



# Empire State Forest Products Association

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

*www.esfpa.org*

47 Van Alstyne Drive / Rensselaer, New York 12144 / p: 518-463-1297 / f: 518-426-9502

*Chair*  
Jennifer DeFrancesco  
B & B Forest Products, LTD

*Vice Chair*  
Jeff Denkenberger  
Molpus Woodlands Group, LLC.

*Treasurer*  
Michael W. Hanlon  
Cotton-Hanlon, Inc.

*Secretary*  
Kevin Brown  
W.J. Cox Associates, Inc.

*Immediate Past Chair –*  
Michael J. McLarty  
Finch Paper, LLC

*Executive Director*  
John K. Bartow, Jr.

---

Adam Bowman  
AD Bowman & Son Lumber Co.

Sarah R. Bogdanovitch  
Natural Resources Consultant

Pat Buff  
B&B Lumber Co.

René H. Germain, Ph.D.  
SUNY ESF

Tom Gilman, CF®  
F&W Forestry Services, Inc.

Doug Handy  
A&H Forest Management, Inc.

Damon Hartman  
Prentiss & Carlisle

Michael Haycock  
Farm Credit East

Craig Jochum  
Craig Jochum Logging

Susan Keister  
Keister Consulting, Inc.

Elizabeth Lesnikoski  
Burlington Electric

Larry Richards  
Richards Logging, LLC

Sean Ross  
Lyme Timber Company

Pat Sadler  
WoodWise Forestry, LLC

Jack Santamour  
LandVest, Inc.

Tim Stocker  
Sylvamo

Tony Woods  
Lignetics of New England

Ty Bowgren  
Wagner Lumber Company

John Zemanick  
Gutchess Lumber Company

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

## **Memorandum of Opposition**

### **A 8673/S 7203**

May 29, 2025

Honorable Deborah Glick

Member of Assembly

621 LOB

Albany NY 12248

Via Email: [GlickD@nyassembly.gov](mailto:GlickD@nyassembly.gov)

Honorable Liz Krueger

Senator

416 Capital

Albany NY 12247

Via Email: [lkrueger@nysenate.gov](mailto:lkrueger@nysenate.gov)

The Empire State Forest Products Association has concerns with **A. 8673/S 7203** which enacts the Tropical Rainforest Economic & Environmental Stability Act (TREES Act) requiring that companies contracting with the State do not contribute to tropical forest degradation or deforestation directly or through their supply chains. The bill would also establish a “Supply Chain Transparency Assistance Program” to assist small and medium-sized businesses and minority and women-owned businesses in achieving compliant supply chains.

The Empire State Forest Products Association (ESFPA) represents over 300 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.

ESFPA does not object to the intent of this legislation in discouraging State agency procurement of materials that contribute to unsustainable forest management, illegal logging, or contribute to degradation and deforestation of forests around the globe or domestically. In fact, ESFPA has and will continue to support national and international efforts that ensure supply chain transparency and encourage sustainable forest management that protects all forests and ensures that the world's forests can provide the biodiversity, climate, and societal benefits that the world depends on.

We are committed to working with our national partners on the U.S. Lacey Act and international trade policy, as well as with the international partners on trade agreements

and policies to curb deforestation and restore degraded lands, particularly in our tropical and subtropical forest regions.

The world is at risk of large-scale and potentially irreversible environmental changes, with major threats related to climate, biodiversity, natural resources, and human well-being. Our forests will play an extremely significant role in addressing these challenges while protecting the future human condition of local and Indigenous populations. Forest ecosystems are vital assets that must be restored, maintained, and sustainably managed. As such we need to design policy mechanisms based on sound science and consensus that will result in cost-effective options and wide-impact pathways toward healthy forests and tree resources and sustainable and resilient societies.

ESFPA supports the need to protect Tropical Rainforests, but we question how New York State or North America can do this alone. While it would seem simple enough to just say “do not procure any raw material or product that is derived from or contributing to Tropical Rainforest deforestation or degradation,” doing so is much more complex and intricate than one could imagine.

We would note that in studies on deforestation carbon emissions in international trade, analysis of who are the producers and who are the consumers continues to demonstrate that international demand for forest and agricultural commodities is responsible for one-third (29%) of these emissions, and at a declining rate over the past decade. Most emissions – 71% - comes from food consumed in the country that they were produced. It is a tropical country’s domestic demand, not international trade, which is the main driver of deforestation. Even still international demand is an area that can be addressed but even there North American demand (U.S. and Canada) is among the smallest consumers of tropical commodities. By far China, Europe and the Middle East are larger consumers. (See enclosed graphic.)

International markets alone can’t fix this problem. New York, and the developed world, would be far better placing their efforts on addressing demands for products in tropical domestic markets in two ways. First, by aiding tropical countries in developing improvements in agricultural productivity so that countries can produce more food on less land. Second, New York and North American agricultural and forest commodity producers should focus efforts increasing our export markets to tropical countries where our commodities are more sustainably managed and capable of meeting greater global demands.

Specific to the TREES Act, ESFPA’s primary concern is over the terms and definitions in the bill. In defining terms such as “deforestation,” “forest degradation,” “tree plantation,” “at-risk commodity,” we urge serious scientific review, as these terms have not been vetted through the silvicultural and broader scientific communities. Upon review of international and domestic journals in forestry, it is clear that the definition of these terms is not all settled.

Similarly in the Supply Chain Transparency Assistance program section of this legislation, terms used for “transparent,” “traceable,” “ethical” and “sustainable” will be codified. Our concern is that these new terms and definitions would be referenced in future amendments to these sections of law, which some advocates have already indicated they want to add other forest regions (i.e., Boreal Forest), or be referenced in other sustainability legislation impacting forestry and wood products made in North America or in New York. It is important to get these terms and definitions grounded in acceptable science now.

New York also already prohibits State and local government from purchasing or obtaining tropical hardwoods or tropical hardwood products under Section 165 of the State Finance Law. In fact, we do not object to the addition of nearly 100 new tropical hardwood species to this list of prohibited purchases. The Governor noted this in Veto Messages #135 in 2023 and #123 in 2024.

The Governor also noted in her two other Veto's the significant burdens on businesses, particularly small businesses, which want to do business with New York State. These have not been lessened in the current bill. This is also a major burden on other national and international efforts to regulate commodities from tropical and non-tropical forests.

This version of the TREES Act also shifts a substantial amount of procurement policy and monitoring to the Department of Environmental Conservation (DEC) as opposed to the State's principal procurement agency the Office of General Services (OGS). In previous versions of this legislation, we have raised questions about OGS's capability in foreign trade and markets. We have even greater reservations of DEC's capabilities in these areas. DEC does not even have the capability to monitor and evaluate within state utilization of forest products, let alone agricultural commodities. How can we expect DEC to take on international markets for which they have no familiarity.

ESFPA has also raised concerns about how provisions of the legislation apply to tropical and non-tropical forest products alike. For instance, regulations that would be adopted to implement this legislation are expected to cover tropical forest-risk commodities (including all paper, all pulp, and all lumber), and a "set of responsible sourcing guidelines and policies derived from best practices in supply chain traceability and transparency systems for product types." We do not yet know how extensive such guidelines would be, but it will be important to monitor discussions held by the stakeholder advisory group convened to adopt such regulations. Likewise, the Supply Chain Transparency Assistance Program is expected to apply across all "raw materials" and industries.

ESFPA has raised concerns over the trade restrictive "mission creep" of this legislation and the long term impacts it may have on trade restrictions of forest products. Comments from the sponsors have indicated that this legislation is a precursor to pending action by the European Union Deforestation Rule (EUDR), and some ENGOS have indicated that that is the direction that the U.S. and New York should be going. That may be fine if it is done thoughtfully, but the European Commission, Parliament, and Council have agreed to delay the effective date of the EUDR to December 31, 2025. 20 of 27 EU nations are reconsidering their engagement in the EUDR. Several Countries have also expressed to the EU that they would not or could not abide by the requirements of the EUDR as they relate to certifications, geolocations, and forest classifications.

Finally, On December 17, 2024, the U.S. Department of Agriculture released an interagency policy framework to guide potential demand-side measures to reduce the importation of deforestation-linked commodities and derived products into the United States - ***Strengthening Supply Chains: A Policy Framework to Combat Demand Driven Illegal Deforestation and Promote Sustainable, Deforestation-Free Commodities***. Together, this report and the policy framework provide a coherent foundation for demand-side deforestation policy and international capacity building to advance sustainable land use and reduce deforestation globally. There has been no signal that USDA or the federal Department of State will not follow through on this.

We fully support state agency procurement of products from sustainably managed forests and believe New York could do more to support businesses within our own state by giving preference to locally produced products. But we believe that New York should tread cautiously on how it pushes into this larger policy arena. ESFPA is working with our national affiliates on responses to the EUDR and amendments to the Lacey Act. We will also look to incorporate some of the recently released policy framework by USDA. The NY TREES Act is not necessarily going to get us any closer to a better national or international response and may, in the meantime, burden NY based businesses and wood products with unnecessary regulation and the unintended consequences more than it will help us.

**Again, while we appreciate the sponsors' good intentions in advancing this legislation but for the reasons stated above we respectfully oppose A. 8673/S 7203.**

cc: Assembly Government Operations Committee  
Senate Procurement and Contracts Committee

**For More Information Contact:**

John K. Bartow, Jr.  
Executive Director  
Empire State Forest Products Association  
47 VanAlstyne Drive  
Rensselaer, NY 12144  
Tel (518)463-1297  
Cell (518) 573-1441  
[jbartow@esfpa.org](mailto:jbartow@esfpa.org)