expected to adhere to the rules and regulations of this TOR and are expected to donate sufficient time to thoroughly fulfil their duties.

Appointed WG members shall sign a service and confidentiality agreement with FSC upon appointment.

The WG is accountable to FSC.

8 Work plan and time commitment

The WG will be established after the approval of this TOR. The expected start-date for the Working Group is January 2016, with a targeted completion by August 2017.

An estimated time table is provided in Annex 2. The timetable and the detailed work plan will be updated as necessary.

The WG will conduct most of its work via e-mail or similar means of electronic communication (e.g. Go-to meeting conference), and through one-on-one calls with the Coordinator when required. Three face-to-face meetings are envisaged: A kick-off meeting, a meeting after the first public consultation to review the comments and to revise the draft and a third face-to-face meeting after the second public consultation.

9 Expenses and Remuneration

FSC is an international not-for-profit membership organization with limited funding.

Participation in the WG takes place on a voluntary non-paid basis. However, FSC agrees to negotiate a fee for the participation in the WG discussions, if needed.

If required, FSC covers reasonable travel and accommodation expenses related to the work plan upon submission of the respective invoices and receipts, and if expenses are agreed upon in advance.

10 Confidentiality and conflict of interest

Working Group members shall sign a confidentiality and non-disclosure agreement with FSC at the beginning of their work.

Per default, non-attributable content of discussions and papers prepared by or presented to the WG is not considered confidential, unless otherwise specified.

The WG operates according to Chatham House Rules. So, while members of the WG have full authority to share the non-confidential substance of discussions and papers, they shall not report or attribute neither the comments of individuals nor their affiliations outside of meetings, whether conducted face to face or virtual.

Members are expected to declare any conflicts of interest, where they arise. This will cause the person(s) to be excused from the discussion and to abstain from participating in decision-making.

11 Language

The working language of the WG is English. Language support to Spanish is provided on request.

All drafts for public consultation, as well as other documents, as requested and as possible, shall be translated into Spanish. Documents may also be translated into other languages if requested by the Working Group and depending on resource availability

OPERATING RULES

12 Deliberations and Decision Making

Within the WG decisions are taken by the stakeholder subgroup.

In order for the WG to meet and deliberate, there must be quorum, defined as a minimum of **4 interest balanced stakeholders and at least one representing each interest group**. The Coordinator will strive to select meeting dates and venues that allow for full participation of all Working Group members.

NOTE: a neutral facilitator will be appointed for each working group meeting to support the Working Group in running a successful meeting.

All members of the stakeholder subgroup must participate in each point of decision-making. If member(s) of this subgroup are not present for a decision, then a provisional decision may be made, subject to participation by the absent member(s). Quorum is required for any provisional decisions, and full participation is preferred.

The members of the stakeholder subgroup shall strive and make every effort possible to take decisions by consensus (see Glossary).

If consensus cannot be achieved, outstanding concerns shall be documented and presented to the FSC Board of Directors in the final report that accompanies the document presented for decision.

The technical experts, coordinator, FSC staff, Steering Committee members, liaison persons and any other supportive personnel shall not participate in any decision-making. However any concerns expressed by technical experts will be recorded and reported.

If the members of the stakeholder subgroup are not able to agree on a final draft within six (6) months after the final round of public consultation, the Steering Committee shall take a decision on how to move forward with the process.

13 Effective WG meetings

- Established solid foundation at the start (objectives, roles, timetable, etc.).
- Agreed meeting protocols.
- Detailed agendas provided before and at meetings; meeting materials provided well in advance of meetings whenever possible to ensure that members have sufficient time to review.
- Clear decision making structures, e.g., Use of decision-making matrix based on criteria that need to be considered and scenario-testing.
- Simple, logical discussion format, e.g., commencing with clarifying the issue(s) the requirement is meant to address before starting to comment on the specific requirement.
- Regular, ongoing temperature checks on points-of-agreement.
- Decision point, end of day and end of meeting summaries.
- Development of work plan during the first meeting to guide process.
- Use of PSU and technical experts in drafting the documents to support WG's role and task.
- Decision on use of sub-groups, break-out groups in meetings, etc.

- Temperature check from stakeholder groups before a final draft is recommended to the FSC Board for approval.
- When impasse issues arise that cannot be resolved by the WG, they will be addressed through the consultative process, with options and perspectives circulated for consultation. The WG will then work to resolve the issues based on comments received. If the issue is highly technical in nature, additional research/investigation on that issue might also be called upon to provide additional information for making informed decisions.
- Straw poll of the WG before going to decision-making.

14 Effective communications and representation of stakeholders

WG members are expected to consult with other colleague(s) to ensure a wide range of views are sought.

To support stakeholder engagement, the Coordinator will also:

- Implement a communications strategy to ensure ongoing and meaningful stakeholder engagement
- Proactively push communication towards those who self-declare their interest, or otherwise may be impacted by the standard/policy, via email news briefs to the self-selecting Consultative Forum as well as the FSC mailing lists (Network Partners, members, etc.)
- Make available for all interested parties via the website:
 - Background documentation and references
 - WG agendas
 - WG minutes (non-attributable)
 - Signed off internal documents and drafts of the WG
 - Attributable comments of stakeholders on draft documents (unless requested otherwise in writing)
- Use tracking/document handling software tools to facilitate dialogue amongst stakeholders as part of the consultation process.
- Seek FSC-related forum to provide updates and solicit input on the documents, for example at Network Partner meetings, regional FSC meetings, global meetings, etc.

Annex 1: Glossary

For the purpose of this document, the terms and definitions given in *FSC-STD-01-002 FSC Glossary of Terms*, and the following apply:

Chairperson: a Working Group member, chosen by the other members, to act as a contact point and spokesperson for the Working Group. He/she brings together the shared concerns, suggestions and recommendations of the Working Group members and shares them with the other actors involved in the project.

Interest balanced WG: a group of selected stakeholders (not necessarily FSC members) with professional experience in the field of question, to advise and provide content related input to the development or revision of a FSC normative document, equally representing the perspectives of the social, environmental and economic interests (and Southern and Northern perspectives in case of a Sub-interest balanced WG).

Chatham House Rule: "When a meeting, or part thereof, is held under the Chatham House Rule, participants are free to use the information received, but neither the identity nor the affiliation of the speaker(s), nor that of any other participant, may be revealed". The Chatham House Rule has the aim to encourage openness and the sharing of information at meetings.

Consensus: general agreement, characterized by the absence of sustained opposition to substantial issues by any important part of the concerned interests.

NOTE: Consensus should be the result of a process seeking to take into account the views of interested parties, particularly those directly affected, and to reconcile any conflicting arguments. It need not imply unanimity (adapted from ISO/IEC Guide 2:2004).

Technical consultation: targeted internal consultation to receive feedback on a FSC normative document during the drafting or re-drafting stage before the document is released for public consultation.

Technical experts: a group of selected experts with professional experience in the field of question, to advise and provide content related input to the development or revision process of a FSC normative document.

Technical WG: a group of experts appointed by FSC with professional experience in the field of question, to advise and provide content related input to the development or revision of a FSC normative document.

Annex 2: Estimated Timelines

Activity	2015					2016												2017								
	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	
Appoint Coordinator	■																									
Establishment of Steering Committee	■																									
Drafting of work plan and TOR	■	■																								
TOR Approval			■	■																						
Call for WG members				■	■																					
Set up WG						■																				
1 st WG face to face meeting								■																		
Development of Draft 1								■	■																	
Public consultation of Draft 1									■	■																
Evaluation of comments											■	■														
2 nd WG face to face meeting													■													
Development of Draft 2													■	■												

Activity	2015					2016												2017								
	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	
Public consultation of Draft 2																										
Evaluation of comments																										
3 rd WG face to face meeting																										
Development of Final Draft																										
Draft report for FSC Board																										
Draft Policy submitted to Board for decision making																										
Decision making																										

Annex 3: Organogram

