



Empire State Forest Products Association
Our Views
2019 ACCOMPLISHMENTS

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). As a member driven trade association, we are responsible and accountable to our 400 member businesses and individuals. Documenting our accomplishments on those matters important to our members is something your Board and staff take seriously, and we take great pride in sharing with membership.

The following documents the accomplishments of ESFPA during the New York State 2019 Legislative Session through December 2019. We report this in the same way we present "Our Views" in our biennial publication which guides us in our work with the New York State Legislature, government agencies and our Congressional delegation.

This is ESFPA serving as the voice of the forest products industry in Albany and beyond, representing *"the people behind New York's healthy forests and quality wood products."*

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 Budget.
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 remain stalled in the Executive Chamber.
4. Participated in stakeholder discussions and comments on Conservation Subdivision Design legislation within the Adirondack Park A. 8123 (Englebright)/ S. 6484 (Kaminsky). 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.
5. Supported the federal Timber Innovation Act which works to develop new markets for timber in areas such as mass timber.
6. Supported permanent authorization of the federal Land & Water Conservation Fund which was achieved in 2019.

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 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. 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 tour and meeting with Congressman Paul Tonko who chairs the Subcommittee on Climate and the Environment.
7. Engaged with the Department of Environmental Conservation and NYS Energy Research & Development Authority in two forest and wood products roundtables in the Fall of 2019 to present the CLCPA and the role of forests and wood products in climate change.

Economic Development

1. 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.
2. 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.

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 budget recognizing biomass as "carbon neutral". This is the third year of temporary budget language while we work toward a permanent definition of biomass carbon neutrality by EPA.

Biomass

1. Supported legislation (A. 2282-B - Woerner/S. 3410-A - Harkham; 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 (no action in 2019).

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.

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 Budget 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) and Regenerate NY (\$500,000).
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. 2026I; 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.

Endangered Species

1. Supported efforts by the DEC to streamline standards 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 rules to amend the listings of Endangered, Threatened and Species of Conservation Concern which ESFPA is reviewing.

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 will comment on.

Invasive Species and Forest Pests

1. Worked with DEC and DAM on information regarding Spotted Lantern Fly which is bordering NY in northern Pennsylvania.
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 (A. 2477 – Englebright/S. 5343 – Kaminsky; Passed Both Houses) is before the Governor for action and may well set the stage for other legislation circumventing the State and federal pesticide registry processes.
4. 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 Lake George, Postenkill and Schoharie County where such regulations would undermine the ability of private forest landowners to manage their forests.

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.
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.

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.
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.

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 law proposed by the Town of 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.