

# Maine's SFI Inconsistent Practices Program

## Policies and Procedures

The Sustainable Forestry Initiative<sup>SM</sup> Standard ( 2010-2014 Edition) includes a performance measure requiring SFI Program Participants to establish an appropriate procedure at the state level to address concerns raised by loggers, consulting foresters, employees, [the public] or SFI Program Participants regarding practices that appear to be inconsistent with the SFIS Principles and Objectives.

The procedure outlined in this memorandum is a series of steps that any person with a concern about practices being implemented by any SFI Program Participant can take to seek to resolve the concern.

The Honor and Integrity Subcommittee recognizes that the types of concerns that may be raised under the program can vary widely. As this process is put into use, it may be necessary to revisit the process and make adjustments to better reflect experience.

## Process for Addressing Practices of Concern

### 1. **Raise the concern directly with the company at issue.**

The first step for any person who is concerned about how an SFI Program Participant is implementing the SFI program should be to raise the concern directly with the company whose practice has triggered the concern. The company is in the best position to provide accurate information about the issue and seek to resolve the concern.

### 2. **Call the 1-888 number.**

In Maine, we have an established system for any member of the public to report a concern about forest practices in the State. That system is the 1-888 number. If efforts to resolve a concern with a company's practices have not been satisfactory, the person with the concern should call the 1-888 number to report the practice of concern. The Coordinator should process the call consistent with existing guidelines and procedures applicable to the 1-888 number. (see appendix A)

### 3. **Refer the concern to the Accountability Team.**

If the Coordinator feels that the concern has not been satisfactorily resolved through steps 1 and 2 described above, or if the Coordinator feels that he or she would benefit from consultation with others about the practice of concern, the Coordinator may consult with members of the "Accountability Team." Prior to initiating the A-Team Process, the Coordinator should offer to the caller the opportunity to meet and speak

directly with the SFI Program Participant regarding the concern. If the caller declines, the Coordinator can then provide the caller with the A-Team Process option. Also prior to initiating the A-Team option the Coordinator should seek a commitment from the caller and the SFI Program Participant to accept the conclusions arrived at by the A-Team regarding the specific concerns of the specific site in question. If there is agreement or if the Program Participant in question request, the Coordinator can initiate the A-Team Process. (See Appendix B)

#### **4. Refer Concern to the National SFI, Expert Review Panel's, Inconsistent Practice Protocol.**

In the situation where a caller feels the necessity to pursue action beyond the A-Team process, the Coordinator should refer them to SFI's national process for inconsistent practices. The Coordinator should provide the caller with the following information.

Site-specific details of alleged inconsistent practices should be mailed, phoned, e-mailed or faxed to:

Mr. Neil Sampson  
5209 York Road  
Alexandria, VA 22310  
Phone: 703-924-0773  
Fax: 703-924-0588  
E-mail: [RNeilSampson@cs.com](mailto:RNeilSampson@cs.com)

Please provide a contact name, phone number, or email address where Mr. Sampson can reach you if additional details are required. Be assured that those contact details will remain strictly confidential.

Additional information on the National SFI Inconsistent Practices process is available at: <http://www.sampsongroup.com/sfi/inconsis.htm>

## **References:**

Memorandum Dated December 24, 1998; To: AF&PA; From J.M. White & A.M.Holman; Re: 888 Number Procedures and Policies

Memorandum dated June 16, 1999; To: Honor & Integrity Subcommittee; from Kate Geoffroy; Re: SFI/Suggested Process for Addressing Practices of Concern

# Appendix A

## **The 1-888-Number Protocol**

This protocol outlines procedures and policies suggested for use in the operation of the 888 number by the Maine Sustainable Forestry Initiative (“SFI”) Committee in order to promote compliance with antitrust laws and minimize the possibility of antitrust claims.

### **I. The Role of the Coordinator**

The ME SFI Director serves as An independent coordinator (“Coordinator”) retained by the Maine State Implementation Committee to receive calls from the public; to coordinator confirmation of basic information concerning the site and involved parties; to coordinate individual SFI company (Program Participant) follow-up; and ultimately to provide feedback to the person making the inquiry. A principal objective in employing an independent Coordinator is to avoid having Program Participants in the coordination role; while encouraging the Program Participants to implement their individual SFI policies.

### **II. The 1-888 Number Process**

#### **A. Initial Call from the Public.**

The Coordinator will receive or return calls from persons calling the 888 number. The coordinator will attempt to determine the following information:

1. Name of the Caller.
2. Whether the caller wants to be called back after the inquiry as been investigated.
3. The nature of the forestry practice concern as expressed by the caller.
4. The location of the land involved.
5. If known to the caller, the identity of the landowner, logger or wood buyer(s) for the site.

The coordinator will enter this information on a caller log form (Form A); this data will also be logged in a computer. All paper and computer files containing information on 888 number calls and processing of these calls will be available only to the Coordinator.

## B. The Confirmation Process.

Program Participants have been designated as “confirmers” to make initial verifications of facts concerning a site for which an 888 call has been received. Generally, the confirming companies have been designated to share responsibilities by making the initial verifications within predetermine geographic areas. The Coordinator maintains a list of confirmers and their assigned areas.

On receipt of an 888 call, the Coordinator will fill out Confirmer Request (Form B) and assign a the confirmer listed designated for the area in which the site is located, to visit the site, and determine and report back to the coordinator the following information:

1. The location of the site.
2. The identity of the logger. Logger trained?
3. The identity of the landowner.
4. The identity of the wood buyers(s).
5. The identity of any forester connected with operations on the site.

The confirmer provides written report to the Coordinator by email or fax.

The confirmer will act promptly in responding to the Coordinator’s request and report back to the Coordinator within 48 hours. (This two day time line allows five remaining days for the follow-up organization to complete their responsibilities.)

## C. The Follow-up Process

If the confirming Program Participant company (Confirmer) determines it is involved with the site either the landowner, logger, or a wood buyer, the Confirmer will immediately investigate and follow-up in accordance with its individual company SFI policy. The Confirmer will report this fact to the Coordinator.

If the Confirmer is not involved with the site as the landowner, logger, or a wood buyer, it will report the information described in (Sec 2 1-5) above to the Coordinator. The Coordinator will enter the information described in (Sec 2 1-5) above in their database.

The Coordinator will then assign follow-up to a member company if one is involved with the site in any capacity. If the landowner is a Program Participant, the follow-up will be assigned to the landowner. If the landowner is not a Program Participant, the follow-up will be assigned to the Program Participant identified as the wood buyer from the site. If two or more Program Participants are identified as buying wood from the site, the Coordinator will assign follow-up to only one Program Participants. Over time the Coordinator will insure that follow-up in such multi-buyer situations is assigned to Program Participants on a fair, rotating basis. In any particular case, however, the

Coordinator will attempt to assign the follow-up to the Program Participant, which is the principal buyer of wood from the site, if one is known.

If the landowner, logger or any wood buyer is not a Program Participant, the follow up will be done by the Coordinator.

Each follow-up will be conducted by the assigned company in accordance with its own independent SFI policies and guidelines. It should evaluate the site and logging practices at the site, particularly in light of the concern expressed by the initial caller, and take such action as it deems appropriate under its company's SFI policy. The assigned Program Participant should not discuss its follow-up actions or decisions with other Program Participants. The Program Participant itself may maintain information it develops concerning the matter, for its own use, in accordance with its own policies and procedures.

On conclusion of its follow-up, the assigned Program Participants will provide a written report back to the Coordinator. It will apprise the Coordinator of the general nature of its findings and response, but will not report information concerning the commercial terms of its dealings with any landowner, logger, broker, or wood buyer, or changes in those terms or in its relationship with such parties as a result of its follow-up. The Coordinator will record the fact that the matter has been resolved and the general nature of the resolution. The Coordinator will not share this information with other Program Participants.

#### D. Response to the Initial Caller.

After the follow-up is completed, and if the caller had so requested, the Coordinator will inform the initial caller of the general nature of the follow-up and resolution.

#### E. Follow-up with SFI Participant

Coordinator should provide feedback to the Program Participant involved on the closure of the call and the future expectations of the caller.

### **III. Database and Annual Reporting.**

As previously noted, the Coordinator will not share specific information in the Coordinator's records with member companies.

It is the current intent that the Coordinator provides verbal updates of 888 activities to the SIC and produces an annual summary to gauge the success and effectiveness of the program. When the Committee and the Coordinator have determined the desired form

and content of the report, the proposed contents should be reviewed by antitrust counsel before any publication of the information.

#### **IV. General Guidelines.**

The following general guidelines for Program Participants should be followed in connection with the 1-888 number:

- Each Program Participant should independently develop and independently apply its own policy and guidelines for implementing SFI.
  
- Program Participants should avoid discussing with one another details of investigation of individual complaints or actions they contemplate taking, or which they have taken, because of follow-up activities. Program Participants should avoid discussing or sharing information concerning the commercial terms on which they are dealing with landowners, loggers, brokers, or wood buyers; changes in those terms; or decisions about whether the member will continue to deal with a particular party, including a landowner, logger or broker. (The Coordinator may want to develop a list of general, effective approaches to successful follow-up and resolution of caller's concerns. Before approaches on any such list are discussed with anyone, they should be reviewed by antitrust counsel.)

# Appendix B

## **Accountability Team (A-Team) Process Guidelines**

### **I. The Accountability Team Composition:**

A-Team will be made up of individuals who are not SFI Program Participants and do not have an interest or association with the callers concern. A-Team members will have expertise relevant to the subject matter of the concern. Selection of members should emphasize field experience with current laws and standards. Potential members of this Team can be selected from the following: SWOAM Forester, Forestry Consultants, Retired Professional Foresters, Maine Tree Farm Committee members, and former members of the sunsetted Maine Verification Oversight Panel. Members of the Accountability Team will be selected on an as needed basis. The Coordinator is responsible to select charge and facilitate the team.

### **II. A-Team's responsibility will be limited to:**

- a) Acquiring full understanding of the concern and differences of opinion regarding the concern.
- b) Facilitate the necessary logistics to conduct a field visit to the site in question.
- c) Produce an opinion of the site-specific concern in a written report to be submitted only to the SFI Coordinator. Report should distinguish between judgments on concerns that have a specific obligation to the SFI Standard (2010-2014 Edition), and those that do not.
- d) Maintain confidentiality of all parties involved, before during and after completion of the process.

### **III. A-Team Report Management**

The SFI Coordinator will provide the SFI Participant a copy of the A-Team Report for distribution at their discretion. The SFI Coordinator will provide the caller with the findings of the report through a phone conversation only. The Coordinator will not provide the caller with a written copy of the A-Team report. Coordinator will manage all paper and electronic A-Team reported information consistent with previously mentioned SFI GOAL guidelines contained in Section II, The 1-888 Number Process.