



Empire State Forest Products Association *Our Views* **2023 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 350+ 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 2023 portion of the New York State biennial Legislative Session which ran through December 2024. 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.

There were over 15,000 bills introduced in the New York State Senate and Assembly in the 205th New York State Legislative Session which started on January 4, 2023, and continued until December 31, 2024. ESFPA tracked over 250 bills as follows:

- 16 Bills we filed Memorandum of Support
- 17 Bills we filed Memorandum of Objection
- 123 bills we had No Position at this Time (NPAT) but commented and met on
- 99 Bills we were Monitoring.

Early morning on June 10th the Senate adjourned and the Assembly adjourned late on June 21st. 896 bills passed both Houses during the 2023 NYS Legislative Session with more than 600 of them passing in June. Governor Hochul concluded her consideration of bills we were tracking on December 29th in vetoing the Wrongful Death Act which would have had profound impacts on insurance liability claims.

We ended the two-year legislative cycle with wins and losses on our legislative agenda, but far outperformed in our gains. Unfortunately, many of our gains were in Chapter Amendments which kept us active right to the end. We also saw many veto's where sponsors vowed to bring bills back next session when we start anew in a two-year cycle.

ESFPA is the voice of the forest products industry in Albany and beyond, representing "*the people behind New York's healthy forests and quality wood products.*" We want to thank our members for your support that provides us with the resources to work on your behalf. Should you have questions or have concerns about anything in this report please do not hesitate to reach out to us. If you know of others who would benefit from membership with ESFPA please feel free to share this report with them and encourage them to contact us and join!

Agriculture/Silviculture

1. Supported and secured funding of the Wood Products Development Council under the Environmental Protection Fund at \$200,000 which was included in the enacted SFY 2023-24 Budget.
2. Opposed legislation A. 3841 (Glick)/S. 2831 (Breslin) relating to reduction of acreage for clear cuts within the Adirondack Park and cumulative impact assessments of Working Forest Conservation Easement.
3. ESFPA collaborated with AF&PA and the Canadian Forest Products Association and Canadian Consulate on legislation A. 5682-A (Zebrowski)/S. 4859-A (Krueger) that would prohibit state agencies from procuring Canadian forest products harvested from Boreal forests. Successfully removed Boreal Forest from the bill. The coalition continues to work together in 2023 dealing with sustainability and transparency elements of this legislation. The legislation still contained adverse language to forest products and we helped secure a Governor's Veto (**Veto Memo 135**).
4. Participated in stakeholder discussions and comments on Conservation Subdivision Design legislation within the Adirondack Park A. 4608 (Glick). The bill does not have a Senate sponsor, and we are working to keep the bill from being introduced in the Senate.
5. Supported the American Forest Foundation's Rural Forest Markets Act (RFMA) establishing a funding mechanism for the sale of carbon credits from Family Forests.

Climate Change

1. Engaged with Department of Environmental Conservation (DEC) and NYS Energy Research & Development Authority (NYSERDA) on the stakeholder groups working on the economy-wide New York Cap & Invest (NYCI) program and regulatory framework.
2. Engaged with DEC on the development of the Department's Disadvantaged Community Policy (DEP-23-1) for the issuance of permits affecting disadvantaged communities.
3. Opposed regulations adopted by DEC regulating NOx in heavy duty trucks. These regulations incorporate the California clean truck rules which were repealed by California in 2023. We will continue to work on a repeal in New York.
4. Executive Director John Bartow has been serving as a Sector Advisor to the second NYS Climate Assessment. The Climate Assessment is focused on climate adaptation and mitigation as opposed to emission reductions which is the primary focus of the CLCPA and Scoping Plan.
5. Served on the National Alliance of Forest Owners (NAFO) Air Task Group which is influential in shaping NAFOs climate policies.
6. Worked with the American Forest Foundation Family Forest Carbon Program aimed at smaller forest landowners and carbon benefits.

Economic Development

1. ESFPA has commented on several aspects of the DEC proposed Cap & Invest program and regulations to ensure that emission allowances are available to EITE wood product manufacturers.
2. ESFPA continues to have a seat on the Adirondack North Country Association Board of Directors. Executive Director John Bartow was elected to a term as Capital Regional VP for the Board.
3. 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.
4. Worked with SUNY College of Environmental Science & Forestry on the Climate and Applied Research Institute (CAFRI) for Carbon Assessment on Forest Land. Helped secure an increase in EPF funding for CAFRI to \$1 million.
5. Worked with SUNY College of Environmental College and Forestry on standing up the Bioeconomy Development Institute (BDI).

6. Supported the work of the Real American Hardwood campaign aimed at demonstrating the benefits of hardwood in buildings and infrastructure.

Education/Workforce Investment

1. ESFPA continued discussions and support of workforce related efforts at SUNY ESF and SUNY Morrisville.
2. ESFF continues to host and support Project Learning Tree (PLT) and work with the NY SFI SIC on targeted efforts at attracting youth to careers in the forest and wood products sector.
3. Applied for a Northern Border Commission grant for a Logging Industry documentary and video series.

Energy

Carbon

1. Supported Federal budget language enacted into law in the FFY 2019, 2020, 2021, 2022 and 2023 budgets recognizing biomass as “carbon neutral”. 2023 was the fifth year of temporary budget language while we work toward a permanent definition of biomass carbon neutrality by EPA.
2. Worked with NAFO and other national affiliates on several climate initiatives including climate priorities for the Forest Climate Working Group and the NAFO CEO Policy Principles. Both efforts lay out priorities and policy principles that call for rewarding the carbon benefits of wood building products, funding for forest carbon science and data collection, and incentives for working forests that sequester carbon.

Biomass

1. Supported legislation A. 964 (Woerner)/S. 1292 (Parker) which establishes the NYS Clean Fuel Standard, a technology neutral program to support clean energy fuels in the transportation sector, including biofuels. The Clean Fuels Standard was included in the Climate Scoping Plan.
2. Supported legislation A. 1458 (Jones)/S. 192 (Gallivan) providing a tax credit for densified biomass fuel expenditures.
3. Supported State and federal legislation which recognizes biomass as a renewable energy resource and providing carbon benefits.
4. 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.
5. Continue to partner with the Northern Forest Center on the Automated Wood Heat program to market and promote the use of densified wood pellet heating systems in residential, commercial, and institutional buildings.

Energy Costs

1. Provided testimony and correspondence on the costs of energy and to rate payers on implementation of the CLCPA.
2. Provided stakeholder input and comments on the proposed New York Cap & Invest program and regulations.

Renewable Energy

1. Worked with NYSERDA on the Energy Score Card for siting renewable energy facilities on forest lands.
2. Supporting A. 51 (Woerner) which would establish a Clean Energy Tech program to encourage more distributed behind the meter renewable energy sources such as biomass and biofuels. Encouraging more direct language on biomass.

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 2023-24 Budget for the Environmental Protection Fund. \$400 Million included in SFY 2023-24 enacted Budget. Secured line items for the Wood Products Development Council (\$200,000), Regenerate NY (\$500,000), Community Forests (\$500,000), Hemlock Wholly Adelgid (\$500,000), Easements for Land Trusts (\$1.5 million) and CAFRI (\$1 million).
3. ESFPA collaborated with AF&PA, Sylvamo and WestRock on the Extended Producers Responsibility (EPR) Act, A. 5322-A (Glick)/S. 4246-A (Harckham). ESFPA was successful in getting amendments to exclude non-packaging paper in the latest bills. The coalition continues to advocate collectively and will do so in 2024. ESFPA also participates in a national coalition of business interests monitoring EPR legislation around the Country.
4. Testified and the Joint Senate and Assembly hearing on Extended Producer Responsibility (EPR) programs. Focused on unique characteristics of paper in the waste stream, success rates of paper recovery and recycling and problems the proposed legislation has on rates and dates, reduction and reuse, and toxins in covered products.
5. Opposed legislation (A. 4601-A (Glick)/S. 1725-A (Harkham)) and secured a Governor's Veto (**Veto Memo 70**); which would extend DEC regulation of streams to include all Class C streams.
6. Opposed legislation (A. 7640 (Glick)/S. 1856-A (Hoylman-Segal); that would have prohibited the the use of neonicotinoids in most cases. ESFPA collaborated with Environmental organizations on securing a Chapter amendment to exclude use of neonics on "woody plants" which allowed continued use of neonics on forest pests (e.g., Hemlock Wholly Adelgid). **Signed Chapter 755, Laws of 2023.**

Endangered Species

1. Supported efforts by the DEC to streamline standards and regulations (6 NYCRR Part 182) for the protection of rare, threatened, and endangered species and aligning state standards with federal standards.
2. Helped DEC in drafting Northern Long-eared Bat (NLEB) guidance following the USF&W Service designation of NLEB as Threatened under the federal Endangered Species Act. Federal guidance is for one-year through March of 2024. ESFPA is working with DEC on how things might change in 2024.

Invasive Species and Forest Pests

1. ESFPA remains a member of the Invasive Species Advisory Council.
2. Worked with DEC and DAM on information regarding Spotted Lantern Fly, Hemlock Wholly Adelgid and Oak Wilt disease.
3. Opposed a variety of bills which would limit the sale, use or distribution of pesticides and herbicides such as neonicotinoids and glyphosate.
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.

Open Space Conservation

1. Supported A. 2544 (Gunther) which relates to liability of landowners who allow recreational use of their lands.
2. Provided comments on the Bond Act to make eligible expenses for flood mitigation, climate resilience and recreation on Working Forest Conservation Easement lands.

3. Opposed the opinion of the State Attorney General that conservation easements are ineligible expenses under the Bond Act. Working with several stakeholders on amending the Deficit Reduction Act of 2021 which is the basis for the Attorney General's opinion.

Water Quality/Source Water Protection

1. Opposed legislation on the regulation of streams A. 4601-A (Glick)/S. 1725-A (Harckham); Passed Both Houses, which would add all Class C streams to DEC's Protection of Waters Program. ESFPA helped secure Veto (**Veto Memo 70**).
2. Opposed A. 5949 (Burdick)/S. 5957 (Harckham); and secured a Governor's Veto (**Veto Memo 81**) which would have enabled municipalities to prohibit the use of pesticides in freshwater wetlands.
3. Opposed A. 3296-A (Kelles)/S. 227-B (May); Passed Senate, which would require existing and new water discharges to monitor and report PFAS discharges including general permits for multi-purpose stormwater permits.
4. Supported increases in the Environmental Protection Fund and Bond Act aimed at watershed protection funding including the acquisition of easements or in fee which would also allow forest management.

Forest Markets

1. Supporting A. 6821 (Lupardo)/S. 6320 (May) which would authorize DEC to enter contracts for maple tapping and sap production on State lands for up to 10-years.
2. Opposed A. 5682-A (Zebrowski)/S. 4859-A (Krueger); and secured a Governor's veto (**Veto Memo 135**) which would have enacted the Deforestation Free Procurement Act and Supply Chain Transparency provisions on topical forests and other nature resource procurements.
3. Worked with the Hardwood Federation and other national trade associations on completing the Real American Hardwood Campaign.
4. Supported the Wood Products Development Council efforts aimed at increasing the use of wood products from forests for green building (including green schools). Working with Ag. & Markets on reappointments to the WPDC.
5. Working 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. Working with a broad spectrum of businesses organizations representing all sectors of the New York State economy and secured a Governor's Veto (**Veto Memo 151**) to A.6698 (Weinstein)/S. 6636 (Hoylman-Segal), which would have radically expanded the types of damages awarded in wrongful death lawsuits.
2. ESFPA is working with the Business Council of NY on budget mechanisms to help businesses recover from high unemployment premium adjustments as a result of massive UI claims in 2020 and 2021.

Manufacturing

1. Supported work of the Industry Advisory Panel of the Climate Action Council calling for attention to Energy Intensive and Trade Exposed (EITE) industries. This is a priority of ESFPA and the Business Council of New York and a major piece of the final enacted CLCPA. This is also a key provision relating to the draft Cap & Invest program and rulemaking.

Taxation

Real Property Taxes

1. Supported DEC's administrative efforts to reform Real Property Tax Law on forest lands (RPTL 480-a) aimed at streamlining regulatory requirements. These administrative regulatory changes

were drafted in 2020 but have not yet been released. Legislative changes to 480A are included in the final Climate Scoping Plan.

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. Supported legislation A. 161 (Woerner)/S. 31 (Stec) that would establish a forestry stewardship and habitat conservation credit (personal income tax credit) for landowners who invested in forest and habitat conservation practices.
2. Support equitable tax credits for all business research and development and investment tax credits that are equitable across business sectors.
3. Supporting recommendations to the Climate Action Council for forest carbon tax credits.

Transportation

1. ESFPA has worked with Team Safe Trucking on new programs for the recruitment and retention of truckers in the forest products sector.
2. Monitored the Transportation Climate Initiative (TCI) being developed by many of the Regional Greenhouse Gas Inventory states.
3. Supported legislation (A. 964, Woerner/S. 1292, Parker) supporting a Clean Fuel Standard for electrification and alternative fuels for transportation decarbonization.
4. Opposed regulations adopted by DEC regulating NOx in heavy duty trucks. These regulations incorporate the California clean truck rules which were repealed by California in 2023. We will continue to work on a repeal in New York.