

Stakeholder report

on external input provided by stakeholders
for assessment of the

certification scheme ATFS

(request for advice from October 2017)

against the Dutch legal sustainability criteria
for solid biomass for energy applications

by the

**Advisory Commission on Sustainability
of Biomass for Energy Applications**

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1 Scope of this report

1.1 Introduction

This stakeholder report focusses on the external input as provided by stakeholders and on the commissions’ response to that input. This report is part of the advice of the advisory commission on sustainability of biomass for energy purposes (ADBE) to the minister of Economic Affairs and Climate Policy (EZK) on the application for approval by certification scheme “American Tree Farm System” (ATFS). Another part of the advice to the minister is the public assessment report on the assessment of ATFS. In that public assessment report a general introduction is given, as well as a description of the commission’s assessment procedure.

This final stakeholder report will be published on the ADBE website after the minister has taken and published a decision on the ATFS request for approval.

1.2 External input for the certification scheme ATFS

On October 24, 2017 the advisory commission received a request for advice on ATFS from the Dutch Ministry of EZK. Via its website and via a news message distributed by email the ADBE announced that external input could be submitted within four weeks (October 24 to November 21).

External input was received from the following stakeholders:

1. The US National Wildlife Federation, further referred to as “NWF”;
2. Jointly from Natural Resources Defense Council (NRDC), Southern Environmental Law Center (SELC), Dogwood Alliance and Partnership for Policy Integrity (PFPI), further referred to as “group of NGO’s”.
3. Greenpeace Nederland, further referred to as “Greenpeace”.

In the tables of this report, their input will be marked with colours against a light yellow background:

1. Input by the NWF
2. Input by group of NGO’s
3. Input by Greenpeace

The tables in this report will also include the response of the ADBE to the external input. This will be marked red against a light-blue background:

Reaction by the advisory commission is marked by red-coloured text
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In the following chapters only those sustainability criteria and management criteria are listed for which external stakeholders have provided external input. The “toetsingsprotocol” (assessment protocol; available on the ADBE webpage “[Toetsingsprocedure](#)”, in Dutch) as well as chapter 4 of the public assessment report give the full list of sustainability and management criteria.

1.3 Readers guide

The next four chapters in this report give the external input provided by the stakeholders plus a response by the ADBE. External input towards the sustainability criteria is given in chapters 2 and chapter 3, on general and more detailed external input, respectively. External input towards the management criteria is given in chapters 4 and 5, on general and more detailed external input, respectively. Chapter 6 lists the documents that were consulted by the commission when taking the external input into account. An annex lists the abbreviations that are used throughout this report.

2 General input towards sustainability criteria

The ADBE's form for submitting external input gives in section B the possibility to make more general comments on sustainability criteria. Such general comments provided by the stakeholders are listed in the table below. Please note that this input can only be considered by the commission as part of the assessment in case this input applies to one or a number of individual sustainability criteria.

<u>Overarching subject (sustainability criteria)</u>	<u>External input</u>	<u>Commission's reaction to the external input</u>
<p>GHG emissions, carbon sinks, carbon debt and land use change (sustainability criteria 1.1 and 3.1 - 5.1)</p>	<p>Greenhouse gas emissions are not a component of this standard. ATFS is a forest management tool that neglects the topic of climate change. ATFS only brings up "carbon" twice in the document, both as an optional factor to consider when developing land-owner objectives in a management plan. Clearly, optional standards are not a means of certification.</p> <p>The National Wildlife Federation and the Southern Environmental Law Center commissioned a report to study the impacts of bioenergy from forests in the southeast US. The main conclusion is that biomass from the SE US takes 35-50 years to pay off its carbon debt. We see this as a threat to climate stability.</p> <p>Sources 1.1 and 1.4</p> <p>7)The criterion is not met. Greenhouse gas emissions are not a component of this standard. ATFS is a forest management tool that largely neglects the topic of carbon sinks, carbon debt and land use change. ATFS only brings up "carbon" twice in the document, both as an optional factor to consider when developing land-owner objectives in a management plan. Clearly optional standards are not an adequate basis for certification. This deficiency is especially problematic when considering burning wood for electricity. Whole trees and other large diameter material is high-carbon, emitting as much or more CO2 per megawatt-hour as coal when burnt. A wealth of scientific evidence shows that this emissions increase can persist for decades or even more than a century, even assuming trees are immediately replanted.</p> <p>Source 2.1, 2.2, 2.3 & 2.4</p> <p>Broeikasgasemissies zijn geen onderdeel van de ATFS standaard. ATFS is een bosbeheer standaard die geen aandacht besteed aan klimaatverandering. ATFS noemt "carbon" slechts twee keer in de documenten, in beide gevallen als optionele factor die beseigenaren mee zouden kunnen nemen bij het opstellen van een bosbeheerplan. Naar onze mening zijn optionele of vrijwillige eisen niet een afdoende manier om certificering vorm te geven.</p> <p>De US-based National Wildlife Federation en de Southern Environmental Law Center hebben een onderzoek laten uitvoeren naar de impact van biomassa uit bossen in het</p>	<p>Response to National Wildlife Federation</p> <p>Your first comment concerns sustainability criterion 1.1, and hence is covered there.</p> <p>Your second comment is on the consequences of carbon debt. Carbon debt is included in the Dutch sustainability criteria under principle 4, criteria 4.1-4.3, and hence conformity of ATFS with these carbon debt criteria will be considered there. In addition: please note that the question "how to take carbon debt into account" has been answered when the Dutch sustainability criteria were formulated, now part of a legal regulation effective as from 1 January 2018. The commission's task is to assess whether certification schemes comply with these criteria in the legal regulation. As a result, and although understanding the importance of the main conclusion of your study, we cannot take it into account other than thoroughly assessing whether ATFS meets the criteria on carbon debt.</p> <p>Response to the group of NGO's</p> <p>Although differently formulated, your external input contains the same elements as the input by the National Wildlife Federation. Hence we kindly refer to the answer above.</p> <p>Antwoord aan Greenpeace</p> <p>Omdat uw externe inbreng gelijk is aan de inbreng door de National Wildlife Federation, verwijzen we graag naar het bovenstaande antwoord.</p>

<p>Soil quality and sustainable forest management (sustainability criteria 2.1 and 6.1 - 10.5)</p>	<p>Zuidoosten van de VS. De hoofdconclusie is dat deze biomassa 35-50 jaar nodig heeft om de koolstofschuld terug te betalen.</p> <p>ATFS follows the guidance of American statutes. Besides requiring landowners to follow all best management practices (BMPs) including voluntary BMPs, ATFS literally has no additional protections besides what's required by law. This means that most of the requirements of the Dutch system, regarding sustainable forest management, are not fulfilled.</p> <p>Please consider this to be an input to all requirements 2.1 and 6.1 - 10.5. Bijvoorbeeld, voor de criteria 8.1 t/m 8.8 sluiten wij ons aan bij de commentaren van de NWF uit de VS en maken daarom dezelfde bezwaren. Echter, deze zijn bovenop dit punt dat voor alle deze criteria geldt</p> <p>Bron 3.1</p>	<p>Response to Greenpeace</p> <p>The assessment protocol (in Dutch "toetsingsprotocol") from the commission contains a table with scores that the commission can give. This table is included in our protocol (as was also requested for by a working group under the "SER Nationaal Energieakkoord"). One of the possible scores that the commission can give is "covered otherwise (c.o.)" meaning (translation from Dutch): "The sustainability criterion is not covered by the certification scheme but in another way, for instance by local or national legislation. Supplementary verification or another approved certification scheme not needed". ATFS has added the requirement that BMP shall be implemented. In other words: ATFS requires that BMP's are followed which as a consequence are no longer voluntary, but mandatory. The commission assesses whether BMP's as required in specific ATFS indicators together with other ATFS requirements result in compliance with certain Dutch sustainability criteria. This response applies to all criteria 6.1-10.5 where BMP's are used to show compliance.</p> <p>The ATFS scheme manager indicates that the comment is inaccurate in that the ATFS standard does provide many other protections beyond the law, including for wetlands, soils, special sites and protections of forests of recognized importance, among others. The advisory commission does not respond here but makes its assessment per individual sustainability criterion in the tables below.</p>
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3 External input on sustainability criteria

Principle 1: The use of biomass leads to a substantial reduction in greenhouse gas emissions calculated across the entire chain in comparison with the use of fossil fuels

<u>Sustainability criterion from Dutch legislation</u>		<u>External input provided by stakeholders</u>	<u>Commission's reaction to the external input</u>
1.1 a	The reduction in CO ₂ -eq emissions is calculated to be a minimum of 70% per year on average based on the EU reference value. The average emissions have a maximum of 56 g CO ₂ -eq/MJ for electricity and 24 g CO ₂ -eq/MJ for heat.	<p><i>Please note that it is impossible to demonstrate compliance with this part a of the sustainability requirement by using a certification scheme, as compliance can only be demonstrated afterwards (looking back at all consignments of biomass used during a year) and by looking at consignments that were possibly delivered using multiple certification schemes.</i></p> <p><i>As a result, you are not asked to give external input for criterion 1.1a.</i></p> <p><i>Please also note that approval can only be given for criterion 1.1 (the sum of 1.1a and 1.1b) and that, as a result, it is not possible to fully comply with requirement 1.1 using certification.</i></p>	
1.1 b	No consignment of biomass shall result in emissions above 74 g CO ₂ -eq/MJ for electricity and 32 g CO ₂ -eq/MJ for heat. The calculated maximum CO ₂ -eq emission levels are based on the most recent European Commission publication on sustainability criteria for biomass and on the reference values provided for fossil fuels.	Again, standard biomass from southeastern forests has a high carbon content that threatens climate stability. Source 1.4	<p>The ATFS standards do not include requirements on GHG emission reduction (as the standards limit themselves to the forest unit). The ATFS standards do not include requirements on collecting data at the FMU that are needed for calculating the GHG emissions through the supply chain.</p> <p>The commission concludes that Dutch sustainability criterion 1.1 is not addressed by ATFS.</p>

Principle 3: Production of raw biomass does not result in the destruction of carbon sinks

<u>Sustainability criterion from Dutch legislation</u>		<u>External input provided by stakeholders</u>	<u>Commission's reaction to the external input</u>
3.1	Biomass is not sourced from permanently drained land that was classified as peat land on 1 January 2008, unless it can be demonstrated that the production and harvesting of the biomass does not result in water depletion of a previously undrained soil.	<p>Land is managed for the owner's objectives in ATFS, so sensitive lands are not excluded. Source 1.1 (Indicator 3.1.1 p11)</p> <p>The criterion is not met. No explicit requirements to avoid peat land are included in the standard. Land is managed for the owner's objectives in ATFS, so sensitive lands are not necessarily excluded.</p> <p>Source 2.1 (Indicator 3.1.1 p11)</p> <p>Een vergelijkbare eis ontbreekt in z'n geheel bij ATFS waardoor ATFS ook deze onduurzame biomassa certificeert.</p> <p>ATFS standaarden zoals bron 3.1</p>	<p>ATFS only certifies forest land. Forest activities are possible in peatland areas.</p> <p>In the ATFS standard itself, wetlands are mentioned in the guidance (not normative) as an example of so-called FORI (Forests of Recognized Importance). The standard itself says "where present, forest management activities should maintain or enhance forests of recognized importance" – which could be wetlands or peatlands.</p> <p>Also, the Standard itself refers to "maintaining or enhancing environment and ecosystems, including water" (Standard 4) and to "implementation of BMPs" (Performance Measure 4.1).</p> <p>Although the permits under the US Clean Water Act and State BMPs (Best Management Practices) aim to minimize impacts through BMPs, there is</p>

			<p>no requirement to demonstrate that the production and harvesting of the biomass on peatlands (classified as such since 2008) does not result in water depletion of a previously undrained soil – at least there do not seem to be any regulatory or legal consequences. ATFS does not require evidence of this either.</p> <p>Trends learn that water depletion and loss of wetlands (including peatlands) is in practice still the case on Forest Wetlands in the US.</p> <p>The ADBE therefore concludes that sustainability criterion 3.1 is insufficiently addressed by ATFS.</p>
3.2	<p>Biomass is not sourced from land that was converted from wetland to an alternative, dryer ecosystem after 1 January 2008.</p>	<p>Land is managed for the owner's objectives in ATFS, so sensitive lands are not excluded. Source 1.1 (Indicator 3.1.1 p11)</p> <p>The criterion is not met. No explicit requirements for avoiding conversion of wetland are included in the standard. Source 2.1</p> <p>Een vergelijkbare eis ontbreekt in z'n geheel bij ATFS waardoor ATFS ook deze onduurzame biomassa certificeert. ATFS standaarden zoals bron 3.1</p>	<p>ATFS only certifies forest land. Forest activities are possible in wetland areas.</p> <p>In the ATFS standard itself, wetlands are mentioned in the guidance (not normative) as example of the so-called FORI. The standard itself says "where present, forest management activities should maintain or enhance forests of recognized importance" – which could be wetlands.</p> <p>Also, the Standard itself refers to "maintaining or enhancing environment and ecosystems, including water" (Standard 4) and to "implementation of BMPs" (Performance Measure 4.1).</p> <p>Although the permits under the US Clean Water Act and BMPs aim to minimize impacts through BMPs, there is no requirement to demonstrate that the production and harvesting of the biomass on wetlands (classified as such since 2008) does not result in conversion from wetland to an alternative, dryer ecosystem – at least there do not seem to be any regulatory or legal consequences. ATFS does not require evidence of this either.</p> <p>Trends learn that water depletion and loss of wetlands is in practice still the case on Forest Wetlands in the US.</p> <p>The ADBE therefore concludes that sustainability criterion 3.2 is insufficiently addressed by ATFS.</p>
3.3	<p>Biomass is not sourced from wood plantations that were created by means of conversion of natural forests after 31 December 1997, unless the forest manager is not directly or indirectly responsible for the conversion. Biomass originating from wood plantations that were created after 1997 by means of conversion of degraded natural forests</p>	<p>The southeast US is already experiencing conversion of natural forests to plantations, and is projected to grow significantly. Here are some relevant insights from academia:</p> <ul style="list-style-type: none"> • "We show a substantial increase in the area of all forest types in the presence of increased pellet demand, with the change dominated by an increase in planted pine" (Galik & Abt, 2015) • "by 2050, if biomass is sourced from conventional forests, remaining forests will likely be composed of more planted pine, more recently thinned, and more early-successional habitat than under a Baseline, nonbioenergy future" (Costanza et al, 2016) • By 2032, between 330k-500k hectares of pine savanna and grassland habitats in the US South will be converted to plantations relative to 2007 (Wang et al, 2015) • USFS estimates that the South's naturally regenerating pine forests will decline 25-58% from 2010-2060 (Wear and Greis, 2013) <p>Because there are no restrictions on pellet companies harvesting from sensitive habitat and converting</p>	<p>ATFS does not include a definition in their standard of forest land, nor do they indicate that after 31 December 1997 no natural forest can be converted anymore to production forest. This means that if a plantation is created by converting a natural forest after 1997, the (planted) forest could still be eligible for ATFS certification. As a result, the commission concludes that Dutch criterion 3.3 is insufficiently addressed by ATFS.</p>

<p>or degraded land is exempt from this requirement on condition that it is ecologically and economically justified to do so and that the forest manager is not directly or indirectly responsible for the degradation.</p>	<p>to plantations, we are already seeing damaging practices. This has been documented on the ground by several NGOs (source 9). There is even anecdotal evidence: "Logger George Henderson said that earlier this year, he sold Enviva several hundred tons of hardwood that his crew clear-cut from a swamp that had not been logged for about 100 years." (source 1.10)</p> <p>Sources 1.5-1.10</p> <p>The criterion is not met. Neither the ATFS Standard - nor existing regulations - prohibit conversion of natural or semi-natural forests. In fact, conversion of natural forests is common practice in the US southeast where pine plantation monocultures have grown from nonexistence in the 1950's into over 16 million hectares, an area over five times the size of Belgium.</p> <p>Source 2.1 & 2.7</p> <p>Een vergelijkbare eis ontbreekt in z'n geheel bij ATFS waardoor ATFS ook deze onduurzame biomassa certificeert.</p> <p>The southeast US is already experiencing conversion of natural forests to plantations, and is projected to grow significantly. Here are some relevant insights from academia:</p> <ul style="list-style-type: none"> • "We show a substantial increase in the area of all forest types in the presence of increased pellet demand, with the change dominated by an increase in planted pine" (Galik & Abt, 2015) • "by 2050, if biomass is sourced from conventional forests, remaining forests will likely be composed of more planted pine, more recently thinned, and more early-successional habitat than under a Baseline, nonbioenergy future" (Costanza et al, 2016) • By 2032, between 330k-500k hectares of pine savanna and grassland habitats in the US South will be converted to plantations relative to 2007 (Wang et al, 2015) • USFS estimates that the South's naturally regenerating pine forests will decline 25-58% from 2010-2060 (Wear and Greis, 2013) <p>Because there are no restrictions on pellet companies harvesting from sensitive habitat and converting to plantations, we are already seeing damaging practices. This has been documented on the ground by several NGOs (source 9). There is even anecdotal evidence: "Logger George Henderson said that earlier this year, he sold Enviva several hundred tons of hardwood that his crew clear-cut from a swamp that had not been logged for about 100 years." (source 10)</p> <p>ATFS standaarden zoals bron 3.1 Bronnen 3.2 t/m 3.7</p>	
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Principle 4: The use of biomass does not result in a long-term carbon debt

<u>Sustainability criterion from Dutch legislation</u>	<u>External input provided by stakeholders</u>	<u>Commission's reaction to the external input</u>
<p>4.1 The forest management unit where the wood is sourced is managed with the aim of retaining or increasing carbon stocks in the medium or long term.</p>	<p>Carbon debt is not a consideration of this standard.</p> <p>The criterion is not met. Increasing carbon is not an explicitly considered in the standard. There is only reference to maintaining adequate stocking levels - which, alone, does not ensure carbon stocks are maintained or increased over the medium and long-term.</p> <p>Source 2.1 (Indicator 3.1.1)</p>	<p>Within ATFS, landowners are 'advised' to take a practical approach in promoting the health of their forests (see indicator 5.3.1). This may include carbon where identified, according to the Guidance (not normative).</p> <p>Indicator 1.1.2 indicates that the plan preparer should consider describing and evaluating resource elements, such as carbon. This is a consideration and not a clear requirement.</p>

		<p>ATFS voldoet niet aan deze eis omdat koolstofschild door ATFS niet in ogenschouw wordt genomen en er geen eisen zijn om dit aspect in het bosbeheer(plan) op te nemen.</p> <p>ATFS standaarden zoals bron 3.1</p>	<p>Although ATFS does recognize the importance of carbon to forest health and productivity, ATFS does not set normative requirements for its landowners to manage the forest land with the aim to retain or increase carbon stocks in the medium or long term.</p> <p>The commission therefore concludes that sustainability criterion 4.1 is insufficiently addressed by ATFS.</p>
4.2	<p>Biomass is not sourced from stumps unless these stumps had to be removed from the site for other reasons than wood or biomass production.</p>	<p>ATFS doesn't restrict harvests--the standard defaults to land owner's objectives.</p> <p>The criterion is not met. ATFS doesn't restrict the type of harvests--the standard defaults to land owner's objectives.</p> <p>Source 2.1</p>	<p>ATFS does not include a criterion or indicator on stumps. The commission concludes that the criterion is not addressed by ATFS.</p>
4.3	<p>On average less than half the volume of the annual round wood harvest from forests is processed as biomass for energy generation.</p> <p>Round wood from thinnings or from production forests with a rotation period of 40 years or less is exempt from this requirement.</p>	<p>Carbon debt is not a consideration of this standard.</p> <p>The criterion is not met. The standard does not specify or limit the volume of roundwood harvests for biomass.</p> <p>Source 2.1</p> <p>ATFS voldoet niet aan deze eis omdat ATFS geen regels heeft omtrent dit aspect, ook als de rotatietijd langer dan 40 jaar is.</p> <p>ATFS standaarden zoals bron 3.1</p>	<p>This criterion is not included in the ATFS standard, other than that the ATFS scheme manager indicated that the free market will probably prevent more than 50% of the wood to go to energy purposes (because the other market products have a higher value). However, market conditions can change, for instance through stimulation (renewable energy obligations, subsidies) on energy production from biomass.</p> <p>The commission concludes that ATFS does not address this criterion.</p>

Principle 5: Biomass production does not result in Indirect Land Use Change (ILUC)

<u>Sustainability criterion from Dutch legislation</u>		<u>External input provided by stakeholders</u>	<u>Commission's reaction to the external input</u>
5.1	<p>Biomass sourced from bioenergy plantation systems that were planted after 1 January 2008 has a demonstrably low ILUC risk. Biomass from Forest Management Units smaller than 500 hectares is exempt from this requirement.</p>	<p>Indirect Land Use Change is not a consideration of this standard.</p> <p>The criterion is not met. Indirect Land Use Change is not a consideration of this standard.</p> <p>Source 2.1</p> <p>ATFS voldoet niet aan deze eis omdat ILUC door ATFS niet in ogenschouw wordt genomen.</p> <p>ATFS standaarden zoals bron 1)</p>	<p>The ATFS standard does not include a reference to January 2008, nor to (high or) low ILUC risk. It is not possible to establish through ATFS whether biomass was planted before or after 2008 and whether or not there was an ILUC risk. Therefore, the commission concludes that his criterion 5.1 is not addressed by ATFS.</p>

Principle 7: Biodiversity is maintained and where possible enhanced

<u>Sustainability criterion from Dutch legislation</u>	<u>External input provided by stakeholders</u>	<u>Commission’s reaction to the external input</u>
<p>7.1 Sites with a high conservation value and representative areas of the forest types that are found in the forest management unit have been identified and are protected and where possible enhanced. The sites may contain one or more of the following values: diversity of species, ecosystems and habitats, ecosystem services, ecosystems at landscape level and cultural values.</p>	<p>ATFS standard uses the term "Forests of recognized importance" and prescribes in Indicator 5.4.1 that "Appropriate to the scale and intensity of the situation, forest management activities should incorporate measures to contribute to the conservation of identified forests of recognized importance". Not only is this vaguely defined without clear performance indicators, it is not a required activity. The standards specify that the word "should" indicates the activity is optional as determined by "personal and professional judgment". Source 1.1, p1, 2, 22</p> <p>The criterion is not met. ATFS standard uses the term "Forests of recognized importance" and prescribes in Indicator 5.4.1 that "Appropriate to the scale and intensity of the situation, forest management activities should incorporate measures to contribute to the conservation of identified forests of recognized importance". Not only is this vaguely defined without clear performance indicators, it is not a required activity. The standards specify that the word "should" indicates the activity is optional as determined by "personal and professional judgment". Source 2.1 (Indicator 5.4.1)</p> <p>ATFS gebruikt de term "forests of recognized importance". Deze vereiste is op een groot aantal punten zwakker dan de duurzaamheidseis 7.1 en de daarbij horende toelichting. De drie belangrijkste tekortkomingen zijn:</p> <ul style="list-style-type: none"> - Dat de reikwijdte van ATFS minder ver is dan eis 7.1, zoals een vergelijking van de toelichting bij 7.1 met de guidance van ATFS 5.4 laat zien. Wij gaan die mindere reikwijdte hier niet allemaal opnoemen omdat het talloos is en als wij daaraan beginnen dan lijkt het een complete lijst. Die zal de ADBE zelf moeten maken - De toelichting bij 7.1 maakt duidelijk dat er ook eisen zijn aan het proces van totstandkoming en waarborging. Die ontbreken in het geheel bij ATFS - ATFS 5.4 spreekt duidelijk van "should". Daarmee is het geen harde vereiste want dan zou er "must" staan, zoals dat bij andere criteria wel het geval is. Het is deze afwezigheid van de verplichting alleen waardoor duidelijk is dat ATFS volstrekt niet aan 7.1 voldoet. <p>Bron 3.1 "Performance Measure 5.4: Where present, forest management activities should maintain or enhance forests of recognized importance."</p>	<p>The commission is of opinion that – in order to address criterion 7.1, the term HCV (or FORI) must be defined and implemented in the normative part of the scheme, which ATFS has not (yet) done; the description of the meaning of FORI’s is put in a guidance text which is not normative and indicator 5.4.1 contains the word "should". The commission concludes as follows. The requirement that HCV’s and representative areas of the forest types shall be identified and protected is not sufficiently covered by ATFS as the relevant ATFS indicator 5.4.1 contains the word "should" and not "shall" and as ATFS indicator 7.1.1 contains the wording "reasonable effort to locate" which does not address the "identify" from Dutch criterion 7.1.</p> <p>As a result, the commission concludes that Dutch sustainability criterion 7.1 is insufficiently addressed by ATFS.</p>

<p>7.2</p>	<p>Measures have been taken to protect endangered plant and animal species and, if applicable, to increase the populations and enhance the habitats of these species.</p>	<p>The standard offers no additional protections for endangered species beyond what is required by law. The Endangered Species Act in the US "provides for the conservation of species that are endangered or threatened throughout all or a significant portion of their range, and the conservation of the ecosystems on which they depend".</p> <p>In ATFS, any further measures are purely optional: "Under ATFS certification, landowners may choose to go above and beyond ESA requirements and protect unoccupied animal habitat."</p> <p>Further, there is no measure to protect rare and vulnerable species that are not covered under the Endangered Species Act. The North American Coastal Plain, which covers much of the SE US, was recently declared a global biodiversity hotspot because of the tremendous amount of species richness and significant loss of habitat in the region. The biomass market should not be a mechanism for further destruction of this high value habitat, and ATFS does not have measures to prevent further destruction from happening.</p> <p>Source 1.2 Source 1.1, p 17 Source 1.11</p> <p>The criterion is not met. The standard offers no additional protections for endangered species beyond what is required by law. The Endangered Species Act in the US "provides for the conservation of species that are endangered or threatened throughout all or a significant portion of their range, and the conservation of the ecosystems on which they depend".</p> <p>In ATFS, any further measures are purely optional: "Under ATFS certification, landowners may choose to go above and beyond ESA requirements and protect unoccupied animal habitat."</p> <p>Source 2.5 Source 2.1, p 17</p> <p>ATFS heeft weliswaar eisen die op 7.2 lijken maar in feite gaat het niet om hetzelfde en voldoet ATFS geheel niet aan 7.2.</p> <p>Cruciaal is hierbij dat weliswaar de termen overeenkomen ("threatened or endangered species") maar de inhoud geheel niet. De NL definitie verwijst naar de IUCN lijst terwijl de ATFS terminologie naar eigen wetgeving wijst, de "Endangered Species Act".</p> <p>Voorts gaan performance measure 5.1 en de erbij horende indicatoren en guidances sowieso niet verder dan de eis dat men zich aan de wetgeving houdt.</p> <p>Bron 3.1</p> <p>"Performance Measure 5.1 Forest management activities shall protect habitats and communities occupied by threatened or endangered species</p>	<p>ATFS requires that the landowner shall confer to determine occurrences of threatened or endangered species on the property and their habitat requirements (Ind. 5.1) and forest management activities shall incorporate measures to protect identified threatened or endangered species (Ind. 5.2) – also through FORI (indicator 5.4.1).</p> <p>The threatened and endangered species are those defined by national lists in the US Endangered species act (ESA) and federal lists by the US Fish and Wildlife Service (FWS). These are distinct from IUCN Red lists. Although some species may be under-recognized on Federal level (see this scientific article), analysis shows that the combined ESA/FWS lists also contain many species that are not included on the IUCN red lists. The Dutch legislation contains a definition for endangered plant and animal species which reads (translated) "plant and animal species that at a minimum are classified as threatened on the global IUCN red list and on the IUCN guidelines for the regional application of the IUCN red list".</p> <p>The commission looked in detail at the scientific letter (source 4.1), keeping in mind the definition in Dutch legislation for endangered plant and animal species. The commission has observed that – since that letter was published in 2011 – some of the bird species changed status within IUCN (for instance from "Endangered" to "Near threatened") and that some other species which early 2011 were not included in the ESA list are included in the most recent ESA List. Nevertheless the commission has also observed some threatened species that were not included in the ESA list in 2011 and still are not included today.</p> <p>It might be that species that are not included in the ESA list are included in relevant lists at U.S. State level. However, the commission is of opinion that it would be very time-consuming – if not impossible as the lists change over time – to check that species listed as 'threatened' (including the categories Vulnerable, Endangered and Critically Endangered) on the global IUCN red list are covered either by the federal ESA list or by lists in the States where these species occur. Please note that such an exercise should be performed not only for birds but also for IUCN listed plants, insects, crustaceans, gastropods, amphibians and mammals.</p> <p>The commission can quite easily find other examples such as some small mammals. The commission cannot conclude that Dutch criterion 7.2 – taking into account the normative definition for endangered plant and animal species in the Dutch legislation – is addressed through the US Endangered Species Act.</p> <p>The commission further observes that ATFS does not specifically require taking measures (if applicable) to increase the populations and enhance the habitats of endangered plant and animal species.</p> <p>The commission therefore concludes that Dutch sustainability criterion 7.2 is insufficiently addressed by ATFS.</p>
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		<p>as required by law." "Glossary of Terms threatened or endangered: Defined and listed under the U.S. Endangered Species Act (ESA) and listed under applicable state or provincial laws as requiring protection."</p>	
7.3	<p>The conversion of forests within the forest management unit to other forms of land use, including wood plantations, is not permitted unless:</p> <ul style="list-style-type: none"> - the area concerned is small which means the total converted area over the years is no greater than 5% of the area of the forest management unit on benchmark date 1 January 2008; and - it clearly leads to long-term advantages for nature conservation; and - there is no damage or threat of damage to sites with a high conservation value. 	<p>Forest conversion is not addressed, instead defaulting to "landowner objectives".</p> <p>The criterion is not met. See above comment in section 3.3. Forest conversion is not addressed, and only relies on "landowner objectives". Source 2.1</p> <p>Conversie binnen de bosbeheereenheid is niet beperkt binnen de ATFS standaard. ATFS standaarden zoals bron 3.1</p>	<p>ATFS does not permit the conversion of forests to permanently non-forested land through indicator 3.1.1, however, ATFS does not forbid the conversion of forests to wood plantations, and hence it must be checked if for this conversion all 3 exemption conditions of Dutch criterion 7.3 are met:</p> <ol style="list-style-type: none"> 1. <u>5% limit</u>: ATFS does not contain any limitation on the size of conversion of forests to wood plantations. As a result, this exemption condition is not met. 2. <u>Long-term advantages</u>: ATFS does not mention whether there should be long-term advantages when converting forests to wood plantations, so this condition is also not met. 3. <u>No damage or threat to special sites</u>: Wood plantations and small non-forest area are part of ATFS certification and need to meet the ATFS standards. Special sites are respected under ATFS. This condition is covered. <p>As not all the exemption conditions are met, the commission concludes that ATFS insufficiently addresses criterion 7.3.</p>
7.4	<p>In the case of wood plantations, there is a preference for native species, and a relevant percentage of the plantation must be able to revert to natural forest at a later stage.</p>	<p>ATFS specifies a preference for natives, but invasive species could be permitted under ATFS. Indicator 3.1.1 "If nonnative species are selected, landowner should consult or seek guidance from qualified natural resource professionals, such as agencies, academic institutions or professional associations, to ensure that potential negative impacts on the ecosystem and on the genetic integrity of native species and local provenances have been evaluated, and to determine whether negative impacts can be avoided or minimized." Source 1.1, p 11</p> <p>The criterion is not met. ATFS specifies a preference for natives, but invasive species could be permitted under ATFS. Indicator 3.1.1 "If nonnative species are selected, landowner should consult or seek guidance from qualified natural resource professionals, such as agencies, academic institutions or professional associations, to ensure that potential negative impacts on the ecosystem and on the genetic integrity of native species and local provenances have been evaluated, and to determine</p>	<p><u>Dutch criterion 7.4 consists of two parts:</u></p> <ol style="list-style-type: none"> 1. The first part is on preference for native species. In the ATFS guidance, it is indicated that the use of native species is preferred. As guidance is non-normative, this requirement is not covered by ATFS. 2. The second part of the Dutch criterion states that a relevant percentage of the plantation must be able to revert to natural forest. The ATFS Standard applies to the diverse array of different kinds of forests lands in the US. This includes planted and naturally regenerated forests. ATFS mentions that "Harvested forest land shall achieve adequate stocking of desired species reflecting the landowner's objectives (3.1.1). ATFS does not require that a percentage of the plantation must be able to revert to natural forest at a later stage. Therefore this part is not covered by ATFS. <p>The commission therefore concludes that ATFS insufficiently addresses Dutch sustainability criterion 7.4.</p>

		whether negative impacts can be avoided or minimized." Source 2.1, p 11	
7.5	Exploitation of non-timber forest products, including products from hunting and fishing, is regulated, monitored and controlled, among others to safeguard the maintenance of the biodiversity in the forests.	Voor deze eis heeft ATFS slechts een zwak alternatief. Indicator 8.1.3 heeft een guidance (geen nummer) waarin "nontimber products" worden genoemd. Dit voldoet niet aan de eis in 6.5 ATFS standaarden zoals bron 3.1	VS wetgeving verbiedt illegale activiteiten, alle producten uit het bos (geen dieren) worden gereguleerd door ATFS. Verder bestaat er wetgeving (in staten en lokaal) en programma's voor bescherming van NTFP's (productspecifiek). Voor jacht en visserij zijn vergunningen vereist. De Adviescommissie concludeert daarom dat er slechts een klein risico is dat er onvoldoende implementatie is van regulering van het gebruik van NTFP's. De commissie concludeert dat aan duurzaamheidseis 7.5 grotendeels wordt voldaan op basis van wet- en regelgeving.

Principle 8: The regulating effect and the quality, health and vitality of the forest are maintained and where possible enhanced

<u>Sustainability criterion from Dutch legislation</u>	<u>External input provided by stakeholders</u>	<u>Commission's reaction to the external input</u>
8.1 The soil quality of the forest management unit is maintained and if necessary improved, with special attention to coasts, river banks, erosion-sensitive areas and sloping landscapes.	Soil quality is not specifically addressed, instead defaulting to state forestry best management practices. There is not special attention coasts, river banks, or any element of soil quality. Source 1.1, p13 The criterion is not met. Soil quality is not specifically addressed, instead defaulting to voluntary state forestry best management practices. There is not special attention coasts, river banks, or any element of soil quality. Source 2.1, p13 Soil quality is not specifically addressed, instead defaulting to state forestry best management practices. There is not special attention coasts, river banks, or any element of soil quality. Bron 3.1	In Standard 4 ATFS makes reference to the state forestry Best Management Practices (BMPs) that are applicable in each State. Forest landowners have to meet or exceed these requirements (Performance Measure 4.1), so for ATFS certificate holders the state forestry BMP's are mandatory. The commission made a selection of states from which it studied the BMP's. The states selected were Alabama, Georgia, South Carolina and Texas. According to a recent report (source 4.2, table 6 on page 20), these four states have a high ATFS certified acreage. Moreover, within the US the South-east is the most important biomass sourcing area for the Netherlands. As a result, the commission feels confident to draw conclusions based on BMP's from this sample of four US states. The sample of selected BMPs shows that specific best practices in relation to slopes, river banks and erosion are mentioned to maintain soil quality. The commission concludes that, through the combination of ATFS requirements in standard 4 and best practices mentioned in the BMPs, Dutch criterion 8.1 is largely addressed by ATFS and scores "covered otherwise".
8.2 The water balance and quality of both groundwater and surface water in the forest management unit and downstream outside the forest management unit are at least maintained	Like soil quality, water quality is only maintained under state forestry best management practices. There are no other specific provisions for water quality that meet this criteria. Source 1.1, p14 The criterion is not met. Like soil quality, water quality is only maintained under voluntary state forestry best management practices. There are no	According to ATFS indicator 4.1.1, landowners must implement specific state forestry BMPs that are applicable to the property. The guidance to indicator 4.1.1 (which is not normative) addresses water quality. Best practices mentioned in the state-level BMPs address water quality and – to a lesser extent – water quantity and water balance. Overall the commission concludes that Dutch criterion 8.2 is largely addressed by ATFS, and the score is "covered otherwise".

	and where necessary improved.	<p>other specific provisions for water quality that meet this criteria. Source 2.1, p14</p> <p>Like soil quality, water quality is only maintained under state forestry best management practices. There are no other specific provisions for water quality that meet this criteria. Bron 3.1</p>	
8.3	Important ecological cycles present in the forest management unit are preserved, including carbon and nutrient cycles.	<p>The carbon cycle is not addressed in this standard. All other preservation of ecological cycles is left up to the judgment of the land owner.</p> <p>The criterion is not met. The carbon cycle is not addressed in this standard. All other preservation of ecological cycles is left up to the judgment of the land owner. Source 2.1</p> <p>The carbon cycle is not addressed in this standard. All other preservation of ecological cycles is left up to the judgment of the land owner. Bron 3.1</p>	<p>The ATFS certification scheme does include a requirement that ecosystems are maintained (Standard 4). The ATFS standard includes forest health in a clear normative way, but there is no specific reference to preservation of nutrient and carbon cycles.</p> <p>"Maintenance of ecosystems" is not part of normative wording of the standard, and "promoting forest health" is too general in comparison to the Dutch criterion and therefore the commission concludes that ATFS insufficiently addresses Dutch criterion 8.3.</p>
8.4	Unnecessary damage to ecosystems is prevented by applying <i>reduced impact logging</i> and the most suitable road construction methods and techniques for local conditions.	<p>ATFS' optional standards do not prevent unnecessary damage to ecosystems.</p> <p>The criterion is not met. ATFS' optional standards do not call for reduced impact logging or prevent unnecessary damage to ecosystems. Source 2.1</p> <p>ATFS' optional standards do not prevent unnecessary damage to ecosystems.</p>	<p>The definition of "Reduced impact logging" in the Dutch legislation reads (translated by the commission): "Harvest techniques and methods that were developed to avoid unnecessary damage to forests, to the environment and to harvested wood, and that lead to save labour conditions."</p> <p>The criterion consists of two parts:</p> <ul style="list-style-type: none"> • Road construction: The cross-check learns that BMPs around road construction is mentioned in the selected BMPs (see the commissions' response under Dutch criterion 8.1). The commission concludes that this part of the criterion is addressed by ATFS with indicator 4.1.2 and BMP's. • Reduced impact logging: The cross-checked BMPs all stress the importance to minimize impacts with focus on environment (water quality), avoiding impacts (general) and avoiding disturbance. This covers, at least for a larger part, the elements addressed in the Dutch definition for reduced impact logging. Therefore the commission concludes that this part of criterion 8.4 is largely covered by the combination of ATFS and state-level BMPs. <p>Overall the commission concludes that ATFS largely addresses Dutch criterion 8.4 on the basis of BMP's, the score is therefore "covered otherwise".</p>
8.5	If fires are used to achieve forest management objectives, such as	<p>ATFS does have guidance for prescribed fires in Indicators 4.3.1 and 4.3.2. They specifically state that prescribed fire shall conform with "landowner's objectives" and "state and local laws and regulations".</p>	<p>ATFS Indicator 5.3.1 mentions that a landowner should make practical efforts to promote forest health including prevention and control of amongst others fires.</p>

	<p>regeneration of specific tree species, then adequate control measures have been taken.</p>	<p>Source 1.1, p 16</p> <p>ATFS does have guidance for prescribed fires in Indicators 4.3.1 and 4.3.2, but they specifically state that prescribed fire shall only conform with "landowner's objectives" and "state and local laws and regulations". Source 2.1, p 16</p> <p>ATFS does have guidance for prescribed fires in Indicators 4.3.1 and 4.3.2. They specifically state that prescribed fire shall conform with "landowner's objectives" and "state and local laws and regulations". Bron 3.1</p>	<p>Pre-scribed burning includes the controlled burning of e.g. piles. This shall conform with the landowner's objectives (Performance Measure 4.3).</p> <p>Adequate control measures are not described as such in ATFS. The guidance (not normative) states that plans on prescribed fires shall conform with the landowners' objectives without specifying control measure. As part of ATFS guidance a burning plan is recommended (but not required).</p> <p>The guidance under ATFS Performance Measure 4.3 makes reference to State laws and BMPs which shall be complied with as a minimum under ATFS. The states have BMPs for fire that tier to the laws and permitting, as well. The commission looked into the details of four BMPs (for details see criterion 8.1) and concludes that they include regulations and BMPs on prescribed burning.</p> <p>The commission concludes that, through the combination of ATFS requirement 5.3.1 and Performance Measure 4.3, existing Laws and best practices mentioned in the BMPs, Dutch criterion 8.5 is largely addressed by ATFS. The score is "covered otherwise" as the criterion is largely covered through US legislation and state BMP's.</p>
<p>8.6</p>	<p>The forest management measures are designed to prevent and control diseases and pests where these form a threat to natural capital.</p>	<p>Forest management measures are designed to meet landowner objectives. If there are measures to protect natural capital, it is at the discretion of the land owner. Refer to language on non-native species above.</p> <p>Forest management measures are designed to meet landowner objectives. If there are measures to protect natural capital, it is at the discretion of the land owner. Refer to language on non-native species above. Source 2.1</p> <p>Forest management measures are designed to meet landowner objectives. If there are measures to protect natural capital, it is at the discretion of the land owner. Bron 3.1</p>	<p>ATFS Performance Measure 4.2 states that activities shall be considered to control pests. Prevention is not specifically mentioned. Also, according to indicator 5.3.1 the landowner should make practical efforts to promote forest health, including prevention, control or response to disturbances such [...] ... invasive species and other pests... [...]..., to achieve specific management objectives. However, ATFS Performance Measure 5.3 and indicator 5.3.1 include the word "should" causing that a landowner can choose not to follow this performance measure and indicator.</p> <p>Activities for the control of pests are mentioned in ATFS in normative language in performance measure 4.2; the possible control of diseases is only mentioned in guidance but promoting forest health is normative language. The commission is of opinion that the wording of the ATFS performance measure is comparable to the Dutch criterion. As a result, the commission concludes that ATFS largely addresses Dutch criterion 8.6.</p>
<p>8.7</p>	<p>The use of chemicals is only permitted if ecological processes and the optimal deployment of sustainable alternatives prove insufficient. Pesticides classified as Type 1A and 1B by the World Health Organisation and chlorinated hydrocarbons</p>	<p>Pesticides are restricted to those approved by the EPA, which is already a regulat under US laws: - Federal Insecticide, Fungicide, and Rodenticide Act - Federal Food, Drug, and Cosmetic Act - Food Quality Protection Act of 1996 The standard makes no reference to WHO classifications. Source 1.3</p> <p>The criterion is not met. Pesticides are restricted to those approved by the EPA, which is already a regulat under US laws: - Federal Insecticide, Fungicide, and Rodenticide Act</p>	<p>The Dutch criterion 8.7 consists of 2 parts:</p> <ul style="list-style-type: none"> • Alternatives to chemical pesticides ATFS indicator 4.2.1 reads "landowners should evaluate alternatives to pesticides". As the indicator contains the word "should" it is not binding and can be considered equivalent to guidance. As a result, ATFS insufficiently addresses this part of criterion 8.7 • Pesticides classified as Type 1A and 1B ATFS indicator 4.2.2 stipulates that pesticides shall be EPA approved. The EPA (US) uses its own classification system to label hazardous pesticides in the US, which is a different classification system than the Globally Harmonized System (GHS) that uses the classification of the

	<p>are not permitted</p>	<p>- Federal Food, Drug, and Cosmetic Act - Food Quality Protection Act of 1996 The standard makes no reference to WHO classifications.</p> <p>Source 2.6</p> <p>Pesticides are restricted to those approved by the EPA, which is already a regulat under US laws: - Federal Insecticide, Fungicide, and Rodenticide Act - Federal Food, Drug, and Cosmetic Act - Food Quality Protection Act of 1996 The standard makes no reference to WHO classifications.</p> <p>Bron 3.1</p>	<p>WHO. The ATFS scheme manager analysed and compared all of the WHO type 1A and 1B chemicals with the EPA’s Office of Pesticide Programs’ Pesticide Chemical Registry under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA). Of the 86 chemicals on that list, only three are currently registered in the US: Chlorophacinone [ISO], Diphacinone [ISO] and 3-Chloro-1,2-propanediol [C]. These chemicals are only used as rodenticides or to sterilize rodents; none of these three chemicals are approved (or would be especially useful) for use in forestry. Chlorinated hydrocarbons are, generally, phased out of use in the US except; none are registered for approved uses with EPA.</p> <p>As a result, the commission concludes that the second part of the criterion is largely covered by ATFS.</p> <p>For the total criterion 8.7 the commission concludes that the criterion is partly addressed by ATFS, the first part is not sufficiently covered, the second part is largely covered.</p>
8.8	<p>The accumulation of inorganic waste and litter is prevented or such waste and litter is collected, stored in approved areas and disposed of responsibly.</p>	<p>Inorganic waste or litter are not addressed in ATFS standards.</p> <p>The criterion is not met. Inorganic waste or litter are not addressed in ATFS standards. Source 2.1</p> <p>Inorganic waste or litter are not addressed in ATFS standards. Bron 3.1 en 3.8</p>	<p>This requirement consists of two parts: (i) the prevention of waste <u>OR</u> (ii) the responsible collection, storage and disposal of waste.</p> <p>In the guidance, litter control is mentioned but not in the standard itself. ATFS points to state BMP’s. A cross-check of selected BMPs shows there is variation in requirements on waste control between the BMPs.</p> <p><u>(i) Prevention of waste:</u> None of the four BMPs refer to the prevention of waste and litter. Therefore, the first part of the requirement is not covered by the selected States through existing legislation and policies.</p> <p><u>(ii) Responsible collection, storage and disposal of waste:</u> All BMPs refer to responsible disposal of waste in approved areas – according to existing regulations. For the selected States, it can be assumed that this part is covered.</p> <p>As the Dutch criterion contains the word “or” only one of the two parts needs to be covered. As a result, the commission concludes that Dutch criterion 8.8 is addressed by State BMP’s (score “covered otherwise”).</p>

Principle 9: The production capacity for wood products and relevant non-timber forest products is maintained in order to safeguard the future of the forests

Sustainability criterion from Dutch legislation	External input provided by stakeholders	Commission’s reaction to the external input
9.1 The production capacity of all forest types represented in the forest management unit is	Forest management measures are designed to meet landowner objectives. If there are measures to protect natural capital, it is at the discretion of the land owner.	ATFS requirements are based on land owner objectives, but there is reference to maintaining the production potential of forest products (indicator 8.2.1). Because of the non-binding formulation of ATFS indicators 5.3.1 and 5.4.1 including the word “should”, and the fact that

	maintained.	<p>Forest management measures are only designed to meet landowner objectives. If there are measures to protect natural capital, it is at the discretion of the land owner.</p> <p>Source 2.1</p> <p>Is niet verplicht binnen ATFS Bron 3.1</p>	<p>indicator 8.2.1 relates to land owner objectives, and the production potential of his overall property (which is different from 'all forest types' in his FMU), the commission concludes that Dutch criterion 9.1 is insufficiently addressed by ATFS.</p>
9.2	<p>The forest management unit is sufficiently protected against all forms of illegal exploitation of timber and non-timber forest products, including hunting and fishing, illegal establishment of settlements, illegal land use, illegally initiated fires and any other illegal activities.</p>	<p>ATFS does not offer protections so much as non-specific guidelines. It does prohibit illegal activity, but does not go beyond what the law specifies.</p> <p>The criterion is not met. ATFS does not offer protections. It only includes non-specific, non-performance based and non-binding guidelines. It does prohibit illegal activity, but does not go beyond what the law specifies.</p> <p>Source 2.1</p> <p>ATFS gaat niet verder dan de wetgeving Bron 3.1</p>	<p>ATFS requires compliance with all laws, which means illegal activities are not allowed. ATFS also requires in indicator 2.1.1 that "the landowner will correct conditions that led to adverse regulatory actions, if any". Guidance (non-normative) further stipulates that, in case there is evidence of past non-conformance, the landowner must show proof of a good-faith effort to remedy the non-conformance.</p> <p>Although ATFS explains how is to be dealt with correcting non-conformances, it does not set requirements on how the landowner can protect himself against illegal actions from others.</p> <p>Next to ATFS requirements, various Laws (on both local, State and Federal level) exist to e.g. (i) penalty illegal harvest and trade of timber (products) and plants or (ii) to report, investigate and penalize timber theft.</p> <p>The commission conclude that Dutch criterion 9.2 is largely addressed through a combination of ATFS requirements and existing legislation in the US. The score is therefore "covered otherwise".</p>

Principle 10: Sustainable forest management is achieved through a management system

<u>Sustainability criterion from Dutch legislation</u>	<u>External input provided by stakeholders</u>	<u>Commission's reaction to the external input</u>
<p>10.1 The forest management system is designed to achieve the objectives of a forest management plan and covers the inventory, analysis, planning, implementation, monitoring, evaluation and adjustment cycle.</p>	<p>The standards do call for a forest management plan, but the specifications are unspecific and do not adhere to sustainability criteria.</p> <p>"Indicator 1.1.1 Management plan shall be active, adaptive and embody the landowner's current objectives, remain appropriate for the land certified and reflect the current state of knowledge about natural resources and sustainable forest management."</p> <p>Source 1.1, p 4</p> <p>The criterion is not met. The standards do call for a forest management plan, but the specifications are unspecific and do not adhere to sustainability criteria.</p> <p>"Indicator 1.1.1 Management plan shall be active, adaptive and embody the landowner's current objectives, remain appropriate for the land certified and reflect the current state of knowledge about natural</p>	<p>ATFS has a clear reference to a management plan and management activities for the forest. All aspects that need to be covered according to the Dutch criterion are covered by ATFS by indicators 1.1.2 and 1.1.3, performance measure 8.2 and the ATFS glossary:</p> <ul style="list-style-type: none"> To achieve objectives: See 1.1.2 stipulating that the management plan shall describe landowner's objectives: covered inventory analysis: See 1.1.2 stipulating that the management plan shall describe current forest conditions: covered planning: the ATFS glossary contains a harvest plan and this is part of a management plan: covered implementation: Where present and relevant to the property, the plan shall describe management activities related to these resource elements: covered monitoring: forest product harvests and other management activities are to be monitored. (Perform. Measure 8.2). Also, the Landowner

		<p>resources and sustainable forest management." Source 2.1, p 4</p>	<p>should monitor for changes that could interfere with the management objectives: covered</p> <ul style="list-style-type: none"> • Evaluation: Indicator 1.1.3 states that "When problems are found [in monitoring], reasonable actions are taken, which is a form of evaluation and adjustment: sufficiently covered. • Adjustment cycle: See above; also, reflected in the definition of management plan. <p>The cycle of inventory, analysis, planning, implementation, monitoring, evaluation and adjustment is covered under ATFS. The commission concludes that Dutch sustainability criterion 10.1 is fully addressed by ATFS.</p>
<p>10.2</p>	<p>A forest management plan is drawn up that at least includes:</p> <ul style="list-style-type: none"> - a description of the current condition of the forest management unit; - long term goals for the ecological functions of the forest management unit; - the annual allowable cut per forest type and, if applicable, the annual allowable harvest of non-timber forest products based on reliable and current data; - budget planning for the implementation of the forest management plan. 	<p>"Standards do not require a prescribed management plan information structure or hierarchy"</p> <p>"The nature of adaptive management requires that the landowner or his/her designated representative not be bound to follow the management plan prescriptions when circumstances influencing the property and its management have changed or when the landowner's objectives change." Source 1.1, p5</p> <p>The criterion is not met. "Standards do not require a prescribed management plan information structure or hierarchy"</p> <p>"The nature of adaptive management requires that the landowner or his/her designated representative not be bound to follow the management plan prescriptions when circumstances influencing the property and its management have changed or when the landowner's objectives change." Source 2.1, p5</p>	<p>The Dutch criterion requires that there is a forest management plan, which is also a requirement under ATFS (see Standard 1). Next to this, the Dutch criterion consists of 4 parts:</p> <ul style="list-style-type: none"> - <u>A description of the current condition of the FMU</u> ATFS clearly indicates in Indicator 1.1.2 that the management plan shall describe current forest conditions. Therefore, the commission concludes that this part is covered by ATFS. - <u>Long term goals for the ecological functions</u> In Indicator 1.1.2 ATFS indicates that the forest management plan shall demonstrate 'consideration' of the resource elements forest health, soil, water, wood and fibre production (which could be considered ecological functions of the FMU).The guidance indicates that "Landowner objectives are concise, high-level statements of what the landowner hopes to accomplish through his or her management". As land-owner objectives do not automatically cover long-term ecological goals, the commission concludes that this part is not sufficiently covered by ATFS. - <u>Average annual allowable cut.</u> ATFS indicator 8.1.3 indicates that forest product harvests should be recorded and indicator 8.2.1 states that harvests, utilization, removal and other management activities shall be conducted to maintain the potential of the property to produce forest products. This does not include an upper limit of the annual volume that can be harvested without reducing overall forest capacity. As the requirement of defining an "average annual allowable cut per forest type and, if applicable, the annual allowable harvest of non-timber forest products based on reliable and current data" is missing, the commission concludes that ATFS does not cover this part of criterion 10.2. - <u>Budget planning:</u> this aspect is not included in ATFS. <p>The commission concludes that the Dutch criterion 10.2 is partially addressed by ATFS. Additional verification and/or another approved certification scheme is needed to demonstrate compliance with the requirements on long-term ecological goals, average annual allowable cut per forest type, and on budget planning.</p>

10.3	Essential elements for the management of the forest are indicated on maps.	<p>A provision for this is included in the management plan. However, "significant forest-related resources" are not defined.</p> <p>A provision for this is included in the management plan. However, "significant forest-related resources" are not defined.</p> <p>Source 2.1</p>	<p>ATFS requires in the management plan a map depicting significant forest-related resources (see ATFS indicator 1.1.2.) Mapping of FORI is only required in the non-normative guidance to ATFS indicator 5.4.1.</p> <p>On the basis of indicator 1.1.2, the commission concludes that ATFS largely addresses Dutch criterion 10.3.</p>
10.4	The implementation of the forest management plan is periodically monitored and the ecological effect of the forest management is evaluated.	<p>Implementation of the management plan is left to the land owner.</p> <p>"Indicator 1.1.3 The landowner should monitor for changes that could interfere with the management objectives as stated in the management plan. When problems are found, reasonable actions are taken."</p> <p>Source 1.1, p7</p> <p>Implementation of the management plan is left to the land owner.</p> <p>"Indicator 1.1.3 The landowner should monitor for changes that could interfere with the management objectives as stated in the management plan. When problems are found, reasonable actions are taken."</p> <p>Source 2.1, p7</p>	<p>This criterion consists of 2 parts:</p> <ol style="list-style-type: none"> 1. <u>The implementation of the plan is periodically monitored</u> ATFS requires through indicator 1.1.3 that changes that could interfere with the management objectives are monitored – as well as forest harvest products and other management activities (8.2) Furthermore, in the (non-normative) guidance, it is indicated that land owners are encouraged to keep a written record of monitoring observations. Periodic monitoring is, however, not indicated in ATFS standard. Periodic monitoring takes place but the requirement is put in non-normative language (guidance) only. This is not sufficient to cover this part of the criterion. 2. <u>The ecological effect of the forest management is evaluated</u> Indicator 1.1.3 states that "when problems are found in monitoring, reasonable actions are taken". This is different from evaluating the ecological effect of the forest management. As ATFS does not contain requirements on evaluation, the commission concludes that this part is not sufficiently covered by ATFS . <p>Therefore, the commission concludes that Dutch criterion 10.4 is insufficiently addressed by ATFS.</p>
10.5	The forest management is implemented by professional office and field staff, whose expertise and knowledge is maintained by means of an effective and regular training programme.	<p>ATFS inspectors do review the management plan. However, "There is no requirement for level of detail around optional elements".</p> <p>Source 1.1, p7</p> <p>ATFS inspectors do review the management plan. However, "There is no requirement for level of detail around optional elements".</p> <p>Source 2.1, p7</p>	<p>ATFS mentions in Performance Measure 8.1 that the landowner should use qualified staff, this is not as strict as 'shall'.</p> <p>The requirement on training and obtaining advice (2.1.2) is indicated in the same way: "Landowner should obtain advice from appropriate qualified natural resource professionals or qualified contractors....".</p> <p>The ATFS requirements are weaker in language than the Dutch requirements . The commission has considered that this is about small scale landowners, who do not have own staff. The landowners will however work with contractors who shall be trained. The commission concludes that Dutch criterion 10.5 is insufficiently addressed by ATFS because of the word "should" instead of "shall".</p>

Principle 11: Forest management by a group or regional association offers sufficient safeguards for sustainable forest management

<u>Sustainability criterion from Dutch legislation</u>	<u>External input provided by stakeholders</u>	<u>Commission's reaction to the external input</u>
11.1 A group or regional association is led and	Group certification is allowed in ATFS as "independently managed	ATFS indicates in their Administration section 1.1 that a group (IMG) is a legal entity. The group individuals are managed by a group manager, who

	<p>supervised by an independent legal entity.</p>	<p>groups". Source 1.1, p5</p> <p>Group certification is allowed in ATFS as "independently managed groups". Source 2.1, p5</p>	<p>is part and designated by this independent legal entity. The commission therefore concludes that Dutch criterion 11.1 is fully addressed by ATFS.</p>
<p>11.2</p>	<p>A group or regional association meets the requirements of sustainable forest management (requirements 6.1 through 10.5). The separate forest management activities of the individual members of the group or regional association shall also meet these requirements if applicable for the management of the forest concerned.</p>	<p>ATFS standards do not meet the requirements of sustainable forest management laid out in requirements 6.1-10.5 generally, let alone as a group.</p> <p>The criterion is not met. ATFS standards do not meet the requirements of sustainable forest management laid out in requirements 6.1-10.5 generally, let alone as a group. See sources above in requirements 6.10-10.5</p>	<p>This criterion consists of 2 parts:</p> <ol style="list-style-type: none"> 1. <u>The group meets the requirements of SFM</u> In ATFS the group organisation must have a written commitment to sustainable forestry and the group organization must adhere to ATFS eligibility requirements. Therefore, the commission concludes that ATFS covers this part of the criterion. 2. <u>The individual group members meet the requirements of SFM</u> The Group Organization must ensure Group Members have a written commitment to sustainable forestry, and are notified to all requirements. The group organization must establish a monitoring system to monitor conformance with ATFS standards. <p>The commission concludes that ATFS fully addresses Dutch criterion 11.2.</p> <p>Further in response to the stakeholder input: the group members can only comply with those Dutch sustainability criteria for which ATFS demonstrates compliance ("fully addresses" or "largely addresses").</p>

4 General input towards management criteria

The ADBE’s form for submitting external input gives in section C the possibility to make more general comments on management criteria. Such general comments provided by the stakeholders are listed in the table below. Please note that this input can only be considered by the commission as part of the assessment in case this input applies to one or a number of individual management criteria.

<u>Overarching subject (management criteria)</u>	<u>External input</u>	<u>Commission’s reaction to the external input</u>
<p>The scheme is managed in a thorough way (management criteria 5-8)</p>	<p>ATFS is managed by a board that is primarily industry and business interests. Defenders of Wildlife is the sole representative of the conservation community. Source 1.13</p> <p>ATFS is managed by a board that is primarily industry and business interests. Defenders of Wildlife is the sole representative of the conservation community. Source 2.8</p>	<p>To the opinion of the commission, this external input is relevant for management criterion 1 (“A widely supported need exists for the scheme and for the conformity assessments that are performed based on the scheme”).</p> <p>A reaction to this external input is given by the commissions’ reaction and judgement under management criteria 1 below.</p>

5 External input on management criteria

The table below lists the external input on management criteria as provided by the anonymous stakeholder and by the group of NGO's, and the reaction of the ADBE to that external input.

<u>Management criterion from Dutch legislation</u>	<u>External input provided by stakeholders</u>	<u>Commission's reaction to the external input</u>
<p>1 A widely supported need exists for the scheme and for the conformity assessments that are performed based on the scheme.</p>	<p>ATFS is managed by a board that is primarily industry and business interests. Defenders of Wildlife is the sole representative of the conservation community. Source 1.13</p> <p>ATFS is managed by a board that is primarily industry and business interests. Defenders of Wildlife is the sole representative of the conservation community. Source 2.8</p> <p>Er is geen breed gedragen behoefte aan dit schema. De enige die er behoefte aan heeft zijn de commerciële en industriële actoren zelf die de druk van duurzaam bosbeheer voelden en daarom zelf een systeem hebben opgezet dat hunzelf certificeert terwijl ze niet veel meer hoeven te doen dan zich aan de wet te houden, wat ze daarvoor ook al moesten. NGOs hebben geen enkele behoefte aan dit schema. Er is slechts één conservation NGO in het bestuur vertegenwoordigd.</p>	<p>In the US there is a clear division in roles between the PEFC-recognized schemes SFI and ATFS, where ATFS serves the small family forest landowners in the US. The ATFS scheme has almost 10 million hectare of forest land certified.</p> <p>The commission's opinion is that a need from a number of forest owners, industries and businesses can be considered to be a "widely supported need". The commission observes that "widely supported need" is not defined in the legislation under which this assessment is made. The commission is of opinion that "widely" does not mean "all kind of stakeholders", but rather means "a sufficient number of stakeholders". As quite a large number of stakeholders have an interest in the ATFS scheme, the commission concludes that there was a widely supported need for the scheme and for the conformity assessments based on the scheme, and hence considers ATFS to fully address management criterion 1.</p>
<p>2 The development of the scheme is transparent and participation in the process of development of the scheme is open to anyone.</p>	<p>While public input on the draft standard is solicited, the Independent Standards Review Panel (ISRP) is only required to adopt modifications that it "may find appropriate." As such, input from conservation organizations and other stakeholders may not be reflected in the final standard. Source 1.14</p> <p>ATFS is managed by a board that is primarily industry and business interests. Defenders of Wildlife is the sole representative of the conservation community. Source 2.8</p> <p>While public input on the draft standard is solicited, the ISRP is only required to adopt modifications that it "may find appropriate." As such, input from conservation organizations and other stakeholders may not be reflected in the final standard. Furthermore, the 12-member ISRP (for the 2015-2020 standards revision process) was primarily composed of industry interests, state/federal government forestry employees and</p>	<p>Reaction to National Wildlife Federation and to group of NGO's The commission has asked whether these complaints have been addressed with ATFS directly and – if so - what was the outcome of this complaint. Both NWF and the group of NGO's responded that – to their knowledge – this complaint (or a similar formal communication on this issue) has not been filed with the ATFS. As a result, the commission concludes that this input will not be considered as it does not meet the third criterion for the commission to consider external input. This third criterion is (copy from page 2 of the response form): "In case of complaints, facts and experiences have – wherever possible - gone through the complaint procedure of the certification scheme concerned. The outcome of this complaint procedure must be send in together with the complaint".</p> <p>Specifieke additionele reactie aan Greenpeace De commissie concludeert dat deze input niet voldoet aan de criteria die de commissie stelt aan externe input. Deze input met als bron "mondelijke informatie" is niet voorzien van een verifieerbare specifieke bron (en dus de mogelijkheid om deze bron of document na te gaan), én er is niet aangegeven of deze klacht reeds is ingediend als onderdeel van</p>

		<p>certification bodies (The Sustainable Forestry Initiative (SFI) and the PEFC) (10). Only one seat was held by an academic and one seat by a forest management consultant who was also a part-time employee of a land trust. Given the important decision making role the ISRP has in deciding what public input should be considered in the draft standard, this unbalanced representation raises serious concerns about whether input from conservation organizations is duly considered and incorporated.</p> <p>Source 2.9 & 2.10</p> <p>Terwil ATFS formeel aan deze eis voldoet, is het nietszeggend. Volgens NGOs in de VS, mochten NGOs wel inspraak doen, maar dat betekende geheel niet dat dit ook serieus werd meegenomen.</p> <p>Mondelinge informatie</p>	<p>de ATFS klachtenprocedure. De commissie zal daarom niet reageren op deze externe inbreng.</p>
3	<p>The methods related to the development of the scheme are documented and at least include the organisations participating in the development of the scheme and the decision-making process for the development of the scheme.</p>	<p>The ISRP was not made up of a representative group of those in the first community, and lacked representation from the conservation NGOs. There was one person on the panel who works part time for a land trust, but this person would not have been a representative voice of the conservation community.</p> <p>Source 1.12</p> <p>The ISRP was not made up of a representative group of those in the first community, and lacked representation from the conservation NGOs. There was one person on the panel who works part time for a land trust, but this person would not have been a representative voice of the conservation community.</p> <p>Source 2.10</p>	<p>Reaction to National Wildlife Federation and to group of NGO's</p> <p>The commission has asked whether this complaints has been addressed with ATFS directly and – if so - what was the outcome of this complaint. NWF responded that – to their knowledge – they have not lodged this concern directly with ATFS. As a result, the commission concludes that this input will not be considered as it does not meet the third criterion for the commission to consider external input. This third criterion is (copy from page 2 of the response form): "In case of complaints, facts and experiences have – wherever possible - gone through the complaint procedure of the certification scheme concerned. The outcome of this complaint procedure must be send in together with the complaint".</p>
4	<p>It can be demonstrated that during the development of the scheme and as part of the scheme management expertise of the sustainability requirements covered by the scheme is applied.</p>	<p>This has not been demonstrated.</p> <p>This has not been demonstrated.</p>	<p>The text under the heading "How the Standards Were Developed" on page 3 of the ATFS 2015-2020 Standard of Sustainability describes how experts were included in both the AFF Independent Standards Review Panel (ISRP) and in the AFF National Standards Interpretation Committee (NSIC). If – to the opinion of the stakeholders who provided this input – this expertise is insufficient, then this should have been substantiated and the ATFS complaint procedure should have been used first (see the criteria for valid external input on the bottom of page 1 and the top op page 2 of the "Response form 'external input' - ATFS"). As this was not done, the commission concludes that this input does not meet the requirements for providing external input.</p>
5	<p>The scheme is publicly available or accessible under fair, reasonable and non-discriminatory conditions.</p>	<p>Yes it can be accessed online</p> <p>Source 1.1</p> <p>Yes it can be accessed online</p> <p>Source 2.8</p>	<p>The ATFS standard documents are freely available on the website. The standard setting procedures stipulate that interpretations are also publicly available, as well as minutes, communications etc.</p> <p>The commission concludes that management criterion 5 is fully addressed by ATFS.</p>

6 Documents used for considering the external input

The following documents have been used when considering the external input. Documents 1.1 – 3.8 were provided by the stakeholders that provided external input (some sources are referred to more than once, e.g. 1.1 is the same as 2.1 and 3.1).

6.1 Documents submitted by NWF

- 1.1. American Tree Farm System, [Standards & Guidance 2015-2020](#).
- 1.2. National Oceanic and Atmospheric Administration, [Endangered Species Act \(ESA\)](#).
- 1.3. Environmental Protection Agency, [Federal Pesticide Laws](#),
- 1.4. Colnes, A. et al. 2013. [Biomass Supply and Carbon Accounting for Southeastern Forests](#)
- 1.5. Galik, C., Abt, R. 2015. [Sustainability guidelines and forest market response: an assessment of European Union pellet demand in the southeastern United States](#). GCB Bioenergy.
- 1.6. Wang, W., Dwivedi, P., Abt, R., Khanna, M. 2015. [Carbon savings with transatlantic trade in pellets: accounting for market-driven effects](#). Environmental Research Letters.
- 1.7. Costanza, J. K., Abt, R. C., McKerrow, A. J. Collazo, J. A. 2016. [Bioenergy production and forest landscape change in the southeastern United States](#). GCB Bioenergy.
- 1.8. David N. Wear & John G. Greis (Eds.), USDA Forest Service, [The Southern Forest Futures Project: Technical Report 213](#) (Aug. 2013).
- 1.9. Dogwood Alliance, NRDC, and SELC, [European Imports of Wood Pellets for “Green Energy” Devastating U.S. Forests](#) (June 29, 2017).
- 1.10. Scheck, J., Jeanne Dugan, I. 2013. [Europe's green-fuel search turns to America's forests](#). Wall Street Journal.
- 1.11. Critical Ecosystem Partnership Fund. 2016. [Announcing the World's 36th Biodiversity Hotspot: The North American Coastal Plain](#)
- 1.12. Tree Farm. [ISRP Members](#).
- 1.13. American Tree Farm System, [Board Trustees](#).
- 1.14. American Tree Farm System, [Standard Setting Procedures](#).

6.2 Documents submitted by group of NGO's

- 2.1. American Tree Farm System, [Standards & Guidance 2015-2020](#).
- 2.2. European Environment Agency Scientific Committee, [Opinion on Greenhouse Gas Accounting in Relation to Bioenergy](#). 2011.
- 2.3. The Impacts of the Demand for Woody Biomass for Power and Heat on Climate and Forests by Chatham House. 2017. <https://www.chathamhouse.org/publication/woody-biomass-power-and-heat-impacts-global-climate>
- 2.4. Multi-functionality and sustainability in the European Union's forests by the European Academies Science Advisory Council. 2017. http://www.easac.eu/fileadmin/PDF_s/reports_statements/Forests/EASAC_Forests_web_complete.pdf
- 2.5. National Oceanic and Atmospheric Administration, Endangered Species Act (ESA), <http://www.nmfs.noaa.gov/pr/laws/esa/>
- 2.6. Environmental Protection Agency, Federal Pesticide Laws, <https://www.epa.gov/pesticide-registration/about-pesticide-registration>
- 2.7. Fox, T. R., Jokela, E. J. & Allen, H. L. [The evolution of pine plantation silviculture in the southern United States](#). (2004).
- 2.8. American Tree Farm System, [Board Trustees](#).
- 2.9. American Tree Farm System, [Standard Setting Procedures](#).
- 2.10. American Tree Farm System: [ISRP Members](#).

6.3 Documents submitted by Greenpeace

- 3.1. American Forest Foundation (AFF) [Standards & Guidance 2015-2020](#).
- 3.2. Galik, C., Abt, R. 2015. [Sustainability guidelines and forest market response: an assessment of European Union pellet demand in the southeastern United States](#). GCB Bioenergy.
- 3.3. Wang, W., Dwivedi, P., Abt, R., Khanna, M. 2015. [Carbon savings with transatlantic trade in pellets: accounting for market-driven effects](#). Environmental Research Letters.
- 3.4. Costanza, J. K., Abt, R. C., McKerrow, A. J. Collazo, J. A. 2016. [Bioenergy production and forest landscape change in the southeastern United States](#). GCB Bioenergy.
- 3.5. David N. Wear & John G. Greis (Eds.), USDA Forest Service, [The Southern Forest Futures Project: Technical Report 213](#) (Aug. 2013)
- 3.6. Dogwood Alliance, NRDC, and SELC, [European Imports of Wood Pellets for “Green Energy” Devastating U.S. Forests](#) (June 29, 2017), available at
- 3.7. Scheck, J., Jeanne Dugan, I. 2013. [Europe's green-fuel search turns to America’s forests](#). Wall Street Journal.
- 3.8. Environmental Protection Agency, [Federal Pesticide Laws](#).

6.4 Other documents assessed by the commission

- 4.1. Harris, J.B.C. et al, [Conserving imperiled species: a comparison of the IUCN Red List and U.S. Endangered Species Act](#), Conservation Letters 00 (2011)
- 4.2. Dutch Biomass Certification Foundation, “A scoping study for the DBC Foundation - Defining the bottlenecks, drivers, intervention options and conditions for stimulating SFM certification of small forest owners in Northern America” (2016) – CONFIDENTIAL REPORT

Annex – Abbreviations

ADBE	Advisory comity Sustainability Biomass for Energy applications
ATFS	American Tree Farm System
BMP	Best Management Practice
CITES	Convention on International Trade in Endangered Species
EU	European Union
EZK	“Ministry of EZK” is the Dutch Minister of Economic Affairs and Climate Policy
FMU	Forest Management Unit
GHG	GreenHouse Gas
ILUC	Indirect Land Use Change
IUCN	International Union for Conservation of Nature
NGO	Non-Governmental Organisation
NRDC	Natural Resources Defence Council
PEFC	Programme for the Endorsement of Forest Certification
PFPI	Partnership for Policy Integrity
SDE+	A Dutch subsidy scheme (feed-in tariff) for production of renewable energy
SELC	Southern Environmental Law Center
SFI	Sustainable Forestry Initiative