



ESFPA "The People Behind New York's Healthy Forests and Quality Wood Products"

# the Empire ENVOY

The Official Publication of the Empire State Forest Products Association

## POST SESSION LEGISLATIVE WATCH

With an enacted SFY 2020-21 Budget on April 2nd the New York State Legislature effectively returned to their districts and dealt with the COVID-19 pandemic, leaving behind a lot of legislation and budget issues yet to be resolved. They have further been distracted with the George Floyd killing and protests across the state on social justice.

The Legislature has returned (albeit mostly remotely) to Albany twice since enacting the Budget. When the legislature reconvened the last week in May, it passed a total of 32 bills almost exclusively dealing with COVID-19 pandemic response, several with a direct impact on the state's business community. Overall the interests in our sector were not adversely affected and we were successful in fending off efforts to amending the Workers Compensation Law making COVID-19 a "presumptive illness" eligible for Workers Compensation payments (see related article on page 6).

During the legislature's session the week of June 8th, another 61 bills received two house approvals. The focus was on police and criminal justice reform issues in response to the George Floyd killing and active protests. In addition, several local issue bills were adopted which as well was a signal for the Legislature not returning for a while.

On June 15th, the State Comptroller's office released its May 2020 cash report, highlighting the fact that New York State's tax receipts in May were down \$766.9 million or 19.7 percent,

from May 2019, "reflecting both depressed economic activity and timing factors." However, compared to the state financial plan adopted after passage of the FY2021 budget, overall state receipts were \$576 million, or 2.2 percent, above projected levels for the first two months of the fiscal year, led by higher than projected personal income tax receipts (\$1.8 billion) and federal transfers (\$1.3 billion), offset by lower than projected consumption and business taxes and miscellaneous receipts. While some categories of receipts can be influenced by non-economic factors on a month-to-month basis, perhaps most telling of the state's economic condition is a sharp reduction in sales and other consumption taxes, down \$754 million or 28 percent in April and May 2020 compared to the same period in 2019, and down 16 percent below financial plan projections.

To date, the Administration has not made any significant changes to appropriation amounts based on revenue figures. Provisions adopted in the FY2021 budget gave the Governor significant new (but temporary) authority to reduce spending below appropriation levels based on changes in state revenues. The Governor has indicated that unless the federal government provides some assistance to states (see related article on page 4) and localities, we can expect cuts in education, aid to localities and health care in the 20% range which would be dramatic.

*(See "Post Session Legislative Watch" continued on page 3)*

## CLIMATE ADVISORY COUNCIL MEETING 2

On Wednesday, June 24th the NYS Climate Advisory Council met for its second time and the last for co-chair Alicia Barton, co-chair to the Council, who departed as President and CEO of NYSERDA on June 26th. It was hoped that this meeting would include appointments to the 7 statutory advisory panels and other working groups but that did not happen. Appointments to the Climate Justice Working Group were announced and group is comprised of representatives from statewide environmental justice communities, including three members from New York City, three members from rural communities, and three members from urban communities in upstate New York, as well as representatives from the State Departments of Environmental Conservation, Health, Labor, and NYSERDA.

You can find the agenda and presentations of the Council's meeting the NY Climate web site at <https://climate.ny.gov/Meetings-and-Materials>. There is also a video recording of the meeting at this link.

While it often seems that forests and wood products and their role in natural solutions to climate change are considered as an afterthought, there are nonetheless some important references to bioenergy and wood product in the presentations. In the "Meeting Presentation" it is clear that the Advisory Panels will be Chaired by relevant agency head(s), up to 5 voting members, selected by Council, and representative individuals with direct involvement or expertise. There will also be a staff working group and any number of identified

*(See "Climate Advisory Council Meeting 2" continued on page 10)*

**The Empire Envoy**

Empire State Forest Products Association  
47 Van Alstyne Drive, Rensselaer NY 12144-8465  
tel: 518.463.1297 • fax: 518.426.9502  
www.esfpa.org

**ESFPA Board of Directors**

**Chairman** – Michael J. McLarty  
Finch Paper, LLC – Glens Falls, NY

**Vice Chair** – Jennifer DeFrancesco  
B & B Forest Products – Cairo, NY

**Treasurer** – Christopher Truso  
Farm Credit East – Greenwich, NY

**Secretary** – Sarah R. Bogdanovitch  
Natural Resources Consultant – Paul Smiths, NY

**Immediate Past Chair** – Sean Ross  
Lyme Timber Company – Hanover, NH

**Sarah Boggess**  
ReEnergy Holdings, LLC – Latham, NY

**Pat Buff**  
B&B Lumber Co. – Jamesville, NY

**Timothy Burpoe**  
Molpus Woodlands Group – Saranac Lake, NY

**Dr. Renè Germain**  
SUNY ESF – Syracuse, NY

**Thomas E. Gerow, CF**  
Wagner Lumber Co. – Owego, NY

**Dennis Gingles**  
International Paper Co. – Ticonderoga, NY

**Doug Handy**  
A&H Forest Management, Inc. – Sharon Springs, NY

**Michael W. Hanlon**  
Cotton-Hanlon, Inc. – Cayuta, NY

**Damon Hartman**  
Prentiss & Carlisle – Saranac Lake, NY

**Craig Jochum**  
Craig Jochum Logging – Apalachin, NY

**Susan Keister**  
Keister Consulting, Inc. – Wayland, NY

**Elizabeth Lesnikoski**  
Burlington Electric Department – Burlington, VT

**Paul Mitchell**  
Paul J. Mitchell Logging, Inc. – Tupper Lake, NY

**Charles Niebling**  
Lignetics of New England, Inc. – Jaffery, NH

**Jack Santamour**  
LandVest, Inc. – Lowville, NY

**Edward G. Wright**  
W.J. Cox Associates, Inc. – Clarence, NY

**John Zemanick**  
Gutchess Lumber Co. – Cortland, NY

*Counsel Dennis J. Phillips, Esq.  
McPhillips, Fitzgerald & Cullum*

**ESFPA STAFF**

*Executive Director*  
**John Bartow**  
jbartow@esfpa.org

*Communication &  
Member Services Director*  
**Muriel Church**  
mchurch@esfpa.org

*Office Manager*  
**Janet Bartow**  
janet@esfpa.org

Founded in 1906, ESFPA is dedicated to improving the economic climate for the forest products industry and to promote management of New York's Forests to meet the resource needs of today and for future generations. ESFPA counts among its 400 members furniture companies, lumber manufacturers, forest landowners, timber harvesters, pulp and paper companies, and other wood products manufacturers from across New York State. Members own and manage 1.5 million acres of New York's forests and employ over one-third of the 60,000 individuals who work in the forests and wood-using mills around the state. **The Empire Envoy** is the newsletter of the Empire State Forest Products Association, Copyright© by ESFPA. Articles may be reproduced with permission of the publisher. **The Empire Envoy** is produced monthly for ESFPA members and interested parties. For information on subscriptions or membership, please contact ESFPA.

**A Note from the ESFPA Chair**

*Michael McLarty, ESFPA Chairman of the Board*

I hope this note finds all of our membership safe and healthy. For this edition of the Envoy and the start of summer, I thought I would offer some optimistic thoughts. It is hard to believe that it is now July as it seemed like just yesterday we were in the middle of March at the start of the Covid-19 pandemic in this country and the economic slowdown that followed. While challenging and uncertain, the past 4 months sped by. This highlights my point of optimism as I look forward through the summer and into the fall. While the past 4 months have been difficult for our members and our organization, we have survived and in my opinion navigated the worst of the situation. The next 4 months will remain challenging but I view a slow recovery will take place. The next 4 months almost certainly speed by, we will survive and the situation will be better than it is today. While slow recoveries seem long and arduous, once you are past the worst, every day is better than the last.

I could not be more proud of how our organization and membership have navigated these times. The ESFPA has delivered tremendous value to the membership; from essential business determinations to providing detail to individual companies on federal financial assistance. I take comfort that in a crisis, our organization is only one call away and will work tirelessly to help anyone of our members. This is my second reason for being optimistic. Beside the macro-economic slow recovery I anticipate, we have an organization that will fight for each one of our needs in this State and help recover and grow.

Thank you all for your efforts and I wish you a happy, healthy, and prosperous summer.



Michael McLarty

**ESFPA Sustaining Members**



# STATE NEWS

## SPOTTED LANTERNFLY EMERGENCY RULEMAKING

In the July 8th State Register the NYS Department of Agriculture & Markets published an emergency rulemaking regarding the extraterritorial quarantine areas for Spotted Lanternfly (SLF) in neighboring states. This is an expansion of the quarantined county list in neighboring states and does not change any other parts of 1 NYCRR Part 142. The existing and newly added counties include the following counties in neighboring states (new counties underlined):

(a) in the Commonwealth of Pennsylvania, the Counties of Allegheny, Beaver, Berks, Blair, Bucks, Carbon, Chester, Columbia, Cumberland, Dauphin, Delaware, Huntington, Juniata, Lancaster, Lebanon, Lehigh, Luzerna, Mifflin, Monroe, Montgomery, Northampton, Northumberland, Perry, Philadelphia, Schuylkill, York;

(b) in the Commonwealth of Virginia, the Counties of Clarke and Frederick;

(c) in the State of New Jersey, the Counties of Burlington, Camden, Gloucester, Salem, Mercer, Hunterdon, Warren and Somerset;

(d) in the State of Delaware, the County of New Castle;

(e) in the State of Maryland, the Counties of Cecil and Hartford;

(f) in the State of West Virginia, the County of Berkley.

For the forestry and wood products sector regulated materials include brush, bark, logs, stumps, or any tree parts; firewood of any species; packing materials, such as wood crates or boxes. The hauling vehicle would need a permit from the appropriate state, paperwork indicating the point of origin and destination of the cargo. The operator will need to have some record of having looked at the cargo and should be aware of SLF.

A copy of the existing regulations can be obtained by contacting ESFPA.

## FARM CREDIT EAST ECONOMIC TRENDS IN THE NORTHEAST FOREST INDUSTRY



On Tuesday, June 16th, Eric Kingsley, a forest industry consultant with Innovative Natural Resource Solutions LLC, presented his outlook on the region's forest products markets—primarily

biomass, pulpwood and sawlogs—and potential impacts of the slowing economy. The webinar is available on the Farm Credit website at <https://www.farmcrediteast.com/Webinars>. Eric presented a balanced and challenging outlook for the Northeast while also noting some long-term advantages the region has.

## POST SESSION LEGISLATIVE WATCH *(continued from page 1)*

The week of July 20th the Legislature returned for a concluding round of legislation passing over 200 bills. The legislature did not take up any significant broad-based business legislation, such as a workers' compensation presumption for COVID cases, or a mandate for increased pay for essential workers, nor did the legislature consider any revenue measures. They also did not adopt any significant economic development or job recovery legislation. They did, however, pass two measures in the Assembly and Senate that we had opposed and were working with partners on:

- **A. 732-B/S. 6503-A** – Which would ban the use of glyphosate on all state lands. ESFPA has submitted a Memorandum of Objection and started a Membership campaign on the legislation encouraging this not to be advanced. The ban clearly would affect all State Reforestation Areas and may have implications for private properties with State Working Forest Conservation Easements. DEC has expressed concerns about the legislation, and we will advocate for a Governor's veto if the bill passes both houses of the Legislature.

- **8349 (Ryan)/S. 5612 (Harckham)** – This legislation would **reclassify class C waterways** as streams for the purpose of adding them to the Protection of Waters Regulatory Program. ESFPA was working with NYFB to revise this legislation in obtaining forestry and agricultural exemptions. However, our suggested amendments did not make it into the final bills. This legislation adds 41,000 miles to the Protection of Waters Regulatory Program, and we will work on a veto message focusing on both the lack of silviculture exemption and the budget impact of the legislation.

While there remains a lot of questions as to just how much legislating will be done over the remainder of the summer and fall given the COVID -19 crisis and November elections, there are a few policy questions and bills that we at ESFPA will continue to be watching and working on. The following 7 bills are among our highest priority:

1. Freshwater Wetlands
  - a. Governor's proposal omitted from Budget

*(See "Post Session Legislative Watch" continued on page 4)*

## POST SESSION LEGISLATIVE WATCH (continued from page 3)

- b. **A. 3658 (Englebright)/S. 7366 (Harckham)** – remains in play. This bill would **amend the definition of freshwater wetlands**; extend the Department of Environmental Conservation’s jurisdiction to wetlands over 1 acre; revise the process for designation mapping and notification of draft wetland areas; potentially eliminate a 49 year old forestry and silviculture exemption from permits; and, expand wetland regulatory jurisdiction to the subdivision of property.
2. Product Stewardship Program (EPR)
  - a. Governor’s proposal applying to mattresses and carpeting omitted from the Budget.
  - b. A. 9790 (Englebright) **Product Packaging Program** – Relates to requiring producers to establish a plan **to collect at least 80% of packaging in the state.**
  - c. A. 9832 (Englebright) Relates to declaring the goal of the state of New York to source **reduce, reuse, recycle, or compost no less than 85% of the solid waste** generated by the year 2030.
  - d. S. 7718 (Kaminsky) Establishes the **Extended Producer Responsibility Act** requiring covered materials and product producers to develop and implement strategies to promote recycling, reuse and recovery of packaging and paper products.
3. Carlos’s Law – Worker Protection Measures
  - a. A. 4508-A/S. 3314A also known as **Carlos’s Law** would expand worker protection significantly beyond existing law and would expand criminal civil offenses to major misdemeanor and felony charges against employers and expands such offenses to supervisors. ESFPA has a memorandum of Objection on this legislation and continued to work with the Business Council on amending or not letting the bill pass. The Bill made it to Third reading in the Assembly but did not make it out of committee in the Senate during this July session.
4. Low Carbon Fuels Standard
  - a. A 5262 (Woerner)/S. 4003 (Parker) - Establishes the **low carbon fuel standard**; such standard is intended to reduce greenhouse gas emissions from the transportation sector by 20% by 2030, with further reductions to be implemented based upon advances in technology. Bill remains in respective Environmental Conservation Committees.
5. Workers Compensation includes coronavirus, COVID-19 as an occupational disease
  - a. A. 10401 (Simotas)/S. 8266 (Ramos) - Includes exposure to novel coronavirus, **COVID-19, as an occupational disease** for which compensation shall be payable for disabilities sustained or death incurred by an employee. ESFPA jointly signed onto a 19-association letter of opposition lead by the Business Council of NYS.
6. Climate & Community Investment Act
  - a. A 9856 (Cahill)/ S 3616 (Parker) - Enacts the **Climate & Community Investment Act**; establishes the climate justice working group; establishes the worker and community assurance program; establishes the community just transition program; establishes the climate jobs and infrastructure program; imposes a fee on carbon based fuel sold, used or brought into the state by an applicable entity; establishes trust funds; establishes a rebate program. This act seeks to transition NY to 100% renewable energy, create hundreds of thousands of jobs, protect workers currently in the fossil fuel industry and support the communities most impacted by climate change and pollution.
7. Adirondack CD Bill
  - a. A. 8123 (Englebright)/ S. 6484 (Kaminsky) - This bill would require Adirondack Park residential subdivisions that meet certain size thresholds to comply with certain **conservation subdivision design** criteria. ESFPA signed off on memo to support issued by the Common Ground Alliance group on 1/16/20.



[www.facebook.com/EmpireStateForestProductsAssociation](http://www.facebook.com/EmpireStateForestProductsAssociation)

## FEDERAL NEWS

### CONGRESS PREPARES FOR MORE FEDERAL PANDEMIC STIMULUS

The two sides are not talking yet but as we go to print Capitol Hill is bracing for a frenzied July as bipartisan sentiment is coalescing around enacting more COVID-19 assistance into law before the August recess. After weeks of political impasse over whether more pandemic relief is needed and when, the President on July 4th signed into law a six-week extension of the popular Paycheck Protection Program (PPP). The speedy approval further indicates the willingness of the President and both houses of Congress to do more federal assistance.

While the parameters of the upcoming talks are unclear, they are expected to include more aid for state and local governments, another round of Paycheck Protection Program targeted a specific small businesses, possible extensions of unemployment insurance, more funds for public health response to the pandemic, additional small business help and liability protections for business and industry. Please stay tuned to our weekly alerts for details as this third round of assistance moves forward.

## GREAT AMERICAN OUTDOORS ACT

The U.S. House and Senate have passed the Great American Outdoors Act which the President has said he will sign. The Act permanently and fully reauthorizes the Land and Water Conservation Fund (LWCF) for the first time since it was created in 1964 — \$900 million annually, paid for by offshore oil and gas revenue. The LWCF in New York has been used for two very important things relative to the forest products sector. First, New York has used federal Forest Legacy Funding for the acquisition of working forest conservation easements

throughout the State. This effort has helped large and small forest landowners keep their forest as forest and available for timber and fiber supply. In addition, LWCF funds have funded community projects throughout the communities that our businesses and their families live in. These projects have created parks and natural resource access projects that benefit all New Yorkers. ESFPA has worked with fellow state associations and numerous federal affiliates on passage of this legislation.

## ESFPA JOINS OTHER ASSOCIATIONS IN H2-B VISA LETTER

On June 10, 2020, ESFPA joined with our fellow forestry associations on a letter to the Trump Administration requesting the exemption of essential H-2B visa forestry workers from any Presidential Proclamations or Orders restricting non-immigrant labor entry to the United States. We are disappointed the President's Proclamation to suspend immigration did not exempt forestry. The next step in the process was to reach out to the three agencies now responsible for implementation. The Forestry Resources Association (FRA) sent a follow up letter, also signed by ESFPA,

to the U.S. Department of State, Department of Labor, and Department of Homeland Security on June 29th requesting exemption for forestry related work in President Trump's Proclamation suspending entry of H-2B visa guest workers until December 31, 2020. An important measure included in the House Homeland Security spending bill on July 17th is an amendment that would allow the Department of Homeland Security (DHS) authority to release supplemental H-2B guest worker visas if it determines the needs of seasonal businesses cannot be met with American workers.

# COVID NEWS

## DEVELOPING A NY FORWARD HEALTH AND SAFETY PLAN FOR REOPENING

May 15th marked the end of NY Pause and the beginning of **NY Forward**, the Governor's strategy to gradually reopen the State economy. We recently conducted a virtual meeting on what does a business **Health & Safety Plan** need to be for wood product and forest related businesses, and you can find the PowerPoint and guide to key resources at <http://www.esfpa.org/content/member-benefits>.

New York Forward reopens the State economy on a regional and industry by industry basis. When the reopening begins for each region depends on each region's ability to meet a series of criteria on the **Regional Dashboard**. To facilitate this inquiry, the State has created a **Business Reopening Look Up Tool**, which allows businesses to input their location and NAICS code to find out when each will be allowed to reopen.

Reopening is of course not as simple just going back to work or continuing to work as an "Essential Business". Every business is required to institute a formal Health & Safety Plan. The State has provided **template plans specific to each industry**; however, entities should be modifying these templates to correspond with the particularities of their specific operations. Each business Health & Safety Plan is required to have four basic elements:

### People - Protections for employees and customers:

May include things like providing appropriate PPE to employees, spacing out shift or break times, frequent disinfecting, social distancing protocols, restricting non-essential travel for employees, etc.

### Places - Layout: changes to the physical workspace:

Making alterations to the structure and use of physical plant and equipment, things such as directing foot traffic into one-

way zones throughout the workplace, restricting access to public spaces, and distributing signage and hand sanitizer throughout the workplace.

### Processes - Adaptive health protocols:

May include health screenings, temperature checks, or health/symptom questionnaires. Employers are advised to create a plan for internal contact tracing. Per State Guidance, health data should not be permanently stored or shared among employees.

### Responsibilities – Notation & Affirmation:

Put the Health and Safety Plan in writing (or digital writing). Designate responsible parties. Submit an **Affirmation**.

All businesses and other entities are required by the State to have a Health & Safety Plan and to complete, certify, and submit an Affirmation to the state that such a plan exists, including those previously designated as "essential" or otherwise may have been exempt from previous Executive Orders (e.g. sole proprietorships). In the affirmation, each entity will be required to acknowledge that it read and understood the guidance and understands its obligation to comply with it. The Health & Safety Plan must be retained by the business on site and capable of being made available to the State Department of Health upon request. It does not have to be submitted to the State for approval. State **FAQs** indicated that all entities are required to comply and that waivers will not be issued.

We are closely monitoring all NY Forward guidance and will continue to keep you updated. If you have questions about the Plan do not hesitate to contact us or check out our web site at [www.esfpa.org](http://www.esfpa.org) We may be reached at (518) 463-1297 (office), (518) 573-1441 (cell) or by e-mailing [jbartow@esfpa.org](mailto:jbartow@esfpa.org).

## WORKERS COMPENSATION Q&A

The state Workers' Compensation Board has issued a **"Question and Answer" document on COVID-19 claims** which can be found on the ESFPA Member Benefits page of our website at [www.esfpa.org](http://www.esfpa.org). For employers, the Board recommends that if a worker reports that they are sick due to a workplace exposure, the employer must contact their workers' compensation insurance carrier immediately, and that the insurance carrier then has 18 days to act on the claim and must begin paying benefits within this time frame if the claim is accepted. For employees, the board recommends that if they believe they became ill with COVID-19 due to their work, they should tell their employer as soon as possible, file an Employee Claim (Form C-3) with the Board, and see a doctor to obtain a diagnosis.

This guidance illustrates how the state's existing Workers' Compensation Law already addresses job-related illnesses, including COVID-19. We believe it supports our position that legislative proposals – **such as S.8266 (Ramos) / A.10401 (Simotas)** – creating an occupational disease presumption for COVID-19 cases are not unnecessary. We at ESFPA continue to partner with the Business Council of NYS and other trade associations in opposing Workers Compensation Benefits that could threaten the solvency of Workers Compensation in NY and insurance carriers who cover it, such as the NY Lumberman's Trust.

## FEDERAL & NEW YORK STATE CORONAVIRUS INFORMATION & RESOURCES

On March 18th, the Families First Bill, an emergency relief package aimed at impacts of the quickly spreading Covid-19 (Coronavirus), went into effect. In addition, the Senate and the House have passed the \$2 billion Coronavirus, Aid, Relief, and Economic Security Act (CARES Act) a follow-up relief package. Both measures have impacts on and benefits for the forest and wood products sector.

We are also expecting yet another round of federal COVID-19 stimulus assistance (see article on page 4). We will be updating our links to these web resources on the ESFPA web site at [www.esfpa.org](http://www.esfpa.org) as more information becomes available.

Below is a list of resources you can explore that will help answer questions you may have about how these legislation benefits/impacts you and your company. This is compiled from a variety of sources we have been monitoring these past few weeks and we will have more information as programs and policies unfold.

We will be updating the list as information is made available. Please use them at your discretion and be sure to check with your HR Managers, Business Managers, and Tax Accountants to determine what programs apply to your company, you, and how.

### FEDERAL AGENCY LINKS AND INFORMATION:

**Federal Tax Payments, Deadlines, and Stimulus Checks:**  
<https://home.treasury.gov/news/press-releases/sm953>

**Workplace Safety (OSHA), Wages, Hours and Leave, and Unemployment Insurance:**  
<https://www.dol.gov/coronavirus>

**Fact Sheets and Q&A regarding Workers and the American Workplace (including paid leave requirements) under the Families First Bill:**  
<https://www.dol.gov/agencies/whd/pandemic>

**Pertinent Department of Labor News Releases:**  
<https://www.dol.gov/newsroom/releases/whd/whd20200324>  
<https://www.dol.gov/newsroom/releases/whd/whd20200326>

**For Small Business Guidance and Loan Resources:**  
<https://www.sba.gov/page/coronavirus-covid-19-small-business-guidance-loan-resources>

**For Small Business Disaster Loan Assistance:**  
<https://www.sba.gov/disaster-assistance/coronavirus-covid-19>

**FAQs on New York Small Business Assistance:**  
<https://www.bcnys.org/sites/default/files/2020-03/SBA%20NYS%20Loan%20Fact%20Sheet.pdf>

**For Small Business Paycheck Protection Program:**  
<https://www.sba.gov/funding-programs/loans/coronavirus-relief-options/paycheck-protection-program>

**Federal Motor Carrier Safety Regulations (FMCSR) Emergency Declaration and the Latest on CDL Licenses and Permit Extensions:**  
<https://www.fmcsa.dot.gov/COVID-19>  
<https://www.fmcsa.dot.gov/emergency/fmcsa-cdl-waiver-32420>  
<https://www.fmcsa.dot.gov/emergency/enforcement-notice-expiring-cdls-32420>

### GENERAL FEDERAL/NATIONAL CODIV-19 INFORMATION AND RESOURCES:

**Center for Disease Control and Prevention (CDC) on Covid-19:**  
<https://www.cdc.gov/coronavirus/2019-ncov/>

**Comprehensive Guide of State Resources & Restrictions:**  
<https://web.csg.org/covid19/state-covid-19-websites-and-related-resources/>

**State by State Manufacturing Resource Information:**  
<https://www.nam.org/covid-19-state-resources/>

**State by State Tracker for Business Impacts:**  
<https://www.forestresources.org/impact-of-covid-19-on-the-forest-products-industry>

(See "Coronavirus Resources" continued on page 7)

# FEDERAL & NEW YORK STATE CORONAVIRUS INFORMATION & RESOURCES (continued from page 6)

## NEW YORK STATE INFORMATION AND RESOURCES:

**Governor's Page and Daily Press Briefings:**  
<https://www.governor.ny.gov/>

**NYS COVID-19 Information:**  
<https://coronavirus.health.ny.gov/home>

**NYS Ag. & Markets – Essential Agriculture and Forest Businesses:**  
<https://agriculture.ny.gov/coronavirus>

**Empire State Development Corporation:**  
<https://esd.ny.gov/>

**NYS Tax Department:**  
<https://www.tax.ny.gov/press/alerts/nys-tax-response-to-covid-19.htm>

**New York State Paid Family Leave FAQ's:**  
<https://paidfamilyleave.ny.gov/new-york-paid-family-leave-covid-19-faqs>

---

## OTHER NEWS

### MESSAGE FROM THE EXECUTIVE DIRECTOR

When faced with unprecedented times, we are reminded of the value of strong relationships. At the root of all great organizations is a group of dedicated people who are ready to support their businesses, customers, communities, families, and each other.

Since 1906, through the Spanish Influenza, the Great Depression, two world wars, globalization, the great recession, and now COVID-19, the Empire State Forest Products Association (ESFPA) has and will always be here **for you.**

From our offices in Rensselaer (and more recently at our homes) to the halls of the Legislative Office Building and Capitol in Albany to Congressional Offices in Washington D.C. ESFPA has been the only voice speaking out on behalf of the wood products sector for our membership, proving that support comes from many different places.

As New York re-opens from a 3-month lockdown and the world moves forward, it is important to take a moment to consider your own relationships and the work it takes to have your voice heard. We have been and are proud to serve each and every member and we value your support that enables us to be the best we can for you.

As we navigate to a new normal know that we will do it together and be stronger based on our shared experience. While there are many challenges ahead of us there are also opportunities that we are only now discovering. We operate in a region of the world where there are tremendous forest resources and the largest markets for wood products.

We are faced with a new reality, but together we can be stronger and more diverse in our businesses and markets. We have survived and adapted over the years and where we go depends on our strong relationships. Over the next few months, we will be reaching out to our members and seeking to represent your interests, because your interests are our interests and we look forward to serving those interests in earnest.

Be well, have some fun with family and friends this summer and know that we will have your back in Albany going forward. As always, you can also discuss any issue or questions with me directly. You can reach me at [jbartow@esfpa.org](mailto:jbartow@esfpa.org) or (518) 463-1297 (office) or (518) 573-1441 (cell).



John K. Bartow, Jr.

# UNDERSTANDING THE WOOD SUPPLY CHAIN

Tim O'Hara | FRA Director, Government Affairs and Manager, Lake States Region



The Forest Resources Association (FRA) represents the businesses in the wood supply chain. The catch-all phrase that best describes our membership base is from the “woods to mill.” It is a catchy phrase that I have used hundreds of times when talking

to Members of Congress, decision-makers, and even my own family in describing the role of FRA.

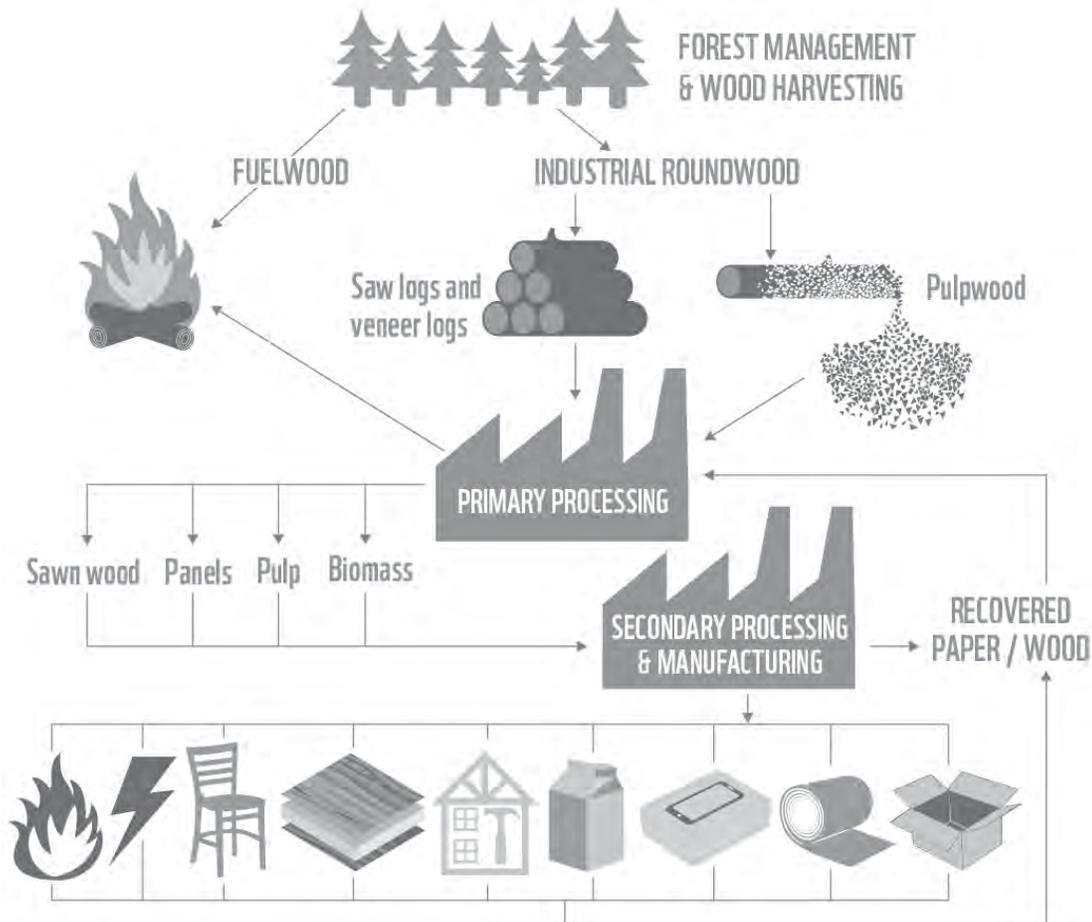
These three words are simple, memorable, and almost as catchy as that hit 90’s song the Macarena. Because I have mentioned it, I am sure many of you are dancing to that song mentally right now and probably will be for some time after you have completed reading this blog. I apologize for that.

These three simple words, “woods to mill,” are a great tagline that identifies FRA membership. However, these three words also represent a very complex supply chain. In this chain, if a link is removed, it affects the parts of the entirety, adding costs to fiber procurement or even worse the failure of a business.

As the COVID-19 pandemic took hold, the Department of Homeland Security (DHS) developed guidance that correctly recognized the paper industry and many other businesses as critical and their employees essential. Rightfully so, as paper products are used widely in the medical field and consumer

demand for some paper products was high. I am sure we all experienced empty shelves when looking for toilet paper and paper towels.

As states began to implement their own guidelines that identified critical and essential businesses, it was clear that the links in the wood supply chain needed to make paper products were becoming undone. Some states allowed paper manufacturing while not allowing sawmills to operate. Other states allowed paper and sawmills to operate but failed to allow residential construction to continue. And even others allowed the sectors of paper, sawmills, and construction to operate, but failed to allow logging and foresters to work. Through the collective efforts of FRA, as well as other national and state forestry associations, the entire wood supply chain became recognized in most states as a critical business. The second version of the DHS guidance recognized the importance of the supply chain and included residential construction and biomass as critical and essential. Over this period, the FRA team engaged in discussions of how we could help people outside our business better understand the wood supply chain. After several discussions, we worked to develop a schematic that will help people understand and visualize the wood supply chain that is captured in those three simple words, “woods to mill.” The uses of this schematic are many, including to assist in discussions with policymakers, the orientation of new employees, briefing of customers, woods, and mill tours, and informing educators, just to mention a few.



## NEW YORK LOGGER TRAINING, INC – UPDATE



New York Logger Training, Inc. has been busy the last few months, even with the Covid-19 shutdown. Although all spring workshops were cancelled

in mid-March, NYLT is in the planning stages for in-person classes as well as virtual classes for the Fall.

Once the organization had to cancel all training, the NYLT board ensured that all loggers were covered under a universal certification and recertification extension. All our partners agreed to the December 18, 2020 extension date, to allow loggers' adequate time to acquire the necessary training.

In addition to allowing for 3 on-line recertification credits, NYLT jumped into action to update and reimagine our new workshop, *A Little about Contracts for Loggers*, virtually! We had over 25 participants take advantage of this new opportunity. As with most of us learning how to operate in this new medium, we had some "bugs" to work out, however

the course was well received and the content extremely valuable.

For Fall, 2020, we have been working on options for loggers to continuing training with proper social distance regulations in mind. It is anticipated that we will hold in person core-courses: Game of Logging Level 1 and Forest Ecology and Silviculture. Additionally, we will hold Continuing Education workshops in person and online. As this issue of The Envoy goes to press, NYLT Staff are reaching out to our partners and workshop locations to ensure all regulations are met.

Additionally, as we go to print, no grants have been awarded from the Hazard Abatement Board. All work from the HAB committee was paused with the shutdown. We are hopeful that this funding will be renewed. However, in the meaning time, NYLT will still ensure training is available and will do our best to ensure it is accomplished at an affordable rate.

For any questions on your current Logger Training status or assistance with training questions, please reach out to NYLT at (518) 463-1297 or [mchurch@esfpa.org](mailto:mchurch@esfpa.org).

## ESFPA REGIONAL MEETING SCHEDULE



ESFPA Staff and leaders are currently planning our Annual Fall Regional and Annual Meeting schedule. We are planning 5 meetings across the state as well as one virtual meeting! Like all other things in the current climate, pandemic regulations require a new way of conducting typical

events. ESFPA will ensure all safety measures are taken, and still provide the in-person event all our members have grown to anticipate.

As we have done in recent years, ESFPA has merged the Annual and Regional meeting agenda together. We open our Annual meeting at our first Regional meeting and close the Annual meeting at the final Regional meeting. This procedure was adopted so all members have the opportunity to vote on ESFPA Board of Directors. All members should have already received notice of the current slate of candidates as well as the call for new nominations.

As we go to print, ESFPA is planning Regional Meetings to begin in September, and

culminate with a Virtual Meeting the first week of October. We are researching outdoor opportunities and unique venues to ensure safety. Locations include:

- Cortland
- Eastern Adirondacks
- Mid-Hudson/Catskill
- Western New York – to coincide with a Portable Skidder Bridge workshop!
- Western Adirondacks

Specific information will be sent out by the end of August. In the event there is a change in the current status of meetings in New York State, please plan on participating in our Virtual Meeting in October!

We look forward to seeing you all in your backyard!



2019 Saranac Lake Regional Meeting

# CLIMATE NEWS

## CLIMATE ADVISORY COUNCIL MEETING 2 *(continued from page 1)*

“stakeholders” associated with each advisory panel. ESFPA is particularly interested in the following working groups – Agriculture and Forestry; Energy Intensive & Trade Exposed, Land Use, Power Generation and Transportation. We do not yet know how our role may be in the Advisory Panel or Stakeholder groups. Staff will be responsible to assist with managing the engagement process with the stakeholder community.

While it also seems that forests and wood products do not have a prominent position in the CLCPA, there were important references in the discussion of Advisory Groups. Specifically mentioned were:

- Transportation Advisory Panel:
  - o Cleaner fuels: e.g. 40% renewable diesel and 100% RNG by 2030
- Energy Intensive Trade Exposed Advisory Panel:
  - o low-carbon thermal solutions, cleaner fuels, electrification
  - o Addressing competitiveness and leakage may include:
    - market preference for goods produced with minimal greenhouse gas emission
    - opportunities to support clean technology supply chains
- Agriculture & Forestry Advisory Panel:
  - o Scope may include reducing emissions from agriculture and forestry operations; developing sustainable biofuels; and carbon sequestration measures in land management practices
  - o Strategies to consider:
    - forest and agricultural best management practices for carbon sequestration
    - increasing sequestration by supporting markets for the use of wood for building materials and other uses.

- support forest growth and sequestration through increased access to low grade markets
- development of bioenergy and methods to accurately measure net emissions

ESFPA is also monitoring the appointment of the Just Transition Working Group which will include several representatives of Energy Intensive & Trade Exposed representatives. This working group will address reducing carbon leakage risk and anti-competitiveness impacts (in collaboration with Energy Intensive and Trade Exposed Industries). In addition, study the job opportunities created by transitioning to a low carbon economy and the skills necessary for those jobs.

Additionally, there are two very important rulemakings on going in 2020:

- DEC is required to undertake a rulemaking to establish statewide emission limits for 2030 and 2050. The rule will convert 40% and 85% reduction requirements into statewide emission limits, measured in tons of CO<sub>2</sub> emissions.
- DEC, in coordination with NYSERDA, to establish a rule relating to the “Value of Carbon” as an evaluation tool for agency decision making. This is often referred to as the “social cost of carbon”.

NYSERDA has also engaged the consulting firm E3 to develop a strategic analysis of New York’s decarbonization opportunities which was presented at the meeting. See the related article below “Pathways to Deep Carbonization in NYS”. This ongoing analytic work, initiated prior to the passage of the CLCPA, has modeled existing policies and explored additional actions needed to reach the State’s 2030 and 2050 targets and provides a starting point to inform the work of the Climate Action Council. There are several references that could be very positive for forests and wood products.

## PATHWAYS TO DECARBONIZATION IN NYS

ESFPA has had the opportunity to take a deeper dive into the work of the consulting firm E3 who has been contracted by NYSERDA to help the Council and the Advisory Panels on technical work into implementing the CLCPA. For those who would like to look further into the work of E3, all links to documents below can be found at <http://www.esfpa.org/content/member-benefits>.

The E3 Council meeting presentation PowerPoint deck “Pathways to Deep Carbonization in NYS”

- Pathways to Deep Decarbonization in New York State – Final Report
- Appendix A: Methods and Data
- Appendix B: Literature Review of Economy-Wide Deep Decarbonization and Highly Renewable Energy Systems

E3 has included a lot of potential for biofuels (including biomass) into its decarbonization pathway for the electric, industrial and transportation sectors. In these studies biofuels are defined as fuels derived from biomass. Biomass products used as raw materials for producing fuels are called biomass feedstocks. If biomass feedstocks are produced, harvested, transported, and processed without causing adverse environmental impacts, E3 considers the resulting biofuel products as having no lifecycle GHG emissions.

While the CLCPA requires inclusion of upstream emissions for fossil fuels and states that biofuels are not eligible for carbon offset credits, and they are not defined as “renewable energy systems” for grid supporting electric generation, it is unclear if biofuel emissions accounting would account for biofuels

*(See “Pathways to Decarbonization in NYS” continued on page 11)*

## PATHWAYS TO DECARBONIZATION IN NYS *(continued from page 10)*

as net zero emission fuels within the CLCPA framework across the rest of the economy. For this study E3 considers biofuels as having no lifecycle GHG emissions, but future analysis will

align biofuels emissions accounting with appropriate CLCPA accounting framework. This will be a large focus for ESFPA and our members going into the work of the Climate Council.

### FEDERAL CLIMATE LEGISLATION AND POLICY

Climate Legislation and policy abounds in Congress in 2020. There are no fewer than 20 bills that have been introduced spanning the spectrum from single issue climate fee proposals to comprehensive climate strategies like New York’s Climate Leadership & Community Protection Act. It is not likely that any one of these bills will pass in Congress this year, but we are beginning to see two emerging trends. First there is a framework emerging from both the Republican Senate Leadership and the House Leadership that indicates that their proposals are becoming more closely aligned; second there are a few bi-partisan bills in both chambers; and, third there is alignment on biomass, wood products and the role of forests in natural solutions to climate change.

On Tuesday, led by Speaker Nancy Pelosi and Chair Kathy Castor (D-FL), Democratic members of the House Select Committee on the Climate Crisis unveiled a comprehensive plan titled **“Solving the Climate Crisis: The Congressional Action Plan for a Clean Energy Economy and a Healthy, Resilient, and Just America.”** The report lays out the Climate Crisis Action Plan, full of detailed, ambitious and actionable

climate solutions that Congress should enact to benefit American families in communities across the nation. It also substantially deviates from the Green New Deal policy laid out last year.

In the Senate, the **“Growing Climate Solutions Act”** has been gaining support from conservative and moderate Republicans. The Act is aimed at increasing and encouraging nature-based greenhouse gas (GHG) reductions in the agriculture and forestry sectors. Regardless of the Growing Climate Solutions Act’s prospects in this Congress, the bill’s introduction signals bipartisan legislative recognition of the successful efforts recently made to reduce carbon footprints in forestry, farming, and ranching. Its introduction may also indicate increased congressional interest in climate-focused legislation going forward and renewed focus on supporting—and rewarding—carbon sequestration in the forestry and agriculture sectors.

What is clear is there is emerging bipartisanship consensus on dealing with climate legislation at the federal level and no matter what the outcome of elections this fall, climate legislation federally may see some action in 2021.



**Did You Know?**



You can PAY YOUR DUES with a Credit Card?

**Just call us at 518-463-1297**

*Serving the forest products industry for over 30 years!*



**W.J. Cox**  
associates, inc.

9600 Main Street, Suite Three • Clarence, NY 14031-2093  
716-759-9606 • 800-252-2502 • Fax: 716-759-9607  
www.wjcox.com



ESFPA  
Empire State Forest Products Association  
New York Forestry Resource Center  
47 Van Alstyne Drive | Rensselaer, NY 12144-8465  
518.463.1297 | [www.esfpa.org](http://www.esfpa.org)

PRSRT STD  
US POSTAGE PAID  
RENSSELAER, NY  
PERMIT NO. 70

*"The People Behind New York's Healthy Forests and Quality Wood Products"*



**Congratulations to all New and Renewed  
New York Logger Training Certified Loggers  
Certifications and Recertifications April – July 2020**

Samantha Acampora

Jacob Ackerman

Alex J Almeter

Robert Barber

Tim Bennett

Duane Brown

Gabriel Cavallaro

Taylor Caviness

Christian L. Edmonds

Barry Croniser

Justin Cushman

Dylan Decker

Chrisitan Edmonds

Justin Edwards

David Fletcher

Brad Gager

Joseph C. Harmon

Colton Hoyle

Craig Jochum

Jonathan Lasselle

Stephen R. Lee

Carl Martin

Edwin L. McGrath, III

Ryan Reed

Mike Rumrill

Jonathan Wilson

Steven H. Young