



Empire State Forest Products Association

The people behind New York's healthy forests and quality wood products

www.esfpa.org

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Memorandum of Opposition A 3527/S 3412

Honorable Harry Bronson
Assemblymember
522 LOB
Albany, NY 12248

Via Email: bronsonh@nyassembly.gov

Honorable Jessica Ramos
Senator
946 LOB
Albany, NY 12247

Via Email: ramos@nyenate.gov

May 22, 2025

Dear Assemblymember Bronson and Senator Ramos:

The Empire State Forest Products Association has several concerns with the proposed legislation **A. 3527/S. 3412** affecting employers and workers in both indoor and outdoor sites.

The Empire State Forest Products Association (ESFPA) represents over 350 member businesses, industries and landowners engaged in forest resource production and stewardship of New York's 19 million acres of forest. In total, \$22.9 billion dollars in annual industry production and nearly 100,000 jobs are attributable to operations of various industries within the forest related sectors.

We have signed onto a comment letter led by the National Federation of Independent Businesses (NFIB) opposing the prescriptive nature of this legislation and how this legislation does not take into consideration the diverse conditions, risks, and operational realities faced by employers and workers across New York. This legislation also imposes a heavy administrative burden, introduces substantial compliance costs, and particularly disadvantages small businesses. We remain supportive of the concerns raised in that collaborative memo.

This legislation also does not take into consideration the ongoing regulatory upgrades that have been and continue to be undertaken by the Occupational Health and Safety Administration (OSHA) that apply to all employers conducting outdoor and indoor work across all general industry sectors under OSHA's jurisdiction. This process continues and will be subject to hearings starting June 16, 2025. We would urge the sponsors to wait on this legislation until an assessment of new OSHA standards may be completed.

Our comments here are to address specific concerns related to the production and storage of wood products and some unique circumstances to our wood product facilities and workers.

The production of lumber requires periods of sawn boards to be air dried under cover in differing environments where movement of air flow can be controlled to achieve maximum dryness prior to kiln drying to specifications for graded lumber. This method of "warehousing" is essential to the

lumber production process and any binding requirements for air conditioning (A/C) as included in the legislation is particularly concerning as to how they impact a time-tested process of lumber production. Mandating A/C in workplaces where it is unnecessary – such as warehouses that rely on ventilation and shade – imposes unjustifiable requirements that would jeopardize our production process and could cause warpage and stain damage that would render our lumber useless. Similarly, in our paper manufacturing, after paper has been processed, it is boxed and crated for storage prior to shipment. Mandated A/C is also unjustified and poses environmental threats to our finished product.

Another area of concern with the legislation is the one-size-fits all mandate for access to hydration by workers. While ESFPA member companies agree that hydration is crucial, issues with water access are more common in the outdoor agricultural and construction industries, not in the wood process manufacturing and warehouse environments where clean, cool water is readily available. Imposing rules across industries highlights the need for more flexible and industry specific guidance which is best developed by employers who manage the sites..

Another area of concern is the mandate for preventative breaks. Workers at our facilities typically load and unload trucks upon arrival, of both receiving product and exiting products. This is imperative to the business' operational efficiency as well as overall workplace safety. This also involves the movement of goods both outdoors and indoors and often between these environments. Mandatory rest breaks could disrupt these workflows, leaving trucks waiting and potentially causing traffic congestion and related safety issues for all workers.

Additionally, the requirements for air conditioning in employer provided “vehicles” are problematic. On our site we use a lot of forklifts, front loaders, etc. that move lumber and wood product pallets and rolls around both indoors and outdoors and often between the to. In most instances these are open vehicles with no A/C available. We recognize the exemption for agricultural equipment included in this legislation and would like to see this section amended to allow other exemptions for similar equipment and circumstances.

ESFPA and our member companies are committed to fostering safe and healthy workplaces for all employees. We urge you to first take into consideration the ongoing regulatory process by OSHA before advancing this legislation. We then ask that you work collaboratively with stakeholders to develop more flexible and industry-specific standards if necessary. Finally, we need flexible approaches which would be less burdensome and cost-prohibitive to employers that will allow employers to tailor heat illness programs that will better protect workers from heat hazards.

We believe these objectives can be achieved without this legislation. Thank you for considering these comments and those we worked with NFIB on. ESFPA welcomes the opportunity to engage further with you on these important issues.

cc: Assembly Labor Committee
Senate Labor Committee

For More Information Contact:

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