



TIMBER TALK

Your Voice for South Carolina Timber Harvesting

September/October 2011

American Loggers Council Holds Annual Meeting in Wisconsin



October 10, 2011 – Hemphill, TX: American Loggers Council President, Matt Jensen and the Great Lakes Timber Professionals Association hosted the American Loggers Council 17th Annual Meeting in Minocqua, Wisconsin on September 29-October 1, 2011.

The three-day conference drew a large attendance of over 200 Professional Timber Harvesters and representatives from the industry that supports the Council from across the nation.

Events opened up with a falls color tour on Thursday morning, hosted by Caterpillar Forest Products where a group of 100+ attendees were able to board buses in Minocqua and head south to Prentice for a tour of the Caterpillar owned Prentice Facility in Prentice, Wisconsin. The "Welcome Reception" on Thursday evening was sponsored by Bituminous Insurance at the Waters of Minocqua Hotel.

Following breakfast sponsored by Blount, Inc., Friday brought the opportunity to attend a logging demonstration hosted by Komatsu Forest during which Kurt Moncini lead discussions and gave information

on some of the latest equipment and technology being produced by Komatsu Forest.

The sale being harvested was a State Forest Sale and foresters from the State DNR were on hand to explain the type of harvest that was taking place as well as the management plan for the surrounding area. A special area was set aside to discuss the



Wisconsin in the Fall

Emerald Ash Borer and the treatment process while harvesting the trees. All of the stumpage that was harvested was processed and delivered to the mills and the value of the stumpage was donated to the Log-A-Load For Kids® program benefiting the Children's Miracle Network hospitals in Wisconsin.

The ladies traveled to Manitowish Waters, WI on Friday for a special cranberry bog tour and then were treated to lunch at the famous Little Bohemia Lodge. The ladies tours on Friday and Saturday were hosted by Forestry Mutual Insurance.

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All attendees were reunited Friday afternoon in Woodruff, Wisconsin and treated to a special lumberjack competition at Fred Sheer's Lumberjack show. Swamp Logger Bobby Goodson from North Carolina and his wife Lori were on hand to enjoy the competition. STIHL Incorporated hosted the event.

Friday was capped off with a reception and dinner at the hotel hosted by Komatsu Forestry and the Komatsu Financial. Wisconsin State Representative Tom Tiffany and U.S. Representative Sean Duffy were on hand during the reception and dinner and made presentations to the group on both state and federal issues pertaining to the forest products industry. Following the dinner, the ALC Annual Auction was held and over \$18,000 dollars were raised in the event which helps support the projects and programs of the American Loggers Council.



*US Representative
Sean Duffy*

Saturday morning, ALC members were up early again for a Saturday breakfast sponsored by Mauck Insurance. The ALC Board of Directors also got down to business. The ALC Board of Directors and Executive Committee met to discuss Finances, Legislative, Communications, Transportation and ALC Master Logger Certification® program issues.

The ALC Board of Directors welcomed Vermeer-Wisconsin as the latest Associate Member of the American Loggers Council.

During the meeting, a slate of officers for the 2011/2012 term was voted on. Logger Steve Sherich from Hayden Lake, Idaho was elected to serve as the new ALC President. Logger Travis Taylor of Guldonna, Louisiana was

elected to serve as 1st Vice President of the organization. Rounding out the elections, logger Brian Nelson from Michigan and logger Myles Anderson from California will serve as 2nd Vice President and Secretary/Treasurer, respectively. Regional Directors to serve on the Executive Committee include Northeast delegate, Dan Keniston - New Hampshire; Mid West delegate, Shannon Jarvis - Missouri; Southern



Max Ericson & family

delegate, Ken Martin - Mississippi; and, Western delegate, Mark Turner - Oregon.

Two resolutions were adopted by the members of the American Loggers Council during the meeting that included supporting competition in the forest products industry and supporting bringing family members into the logging profession at an earlier age.

Saturday morning also brought the Annual Membership meeting. All individuals wishing to participate in the discussions were invited to attend the meeting. Nate Clark with John Deere explained Deere's role in promoting the ALC thru various advertising platforms and volunteered to Chair the membership committee of the ALC. The membership meeting was hosted by TimberPro.

The Saturday Awards Luncheon, sponsored by Peterbilt, recognized all of the Associate members that support the goals and programs of the American Loggers Council. Doug Duncan, Director for the North Carolina Association of Professional Loggers was presented with the President's Award for 2011, recognizing his service to the ALC as chair of the transportation committee and establishing a national forest products website for log trucking regulations. Outgoing ALC Directors



*NCAPL's Doug
Duncan receives
President Award*

Allen Ribelin from Arizona and Max Ericson from Wisconsin were received service awards. Jim Mooney, representing Hatton-Brown Publishers presented Max Ericson and family, Ericson Logging and Ericson Trucking, LLC, with the Logging Business of the Year Award.

Saturday evening began with a reception sponsored by Tigercat. Jerry Smeak with Tigercat was on hand to welcome ALC members at the reception.

Caterpillar Forest Products and Cat Financial hosted the Saturday night dinner and visited with the attendees and helped kick off the events of the evening. One of the highlights of the evening was the roll out of the new ALC logo and what it means to those loggers that the American Loggers Council represents. The development of a new website is also in the works with in-kind contributions being made available by John Deere. Caterpillar Forest Products donated \$3,000 to the ALC to be

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used in the development of the web site. Michigan Logger Jim Carey announced that Bandit Industries would be making a contribution towards ALC efforts following the meetings as well.

The meeting adjourned when ALC President Matt Jensen of Crandon, Wisconsin, passed the gavel to incoming President Steve Sherich from Hayden Lake, Idaho. During his acceptance speech, President Sherich identified several goals for the coming year; including more aggressively pursuing the identity of the ALC as being the unified national voice for professional loggers.

Sponsors for the Annual Meeting included Bituminous Insurance, Blount Industries, Caterpillar Forest Products, Cat Financial, Forestry Mutual Insurance, Georgia-Pacific, LLC, John Deere For-

estry Group, Komatsu Forest, Komatsu Financial, Mauck Insurance, Norco Equipment, Tigercat, TimberPro, Peterbilt, and Ponsse.

Members of the American Loggers Council wish to thank the many sponsors and associate members of the Council who help to make the Annual Meeting a continued success and support this profession that we call logging.

The American Loggers Council is a non-profit 501(c)(6) organization representing timber harvesting professionals in 30 states. For more information contact the American Loggers Council office at 409-625-0206 or visit their website at www.americanloggers.org.

AS WE SEE IT ...

AMERICAN LOGGERS COUNCIL

EXECUTIVE VICE PRESIDENT DANNY DRUCTOR



October 2011

The Silviculture Regulatory Consistency Act **CALL NOW!**

On August 17, 2010, the Ninth Circuit Court of Appeals determined that forest roads and their stormwater runoff gathering systems (ditches, culverts) are point sources subject to National Pollutant Discharge Elimination System (NPDES) permits.

Shortly after passage of the Clean Water Act (CWA) in 1972, the Environmental Protection Agency (EPA) concluded that forestry activities are nonpoint sources most effectively managed through best management practices (BMP's) established through the states rather than through federal government. The EPA was right. After 35 years, forestry, including timber harvesting activities, contributes to impairment in just 4% of the nation's river and stream miles as determined in the U.S. EPA *National Water Quality Inventory Report to Congress*.

If the Ninth Circuit's decision remains unchecked, thousands of projects on both public and private lands would be subject to the NPDES per-

mitting process and citizen's lawsuits. Delays could lead to mill closures, loss of jobs, and conversion of the forestlands for other uses. At a time when our industry is reeling under the devastation caused by poor housing markets, high unemployment, and continued loss of mill infrastructure, to add additional regulatory burdens that could further weaken our ability to access both public and private timberlands and the ability of a private landowner to harvest timber from their property makes absolutely no sense.

In recent months, The American Loggers Council, working with many other organizations such as the National Alliance of Forest Owners and the Forest Landowners Association, has been working to secure support from members of Congress for the passage of the Silviculture Regulatory Consistency Act, H.R. 2541 in the U.S. House of Representatives and S. 1369 in the U.S. Senate. This legislation, if passed, would amend the CWA to allow for silvicultural exemptions from the NPDES permitting requirements administered by the EPA, but ***we need your help*** in making that happen.

Members of Congress need to hear from all of us. We are the grassroots that can make things happen. While the staff and board members of the American Loggers Council are weighing in on the

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issue, members of Congress may not listen unless they hear from the **thousands** of us that are out in woods making our living. Now is the time for you to get active on this issue as Congress is back in session from the August recess. **Please call, fax, or email your representatives in both the U.S. House and the U. S. Senate and ask that they support and vote for The Silviculture Regulatory Consistency Act.** A few minutes of

your time today could save hours or even days of delays in the future. Let's work together to eliminate a potentially costly and job threatening regulatory burden. **Call now.**

Danny Dructor is the Executive Vice President of the American Loggers Council, which represents logging professionals in 30 States. For more information please contact the American Loggers Council at 409-625-0206 or e-mail at americanlogger@aol.com.

AS WE SEE IT ...

AMERICAN LOGGERS COUNCIL
PRESIDENT STEVE SHERICH



November 2011



It is my privilege to be serving as the current President of the American Loggers Council, a duty which I do not take lightly. During my term, we will continue the tradition of all of our past presidents to make certain that we are doing all that we can do to make this industry as strong as it can

be.

The American Loggers Council is made up of both state and regional timber harvesting organizations, many who have struggled during this economic downturn. If not for the work that these associations are doing for their members, we would hate to think where we, as logging professionals, might be today.

State Associations have numerous values. Every year, they monitor legislation and work to ensure that bills are either passed or defeated that would impact our profitability. State associations help provide us with our first aid, best management practices and OSHA training at a minimal cost. So much of what the state associations accomplish is through the efforts of volunteers and management. The same is true with a national organization.

We have found that the larger the organization, the stronger and more effective it becomes with outreach to our representatives in Congress. Hundreds of voices are better heard than one, and if you are not a member of your State logging Asso-

ciation you should join. If your state does not have an organization, then you should help to form one. There is not a whole lot of difference between taking a welfare check for not working and reaping the benefits from your State Association without joining.

The health of State Associations will determine the strength of the American Loggers Council. The more opportunities that we take to support our state associations, the better position they are in to support the ALC. The American Loggers Council is here to help all of us stay in business and provide a unified national voice for professional loggers. If your state is not contributing to the organization, then others are carrying the load for you. We ask that you please consider carrying your fair share of the load to make certain that all of our voices are heard in Washington, D.C.

Just one of the many issues that we are currently involved in is helping to pass legislation that would address the Ninth Circuit Court of Appeals ruling that could eventually lead to all of us having to obtain National Pollution Discharge Elimination System (NPDES) permits from the Environmental Protection Agency (EPA) before hauling our products over a forest road. If not addressed, this one ruling alone could lead to undetermined costs and citizen's lawsuits against our operations.

I believe that everyone should volunteer for something. What better way than to volunteer for the industry that you work in? Nothing bothers me more than those that complain about how their

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dues are being spent, but never show up to make recommendations. I challenge you to volunteer this year and become an advocate for our industry. The states and the ALC need your support.

Steve Sherich is the President of the American Loggers Council, which represents logging professionals in 30 States. Steve's logging operation is based in Hayden Lake, Idaho. For more information please contact the American Loggers Council at 409-625-0206 or e-mail at americanlogger@aol.com.

American Loggers Council Ride Under the Lights At Texas Motor Speedway

The American Loggers Council (ALC) was given the opportunity by Bandit Industries, Inc. to showcase their new logo on November 4 during the NASCAR Camping World Truck Series WinStar World Casino 350 race held on November 4 at the big 1.5 mile oval of Texas Motor Speedway outside Dallas.

Jeff Crum drove the No. 55 Bandit Chippers.com Chevy Silverado of which Bandit is the sole sponsor for Jake and Team Crum racing. The ALC logo appeared on the bed cover and the rear bumper, also known as the "TV Panel" of the Chevrolet, along with the logo of the Tree Care Industry Association (TCIA).

"We love racing, but we love sharing the excitement even more," said Bandit Industries Large Equipment Sales Manager Travis Lint. "Whether you were watching the race live or catching it on television, racing fans throughout the Tree Care Industry Association and the

American Loggers Council had good reason to cheer." With the annual TCIA Expo taking place in Connecticut during the race and the largest, cleanest biomass power plant in Texas now up and running just a few hours from the speedway, the timing couldn't be better to raise the awareness of these two organizations.

"The American Loggers Council is proud to have supporters like Bandit Industries" stated American Loggers Council Executive Vice President Danny Dructor. "With their help, our membership is getting the opportunities that they need to make the public aware of the energy alternatives that are available through the use of woody biomass as a renewable energy resource." "Who knows, perhaps next year we will see a cellulosic ethanol fueled vehicle derived from woody biomass powering these trucks."

Jeff ran as high as seventh place during the race, but misfortune towards the end of the race resulted in a crash that ended the night's performance.



"Our membership and all of those we represent thank Bandit Industries for allowing us to showcase our Association logo on the Bandit Chippers.com truck," said Dructor. "The high profile and visibility of the logo and the opportunity given are priceless for an organization such as ours."



LOUISIANA LOGGING COUNCIL MEMBERS HAVE ACCESS TO RESEARCH

By Niels de Hoop

At the Louisiana Forestry Association meeting in August, the Louisiana Logging Council gathered for a special seminar to hear James Fendig of the Wood Supply Research Institute (WSRI). Jim is the Executive Director of the WSRI, and he described the WSRI and gave an overview of the 18 research projects they funded to date.

The WSRI is a consortium of wood users and wood dealers who band their money together to support research that benefits both. WSRI has 45 members, including consumers (many of the major forest products companies), suppliers (including the Louisiana Logging Council, logging companies and wood dealers), woodlands owners, equipment companies and others.

The goal is to improve efficiency and productivity in the wood supply system (stump to millyard), stop pointing the finger at each other, and work together through research using a 3rd party system to avoid legal problems. WSRI members send in their research needs. A technical committee formalizes these needs and sends out requests for proposals to universities and other research entities.

Eighteen research projects have been funded since 1989, and Jim gave a brief overview of each one.

The first project documented truck turn-time at the mills (by Don Deckard at Louisiana Tech). By documenting the losses, many mills responded with improved turn-times, saving hundreds of millions of dollars in the supply system.

The next project measured excess logging capacity in the South and Maine and was obviously the best project ever because LSU helped with it. In 2001, the loggers produced at only 63% of capacity. The primary cause of this reduced capacity was market factors, especially quotas, followed by weather and planning. The unused capacity cost the system \$1.66 per ton.

Another logging capacity study conducted in 2007 found that average logging utilization in the south-central states was 83%. The major factors for the reduced capacity remain essentially the

same. The major recommendation for suppliers was to develop a curtailed business plan:

- Retire equipment not consistently needed;
- Lay-off undependable labor;
- Keep key dependable labor;
- Work with procurement to liquidate timber sales;
- Understand customers – we are all in the same boat;
- Keep communications open to customers.

A project by Virginia Tech looked at planning and communications. The current system (in 2001) is reactive rather than proactive, with extremely short planning horizons of 1-2 days. Loggers have to plan for maximum flexibility, sacrificing opportunities to develop specialized systems that would be more efficient. Delays in sending critical information to loggers creates barriers to efficient harvest planning.

Although loggers already knew many of these things, the issues were largely ignored by upper management of the wood consuming companies. By formalizing these issues in research projects, many managers took notice.

A study at Auburn looked at how to improve transportation efficiency and cost. Teaching drivers fuel-efficient techniques can result in a 5% savings. On-board scales – 10% savings. Best combination of components – 3% savings. Support potential new weight regulations – 15% savings.

Dale Greene of the University of Georgia traveled six countries and spoke with key wood supply people. He found that the South is very competitive in the cost of softwood pulpwood. The US lags in training. Other regions of the world work under longer-term contracts (1-3 years). Trucking in competing countries employs larger payloads (up to 100% larger) than that allowed in the US, although other countries control their truck weights more tightly (stiffer fines). Most other regions schedule truck arrivals – no wait times. Loggers in other regions buy fuel through cooperative arrangements located near mills, lowering fuel cost and reducing truck miles to fuel.

Bill Stuart and Laura Grace of Mississippi State have been tracking logging costs for over 20 years. Direct expenditures increased 40% from 1995 to 2005, which is 10% more than the con-

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sumer price index. Equipment outlays are somewhat flat (on a per-ton basis), but consumable supplies are a continuing problem. There are no economies of scale, so size has little to do with a logging operation's efficiency. Some firms respond by increasing production, while others cut production.

Shawn Baker and Dale Greene of UGA found that trucks without scales were underloaded most of the time. Onboard scales save 11 cents per ton after accounting for the cost of the scales because of increased payloads. This translates into \$7,425 per year for a logger who hauls 50 loads per week.

A study by Forisk Consulting found that the total timberland acres in the US increased from 466 million in 1987 to 513 million in 2007. Their striking conclusion was that there is more merchantable softwood biomass growing today than ever in the past 10-20 years. Land ownership changes suggest no significant changes in timber management activity.

There are currently three research projects underway that are funded by the WSRI.

The reports from these projects and others can be obtained from the WSRI. If you are a member of the Louisiana Logging Council, contact Debra Jordan about how to get copies.

And even if you are a member of the LLC, consider joining and supporting the WSRI as an individual company. This will give you a greater voice in determining which research needs get funded.

Finally, if you have a burning issue that needs some study, let the WSRI know. You can do this by contacting Jim Fendig at (912) 598-8023 or fendig@bellsouth.net. Their website is www.wsri.org.

C.F. "Niels" de Hoop is an Associate Professor at the Louisiana Forest Products Development Center, School of Renewable Natural Resources, Louisiana Cooperative Extension Service, LSU AgCenter.

SCTPA Comments: *SCTPA members are eligible to receive WSRI research information. SCTPA is a founding and active logger segment member. Association president and a board member preside on the WSRI board of directors, SCTPA president served as WSRI chairman and serves now as the Technical Committee Chairman. Neils's article is included in this issue because he did a great job of sharing and summarizing some of the WSRI research information.*



Member Reminder

45-DAY TEMPORARY TAGS

SCTPA recently received an inquiry regarding a driver who received a State Transport Police citation for operating a tractor-trailer transporting a load of wood using a 45-Day Temporary Tag.

Vehicles (trucks) can be issued a 45-day temporary tag when purchased. While this is allowed, trucks with a 45-Day Temporary Tag CANNOT TOW OR HAUL a trailer or load with the 45-day temporary tag.

The truck must be registered and tagged before any towing or hauling is permitted. This became effective in 2006.

If State Transport Police stops a temporary tag truck engaged in hauling or towing, a citation will be issued.



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648GIII, 748GII, 748GIII, 643, 643D,
643G, 843G, 843H, 653E, 753 & 848

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410C, 410D, 410E & 410EX

TIGERCAT

230, 240, 718, 720, 720B, 720C, 720D,
726, 726B, 620, 630B, 845 & 845B

TIMBERJACK

240, 380A, 380B, 450B, 450C, 460,
460D, 608, 608S, 618, 735, & 850

TREEFARMER

C6D & C7F

2012 BOARD OF DIRECTORS NOMINATIONS NEEDED

Two Board of Directors Seats will be elected at our February 4, 2012 Annual Membership Meeting at the Crown Reef Resort Conference Center, Myrtle Beach, SC.

The board terms for Seat 4 served by Clyde Brown, Mt. Bethel Logging, Inc., Newberry, and Seat 5 served by Norman Harris, Harris Timber Co., Inc., Ladson, will expire December 31, 2011.

Board member elections will be conducted during the Member Business Session of the Membership Meeting convening at noon on Saturday, February 4, 2012.

Board members serve four-year terms. Board responsibilities are to establish policies, direct legislative advocacy, guide programs and efforts to improve and benefit the timber harvesting industry, oversee fiscal responsibilities and charge association staff to fulfill the association's duties and daily functions.

Board members are responsible to attend board meetings. One board meeting is conducted at the annual meeting with bimonthly meetings held in Columbia beginning in February each year.

Any member directly engaged in the logging business and in good standing with paid dues as of December 31, 2011, may be nominated for an upcoming seat. Any member regardless of location is eligible for nomination. Members are encouraged to enter your name or the name of another member as an eligible candidate.

To enter your name or to nominate someone else, please contact the Nominations Committee or SCTPA office no later than January 16, 2012.

Nominations Committee

Chairman, Billy McKinney, Highland Timber Co., LLC, Union

Office 864-427-6173 ■ Fax 864-427-6173 ■ Cell 864-429-6939 ■ Highlandtimber@charter.net

Tommy Barnes, Ideal Logging, Inc., Edgemoor

Office 803-789-5467 ■ Fax 803-789-3565 ■ Cell 803-385-7994

Frampton Ferguson, Ferguson Forest Products, Inc., Luray

Office 803-625-4196 ■ Fax 803-625-3881 ■ Cell 803-942-1149 ■ frampton1@Hargray.com



Timber Talk

*Your Voice for South Carolina
Timber Harvesting*

Contact Crad Jaynes at
1-800-371-2240 or bcjpaw@windstream.net



2012 ANNUAL MEETING "NAVIGATING THE REGULATORY WATERS"

Our 13th Annual Membership Meeting is February 3 – 5, 2012 at the Crown Reef Resort & Conference Center, Myrtle Beach.

Navigating The Regulatory Waters is our focus. More regulatory issues are occurring now that are affecting sustainable forestry and sustainable timber harvesting.

Speaking will be **National Alliance of Forest Owners President Dave Tenny**, and Dave is the former USDA Undersecretary, and **Bill Kovacs, Senior Vice President Regulatory Affairs, U.S. Chamber of Commerce**. Dave and the NAFO are leading the efforts to reverse the 9th Circuit's ruling regarding runoff from logging roads and loggers having to obtain permits. Bill will present how environmental obstructionists are litigating projects in the U.S., how they get paid for the lawsuits and what the tremendous cost is to our nation's businesses. You don't want to miss Bill's presentation. It will get your blood pressure up when you hear what is occurring. Professional logger **Steve Sherich of Idaho and President of the American Loggers Council** will speak and provide updates on ALC activities and national issues regarding timber harvesting. **Don Taylor, Sustainable Resources Systems, LLC**, will present results of his Supplier / Consumer Relationship Study funded by the Wood Supply Research Institute.

We are excited **Rudy Pelletier or his brother Larry of Pelletier Brothers, Inc.**, Millinocket, Maine *stars of the American Loggers Series* will be with us as well.

Bobby and Lori Goodson, Goodson's All Terrain Logging, our 2011 meeting featured speaker from Discovery Channel's *Swamp Loggers Series* will attend since they enjoyed our 2011 meeting so much.

Bill Sims, Jr., President Bill Sims Company will present his It's All About Behavior Change workshop entitled *Green Beans and Ice Cream, The Definitive Recipe for Employee Engagement, Motivation and Recognition*. He has consulted with Dupont, Coca-Cola, Ford plus other companies in Australia, Kuwait, South Africa, Scotland and the United Kingdom. The workshop explores the role of

recognition as it relates to changing employee behavior with a focus on mechanisms needed for successful behavior-based safety recognition.

Registration is Friday afternoon with an evening Welcome Reception featuring a DJ offering a variety of dancing tunes and entertainment accompanied by plenty of food, beverages and fun so everyone can meet and greet on our first evening.

Saturday morning's General Session and our Membership Luncheon will feature our speakers. At our business session we'll present our 2011 Logger Activist, Distinguished Service and President's awards. During our association business session we'll hear news, vote on any bylaws changes if any, receive the annual financial report and elect board of directors.

We'll draw for the Honda ATV, Honda EU2000i Generator and four days and three nights stay at the Crown Reef Resort. Raffle tickets will be forwarded to members prior to the meeting and be sold at the meeting as well. Support our raffle to support SCTPA.

Discounted Carolina Opry tickets for the Saturday evening show February 4th are available for \$25 each and can be ordered with your meeting registration. That's a \$15 per ticket savings.

Our Sunday Prayer Breakfast will feature **Sonrise** from Lexington. This is a dynamic trio whose testimonies and songs will lift your spirits as we praise The Lord.

Our Silent Auction will be available with a variety of nice items for bidding. Please donate an item by using the Silent Auction Form provided.

Exhibitors will be on hand with their products and services. And of course there will be plenty of door prizes.

We'll draw a winner for another gun or something on Saturday during the business session.

Six (6) SFI Trained Continuing Education Credits will be awarded for attendance. Category I Continuing Forester Education Credits will be available as well.

Our meeting is a casual family atmosphere. We encourage everyone to bring your family and employees.

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(Continued from page 10)

Dress is business casual. We ask that attire suited for a business meeting is worn.

Go ahead now and block the dates to join us February 3 – 5 for our 13th Annual Membership Meeting. Brenda and I look forward to seeing you in Myrtle Beach!

Yours truly,
Crad Jaynes
President & CEO

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THE WHITE HOUSE Office of the Press Secretary

September 2, 2011

STATEMENT BY THE PRESIDENT ON THE OZONE NATIONAL AMBIENT AIR QUALITY STANDARDS

Over the last two and half years, my administration, under the leadership of EPA Administrator Lisa Jackson, has taken some of the strongest actions since the enactment of the Clean Air Act four decades ago to protect our environment and the health of our families from air pollution. From reducing mercury and other toxic air pollution from outdated power plants to doubling the fuel efficiency of our cars and trucks, the historic steps we've taken will save tens of thousands of lives each year, remove over a billion tons of pollution from our air, and produce hundreds of billions of dollars in benefits for the American people.

At the same time, I have continued to underscore the importance of reducing regulatory burdens and regulatory uncertainty, particularly as our economy continues to recover. With that in mind, and after careful consideration, I have requested that Administrator Jackson withdraw the draft Ozone National Ambient Air Quality Standards at this time. Work is already underway to update a 2006 review of the science that will result in the reconsideration of the ozone standard in 2013. Ultimately, I did not support asking state and local governments to begin implementing a new standard that will soon be reconsidered.

I want to be clear: my commitment and the commitment of my administration to protecting public health and the environment is unwavering. I will continue to stand with the hardworking men and women at the EPA as they strive every day to hold polluters accountable and protect our families from harmful pollution. And my administration will continue to vigorously oppose efforts to weaken EPA's authority under the Clean Air Act or dismantle the progress we have made.

13th Annual Membership Meeting
Navigating The Regulatory Waters
MEETING SCHEDULE AT A GLANCE

FRIDAY, FEBRUARY 3

Conference Center

- 1:00 p.m. Board of Directors Meeting... Members & Guests Welcome
- 3:00 p.m. Registration Desk... Open Until 8:00 p.m.
- 7:00 p.m. Welcome Reception... Food, Music & Dancing with a DJ!

SATURDAY, FEBRUARY 4

Conference Center

- 6:30 a.m. Member & Guests Breakfast
- 6:45 a.m. Registration Desk Opens
- 8:00 a.m. General Session: Welcome, Invocation, Antitrust Statement & Announcements
 - Speaker: Steve Sherich, Sherich Logging & American Loggers Council President
 - Speaker: Dave Tenny, President National Alliance of Forest OwnersMorning Break
 - Speaker: Bill Kovacs, Vice President Regulatory Affairs U.S. Chamber of Commerce
 - Speaker: Don Taylor, President Sustainable Resources Systems
- 8:30 a.m. Ladies Breakfast
- 11:45 a.m. Break for Luncheon
- 12:00 p.m. Membership Business Luncheon & Meeting
- 12:45 p.m. Chairman's Welcome, Board of Directors Introductions & Announcements
 - Speaker: Rudy or Larry Pelletier, American Loggers Series Pelletier Brothers, Inc.Business Session: President's Report, Financial Report, Bylaws Report, Board Elections, Awards & Special Presentations, Door Prizes & Prize Drawings
- 3:30 p.m. Afternoon Break
- 4:00 p.m. Workshop: All About Behavior Change – Green Beans and Ice Cream, Bill Sims, Jr.,
The Bill Sims Company
- 5:30 p.m. Adjourn
 - Saturday Evening On Your Own. Enjoy Your Evening!
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SUNDAY, FEBRUARY 5

Conference Center

- 8:00 a.m. Prayer Breakfast
- 9:00 a.m. Special Guest: Sonrise
- 10:05 a.m. Silent Auction Announcements & Final Comments
- 10:30 a.m. Adjourn Meeting

SILENT AUCTION BIDDING HOURS - CONFERENCE CENTER
Friday, 5:00 – 9:30 p.m. Saturday, 7:00 a.m. – 5:30 p.m. Sunday, 7:00 – 9:00 a.m.

EXHIBITOR HOURS - CONFERENCE CENTER
Friday, 6:00 – 9:30 p.m. Saturday, 7:00 a.m. – 5:00 p.m. Sunday, 7:30 – 9:30 a.m.

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Meeting Speakers & Schedule Subject To Change

2011 Logger Activist Award Nomination

Nominations for SCTPA's **2011 Gene Collins Logger Activist of the Year Award** are being sought. Award will be presented at the 2012 Annual Membership Business Luncheon and Meeting convening at noon, Saturday, February 4, 2012 at the Crown Reef Resort Conference Center, Myrtle Beach, SC.

This award recognizes a Professional Logger who has demonstrated an exceptional desire to positively promote and represent the timber harvesting profession by actively participating in association activities, educational efforts, community action, industry advocacy, and engendering the public's trust with commitment to the American Loggers Council Professional Logger Code of Practices and by displaying a commitment to sustainable forestry principles and practices.

You may nominate a SCTPA Logger Member or yourself. Contact the Nominations Committee or SCTPA office by January 16, 2012. Thank you for your nomination.

Billy McKinney, Chairman, Highland Timber Co., LLC, Union
Office/ Home 864-427-6173 • Fax 864-427-6173 • Cell 864-429-6939

Tommy Barnes, Ideal Logging, Inc., Edgemoor
Office 803-789-5467 • Fax 803-789-3565 • Cell 803-385-7994

Frampton Ferguson, Ferguson Forest Products, Inc., Luray
Office 803-625-4196 • Fax 803-625-3881 • Cell 803-942-1149

2011 Logger Activist Award Nomination

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Business Name _____

Address _____

City _____ SC Zip _____

Contact Office _____ Home _____

Mobile _____ Email _____

Nominated By _____ Date _____

Contact: Office _____ Cell _____

Describe nominee's activities: _____

Use Additional Pages If Needed

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February 3 - 5, 2012

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Please list any additional names & badge names on the back. Thanks!

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Active Member Employee ** = Active Logger, Wood Dealer or Trucker Member Sponsored Employees Only not an owner, partner or corporate officer of active member's business. Supervisors & employees are encouraged to attend.
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COLD WEATHER LOGGING



Loggers are a tough breed of people. The nature of our work makes us work rain, shine, sleet or snow. We must work in extreme weather conditions to feed our families and provide forest products for our industry.

The winter season brings several combinations of Mother Nature expressing herself. Extreme cold; rain; sleet; snow and mud must be dealt with. Being able to work comfortably in bad conditions can insure our safety and profitability. Remember that the bills don't stop coming because it's cold outside.

Having grown up cutting timber in the northeast, cold weather was just part of the game. For nearly twenty winters, I cut timber in sub-zero temperatures. A properly dressed and conditioned timber-cutter can be very effective in the cold temperatures. In my case, I didn't have a choice, if I didn't cut timber, I didn't get paid!

Below are some tips that can help maintain profitability and comfort during our winter logging activities.

Modern logging equipment is equipped with many creature comfort options. Good heaters, defrosters and A/C units are available for our equipment operators. It is usually "nice and toasty" in the cab of logging equipment during the winter.

What if the machine breaks down or the operator is forced to be in the harsh elements? Are you properly dressed to work in the cold and wet conditions? Physical exertion or demand is limited for machine operators and drivers. The opposite is true for timber-cutters and toppers. High physical demand is the norm for saw-hands. Perspiration caused by physical demand must be wicked away from the skin to remain dry. Wet or damp clothing allows the cold to set in.

Basic cold weather gear should include from head to toe:

1. The head is a major area for heat loss in the human body. Hard hats are mandatory on the logging job. Hard hat liners can be added to retain body heat and protect the ears from the elements. Chainsaw operator's helmet system has earmuffs built in; they provide protection from extreme conditions.
2. For the neck area, a turtleneck or a choker can retain body heat created in the chest area. **Do not** wear scarves; they can be entangled in

moving parts such as fans, belts and PTO shafts.

3. A first layer of long underwear should retain the body's core temperature. Synthetic material, capable of wicking moisture away from the skin is preferred. Cotton material tends to absorb moisture and stays wet, encouraging cold. Layered clothing allows heat retention and lets perspiration travel away from the skin, keeping the body dry. Wool and synthetic materials such as Polarfleece are a good choice for the second layer of clothing. A wind and moisture resistant shell is recommended for the outer layer of clothing. Insulated bib overalls are a favorite choice for equipment operators.
4. The hands are another major area for heat loss. Extreme cold can cause frostbite to unprotected skin. Avoid touching metal objects with bare hands in extreme cold conditions. Lined or insulated leather gloves are a good choice for mechanized equipment operators. Timber-cutters have the choice of protective gloves or mitts. Chainsaw mitts are favored for warmth and can be worn with liners for extra warmth and have the index finger separate to operate the throttle of the chainsaw.
5. The final area to be protected is the feet. Heavy duty insulated boots are recommended. Good traction is important in mud, snow and ice; choose the right sole to insure your safety. Avoid tight fitting boots, they can restrict blood flow and limit the amount of trapped air used for insulation. The outside covering of boots can be made from rubber, leather, or synthetics; the key is to keep the feet dry. A good moisture wicking sock is recommended. If the boots are wet after the day's work, dry them. Keep the boots free from mud. Boot dryers are available from logging supply houses and sporting good stores. Wet and cold feet are uncomfortable and can be a distraction during day. Distractions cause risk.

Our industry requires forest products year round, sometimes 24-7. To keep the industry going and our families fed; we must be able to work in all forms of weather.

Being able to work comfortably in the cold will insure our safety and productivity. Stay warm and dry, be safe.

Provided by Bryan Wagner, Professional Chainsaw Trainer for Forestry Mutual Insurance Company.

SC BMP PROGRAM REVIEW



Guy Sabin
SC BMP Chief, SCFC

South Carolina's logging industry has a strong record of protecting water quality. 98% of timber harvesting in the state follows Best Management Practices, or BMPs, for Forestry.

BMPs provide guidelines for logging roads, stream crossings, buffer zones, and other aspects of forestry operations. Inspections are conducted by specially-trained environmental foresters with the SC Forestry Commission. Failure to follow the guidelines can result in violations of state and federal environmental protection laws.

Voluntary compliance with BMPs for Forestry is increasingly important in the face of growing regulatory issues. Recent court cases have challenged exemptions for forestry activities, and new rules have the potential to add additional permit requirements.

The SC program recently received high praise from the Southern Group of State Foresters, and was recognized by a multi-state review team as one of the premier programs in the South that continues to be a leader in water resource programs. Future program funding and budget reductions were a primary concern of the group.

The South Carolina Forestry Commission BMP Program was reviewed by the Southern Group of State Foresters as part of a program to share successes and offer suggestions for continual improvement. Reviewers from the US Forest Service, North Carolina Forest Service, and Kentucky Division of Forestry spent August 23-24 assessing the SC program. Seven SCFC employees and 16 outside partners including regulatory agencies, forest industry, consultants, and landowners also participated.

The review team was especially impressed with the "exemplary relationships with other governmental agencies and the forestry community." Future program funding in the face of declining EPA grants was a primary concern of the group. The BMP program is certain to benefit from the expert recommendations from this review, and are most appreciative of the support shown by our stakeholders.

Commendations

- South Carolina invented the concept of the "courtesy exam" now widely used in other states.
- Outstanding relationships with forest products and water quality communities. Few states can demonstrate the cooperative working relationships, confidence, trust, and support found in SC.
- SC BMP staff are professional, well-trained, objective, and dedicated to the program.
- SC continues to provide the most complete, current, and convenient educational opportunities feasible.

Recommendations

- Provide a means for more SCFC field staff attend Timber Operations Professional workshops.
- Strengthen efforts to participate on watershed and river basin planning and with watershed-activist groups.
- Take action to identify and secure funding to ensure continuing services into the future. Federal funding through EPA is expected to have further reductions in coming years.



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COURT'S RULING COULD LEAD TO ENDLESS LITIGATION

U.S. court's Clean Water Act ruling redefining forest roads as pollution sources could tie up state, private timber harvesting in endless cycle of litigation, says Forest Capital Partners co-founder.

LOS ANGELES, August 31, 2011 (Forestweb) – The decision by the U.S. 9th Circuit Court of Appeals that redefined forest roads as specific pollution sources, meaning they will need Clean Water Act permits, will stall timber harvesting, according to Forest Capital Partners' co-founder Matt Donegan, the Mail Tribune reported Aug. 30.

The August 2010 ruling deemed forest road runoff as point-source pollution, subjecting it to permit requirements through the U.S. Environmental Protection Agency's (EPA) Clean Water Act.

These permits could be litigated, stalling state and private timber sales indefinitely.

Unless the U.S. Supreme Court overturns the decision or it is eliminated by legislation, the ruling may end the Northwest timber industry.

Because Oregon is the nation's top lumber and plywood producer and the timber industry is its second larg-

est employer, it is set to suffer the most from the ruling, according to Donegan, reported the Mail Tribune.

Forest Capital Partners, an independent investment firm with its main offices in Boston, Massachusetts, and Portland, Oregon, controls more than two million acres of U.S. timberland, of which 600,000 acres are in Oregon. Although the company has seen a slight market improvement with the increased lumber demand from China, Donegan expects this law will continue hurting the industry and foresees a loss of investment in the industry if litigation stalls harvesting.

This decision could also backfire on environmentalists as forestlands become at greater risk of development, creating land fragmentation, when forestry companies shut down.

Senators Ron Wyden, D-Ore., Mike Crapo, R-Idaho, Jim Risch, R-Idaho, Mark Begich, D-Alaska, introduced legislation last month in opposition of the ruling they also believe will hurt forests and the communities around them.

The poor condition of forest roads needs addressing while water resources need protecting, but the "epidemic of litigation and appeals" this decision will create will not serve anyone's interests, Wyden said in a statement.

The primary source of this article is the Mail Tribune, Medford, Oregon, on Aug. 30, 2011.

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MT. VIEW FARMS & POLES, POLES & MO POLES

SCTPA visited Dennis Wall and Mountain View Farms, Edgefield, logging a 450-acre tract in Saluda County to view this exclusive “pole harvesting” site. Dennis and crew were thinning the tract, but harvesting only poles. This was a unique job from the standpoint that ... it was all poles. Now they did produce some by-products from the cutoffs, but primarily the products were light poles and pilings.

Another interesting aspect was that Dennis designed a creative and efficient method for processing the various pole products being delivered to SC Pole & Piling, Inc., Leesville, and United Wood Treating Company, Whitmire. Both companies are SCTPA wood manufacturing category members. And Dennis is a past board member, and Mt. View Farms is an active logger member.

The pole processing rack, for lack of better terminology, was designed to allow the stem to be placed in a long steel rack by the loader operator with the stem backed against a butt plate.

The rack connected together in sections, and structured for disassembly to move, had length marks welded onto the frame to allow the deck saw man to easily determine the product length and safely process the stem. This was an ingenious way to speed up production and be more accurate in meeting the product specifications for length. The rack eliminates pulling a tape for length measurements.

This was quite an operation with the pole processing rack and seeing “all” the poles being harvested and processed. Hats off to Dennis and his crew for their innovative thinking to improve production, product quality and safety.



FOREST ROADS AS POINT SOURCE POLLUTION

Implications of the Ninth Circuit Court of Appeals Decision in NEDC vs. Brown

By Guy Sabin, SC BMP Chief, SC Forestry Commission

The Ninth Circuit decided that forest roads which discharge runoff into waters of the U.S. are considered point sources of pollution which do not fall under the silvicultural exemption and do require a National Pollution Discharge Elimination System (NPDES) permit.

Current Status of Forest Roads in SC

- South Carolina Best Management Practices for forestry address discharge from forest roads:
 - “Ensure that culverts, water turnouts and broad-based dips empty runoff onto the undisturbed forest floor.”
 - “Avoid emptying road runoff directly into drains.”
- Directing forest road runoff into a water body is considered a violation of the SC Pollution Control Act by SC Department of Health & Environmental Control (DHEC).
- Discharge of stormwater from forest road ditches in SC is considered to be both inadequate compliance with BMP’s and a violation of state water quality law.

What Could Happen?

- Unless heard before the U.S. Supreme Court or addressed through legislation, the Environmental Protection Agency (EPA) will likely enact this decision nationwide the same as for a similar decision requiring permits for pesticide application.
- While it is possible that all roads could be affected, it is most likely permits will only be required when there is a discharge into waters of the U.S. It is also likely that General Permits (GP) will be developed by states to address normal forestry activities. Developing a GP could take over a year and would also be subject to challenge by any opposed.

What Is The Impact?

- All forestry operations require access, though not all involve forest road construction.
- Obtaining an NPDES permit for a forestry operation would be cost-prohibitive in many

cases. Permitting would require a Stormwater Pollution Prevention Plan from a professional engineer, permit fees of \$125 plus \$100 per disturbed acre, and weekly inspections. Total cost could easily exceed \$5,000 for a typical harvest.

- Small tracts without existing access would not be economical to harvest.
- Techniques for preventing discharge would be expanded to avoid permit requirements, such as building out-sloped roads with no ditches and use of catch basins and retention ponds. More expensive harvesting methods such as longer skidding distances and use of forwarding machines may be used to limit road construction.
- Depending on how this decision is implemented by EPA and state regulatory agencies, the impact could range from inconvenient to devastating for forest landowners and industry.

Questions and Concerns

- Will permits be required for existing roads? Although possible, NPDES permits are normally required for the activity itself, and will not likely be applied to roads already in place.
- What about wetlands? Wetlands are considered waters of the U.S., and forest wetland road construction is specifically addressed in the Clean Water Act (CWA). Existing rules should take precedence, though it is possible that permits will be required for all wetland roads.
- Does this decision in Oregon apply to SC? Not at this time, but if the ruling stands then EPA will most likely issue rules which enact this decision nationwide.

SCTPA Comments: *There has been federal legislation presented in the U.S. House and Senate entitled the Silviculture Regulatory Consistency Act (Bills HR 2541 & S1369) to codify the Silviculture Exemption for forest roads as non-point source pollution. Contact your South Carolina U.S. House member and Senators requesting their support of this legislation.*

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Forestry and Isolated Wetlands in SC

The Impacts of Georgetown County League of Women Voters vs. Smith Land Company, Inc. South Carolina Supreme Court Opinion No. 27006

By Guy Sabin, SC BMP Chief
SC Forestry Commission

for purposes of water quality impacts and possible enforcement action.

The Case

Smith Land Company filled in 0.19 acre of Carolina Bay on a Pawleys Island lot. Prior to filling the wetland they determined that the wetland was not jurisdictional, notified the Corps of Engineers, and notified SCDHEC. Corps determined that they did not have authority over this isolated wetland, and DHEC did not respond.

A neighbor contacted League of Women Voters which pursued legal action based on harm to members' ability to "enjoy their recreational and aesthetic interests." Smith Land Company prevailed in Circuit Court, but lost the appeal to the SC Supreme Court in this decision filed July 11, 2011.

The Decision

This appeal decision reversed a Georgetown County Circuit Court ruling and found that:

- DHEC authority under the SC Pollution Control Act does include isolated wetlands.
- Filling in an isolated wetland is considered a discharge of pollutant which requires a DHEC permit.
- A Private Right of Action does exist under the Pollution Control Act.

Five judges concurred that DHEC does have authority over isolated wetlands and that a violation did occur. However, two of the judges dissented arguing that the Pollution Control Act does not create a Private Cause of Action and the League failed to establish standing in this case, resulting in a 3-2 decision.

Potential Impacts to Forestry

1) Water Quality Enforcement

- The decision confirms that isolated wetlands are waters of the state and that the SC Pollution Control Act applies.
- SC BMP's for Forestry do not distinguish between isolated and jurisdictional wetlands, and will continue to be applied in the same manner as before this decision.
- SCDHEC is interested in continuing business as usual with forestry, and has no plans to change how they approach silviculture. Their intention is to treat isolated wetlands the same as other waters of the state

2) Silvicultural Wetland Roads

- U.S. Clean Water Act provisions for forestry and agricultural operations apply only to waters of the U.S. Since those provisions do not exist at the state level, placement of any fill for silvicultural road construction in an isolated wetland is a discharge that may require a permit from SCDHEC.
- Forestry operations in isolated wetlands may face greater permitting requirements than operations in federally jurisdictional wetlands.
- The SC Pollution Control Act does not include exemptions from permitting or impacts for forestry or agricultural practices, nor does it specify permits be required. Forestry and agriculture are exempt from permitting under the National Pollution Discharge Elimination System (NPDES).

3) Private Cause of Action

- The decision creates the opportunity for related lawsuits. Landowners and forestry professionals could potentially be sued for infringing on a neighbor's ability to enjoy recreational and aquatic resources.
- Lawsuits based on the SC Pollution Control Act could circumvent SCDHEC's enforcement process, and shift from the consistent and professional approach of a regulatory agency to the individual interpretation of different judges and attorneys.
- The definitions of 'waters of the state' and 'pollution' are sufficiently broad to allow a wide range of possible claims.

Desired Outcomes

- Forestry practices should be allowed in isolated wetlands in the same manner that they are conducted in federally jurisdictional wetlands. Requirements for silvicultural wetland roads should be consistent, and state permits should not be required.
- Action for violations of the SC Pollution Control Act should be brought only by the

(Continued on page 25)

(Continued from page 24)

State. The court system should not be used to replace enforcement by SCDHEC. Otherwise, increased legal exposure on forestry operations will increase uncertainty and have economic impacts on forest landowners and timber professionals.

- Attorneys for SC Farm Bureau and SC Manufacturers Alliance have begun drafting legislation. Cooperate with appropriate groups to ensure forestry issues are addressed.

Background Notes

South Carolina Pollution Control Act definitions:

(2) "Waters" means lakes, bays, sounds, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic Ocean within the territorial limits of the State and all other bodies of surface or underground water, natural or artificial, public or private, inland or coastal, fresh or salt, which are wholly or partially within or bordering the State or within its jurisdiction;

(7) "Pollution" means (1) the presence in the environment of any substance, including, but not limited to,

sewage, industrial waste, other waste, air contaminant, or any combination thereof in such quantity and of such characteristics and duration as may cause, or tend to cause the environment of the State to be contaminated, unclean, noxious, odorous, impure or degraded, or which is, or tends to be injurious to human health or welfare; or which damages property, plant, animal or marine life or use of property; or

(2) the man-made or man-induced alteration of the chemical, physical, biological and radiological integrity of water;

(20) "Environment" means the waters, ambient air, soil and/or land;

SCTPA Comments: SCTPA and the SC Forestry Association are among the cooperate groups. Both associations are monitoring and involved with efforts for this issue along with the SC Forestry Commission.



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MEMBER REMINDER

Immigration Compliance for All Employers in South Carolina

By Richard Marvel, Marvel Financial

Federal:

The Form I-9 must be completed for **ALL** current and future employees. For a new employee, the I-9 form must be completed before the employee starts work. The new employee must present an original document or documents from a list of approved federal or state documents. The employer has three days, after the employee starts work, to complete his portion of the form. The employer must examine and "certify" that the documents appear to be legal. You may want to make copies to show a federal inspector if audited.

E-Verify now gives the employer peace of mind that the applicant can be hired legally, but it is not a substitute for maintaining I-9s for all employees. The penalties for knowingly allowing an illegal employee to work for you can be severe. Fines can be increased to include the cost of having the individual returned to his country of origin.

An audit of an employer's I-9s can result in a considerable fine for improper completion. Employers should perform a self-audit on all I-9s and make any necessary corrections.

South Carolina:

All employers, **regardless of size**, must comply with the state's amended E-Verify regulations. Ef-

fective Jan. 1, 2012 an employer must use **Only** E-Verify to determine if a job applicant may be legally employed. This verification takes only a few minutes, and, again, this must be completed no later than three days after the new employee starts work. Make a copy of the e-verify results and keep it with the completed I-9.

Since South Carolina immigration regulations were enacted in 2008, the South Carolina Department of Labor, Licensing, and Regulation has conducted over 6,000 audits. A business can be completely shut down as a result of the audit. (A restaurant in Columbia was shut down for 10 days because of non-compliance).

If you have not registered for E-Verify please do not wait until the end of the year to apply for an account. It takes several weeks to apply, to learn, and to train in order to set up your account and receive your Personal Identification Number (PIN)

www.dhs.gov/E-Verify To sign up for a Webinar
<http://www.uscis.gov/files/form/i-9.pdf> - Form I-9

SCTPA Comments: Richard Marvel is affiliated with SCTPA business partner Ideal Business Solutions. Ideal can provide many services to members to assist in lessening certain business burdens related to regulatory, payroll, unemployment, human resources, immigration, risk management, etc. issues.

For information, contact Dick Marvel, Aiken, SC, at rpmjm149@atlanticbb.net 781-258-9121 / Fax 781-459-0303.

SCTPA TO ACCEPT CREDIT CARD PAYMENTS

The association is in the final steps to accept credit card payments. Payments via credit card and debit card will begin to be accepted in December. Our target date for activation is December 15th.

After researching several options with various providers, the board of directors approved the credit card processing offered by Merchant Cooperative. This company is located in state and was the preferred provider due to proximity.

Of course there are fees involved to the association. But the board felt this would be a positive move and agreed to try this on a trial basis for a period of time to see how many transactions would be presented. Plus it was felt this would provide convenience to members for their renewal and new member dues as well as other payments such as the annual meeting registration, training classes, logo merchandise, etc.

Visa, Mastercard and Discover cards will be accepted. When a credit card payment is presented, a \$5 convenience fee will be applicable.

Revising our invoices, applications and other items where payment is needed is underway. Our goal is to have this completed within the next few weeks and ready to begin on the December 15th target date.

Hopefully this will provide a convenient method for our members to pay and help keep SCTPA moving forward to serve the best interests of our members and our industry.



ANNOUNCING A NEW BUSINESS PARTNER JIM HUDSON AUTOMOTIVE GROUP

The SC Timber Producers Association has a new business partner: Jim Hudson Automotive Group. So, YOU, as a SCTPA member, have a new business partner.

SCTPA is pleased to announce this partnership and feel this will provide members an excellent opportunity to purchase your Business Fleet Vehicles and Personal Vehicles in an exciting and economically feasible manner.

Jim Hudson Automotive Group operates six, soon to be seven, locations in the Columbia area and is the dealer for **Ford, Buick, Cadillac, GMC, Hyundai, Toyota, Scion, SAAB and Lexus.**

Mr. Jim Hudson, president of Jim Hudson Automotive Group of Columbia, is offering the member privilege of purchasing your Fleet Vehicles and Personal Vehicles at INVOICE PLUS AVAILABLE REBATES (excluding Lexus) through his dealership group. The full line of vehicles for personal vehicles to pickups to heavy-duty trucks for all the brands is included in the program.

Mr. Hudson grew up on a tobacco farm in Turkey, NC. As a first generation dealer, he started with an Oldsmobile dealership in 1980. A self-described workaholic he understands what it takes to start your own business and grow that business. It is his appreciation for small business folks that lead him to the decision to partner with SCTPA for this new benefit program.

Robby Croft, Fleet & Commercial Sales Department, Lexington store, is the your contact for this new program. Program is available to all active dues paid members anywhere in the state. Member verification to Robby will be required.

Contact Robby to talk about your next vehicle.

Office 803-359-4114

Fax 803-359-4113

Toll Free 1-800-817-2824

Cell 803-316-7583

Email rcroft@jimhudson.com

Again, SCTPA is excited about this program. Give Robby Croft and Jim Hudson Automotive Group the opportunity to help you on your Fleet and Personal Vehicles.

My Apology for Late Issue

I want to apologize to all members and those who receive Timber Talk for the tardiness of this issue. Due to a hectic last six weeks of travel in and out of state for ALC annual meeting, district meetings, committee meetings and conducting training classes, I just got behind and was out of the office more than I was in the office.

I also want to wish you a Happy and Blessed Holiday as Thanksgiving is here and soon we'll be celebrating the Christmas Season. My best to you and your families.

Thanks for your loyal and ongoing support.

Crad

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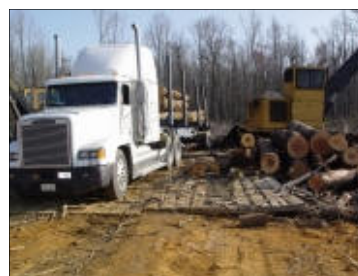
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**Master Logger Certification
Committee
American Loggers Council
Annual Meeting
October 1, 2011
Minocqua, Wisconsin**

Forest products and sustainable forestry practices certification programs continue to gain more recognition and acceptance by the consuming public, forest products industry companies, timberland owners and governmental agencies.

The Sustainable Forestry Initiative® (SFI) now recognizes Certified Logger Programs within its SFI Standards as providing sustainable timber harvesting practices.

The American Loggers Council Master Logger Certification® program is a certification process. The ALC MLC is a viable on the ground, third party verification system for certifying sustainable timber harvesting practices.

Certified Logger Programs is the term used in the SFI Standards. SFI Objective 9, Use of Qualified Re-

source and Qualified Logging Professionals states certified logging professionals, where available, be utilized.

“Program participants shall en-

courage landowners to utilize the services of certified logging professionals and qualified logging professionals.”

Certified Logging Professional is stated in SFI Objective 10, Adherence to Best Management Practices, Indicator 1. Certified Logging Professional is stated under SFI Objective 16, Training and Education, Indicator 5, and Performance Measure 16.2.2.3 and reads “participation in or support of SFI Implementation Committees (SIC) to establish criteria for recognition of logger certification programs, where they exist, that include; (b) independent in-the-forest verification of conformance with the

logger certification program standards.” The key word is “support” of SFI State Implementation Committees for certified logger programs such as the ALC Master Logger Certification Program.

With SFI’s recognition of Logger Certification Programs such as ALC’s Master Logger Certification Program, SFI State Implementation Committees should and must have professional logger representation on a State Implementation Committee (SIC). States with a professional logger association or logger council particularly if the organization is an ALC member, the state logger organization’s executive should serve on the SIC as well as a professional logger representative.

Communication to SFI State Implementation Committees should be administered through the state logger organization executive and/or logger representative(s). If a state has an ALC MLC approved template and implemented program, the logger organization representative should

present this as information. Approved ALC MLC states may consider providing a list of ALC Master Loggers to SIC’s periodically, if the state desires to do so.

SFI’s recognition of Certified Logger Programs has added more significance to such programs. The SFI Program recognition of Certified

Master Logger Programs, such as the ALC MLC, and the recognition of the ALC program as a third party audited Logger Certification Program, has been a positive step for the Sustainable Forestry Initiative.

Certified Master Loggers under the ALC MLC Program qualify in the chain-of-custody process whereby landowners are having their timber harvested in a sustainable manner by a Certified Master Logger.

SFI’s recognition of Certified Master Logger Programs does exhibit SFI’s initiative in the updated SFI Standards to allow these certification programs to find a place within SFI’s certification system.



***“Program participants shall encourage
landowners to
utilize the services of
certified logging professionals and
qualified
logging professionals.”***

Certified Master Logger Programs such as the ALC MLC is certainly far more reaching than just a training and continuing education regimen, since it encompasses third party auditing of what a professional logger is doing on the ground and in their business.

Even though SFI has recognized the ALC MLC Program, while not in name specifically, and again the American Loggers Council was the first to bring this issue to SFI's attention, such recognition does not automatically garner ALC states with Master Logger Certification Programs certain advantages over non-certified loggers in many cases.

However, through reports received from ALC MLC approved and active states, benefits have been seen for ALC Master Loggers certified under the state's ALC MLC program.

Many states have been reluctant to move forward with preparing and submitting a state template for MLC approval. With SFI's recognition of Certified Logger Programs, ALC states are encouraged to submit a template for approval by the MLC Committee.

The ALC Master Logger Certification program is voluntary, not mandatory. But if all ALC states had an approved MLC template, whether the program is implemented or not, this would enhance the ALC MLC's position as a mechanism to certify wood as being sustainably harvested by certified logging professionals to concur with the SFI Standards, Chain of Custody processes and other Forest Certification Systems.

Just because an ALC state has an approved template and implements the ALC MLC program, does not indicate any more or less support of SFI or any other forest certification process. It simply means the ALC state has an approved template for the ALC MLC Program.

No ALC state is mandated to implement the MLC Program. However unity within the ALC ranks is needed and a consensus of ALC MLC states would show the support for raising the professional timber harvesting bar and show support for professionalism and sustainable forestry practices nationwide.

The latest ALC member to submit and have their states' template approved by the ALC MLC Committee and ALC Board of Directors is

the Southeastern Wood Producers Association representing Georgia and Florida loggers. The SWPA templates for each state were approved at the Summer Board Meeting in Cincinnati. Congratulations to SWPA and thanks to Mia Wade and Tommy Carroll for their hard work to develop the two state templates.

Now eighteen states have approved MLC templates: Idaho, Maine, Wisconsin, Minnesota, Washington, Oregon, California, Arkansas, Louisiana, South Carolina, Vermont, Michigan, Missouri, Georgia and Florida with subsidiary states Massachusetts, Connecticut and Rhode Island partnering with the Maine Northeast Master Logger Certification Program.

The ALC's National Master Logger Certification© template provides guidance for Seven Areas of Responsibility for performance standards. Each ALC member state develops its state template according to state laws, practices, regulations and criteria to meet the national template's performance standards.

The ALC Master Logger Certification© Committee has the responsibility of reviewing submitted state templates to assure established processes are included for implementation, administration, third party verification, accountability and enforcement. The committee then can approve or return the template for recommended revisions. The committee also reviews approved state template revisions to assure MLC objectives are maintained.

Logger certification continues to gain importance within forestland management and forest products certification systems. The important point is the American Loggers Council MLC program has led the charge.

ALC states and its logger members must support ALC's "logger owned and logger controlled" program. ALC and its member states must continue to be the leaders in professional logger certification.

Respectfully submitted,

Crad Jaynes
Chairman
Master Logger Certification Committee

Images from WISCONSIN



ALC meets in Wisconsin



Lumberjack show



Cranberry harvesting



Prentice factory tour



(L-R) SC's Kendara & Danny McKittrick and Tommy & Janice Barnes



Komatsu demo at ALC Annual Meeting



Brenda Models Cheese Head with Sandy Martin, MS Loggers Association & Keith Olson, MT Loggers Association



(L-R) Bobby & Lori Goodson & Keith Biggs



Max Ericson accepts Hatton-Brown Logging Business of the Year Award

Mid-Atlantic Biomass & Logging Expo *Smithfield, NC*



TEAM Committee meeting in NC



SCTPA Exhibit



VA Loggers Association, NC Association of Professional Loggers & SCTPA exhibits





JOHN DEERE

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E-mail: americanlogger@aol.com

FOR IMMEDIATE RELEASE

ALC Announces Organizational Refresh

Organization partners with John Deere for strategic direction, creative design

Hemphill, Texas (October 21, 2011) – To better serve as a unified voice for professional loggers across the United States, the American Loggers Council (ALC) recently announced changes to the organization and its structure at its 17th Annual Meeting in Minocqua, Wis., held Sept. 29 - Oct. 1.

The changes come from a strategic meeting and brainstorm ALC's Executive Committee, which John Deere facilitated at its offices in Moline, Ill. The group met to celebrate ALC's efforts and successes, reevaluate the organization's mission, and identify ways to strengthen its impact for a strong, consistent presence in the logging industry.

"When we met back in June to discuss this transformation, we carefully analyzed our performance, especially as it pertains to supporting our members," said Danny Dructor, executive vice president, ALC. "We're excited to announce these updates and are confident they are in alignment with our goal of being the national hub for logger information exchange, linking local, state and regional organizations around the country."

The rollout will take place in two phases over the next two years. The first phase, already underway, includes the introduction of a new logo that more firmly establishes ALC's brand identity and illustrates its connection to loggers. John Deere worked closely with ALC on the creation of the logo that has been added to ALC communication materials, including its current web site and Facebook fan page.

The second phase includes a redesign of ALC's web site. The team identified a need to enhance the site and make it more user-friendly. This will include reorganizing the site's content to reinforce ALC's mission to be a national voice for loggers. ALC will work with John Deere and its creative teams to develop design elements and content.

ALC will also implement an organizational reform to more clearly define its membership and sponsorship structure in order to become more financially strong and continue inspiring and supporting loggers at the local and national levels.

"John Deere is proud to partner with ALC and support the organization in this exciting time of change," said Nate Clark, forestry tactical marketing manager, John Deere. "We really believe in ALC, its mission and its membership and is committed to helping it grow and strengthen. Both groups share the same dedication to loggers and are working hard to keep their best interest in mind."

To view ALC's new logo, visit www.americanlogger.org or "Like" American Loggers Council on Facebook.

About American Loggers Council

The American Loggers Council is a non-profit 501(c)(6) organization representing timber harvesting professionals in 30 states. For more information contact the American Loggers Council office at 409-625-0206 or visit their website at www.americanloggers.org.

About Deere & Company

Deere & Company (NYSE: DE) is a world leader in providing advanced products and services and is committed to the success of customers whose work is linked to the land - those who cultivate, harvest, transform, enrich and build upon the land to meet the world's dramatically increasing need for food, fuel, shelter and infrastructure. Since 1837, John Deere has delivered innovative products of superior quality built on a tradition of integrity. For more information, visit John Deere at www.JohnDeere.com.

NTSB Report Confirms Necessity of ATA-Backed Safety Reforms

ATA welcomes National Transportation Safety Board recommendation to ban use of cell phones by commercial drivers, supports enactment of prohibitions on its use by all motorists

Sep 16, 2011 – American Trucking Associations ARLINGTON, Virginia, September 16, 2011 (press release) – The report by the National Transportation Safety Board on a tragic 2010 crash near Munfordville, Ky., underscores the importance of state and federal policymakers moving forward on a number of items in American Trucking Associations' progressive safety agenda.

"This crash, like all truck-involved crashes, is a tragedy and we're hopeful that NTSB's recommendations will lead to safer highways for all motorists, including professional truck drivers for whom the road is their workplace," ATA President and CEO Bill Graves said. "We're also encouraged that a number of the Board's recommendations fit with ATA's progressive safety agenda, which we put forward as a way of reducing crashes on our highways."

Like NTSB, Graves said ATA supports the enactment of prohibitions on the use of handheld cell phones to talk or text by all motorists, not just commercial drivers.

"The 2009 Virginia Tech study on driver distraction, widely recognized as the 'gold standard,' in the field, highlights texting and talking on a

handheld phone, as well as dialing and reaching for a phone, as incredibly risky behavior," Graves said. "Enacting bans on these behaviors will go a long way toward reducing crash risk for all of us."

Graves said ATA's policy does not call for a prohibition on hands-free cell phone use because the most compelling and reliable research in the area shows that hands-free use does not elevate crash risk and perhaps even reduces it.

Beyond the phone recommendations, Graves said NTSB's other points support long-held positions of ATA.

"We've been strong supporters of strategies to increase seat belt use on our roads, bolstering federal oversight of new trucking companies and of CSA, the safety monitoring system that if fully in place may have identified the company involved in this particular crash as a safety risk in a more timely fashion," Graves said. "The NTSB identified all of these factors as being involved in this crash and ATA has identified them all as important safety items for policy makers to consider."

American Trucking Associations is the largest national trade association for the trucking industry. Through a federation of 50 affiliated state trucking associations and industry-related conferences and councils, ATA is the voice of the industry America depends on most to move our nation's freight. Follow ATA on Twitter or on Facebook. Good stuff. Trucks Bring It!



VERIZON WIRELESS PARTNERS WITH SCTPA

SCTPA is proud to announce Verizon Wireless has agreed to partner with SCTPA to offer discounts to members.

There are two programs available through the Verizon Wireless Unified Purchasing Group (UPG) and National Purchasing Partners - Transportation (NPP) programs.

SCTPA active, dues paid, members can receive discounts under the two programs. If you are a Verizon Wireless customer now, then you can apply for qualification for the discount programs. If you are not a Verizon Wireless subscriber, then switching over to Verizon allows access to the programs.

The Unified Purchasing Group (UPG) program is intended for member businesses such as loggers and other members who are not in the transportation business exclusively. The NPP – Transportation program is geared more to the trucking segment.

Member businesses must qualify under the programs and then employees could be eligible for discounts as well.

The UPG program offers 22% off monthly access fees and 25% off eligible Verizon Wireless accessories. The NPP – Transportation program offers 19% off monthly access fees and 25% off eligible Verizon Wireless accessories.

The qualification and sign up process is conducted online. Refer to the Verizon Wireless Flyers in this issue.

If you need assistance, contact Brandon Flynt, Account Executive - Business Sales, at Office/Cell 803-413-5900 or Brandon.Flynt@VerizonWireless.com. Identify yourself as a SCTPA member. Brandon may check with SCTPA for verification.



GREAT OFFERS FROM VERIZON WIRELESS

NPP-Transportation Members

Verizon Wireless is proud to be the wireless service provider of National Purchasing Partners-Transportation

This means you'll get access to America's Largest and Most Reliable Wireless Network, plus great deals on Calling Plans and all of our latest phones and accessories. Corporate Subscribers are eligible for the following offers:

- **Save 19% off Monthly Access fees**

1- or 2-year line term on eligible calling plans \$34.99 or higher req'd. For Small Business SharePlan® discount available only on primary line.

- **Get 25% off eligible Verizon Wireless accessories**

EMPLOYEES OF ELIGIBLE MEMBERS RECEIVE EXCLUSIVE DISCOUNTS OFF MONTHLY ACCESS FEES

Members must execute a Verizon Wireless agreement before employees of the member can receive monthly access discounts.

\$24.99 UNLIMITED WIRELESS EMAIL FEATURE

Not eligible for discounts. Must be added to a calling plan \$34.99 or higher.

These discounts are a result of an agreement negotiated between NPP and Verizon Wireless. Each NPP Member must have a FREE membership with NPP and accept the Verizon Wireless Member Agreement. Initial registration can be completed by visiting www.mynpp.com.

- **Step 1:** Go to www.mynpp.com and click "Join Now."
- **Step 2:** Select "Transportation" from the dropdown menu and complete the registration form. You will receive a username, password and member ID from NPP.
- **Step 3:** Return to www.mynpp.com and login with your assigned username, password and member ID.
- **Step 4:** Select "Verizon Wireless" under Vendor Discounts section and complete the form.

Contact NPP-Transportation Member Support at 800-810-3909 for more information.

Please contact your Verizon Wireless business specialist for additional information on products, pricing and services.

Andy Carmichael
National Purchasing Partners
andy.carmichael@mynpp.com
Phone: 800.810.3909
web:www.mynpp.com



Activation fees/line: up to \$35. IMPORTANT CONSUMER INFORMATION: Corporate Subscribers are subject to Nat'l Major Account Agmt. Up to \$175 early termination fee (\$250 for advanced devices). Offers & coverage, varying by svc, not available everywhere; see vzw.com. ©2011 Verizon Wireless. 1110-00312

Verizon Wireless: The reliable wireless partner for Unified Purchasing Group Members and the construction industry.

It's the Network:

As a UPG member company, you may be eligible to receive discounts on member and personal-paid wireless service lines. Plus, you may also be eligible to receive special equipment pricing.

These great benefits are the result of an agreement negotiated by UPG and Verizon Wireless. To set up an account and enjoy discounts, each UPG member location must register for a free membership with UPG and then sign its own member agreement with Verizon Wireless. Initial registration can be done by visiting www.unifiedpurchasing.com, clicking "Join Now" and completing the online registration.

To sign up for the Verizon Wireless program:

Unified Purchasing members must sign and execute a Verizon Wireless Member Agreement to participate in the program. Members must have their UPG member login and password, received after registration, to enter the Unified Purchasing website.

The agreement can be found online. Members must have their ZIP code and Federal Tax ID to accept the online agreement.

- Visit www.unifiedpurchasing.com
 - Log in at top of page with username and password
- Upon logging in, members will be taken directly to the contracts page.

UPG members are eligible to receive the following discounts with Verizon Wireless for company-paid wireless service lines:

- 22% off- your Verizon Wireless monthly access fees
1- or 2-year line term on eligible calling plans \$34.99 or higher. Monthly access discount on Family SharePlan lines available only on primary lines
- Unlimited VZEmail for PDA/Smartphone & BlackBerry® for only \$20/month
(New 2-year line term on plans \$34.99 or higher required.)
- 25% off- accessories
- 22% off- discount on qualifying add-on data features
- Waived activation fees on 1- and 2-year agreements
- Equipment savings
- **Benefits for your employees**

UPG Member Support:

Call (801) 784-8744
Email info@unifiedpurchasing.com
for member login and password issues.



America's Largest and Most Reliable Wireless Network.
www.verizonwireless.com



*Our Surcharges (incl. Fed. Univ. Svc. of 12.3% of interstate & int'l telecom charges (varies quarterly), 7% Regulatory & 92% Administrative/line/mo., & others by area) are not taxes (details: 1-888-684-1888); gov't taxes & our surcharges could add 5% - 37% to your bill. IMPORTANT CUSTOMER INFORMATION: Purchasing Group Agreement and Member Corporate Subscribers are subject to Member Agmt. Calling Plan and credit approval terms may apply. Equipment credits can not be combined with other equipment or service discount programs such as New Every Two of the Advanced Device Credit Promotion. Subject to Purchasing Group Agreement and Member Corporate Subscribers are subject to Member Agmt. Calling Plan and credit approval terms may apply. Up to \$175 early termination fee (\$350 for advanced devices) & other charges. Add'l \$20 device initiation fee may apply. Add'l charges & conditions apply. Offers & coverage, varying by service, not available everywhere. Network details & coverage maps at vzw.com. Nights 9:01 pm - 5:59 am M-F. Accessory discounts are off retail price and cannot be combined with bundled offers or promotions. While supplies last. Shipping charges may apply. In CA: Sales tax based on full retail price of phone. Limited time offers. Network details & coverage maps at verizonwireless.com. © 2009 Verizon Wireless. 2407



U.S. WOOD SUPPLY SYSTEM AND OVERREGULATION AT THE FEDERAL LEVEL

The U.S. wood supply system is the largest and most highly developed in the world, providing the raw material that furnishes our country's seventh largest industrial sector, forest products. Overregulation threatens this system's ability to continue to serve both its economic and environmental goals in a sustainable manner, especially in view of the large role small business plays in this system's function and management.

Paralysis by overregulation places in jeopardy the livelihoods of mills, employees, and dependent communities; harvesting and forest operations contractors and their Employees; and the four million private, institutional, and industrial forest landowners that support its resource base. In the end, a dysfunctional wood supply system would not only be economically devastating but would expose the forest resource to wildfire and disease, leaving watersheds and wildlife habitat vulnerable, and compromising the character of our country's landscape.

Cases in point of overregulation

- Foreign guestworkers employed by reforestation contractors
- Forest road construction and maintenance
- Independent contractor status determination
 - IRS jurisdiction
 - DOL jurisdiction
- Emissions from industrial boilers
- Uncompetitive truck weight rules
- FMCSA's "Compliance, Safety, Accountability" (CSA) program

What is overregulation? *The intrusion of government into the management of private business to an extent not justified by the duty to promote the general welfare or to achieve transparency in exercising that duty.*

Overregulated: Foreign guestworkers employed by reforestation Contractors

Impact: Makes reforestation on private and public lands unaffordable

The Issue: The H-2B Visa program annually authorizes the temporary entry of seasonal foreign guestworkers serving specific employment niches which domestic workers are unwilling to fill. Among those niches is the hand-planting of hardwood and softwood tree seedlings following timber harvest.

In its overhaul of the H-2B Visa program, the U.S. Department of Labor has imposed conditions upon reforestation contractors which make it impossible for them to operate. A *final rule*, governing wage establishment for guestworkers, while based on regional wage survey data, has adopted a wage index that places treeplanting guestworker wages artificially and uncompetitively high. In addition, a *proposed rule*, governing working conditions for these guestworkers, ignores the operating realities of reforestation in demanding travel itineraries, a three-quarter work guarantee, and identification of inspected housing months in advance of the actual work.

Largely because of its seasonal, itinerant nature, U.S. workers are not interested in this work, even at the artificially high wage rates the Department of Labor has established; however, labor interests have pressured a compliant DOL to press ahead with the fiction that the new rules protect U.S. jobs and serve larger "social justice" goals. In actuality, in making reforestation unaffordable, the rules will discourage reforestation, leading to land conversion, depriving a major industry of its resource base, and thus threatening the employment of millions of U.S. workers, as well as that of whatever workers reforestation work might have attracted.

Status: FRA and other niche-sectors affected are litigating DOL's H-2B wage rule in federal court. In response, DOL has temporarily withdrawn the rule without providing even a temporary replacement, making it impossible for contractors to hire guestworkers for the 2011-2012 planting season. Meanwhile, Senators Barbara Mikulski (D-Maryland) and Mary Landrieu (D-Louisiana) have placed legislation in a pending Senate Appropriations bill that would block implementation of the Wage Rule in its current form. On the House side, similar legislation blocking the rule (HR 3162) has been introduced by Reps. Alexander (R-Louisiana), Wittman (R-Virginia), Boustany (R-Louisiana), and Harris (R-Maryland).

(Continued on page 39)

Overregulated: Forest road construction and maintenance

Impact: Imposition of costly paperwork and delays in logging access on both private and public lands, as well as exposure of roadbuilding to “public interest” litigation

The Issue: Since 1976, the federal Environmental Protection Agency’s administration of the Clean Water Act has classified run-off from forest road construction or other silvicultural activities as non-industrial, —non-pointll pollution sources for the purpose of federal enforcement, in essence leaving the regulation of such discharge to state authorities, with reporting requirements to the federal government. This regulatory system, in which states establish and monitor compliance with Best Management Practices for Water Quality, has been effective in controlling and reducing the impacts of forest practices on waterways. *It should be noted that logging and silviculture have never been major contributors to waterway impairment, either in absolute terms or in proportion to the size of the total U.S. forested area, as numerous studies have confirmed.*

However, a recent decision by the Ninth Circuit Court of Appeals calls on EPA to require National Pollutant Discharge Elimination Permits for forest road construction and Maintenance—not only a heavy paperwork burden that would add costs and time to the business of establishing logging access, but also, because of rights of public participation and legal challenge, would add uncertainty, as well. Such a burden would weigh heavily on the small business model characterizing the typical logging contractor.

At present, the Ninth Circuit decision is only binding on the Western states within its jurisdiction, but EPA has given no indication that it intends to defend its existing rule and may follow the assumptions in the Court’s reasoning in revising its treatment of logging roads in other jurisdictions.

Status: FRA has joined with the National Alliance of Forest Owners and a broad representation from other forest users and dependent communities in providing financial and political support to an appeal of the Ninth Circuit decision to the U.S. Supreme Court, and for an alternative legislative remedy, the Silviculture Regulatory Consistency Act (S 1369; HR 2541). The outcome of both of these campaigns is highly uncertain.

Overregulated: Independent Contractor Status Determination

Impact: In comparison with most other countries with large forest products industries, U.S. wood supply systems are substantially de-integrated, and contracting among their various components is crucial to their operation. The reasons lie in the historical configuration of our diverse forest resource, the many different types and sizes of landownerships, and our country’s tradition of enabling and fostering entrepreneurship at the local level. *Two initiatives from the Administration threaten the business viability of harvesting contractors by calling their independence into question and raising vulnerabilities for those contracting with them.*

Issue #1: Threat from the Internal Revenue Service. In 1978, following a period of very aggressive IRS audits, independent contractor interests from the wood supply sector and others worked with congress to enact the “Section 530 Safe Harbor,” which establishes a relationship as “independent” for IRS purposes if it passes the following three tests: (1) The relationship is a longstanding industry practice; (2) there has been no “switching” of an employee to independent contractor status (and no similar treatment of purported “independent contractors” and acknowledged employees); and (3) the party paying for the services has filed Form 1099 with the IRS. Section 530 has created stability in status determination since its adoption in 1978 and has proved fair and effective in application throughout that time.

The President’s “Jobs Act” included a recommendation to repeal the Section 530 “safe harbor” for independent contractor status determination. Congress rejected the Jobs Act. However, since the Administration erroneously scored repeal as returning \$8 billion to the U.S. Treasury over 10 years, there is reason to fear that the U.S. Congress’s Joint Select Committee on Deficit Reduction (the “Supercommittee”) may consider repeal in the process of drafting the deficit reduction proposal which it will submit to Congress for an up-or-down vote this year.

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Issue #2: Threat from the U.S. Department of Labor. Since late 2010, DOL has been gradually releasing information about a proposed rulemaking under its broader “Plan – Prevent – Protect” program called —Right to Know Under the Fair Labor Standards Act.” This regulation, much-delayed and still not released, proposes, among other provisions, to require all businesses to make a declaration of whether personnel they obtain services from are employees or independent contractors (under DOL criteria, which are different from IRS criteria).

The regulation would require each business to prepare a statement justifying its classification decision, informing the contractor of his or her right to contest the classification, with DOL empowered to refer any contractor to private legal counsel should he or she desire to contest it, the business’s statement being admissible in any legal action. Requiring a business to complete and make public such a statement, with its implied requirement that the business involve itself sufficiently in the contractor’s affairs to meet a legal standard of due diligence, would impose great burdens and risks on that business.

Status: The fairness and importance of the Section 530 Safe Harbor has been an important FRA educational message to congress ever since proposals to repeal the provision began to appear in 2008. It was a key message point in FRA’s March 2011 Fly-In, and FRA continues to work with other members of the Coalition to Preserve Independent Contractor Status to monitor key congressional committee members’ sensitivity to the issue. With respect to the DOL initiative, FRA and the Coalition have succeeded in inserting language in the House Appropriations Committee’s Labor, Health and Human Resources funding bill to withhold funding for the documentation requirement of the “Right to Know under the Fair Labor Standards Act” regulation, should it be promulgated.

Overregulated: Emissions from Industrial Boilers

Impact: Imposing unrealistic air emissions standards and capital cost requirements on forest products mills’ boilers will close mills and hurt communities, depriving forest landowners and wood suppliers of customers, with little demonstrable health benefit.

The Issue: In response to a court order, the U.S. Environmental Protection Agency published a Boiler Maximum Achievable Control Technology rule to establish new requirements for industrial boilers—such as those used in pulp- and papermaking processes—requiring massive new investment, estimated at \$3 billion industry-wide. The EPA’s rulemaking went well in excess of the court’s requirement, ignoring the option of a “health-based” standard (which would have evaluated control solutions using predicted health outcomes as a standard) in favor of a “best technologies” standard, regardless of whether those technologies could be practically applied. In addition, in regulating CO2 emissions as a pollutant, EPA has declined to acknowledge the special situation of biomass boilers, which cycle CO2 rather than add to a net increase of it in the atmosphere.

Status: Soon after publishing the rule, under political pressure, EPA agreed to an administrative stay in implementing it, without indicating what new methodology it might adopt in the revision process. Several environmental groups have sued to overturn this stay. Subsequently, both House and Senate have introduced The EPA Regulatory Relief Act of 2011 (S 1392; HR 2250), which lays down guidelines for EPA to follow in reissuing the rule, addressing the main objections; on October 17, this bill passed in the House, but its fate in the Senate remained uncertain, in spite of strong co-sponsorship. Also in mid-October, EPA provided assurances to a group of 11 Senators that its revised rule would not compromise the requirements of biomass-fueled boilers.

Overregulated: Uncompetitive Interstate Truck Weight Rules

Impact: U.S. forest industry is compelled to spend more on per-unit raw material transport than its global competitors do.

The Issue: Although transport from woods to mill is a relatively brief phase within the wood supply process, it ac-

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counts for approximately 30% of the total cost of raw material. While technological development has lowered the per-unit cost of harvesting, federal truck weight rules—limiting gross vehicle weight to 80,000 pounds on five axles on the Interstate system—have prevented any savings in basic transport, adding raw material expenses that multiply as a component of the final cost of the product during manufacturing. Our country's main competitors—Canadian, Nordic, South American—haul under much less restrictive weight rules, and seasonal or freight-specific waivers in certain states also demonstrate the safety and practicality of gross vehicle reform.

Status: FRA supports the Safe and Efficient Transportation Act (S 747, HR 763), which would enable any state, at its option, to authorize trucks weighing up to 97,000 pounds access to Interstate roads within its borders, provided the truck is equipped with a sixth axle, to maintain braking distances and road-wear patterns, and the owner pays a supplement to the established federal Heavy Vehicle Use Tax. There are excellent prospects of including this reform as an element of Surface Transportation Reauthorization, which House and Senate are expected to consider in late 2011 or early 2012.

Overregulated: FMCSA's —Compliance, Safety, Accountability (CSA) Program

Impact: Threatens to sideline good truck drivers and to make small carriers uncompetitive

The Issue: In 2010, the Federal Motor Carrier Safety Administration began phasing in its "Compliance, Safety, Accountability" (CSA) truck safety enforcement tool, as a replacement for the existing "SafeStat" program. CSA functions to provide safety scores, based on truck inspections by state law enforcement officers, rating both carriers and drivers, posting scores on a web database accessible to shippers, insurers, and others with an interest in safety performance. Although the goals of transparency and establishing motivations for improved safety performance are laudable, CSA in practice is creating market distortions and uncompetitive "playing fields" for reasons not inherently linked to safety.

One problem is simply slow uptake by state law enforcement; officers find the inspection protocols difficult to follow and tend to focus selectively on violations that may or may not reflect palpable safety exposures. Another problem is intrinsic enforcement bias; local officials may use and (according to reports from FRA members) are using the CSA inspection as a tool to punish or favor selected carriers or transportation sectors. Unfavorable CSA scores can be devastating, especially to small carriers, raising fleet insurance rates or making individual drivers uninsurable, as well as making shippers and receivers reluctant to do business with haulers which, for one reason or another, have poor CSA scores. In a trucking environment in which a scarcity of drivers is already a serious concern, a program that effectively removes qualified drivers from the pool further inhibits wood supply chain viability.

Status: Since CSA implementation is still ramping up, and FMCSA's commitment to providing implementation resources at the local level is unclear, it is difficult to gauge the ultimate impact of a fully implemented CSA. FRA is monitoring the program's perceived impacts on its members, and at the point consistent patterns are evident will evaluate the extent of the impact more fully and compare observations with other trucking sectors, to determine a specific public policy recommendation.



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Mark Your Calendar

November 2011

- 24 Happy Thanksgiving! Eat Mo Turkey, Watch Football & Take A Nap!
29 Newberry District 2 & Saluda District 1 Meeting, Farm Bureau, Newberry, 7 p.m.

December 2011

- 8 SCTPA Board of Directors Meeting, SCFC Headquarters, Columbia, 10 a.m.
25 Ho Ho Ho Merry Christmas!

January 2012

- 1 Happy New Year!

February 2012

- 3 – 5 SCTPA Annual Meeting, Crown Reef Resort & Conference Center, Myrtle Beach. For information, contact SCTPA.

Saluda/Edgefield/Aiken District 1 Members and Non-Members invited to attend the Newberry District 2 Meetings due to Saluda meetings discontinued.

PLEASE NOTE:

Event & meeting dates may change. Notices are mailed prior to SCTPA events. SCTPA events & meetings qualify for SFI Trained Continuing Education Credits.

Need Training & SFI Trained Credits?

SCTPA can provide training programs for members for SFI Trained Continuing Education Credits. Programs offered for safety, driver training, equipment lockout & tagout, hazardous materials spill control on logging sites and forestry aesthetics.

Truck Driver Training Workshops will be scheduled. Watch the Mark Your Calendar section of this newsletter for dates.

Notices for SCTPA workshops & events will be forwarded.

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Our Mission

The **Mission** of the *South Carolina Timber Producers Association* is to serve as the voice for timber harvesting and allied timber businesses to advance the ability of its members to professionally, ethically, efficiently, safely, environmentally and profitably harvest, produce and transport timber to meet the timber supply demands of our state by providing continuing educational and training opportunities, distributing timber harvesting, hauling, manufacturing and selling information, representing our members in national and state-wide legislative activities, and aggressively promoting, supporting and conducting programs of state, regional and national advocacy.