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## **CERTIFICATE OF LEGALITY AND SUSTAINABILITY**

Timber production in the United States is highly regulated by a protective network of federal, state and local regulations, not a single or sole national forestry law. Tenure of forest land is well-established and enforced. Over 70% of the forest resource is privately owned. The vast majority of private forest land is owned by over 10 million family forest landowners that own small forest tracts, typically less than 25 hectares. Independent surveys by the United States Forest Service consistently report a stable forest area, with growth in excess of harvests. In addition, U.S. producers are increasingly becoming certified to meet the requirements of international procurement policies. Data on U.S. forest resources consistently show stable forest area, and growth in excess of harvests, but U.S. producers are increasingly becoming certified to meet the requirements of international procurement policies.

U.S. forest resources are vast -- they cover one-third of the country -- and U.S. forest resources are well-monitored. The area of forest in the U.S. has remained stable over the past fifty years and has even increased slightly over the past two decades. About one-third of the country is forested. Of the approximately 749 million acres (277 million hectares) of forest land in the U.S., about two thirds, or 504 million acres, are classed as timberland (forests that are available for periodic timber harvest). The forest industry, along with various institutional investors, has traditionally owned about 12 to 13 percent of the timberland (approximately 60 million acres) within the United States. Net growth exceeds removals by a substantial margin for both softwoods and hardwoods and, thus, U.S. timber inventory continues to expand despite increasing timber production.

The United States is a "low-risk" supplier to international markets in terms of illegal logging and a high performance producer in terms of sustainability. Tenure of forest land is well-established and enforced. An array of legal, voluntary and cultural institutions ensures long-term forest sustainability. The rule of law is deeply-rooted in the American culture and enforcement of laws and regulations is very effective.

The management of U.S. forest resources is supported by a sophisticated, forest inventory and analysis system administered by the U.S. Forest Service's Forest Inventory Analysis National Program ([www.fia.fs.fed.us](http://www.fia.fs.fed.us)). This program is totally independent of the US forest products industry. For the past five decades, every forested state has undergone periodic

forest inventories to measure and monitor forest conditions. More recently, the periodic system is being transformed into an annual inventory that will enable early warnings and faster responses to changes in forest conditions.

## **US Legal and Regulatory Environment (related to US Forests)**

### **National Laws**

Six major federal laws regulate human activities on forest land: Endangered Species Act (ESA); Clean Water Act (CWA), Clean Air Act (CAA) and Federal Insecticide, Fungicide and Rodenticide Act (FIFRA); National Environmental Policy Act (NEPA); Occupational Safety & Health Act (OSHA). As noted earlier, none of these laws is specific only to forestry, but all provide strict legal oversight of various aspects of forest practices. For example, the ESA reaches deeply into US forests. Forest landowners and managers cannot cause injury or death to a species listed under the ESA by direct harm or through habitat modification. The ESA has effectively removed large swaths of public lands from commercial exploitation and has additionally restricted forest management activity over millions of hectares of private land. Species such as the northern spotted owl, red-cockaded wood pecker, Kirtland's Warbler and gopher tortoise are just a few of the forest-dependent species protected under the ESA. Penalties for violations of the ESA are severe.

Under the federal Clean Water Act, states must have programs to control non-point source pollution, usually accomplished through Best Management Practices (BMPs), and federal regulations control activities in forested wetlands. Every forested state has a program of either mandatory or voluntary BMPs for forest lands.

Similarly, under the Clean Air Act, states must have programs to protect air quality and visibility. These typically include controls on prescribed burning and the use of ozone-depleting chemicals.

Chemical use in forest stands, whether for insect control or for vegetation management, is regulated under FIFRA. All forest-use chemicals must be registered and forest land operators must follow application guidelines. NEPA mandates that federal agencies assess and minimize the environmental impacts of their activities on government-owned forest land. NEPA has resulted in detailed assessments of impacts from federal activities on forests and associated wildlife, and has frequently necessitated changes in management or has resulted in eliminating activities altogether.

Finally, in terms of the major federal laws that affect forestry, the Occupational Safety and Health Act (OSHA) prescribes that very specific safety measures be taken and safety equipment used while engaged in commercial activity in forest areas. Detailed records of accidents, injuries, and corrective measures must be maintained. Penalties for violations are severe.

## **State & Local Laws**

Each of the fifty US states has various laws that affect forests. In total, over 1,000 full time employees with a payroll of over \$57 million are engaged in state level regulatory activities. Some 276 different state agencies have some kind of regulatory authority over forest practices. A recent study characterized over half of these as extensively or moderately engaged in forest practice regulatory activity [1]. At least 15 states have extensive regulatory programs specific to forestry. Most require some form of harvesting plan, notification or permit and most require a reforestation plan. Of the fifteen states with extensive forestry regulation, those with the most rigorous forest practice laws tend to be located in the western region – in states such as California, Oregon and Washington – where, as a practical matter, most of the exports to Japan originate. Enhancement of water quality is the primary objective in regulating forest practices in most states. In 37 states, regulatory agencies provide oversight of non-point forest sources of water pollutants.

## **Timber Theft & Illegal Logging**

Illegal logging is not an issue in the United States.

Timber theft in the United States is a rare occurrence as virtually every jurisdiction in America has strict laws against trespass and theft. Any theft of timber or logs, or the cutting of timber in parks, reserves, or other similar areas where it is precluded by law, is vigorously prosecuted. Law enforcement is stringent and provides an effective deterrent against timber theft. Landowners are protective of their private property and local law enforcement responds to complaints. Consequently, illegal harvesting is not a national problem in the U.S.

Moreover, most transactions are subject to the Uniform Commercial Code which governs the sale of goods, their transportation and delivery, financing, storage, payments, and various other aspects of commercial transactions. All commercial transactions, including timber sales, carry with them an explicit or implied warranty of title. Any breach of this warranty incurs serious civil or criminal penalties. Landowners are always advised to clearly mark boundaries, obtain bids for timber sales, always have written contracts and have a professional forester oversee harvesting. Written contracts are always enforceable in courts of law.

## **Southern Forest Facts [2]**

The forests of the South are often called “America’s Woodbasket.” Here are just a few of the many reasons why:

- 200 million acres, or 40% of the United States’ timberland is located in the South.
- The South grows 23% of the nation’s softwood timber and 44% of the hardwood timber.

- The most abundant Southern softwood species, by volume, is the Southern yellow pine (abbreviated as SYP or SP), making up one-third of the total inventory.
- Southern softwood removals comprise 53% of the U.S. total; hardwood removals 60%.
- The 13 Southern states harvest 43% of softwood *sawlogs* and 53% of hardwood *sawlogs* produced nationally.
- These states also account for over half the plywood *roundwood* and two-thirds of the pulpwood.
- Actually, 9 million cubic feet of wood is harvested in the South.
- Each year, the South's landowners (industrial and non-industrial) plant 1.2 billion trees – an average of 3,288,000 trees per day.

#### **References Within Document**

[1] P. Ellefson et al, "State Government Regulation of Forestry Practices Applied to Nonfederal Forests: Extent and Intensity of Agency Involvement," *Journal of Forestry*. Vol. 104, Number 8, 2006, pp.401-406

[2] Southern Forest Facts Sources: American Forest & Paper Association, USDA Forest Service, and Frederick Cabbage and Robert Abt, North Carolina State University, Department of Forestry

#### **General References Used**

- Michael Virga's, American Forest & Paper Association, paper entitled *US Exports, Legality And Foreign Procurement Policies*
- Southern Forest Products Association's publication #908 entitled *Wood Products Enhance Our Environment*



**CERTIFICATE OF LEGALITY AND SUSTAINABILITY**  
**Legal Sources**

Name: Joe Kusar

Position: Executive Vice President

Company: Tolleson Lumber Company, Inc

Address: P.O. Box 970, Perry, Georgia, 31069

By signing this document, the Southern Pine Council (Southern Forest Products Association and/or Southeastern Lumber Manufacturers Association) Member mill listed above states that the lumber provided to: *(Customer name and order number)*

Type Customer's Name

of said species: *(list type of species)*

loblolly pine – Pinus taeda

longleaf pine – Pinus palustris

shortleaf pine – Pinus echinata

slash Pine – Pinus elliotti

was legally harvested from sustainable timberlands. The lumber in this shipment came from the following geographical area:

Country: The United States of America (USA)

States: Georgia Alabama

Should questions arise regarding the legality or sustainability of the material shipped in this order, all available information in my possession will be made available to our customer for review.

Date Type Date

Company Official Signature

*[Signature & Company Seal]*