

# TIMBER TALK

Your Voice for South Carolina Timber Harvesting

### MAY/JUNE 2017

Cover

### 2017 SC SUSTAINABLE FORESTRY TEACHERS TOUR... **TEACHERS LEARNING AND SEEING OUR INDUSTRY**

I enjoyed the new things I learned because I knew none of this at all. It is so wonderful to have my eyes opened to this new world.

Visiting tree farms, industries and logging locations is where we could see everything in action, especially when it came to understanding management and environment working for wildlife (prescribed fires and thinnings, for example).

The 2017 SC Sustainable Forestry Teachers Tour marked another year for educating teachers from

around the Palmetto State about sustainable forestry, timber harvesting, public and private lands forest management practices and the forest products industry and so much more.

"Wow! I had no idea" was one of the most offered expressions from the teachers. This year's tour was for the Piedmont and stationed in Newberry. Teacher quan-

tity was down compared to previous tours, but teacher quality was high. Twenty-one teachers were on board for this tour. The group was attentive and asked great questions as they learned about SC's forestry industry.

This year's tour was changed and condensed into one five-day week rather than the previous six and a half days over two weeks. Pre-tour on-line work was required for the attending teachers which prepped them on the various subjects to be covered. This year's tour featured all the teachers seeking continuing education graduate credits for their teaching status.

During the five-day tour the teachers traveled via motor coach to various sites to view first hand sustainable forestry, the forest products industry, the Sustainable Forestry Initiative®, private, commercial and public land management goals, professional timber harvesting, tree farming, wildlife and wildlife habitat management, paper and lumber manufacturing, engi-



neered wood products manufacturing, environmental conservation, while enjoying the fellowship along the way. These teachers now realize and understand how important our industry is to the Palmetto State.

The teachers came with some preconceived ideas about the industry, but departed with a deeper sense of appreciation, more facts and knowledge, and vastly improved atti-

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tudes about sustainable forestry, our timber harvesting and forestry professionals, forest products, forestry practices and how our industry conducts its business as stewards of our state's forest resources.

SCTPA is a proud SC Teachers Tour sponsor and participant. Thanks to all the cooperators who provided tour sites. Thanks to all the wonderful tour sponsors and a host of forest products companies making the teachers' experience so meaningful.

Thanks to SCFA's Janet Steele, SCFC's Mike Shealy and Matt Schnabel for administering the tour. Thanks to Dean Carson, retired from the SC Forestry Commission, for again being an important part to help arrange the tour logistics and meal sponsors.

Crad Jaynes, SCTPA President, accompanied the teachers all week long visiting tour stops, answering questions and helping the teachers understand the real sustainable forestry story.

SCTPA provided each teacher with a personalized information folder with an honorary SCTPA timber harvester member certificate, SCTPA and American Loggers Council stickers and SCTPA caps for their use on the tour.

Beginning Monday morning, there were introductions, a Sustainable Forestry Initiative presentation and tour overview along with Project Learning Tree (PLT) exercises. Then the tour visited Joanna Angle's tree farm near Chester for a hands—on view of her tree farm management goals followed by supper on her grounds.



Teachers at Joanna Angle's house.

On Tuesday morning and always a tour highlight, the timber harvesting operation of John Doolittle, Charles K. Doolittle, Inc., Newberry was visited. John was harvesting on a Sumter National Forest tract near Whitmire performing a seed tree total harvest. There Holly Welch, SC Forestry Commission BMP



John Doolittle explains his logging operation.



SCFC BMP forester Holly Welch explains BMP's.

forester described our Best Management Practices. USFS forester Chris Smith, harvesting manager, described the management goals of the U. S. Forest Service's Sumter National Forest and described the harvesting efforts being seen. Thanks to John, Holly and Chris for their great efforts.



USFS forester Chris Smith.

<sup>(</sup>Continued on page 3)

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The teachers learned about each unit of harvesting equipment and saw the job in action. The teachers even took the opportunity to climb aboard the grapple skidder and see what it looks like from inside the operator's cab.

The teachers were amazed as the logging operation was in full production mode.

They were also amazed at how the tract was cared for while being harvested and amazed at how mechanized the entire operation was.

Then it was off to see Resolute Forest Products papermill in Catawba. Unfortunately, the teachers were unable to tour the mill due to operational issues inside the mill, but they were provided a presentation on the papermaking process and got to ride around the mill to view the various areas such as the woodyard and the operational buildings. The evening featured a presentation at the Newberry Old Firehouse about urban forestry along with supper.

Wednesday began with a tour of Forest Investment Associates and American Forest Management forests on the Belfast property to see how these companies manage their forest lands. This provided insights and understanding to the forest management practices of industrial forestry showing how the various practices such as replanting with superior seedlings, thinning, total harvests and overall management benefits all phases - timber value investment, timber production, wildlife, water quality and more.

Before lunch at the Belfast House, SC Forestry Commission fire specialists showed an enclosed cab bulldozer with fire plow and transport truck. Then they demonstrated how a fire line is cut and how wildfires are contained as well as described how and why a prescribed fire is used in forest management. Unfortunately, due to the wet conditions, the teach-



Lunch at Belfast.

ers were not able to see a prescribed fire as previously planned.

Then it was off to visit Johnny and Susan Wilson's Enoree Lodge for a tour of their tree farm and learn of



Measuring trees at Johnny Wilson's

their management goals as well as participate in more PLT on-site activities. Then supper was provided at their home.



PLT activity on Johnny Wilson's porch.

Thursday began with a tour stop at Norbord South Carolina in Kinards as the teachers learned about oriented strand board and toured the Norbord OSB mill. Then it was off to tour the West Fraser sawmill in Newberry. The teachers got to view basically a newly upgraded sawmill that was quite spectacular. That evening the sponsors' reception and dinner was held at the Harbison State Forest Environmental Education Center, Columbia and well attended by many sponsors.

Many mentioned they did not have a good idea

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about the forest products industry and sustainable forestry prior to the tour. Now the teachers have new information to promote the facts about our industry. One overwhelming comment heard was, "Wow! I had no idea. My eyes are now open."

Friday wrapped up the tour with a PLT activity and Dean Carson discussing engineered wood products. He showed various products manufactured with this technology and described the many uses of each as well as some experimental products.



Dean Carson talks engineered wood products.

SCTPA's Crad Jaynes made closing remarks emphasizing the importance of how each teacher is now a stakeholder in sustainable forestry. He talked about being an advocate for sustainable forestry. "We're not cutting all the trees."

He related personal stories and experiences where public perception and even a teacher's perception can be skewed from receiving misleading information and the lack of the real knowledge and truths about our industry.

He explained why he calls "environmental obstructionists" by that term because their agenda is not telling the truth about the real story of sustainable forestry. He said, "Professional loggers are environmentalists. Why wouldn't loggers be? Loggers want to sustain healthy forests because that's where loggers work. Loggers have a vested interest in our healthy forest resources and sustainable forestry just like landowners, foresters and the forest products companies do."

He asked the teachers if they had witnessed the passion our industry's people have for what they do

whether it was growing and managing our forests, harvesting timber, or working at a manufacturing facility. They all agreed they had. It's the great passion to do what is right to sustain our renewable and sustainable forest resources that makes what our industry does a "sincere passion."

He thanked the teachers for taking the opportunity to learn about sustainable forestry, professional timber harvesting and the forest products industry so they would be more informed to educate their students with the correct information.

Emphasizing that perception is reality for many people, what they see is what they believe without knowing the facts. Now that each teacher has the knowledge and information, he challenged them to go forth, be advocates and preach the gospel of sustainable forestry, professional timber harvesting and the forest products industry.

Every teacher began the tour with individual ideas and perceptions about sustainable forestry, the forest products industry, timber harvesting, forest and land management and reforestation.

After witnessing the passion displayed by our industry's people about caring for our forest resources, the environment and the jobs each segment does, every teacher had a new found respect for our industry, our mission and its people.

The teachers were a great engaged group. They said they had no idea when they came. Now they have the real facts and truths about "who" and what our forestry industry are all about. "Teachers Learning and Seeing Our Industry" accomplished that goal.

### **Teacher Comments:**

I know that it is okay to cut trees to create sustainable forests.

I will never look at a forest the same. I learned how sustainable forestry is everywhere in SC and produces many jobs.

The family spirit among forestry, bound up by a strong faith in God. I believe it is a strong driver to honest work ethic.

The willingness of everyone to answer questions. As far as a visit, it was a tie between Joanna Angle's and Johnny Wilson's. They are using their forests in different but also similar ways.

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The tour gave me an excellent understanding of the different aspects of the forestry industry in SC.

The ability to be able to see how the forestry industry works and is beneficial to all.

I really enjoyed learning all aspects of forestry through hands-on experiences. All sponsors, facilitators took time to help us understand the profession.

I enjoyed meeting professionals in the field, where they work and experiencing their passion and enthusiasm for what they do. It was great to meet people involved with the tour and experience their interactions and see their occupations.

That clearcutting actually brings in more diversity and helps habitats. Also the amount of waste at the mills is low.

*I see now why all sustainable forestry is important for our wildlife, lives and economy.* 

I learned that everyone works together to make sure sustainable forestry is practiced.

Forests are to be managed to get the best for the forest and the best for the economy and the best for the environment. My attitude about forestry, foresters and the industry is positive and one of appreciation.

I really liked this experience. I have to say this is the best educational opportunity I've had as an educator. The materials were something I know I'll be able to share with students – very relevant to my curriculum.

I enjoyed taking the tour! Everyone was very enthusiastic about what they do. I can't wait to use some ideas in my classroom.

I loved this tour! It was an extremely wonderful experience. I did see the passion. I did learn more than I could have imaged. I recommend that you do some sort of blitz to let teachers <u>know</u>, really know, about this tour. Thank you so much for everything!

(See more photos on pages 41 & 42)

### Resolute Forest Products Idles a Paper Machine at Catawba Mill

By Jenna Martin Charlotte Business Journal June 1, 2017



Resolute Forest Products (NYSE:RFP) will idle a paper machine at its plant in Catawba, S.C., on June 30, resulting in the layoff of about 180 workers.

The Canadian company said the decision to shut down the machine at its pulp and paper mill is driven by an ongoing market decline as well as "price erosion for lightweight coated paper grades produced on the machine." It comes after a "significant capital investment and employee efforts" to cut down the machine's operating costs.

Resolute Forest Products will idle a paper machine at its plant in Catawba, S.C. on June 30, resulting in the layoff of about 180 workers.

In addition to the job cuts, the York County mill will lose about 193,000 metric tons of coated paper production capacity. Before the machine's idling, the plant produced an annual 720,000 metric tons of specialty papers and market pulp.

According to Resolute, the plant will continue operating another paper machine, which it says is "one of the largest coated mechanical paper machines in North America," that will produce lower-cost, high-quality paper for domestic and international customers. A pulp dryer at the mill also will remain operational.

About 420 employees will stay at the site working in those capacities.

"We recognize the impact this decision will have on our employees, their families and the local community," the company said in a statement. "As is customary, the company will work with affected employees and community representatives to mitigate the impact of the idling. We remain committed to customer service and to the delivery of high-quality products, and will work closely with customers to continue to meet their needs."

Resolute spokeswoman Debbie Johnston said there are no current plans to restart the machine.



## American Loggers Council Quarterly Report to the States April 2, 2017 –June 30, 2017

The ALC Board of Directors has requested that a quarterly report be generated from the ALC office, highlighting the events and activities of the American Loggers Council. Our hopes are that you will use these reports to inform your members on how the American Loggers Council is working on their behalf to benefit the timber harvesting industry.

### Legislative efforts

Following the Spring Fly-In to Washington, DC that concluded on April 1st, there has been a lot of work done by ALC members and affiliates on the top priorities identified for 2017 that includes:

- 1. Future Careers in Logging Act
- 2. Reintroduction of the Right to Haul Act
- 3. Comprehensive federal timber land management and sale program reform, and
- Fixing the "fire-borrowing" practices that takes money away from land management activities and places them in wildfire suppression.

The ALC, working with other organizations has supported the reintroduction of the Resilient Federal Forests Act of 2017, H.R. 2936 which not only covers comprehensive federal timber land management reform and "fire-borrowing," but includes the language from the Future Careers in Logging Act that Congressman Bruce Westerman (R-AR) placed into the legislation as an amendment found in Section 910 of the bill. That legislation cleared the full House Natural Resources Committee mark-up on June 27 and will now go the floor for a full House vote.

### **Communications**

The ALC continues its efforts to reach out to loggers in states where there is currently no national representation. In mid-April, the ALC participated in the first ever Loggers Plus Expo in Bloomsburg, Pennsylvania where we had the opportunity to meet many of the contractors in the state as well as other states that included Vermont, New York, Massachusetts, New Jersey and Rhode Island. Discussions are underway to follow-up with the loggers in those states in an attempt to not only help them to get a state association formed, but to also join up with the ALC.

The ALC has generated call to action statements for both the Future Logging Careers Act and the Right to Haul Act that have been distributed on the mailing list of those that have signed on to the electronic monthly newsletter.

The ALC Facebook page has gained over 14,600 new followers since January 1 with a goal of picking up a total of 19,000 new followers in 2017.

Nick Smith continues to distribute a monthly newsletter for the ALC that includes the latest edition of the "As We See It" editorial, as well as recognizing one of our yearly sponsors on each edition.

### **Membership**

Committee Chair, Myles Anderson reports that the 2017 Sponsorship drive is going well with sponsorship targets already exceeded and we have gained one new sponsor, GCR Tires & Service in 2017. Myles reported that have already reached the target for 2017. The ALC continues to try and recruit new state association into the organization in 2017, including Pennsylvania, Ohio and other states in the northeast region.

### **Travel**

Travel in the 2nd Quarter of 2017 included the April trip to Bloomsburg, Pennsylvania to participate in the Loggers Plus Expo. Booth space was made available to the ALC by the Northeastern Loggers Association. ALC President Ken Martin and Danny Dructor made an early May trip to South Carolina and met with Wood Supply Research Institute members at their annual meeting and discussed options and opportunities for re-

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#### (Continued from page 6)

search programs and the need for strategic plan- log-trucking industry in order to promote safety, ning by the WSRI. Danny also attended the Federal reduce accidents, and keep drivers qualified and Timber Purchaser Committee meeting in Spokane, insurable in the forest product industry. Washington in mid-May.

In early June, ALC President Ken Martin, ALC Past Research Institute and is submitting research pro-President Charles Johns, and Danny Dructor trav- ject proposals related to truck driver training and eled to Brantford, Ontario by invitation from ALC safety issues. sponsor Tigercat Industries to attend plant tours and celebrate their 25th year in business as a forestry equipment manufacturer. All three were recognized for their partnership with Tigercat during the ceremonies. In mid-June, Danny traveled to Washington, DC for follow-up work on the Future Logging Careers Act, the Right to Haul Act, and spent time on the Hill with the Biomass Power As- The second quarter of 2017 has been very successsociation promoting the reintroduction of the Menendez Bill which would help to create parity for production tax credits for biomass with other proved in 2016. renewable fuel sources.

### **Other Highlights**

The ALC continues its work with Team Safe Truck-

# Charlotte-area paper mill to lay off 180 people this summer

By Katherine Peralta **Charlotte Observer** June 1, 2017 kperalta@charlotteobserver.com



he shift from paper to electronic communications means slower business for paper mills such as Charlotte-area Resolute Forest Products, which will shut down part of its production line this summer as a result of lower customer demand.

Resolute said Thursday that it will idle its paper machine No. 2 in Catawba, S.C., about 33 miles south of Charlotte, on June 30. The move will result in the elimination of 180 jobs.

Resolute has experienced lower demand for all kinds of lightweight, coated paper products, including magazines, catalogs and flyer inserts, according to spokeswoman Debbie Johnston.

"With so much communication shifting to digi-

ing to assist in providing templates and online training to states for driver training specific to the

The ALC continues its work with the Wood Supply

The ALC Master Logger Certification Committee is considering a proposal from the Trust to Conserve the Northeast Forest and the Professional Logging Contactors of Maine to improve the marketing and promotion of the ALC MLC program to be discussed further in July.

ful in terms of reaching goals and continuing to follow the vision of the strategic plan that was ap-Our communications and outreach to both private and public sectors continues to grow, and our efforts in Washington, DC are beginning to show up in legislation.

tal, it has an impact on the paper market," Johnston told the Observer.

Production will be absorbed by Resolute's other paper machine, No. 3, also in Catawba. That machine is larger and faster, Johnston said.

The company said in a statement that it had made "significant capital investment" to reduce operating costs for the paper machine it is shutting down. Despite these efforts, "economic gains were insufficient to overcome demand decline and price erosion."

"We recognize the impact this decision will have on our employees, their families and the local community. As is customary, the company will work with affected employees and community representatives to mitigate the impact of the idling," the company said.

Resolute, a publicly traded Canadian company, employs 600 people in Catawba, where it has a total annual production capacity of 720,000 metric tons of paper products. About 193,000 metric tons of coated paper capacity will be eliminated by the shutting down of paper machine No. 2, Resolute said.



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# Timber Talk

Your Voice for South Carolina Timber Harvesting

Contact Crad Jaynes at 1-800-371-2240 or <u>bcjpaw@windstream.net</u>



# US Ag Secretary Promises Big Changes for The Forest Service

### United States Department of Agriculture

U.S. Agriculture Secretary Sonny Perdue was in Great Falls Thursday, June 1<sup>st</sup>, for an

"agriculture summit" hosted by Senator Steve Daines. Perdue promised big changes at the U.S. Forest Service, which his department oversees.

Former Georgia Governor Sonny Perdue has only been Agriculture Secretary for five weeks. He told the crowd of mostly farmers and ranchers that where he comes from, trees are a crop that can be sustainably harvested.

"We've got a lot of U.S. Forest [Service] land that's not healthy. Part of that's budgetary, part of that's ideology and litigation and NEPA [National Environmental Policy Act] regulations that we've got to get straightened out," Perdue said.

The Ag Secretary said President Trump is already making that happen, and there's more to come.

"We're not going to roll over every time someone says 'boo' about us wanting to harvest timber to make a healthy forest," Perdue said.

So far an undersecretary for natural resources and environment who will be in charge of the Forest Service at USDA, has not yet been named.



Lumber Tariffs Create Mixed Bag of Winners And Losers

An escalating trade war brewing between the United States and Canada could save timber mills in Montana, but at the cost of over 1,000 jobs north of the border in British Columbia.

It all started in April, when the Trump admin-

istration slapped tariffs on softwood lumber coming across the border, making them up to 24 percent more expensive. It's something Montana lumber producers have been asking for, and it's a test of Trump's 'America First' trade policy.

But Ron Toyota, the mayor of Creston, British Columbia, half a day's drive from Missoula, says this trade war is more of a tug-of-war.

"Your government is trying to create jobs. Our government is trying to create jobs. And so, if we're all trying to create the same job, somewhere along the line, someone wins and someone loses," Toyota says.

And Canada is putting up a fight. They've threatened to ban or tax U.S. goods coming across the border, including Montana coal, and they've proposed aid packages to assist Canadian forestry workers and companies hurt by the duties.

And those hurt probably won't include Canada's largest lumber producers. They hedged their bets against potential tariffs in recent years by moving operations into states like South Carolina and Georgia. In fact, a University of British Columbia researcher says those big companies might actually benefit from the duties.

In April 2017, the Trump administration slapped tariffs on softwood lumber coming across the Canadian border, making it up to 24 percent more expensive.

Instead, it's the small, family-owned mills that'll come out bruised.

"They're the ones that've got the most to lose," Tanya Wall, a local politician and millworker in Creston, says. The duties, she says, could cut into profit margins and eventually cost money and jobs. And if the mills go, so could the businesses that rely on them.

Like a gas station I visit next to a sawmill in southeastern British Columbia. Mill workers filter in and out, buying hotdogs and chips. Betty Anne Gordon, the store's owner, is at the counter ringing people up.

"I mean there's three shifts working there, I believe there's... I don't know exactly how many

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are working right now but I believe it's around 90 people or 100. You know, that's a lot of people," Gordon says.

She says the duties bring an air of uncertainty here. "Nobody knows. Nobody knows what's going to happen, right?"

But south of the border it's a different story. Gordy Sanders, a resource manager with Pyramid Mountain Lumber in Seeley Lake, Montana, says Canada took advantage of an expired trade deal in 2015 and sold lumber at unfairly low prices here in the U.S. And that hurt mills across western Montana.

"You know, the last couple of years, all of us the small family-owned mills in the U.S. — have suffered financially," Sanders says. More than 250 Montana timber workers lost their jobs after the trade deal expired.

The duties, Sanders says, could help even the playing field and eventually save some mills, shifts

and jobs across the state. But, he doesn't expect it create a timber boom. "It sheds a little light at the end of the tunnel," Sanders says.

But the light is dimming for timber jobs in Canada. And when I tell this to Steve Johnson, the sales manager at Pyramid Mountain Lumber.

"Well, I don't like to hear that. I don't like to hear anybody losing jobs, but we were kinda in the same boat before the duties so ... I hate to say it's us or them; I'd like for it to be us both, but we need to be competitive with each other too.," Johnson says.

The Trump administration is expected to announce a second round of duties on Canadian softwood lumber in June. And in Canada, Prime Minister Justin Trudeau says he's, "carefully and seriously considering" shutting off U.S. access to a seaport in Vancouver." That port is a lifeline for a large coal mine in Decker, Montana that sells most of its coal to Asia.

### Addressing the Labor Shortage in the Forestry Industry

Deb Hawkinson | President | Forest Resources Association



A Wall Street Journal opinion column highlighted a concern that is all too real to the those of us in the forestry industry – a growing labor shortage. According to the piece, "demographic trends coupled with a skills mismatch have resulted in a frus-

trating economic paradox: Millions of workers are underemployed even as millions of jobs go unfilled." The column stated that one of the chief causes of this program is a lack of educational programs. "Most high schools have dropped vocational training, and more young people are enrolling in colleges that don't teach technical skills."

Many of our members up and down the supply chain have seen this labor and education gap first hand, and FRA has begun identifying ways to help meet this need. We have worked with our partners to open vocational programs and to reach out directly to high school students to share information on the benefits of a forestry career. The Alabama Forestry Association, for example, has kicked off an effective program at the high school level that can be replicated across the country. The 2017 Alabama Forestry Leaders Program focuses on the opportunity to learn more about Alabama's sustainable forest industry, connect with peers and mentors.

FRA has also begun targeting veterans who are looking for a new career outside of the military. We recently launched a new page on our website aimed specifically at these men and women, and will continue to work hard to reach this group. If you visit our website, you can view a wonderful video about veterans who have found careers in our industry.

Another step we are taking is in concert with the American Loggers Council. Together, we are advocating for a piece of legislation called the Future Logging Career Act, which will allow loggers to bring their 16-year-old children to work to see the attributes of logging as a career as they make a decision about their future.

There is still more work to be done to address this issue, and we will continue to work together with our partners to find ways to reach the next generation of workers – be they loggers, truck drivers or foresters. We welcome any ideas our members might have, and look forward to continued dialogue on this important topic.

# **Drug-Making Garbage Found on Logging Sites**

### JJ Lemire

There is an alarming increase abuse of legal/illegal drugs by so many individuals today. Methamphetamine (meth) use continues to rise in many parts of the U.S. and rural areas are no exception. It seems that it was only a matter of time before this new danger was found around our logging sites. We have heard that several loggers have found a pile of "household" garbage! This used to be the result of a common "litterbug" and was a little more than a nuisance. However, recently, we have found this to be the leftover garbage from a one-pot or "shake-and-bake" meth lab. These can be deadly.

Telltale warning signs that the trash may be from a meth operation include plastic 2 liter bottles, batteries, antifreeze containers, lantern fuel cans, coolers and ice packs. These are just a sample of the trash left behind from someone cooking meth.

While your first thought may be to pick up this trash up, or move it out of your way, **DON'T**. Meth lab waste residue is highly toxic and can cause severe injuries. Exposure to the chemical byproducts used to produce meth can affect the central nervous system, cardiovascular system, heart, liver, kidneys,



eyes and skin. These chemicals are also extremely flammable and explosive. This can cause acid burns to the body or even death. In case of accidental exposure to these chemicals, water is the most important element in first aid. Wash your skin and/or eyes and seek immediate medical attention. Make sure your employees are made aware of the hazards they may encounter.

If you suspect your jobsite is contaminated with "trash" from making methamphetamine, take all the proper precautions for fire and chemical explosions, move quickly away from the container and contact your local law enforcement or dial 911.

Also, as more frequent illegal drug use is encountered, be aware of the symptoms of meth use by employees. The following are symptoms that you may encounter:

- Dilated pupils, dark circles or bags under their eyes.
- Increased sensitivity to noise and light
- Increased level of self confidence and euphoria
- "Wired" Restless, excitable and anxious
- Noticeable change in sleeping patterns
- Weight loss (rapid, extreme)
- Irritability or aggressiveness
- Drastic mood swings
- Dizziness or confusion, disconnected chatter
- Complaints of chest pain, rapid breathing
- Excessive sweating and body odor
- Bad breath, poor dental hygiene and tooth grinding

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- Dry, itchy skin
- Hanging out with a different group of friends
- Subtle changes in conversations and behavior with friends (use coded language, more secretive about possessions or activities)
- Negative change in appearance, greasy hair, skin sores
- Change in attire, clothes that highlight drug use
- Noticeable change in values, lying, stealing, etc.
- Increase in borrowing money or trading of possessions

If you suspect drug use by your employee and have a drug-free workplace program, you can require them to be drug tested for reasonable suspicion. Employees under the influence of illegal or illicit drugs can be a hazard to you, your employees or your equipment.

## Active Forest Management: Long-Term Solution for Replacing Federal Payments Healthy Forests

The federal Secure Rural Schools and Self-Determination program has expired after years of declining and uncertain payments to counties and schools. A bipartisan group of senators is seeking to reauthorize the program that is intended to compensate rural counties for lost revenues from the decline in timber harvests on federal land.



To be sure, the program has served as a critical source of revenue for counties that are dominated by land in federal ownership, and the loss of payments will result in further reductions to many county budgets that are already been cut to the bone.

It's time for Congress to turn this challenge into an opportunity by addressing the underlying challenges facing our counties, communities, and federal lands. Though renewing Secure Rural Schools payments will help prevent damaging budget cuts in the short-term, it will not fix the high unemployment and poverty many of our communities have been experiencing for the past 20 years. That's why we need a long-term solution that restores more active, science-based management to our national forests.

Sustainably increasing timber harvests on national forests will help create family-wage jobs in the woods, in wood processing facilities, and in the many businesses that benefit from a strong forest sector. Revenues from these sustainable timber harvests would help counties fund critical services, from road maintenance to law enforcement.

And importantly, active management will help restore the health of our national forests. These low harvest levels contribute to overstocking, increased wildfire fuel loading and an elevated risk of insect and disease attacks. Reducing the future risk of catastrophic wildfires, promoting forest health and ensure adequate access on public lands is also critically important to maintaining and growing the tourism and outdoor economy in our rural communities where unemployment rates are typically two to three times the unemployment rate in urban areas.

Using the best available science, forest management activities such as timber harvests and thinning can help reduce the risks to our forests while supporting family wage jobs in our rural forested communities. It also offers a long-term solution to the annual uncertainty over Secure Rural Schools payments. Let's urge Congress to support such a long-term plan that puts people back to work while helping our rural communities regain self-sufficiency.

Article from the Healthy Forests Healthy Communities website - healthyforests.org

AN EXPERIENCE-DRIVEN UNDERSTANDING OF THE FOREST INDUSTRY

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MVS

# As We See It ...



American Loggers Council

JUNE 2017



**MAKING BIOMASS VIABLE FOR FUTURE** 

By Danny Dructor

As professional timber harvesters we understand the importance of biomass energy to the future of our industry. Not only does it help open and expand markets for our businesses, it helps makes operations and logging jobs more economical.

Yet the future of the biomass industry is uncertain given the current regulatory environment and the fluctuating costs of natural gas and other energies. As companies consider making large investments in new or existing biomass facilities, they need stability and certainty to ensure those investments pencil out.

Earlier this year the U.S. Congress took the first step toward providing that needed stability and certainty. The 2017 Omnibus Appropriations bill included language clarifying federal regulatory policy to reflect the carbon-neutrality of forest-based biomass, a policy that ensures biomass plays a part in government energy standards.

But that is probably not enough. The Biomass Power Association wants to go further to make this renewable energy more viable, as well as promote and protect the development of facilities throughout the country.

At the ALC Spring Fly-In BPA's Bob Cleaves asked us to support the reintroduction of legislation to extend the Renewable Electricity Production Credit ("PTC") for existing "open loop" biomass facilities for the 10 year period that was originally granted for new facilities. The legislation is expected to be brought forward by U.S. Sen. Bob Menendez of New Jersey with bipartisan cosponsors.

The PTC works as an income tax credit allowing for the production of electricity from qualified energy resources at qualified facilities, which can be used by the facility or the power purchaser. Those that commenced construction prior to December 31, 2016 were eligible to claim the PTC for 10 years after the qualify-

ing facility is placed in service, but that provision has now expired with no extension.

The PTC also offered different benefits for certain open - and closed loop facilities, which only served to favor some industries over others. A multi-year deal would help correct the tilted policies that have awarded some renewable technologies billions of dollars – helping them become independently successful – and others a small fraction of the PTC.

Many biomass facilities began production decades before the PTC began – meaning that they haven't had the opportunity to qualify for the full 10-year credit received by newer technologies. Additionally, low natural gas prices are making it difficult for utilities to sign new contracts with biomass facilities. The extension of the PTC to biomass facilities would help offset the cost of fuel, keeping the supply chain operating. It would also help keep loggers employed by preserving an important revenue stream.

Stay tuned for more updates on this proposed legislation. Here at ALC, we are looking forward to seeing the language of the bill, and we will keep you informed of the bill's status and other opportunities to support the biomass sector.

Danny Dructor is the Executive Vice President for the American Loggers Council with offices near Hemphill, Texas. The American Loggers Council is a 501 (c)(6) not for profit trade organization representing professional timber harvesters in 32 states across the United States. If you would like to learn more about the ALC, please visit their web site at www.amloggers.com, or contact their office at 409-625-0206.



# U.S. DEPT. OF AGRICULTURE Trump would cut 5,000 employees, conservation programs



Marc Heller E & E News Reporter Tuesday, May 23, 2017

The Department of Agriculture will "dig down and do more" with a proposed budget that would cut more than 5,000 employees and trim programs in conservation and rural development, Agriculture Secretary Sonny Perdue said today.

"I don't think there's any need to sugarcoat this," Perdue said in a conference call with reporters as the agency released its spending goals for the fiscal year beginning Oct. 1.

"I believe people knew what they were doing when they elected Donald Trump as president," Perdue said, adding that he recognizes the budget proposed today won't be the final version, once Congress acts.

The Trump administration's budget would set USDA discretionary spending at \$18 billion, down from \$24 billion in fiscal 2017. Perdue, having only recently been confirmed by the Senate, did not have much input in the deliberations.

Overall spending for USDA would fall by 20.5 percent, almost unchanged from the 20.7 percent reduction in the "skinny" budget outline released in March.

The proposal would preserve some programs, such as wildland fire spending in the Forest Service, while requesting cuts in areas that Congress isn't likely to approve, such as crop insurance and a deep reduction in the Supplemental Nutrition Assistance Program.

The White House also requested new user fees, such as for meat and poultry inspection and for programs at the Agricultural Marketing Service, which would require congressional approval, said acting Deputy Secretary Mike Young, who joined Perdue on the call and took questions from reporters.

Among other highlights in the budget, officials proposed an \$83 million reduction in discretionary spending for the Natural Resources Conservation Service, which runs many of the farmland conservation programs.

The document also calls for the elimination of certain water and sewer grants and small-business loans in the Rural Development office, and \$5.7 billion in cuts to conservation programs over a 10-year period. Agriculture research grants, which Congress has boosted in recent years, would slide back from \$375 million this year to \$349 million in fiscal 2018.

One proposal likely to anger many lawmakers would limit crop insurance subsidies to no more than \$40,000 per recipient, which the administration said would save \$16.2 billion over a decade.

At the Forest Service, the administration called for fully funding authorized levels for wildland fire management and moving the hazardous fuels program from wildland fire management accounts to national forest system accounts.

State and private forestry programs, however, would take a reduction, as would the Forest Legacy Program, which provides funds

to states and U.S. territories to protect environmentally sensitive areas. The budget would also suspend new land acquisition at the Forest Service, Young said.

SCTPA Comments: Reducing federal spending via budget cuts has been a talking point for the current president and his administration. While it is widely known our federal government does indeed waste tax payer dollars on less than ideal, efficient and beneficial processes and projects, some cuts and reductions are necessary as well as some are not. But to not fund to some level the forestry sector programs such as Best Management Practices as one example, that are in need and do in fact help our nation, our forestry industry sectors, our forests, employment, rural communities and environment, as well as benefits the health, sustainability and overall productivity of our forests, appears short sighted and perhaps decisions made based on the lack of understanding, knowledge and/or simple misconception. Cutting for the sake of cutting is not always the most prudent way to go about things. Particularly if the "cutter" is not knowledgeable of how the knife actually cuts the "cuttee."



# American Loggers Council Position Paper Federal Regulatory Reform



The American Loggers Council supports sensible laws and regulations that are necessary to protect the public. Our members are committed to the wise and sustainable use of our natural resources.

Professional timber harvesters in the United States are subject to the most rigorous environmental laws in the world. Though well-intentioned, many laws affecting our industry have become misapplied and misinterpreted through administrative rule-making and litigation. Today's federal regulatory structure has become counterproductive and costly to our small, predominately family-owned businesses. It no longer serves the needs of our forests, natural resources, communities and national economy.

That's why the American Loggers Council has joined the U.S. Chamber of Commerce in supporting swift action on the Regulatory Accountability Act (RAA) that directs the executive branch to fulfill its statutory goals in the least costly fashion and look for more public input to find the most efficient regulatory solutions possible.

The RAA is the first attempt to substantively amend the Administrative Procedure Act, the guidebook of the federal regulatory state, since its enactment in 1946. The key to the RAA is that it does not dismantle the regulatory state. Rather, the legislation divides it between general regulations that are needed to keep society functioning and high-impact or transformative regulations that cost billions of dollars each year and that have a nationwide impact on jobs and the economy.

The U.S. Chamber of Commerce's analysis of the regulatory state found that of the approximately 4,000 regulations published annually only a few—under 25 regulations—would be deemed transformative. By focusing only on high-impact, transformative regulations, Congress can control overreaching regulations while allowing the day-to-day operations of agencies to function. Under the RAA, the public would get an earlier opportunity to participate in shaping the most costly and transformative regulations.

When an agency first decides to write a high-impact rule, it would be required explain to the public why the regulation is necessary, how it will affect business, jobs and the economy, and why the rule is the best available alternative. After evaluating the impacts of the proposed rule, agencies should select the least costly regulatory alternative that achieves congressional intent. Independent federal agencies would be held to the same standards of transparency and accountability as executive agencies.

The RAA would also allow the American people the right to verify that high-impact proposed rules are feasible, cost-effective, and well-supported by good scientific and economic data. Finally, before award-ing deference to agency decisions, a court must find that the agency addressed all standards mandated on the agency by Congress.

It is time for Congress to present a regulatory package to the president that restores its ability to place limits on agency rulemaking. If regulatory reform cannot happen when Congress and the president are of the same party, it is unlikely to ever happen and the ability of Congress to control agency overreach will continue to diminish. It is time for impactful regulatory reform, which the American Loggers Council supports and that the RAA can deliver.

# PERKINS TIMBER HARVESTING, LLC

### Williams, Arizona

ames Perkins says he is a blessed man. A northern Arizona logger since 1966, Perkins has spent the past 51 years working in the ponderosa pines alongside his family.

"I get to do what I love to do and work with my family," he said.

Perkins is the owner of Perkins Timber Harvesting and has lived in Williams his entire life. His company is well-known throughout Arizona for its large-scale mechanical timber harvesting projects, and is one of three logging companies in the Flagstaff -Williams area.

The company is focusing on forest health projects on state, county and city lands around Flagstaff and is currently working on a thinning project in the Country Club area and south of Flagstaff along I-17.

### **Family History**

Perkins' father, Wesley Perkins, came to Williams from California, where he was a water well driller. He got into the logging business through his cous-

ins, who did pulp wood logging for Southwest Lumber Mills in Snowflake, Arizona. Wesley began his own logging business contracting work from Southwest Lumber.

In 1956, when the younger Perkins turned 15, he began logging with his father while continuing his schooling in Williams.

"I was the first Perkins to graduate from high school," he said. "He wanted me to work, but I told my dad I was going to graduate. I've always been that way — always stubborn."

In 1976, Perkins bought his father's equipment and set off on his own, obtaining his first contract with Southwest Forest Industries. Over the years, several of his sons and grandsons joined the business, which now has 10 employees.

### **Timber Management**

Logging companies in northern Arizona have experi-

enced a roller-coaster ride as environmentalists, foresters and firefighters have dictated timber harvesting policies over the past century.

Few regulations existed in the nineteenth century regarding timber harvesting, but legendary forest fires in the late 1800s bolstered the argument by early foresters that forest fires threatened future commercial timber supplies.

U.S. foresters also began to take note of mismanagement and overuse of resources — especially trees — that had caused irrevocable harm to several Mediterranean countries, and demanded the U.S. government take action to prevent the same problem

> from occurring in the U.S. In response, the U.S. Forest Service was established in 1905 and timber management began.

> James Perkins watches a skidder move logs on a stewardship project near Flagstaff.

> Clearcutting and heavy logging in the 1940s and 1950s, especially in the Pacific Northwest, swung the pendulum back toward conservation as people became con-

cerned about the aesthetics of picked over forests.

From 1960 on, timber management no longer held a sacrosanct position in the use and management of the national forests. Each national forest was ordered to produce a multiple-use management plan, and timber growing and harvest no longer dominated over recreation and watershed.

During that time, the policy of fire suppression also began to be questioned when foresters realized that no new giant sequoia had grown in the fire suppressed forests of California.

The Wilderness Act was passed in 1964, which encouraged the allowance of natural processes to occur, including fire. Shortly after, in 1968, the National Park Service began to recognize fire as an ecological process, and policies were gradually changed from fire control to fire management. In 1978, the Forest Service created a policy that encouraged the

(Continued on page 25)



#### (Continued from page 24)

use of wildland fire by prescription.

Loggers in Arizona faced their biggest obstacle in 1995, when Arizona Judge Carl Muecke prohibited

logging in Southwest forests until the U.S. Forest Service agreed to follow the Endangered Species Act and evaluate the habitat of spotted owls.

The ban on logging lasted over a year and was so controversial that Muecke received anonymous death

threats and was hanged in effigy by loggers.

### Surviving against the odds

Perkins said his company has always been respectful of the environment and wildlife.

Its management practices follow state regulations, and are careful in the selection of trees to harvest and follow mandates to protect archaeological sites, Perkins said.

He believes the thinning work the company is doing is protecting wildlife habitat and reducing the potential for catastrophic wildfires.

Perkins said the spotted owl logging moratorium in the 1990s wiped out many logging companies in Arizona and he feels fortunate to have survived the ban.

"Basically we made it because God watched over us," he said. "He was right there through the whole thing."

Prior to the moratorium, Perkins had purchased a timber sale through the state of Arizona and he was able to work through the 18-month ban.

"It was a big sale on land and we were able to keep working," he said. "My whole life has been that way. It's like the old saying, if life gives you lemons, you make lemonade."

Despite his good fortune with the timber sale, Perkins took a detour from logging one year and purchased a tire store in Williams.

"I worked it for four months," Perkins said. "But I had to work with the public and I just couldn't take it anymore. People were already mad when they came in because they had a flat tire or something that needed to be fixed. I hated all of it — the tires, the people. I lost my butt when I sold the store, but I had to get back into logging."

Perkins is currently working a stewardship contract on state land near the Country Club area of Flagstaff. With a stewardship contract, the company is paid to thin the forest and is then given the wood.

He said the majority of his work is stewardship contracts and his company purchases private timber sales throughout northern Arizona. His company has a contract with Southwest Forest Products which

# "Basically we made it because God watched over us,"

purchases Perkins' logs and transports them to a wood pallet plant in Phoenix.

"We harvest around 100 acres a

week, and they take 15 loads a day," he said.

The state has contracted with the company for the past nine years, mostly doing fire prevention thinning and forest restoration, Perkins said.

Much of the forest thinning around Flagstaff has been done by Perkins Timber Harvesting. The company completed thinning off of Old Route 66 several years ago and has contracts for thinning around Ft. Tuthill and Observatory Mesa in Flagstaff and the Clover sale in Williams.

"What we've been doing over here in Flagstaff for the last five years is forest thinning for fire prevention," he said.

Perkins said he prefers working with the state, the city of Flagstaff and Coconino County on timber sales.

Most of those sales are "cutter select" projects where the entities tell the company how they want it cut without marking the trees, Perkins said.

He said the process is much faster and gives more discretion to the loggers.

The projects with the state have helped the company survive as sawmills dried up and went out of business, Perkins said.

Perkins said the difficulty of logging in Arizona is finding a market to sell lumber.

"We are very fortunate to work with Southwest forest," he said.

Perkins is hopeful that more markets will grow now with the movement to thin the forests throughout Arizona. He said although the U.S. Forest Service has plans to clear thousands of acres of land in Arizona, their method for dealing with slash makes it difficult to make a profit.

"The main problem is the slash, the brush has to be chipped," he said. "There isn't a local chip market and you have trucking costs to incur. It slows them down."

(Continued on page 26)

#### (Continued from page 25)

Perkins said he is grateful for the contracts he has been able to line up and said he is at place now where the company has two years' worth of stewardship work to do.

Despite the steady stream of work, Perkins dream is to thin the forest that surrounds Williams. All 21 members of his family live and work in Williams and Perkins is fond of his home.

"I don't want to see it burn up," he said. "I know that mountain (Bill Williams) – it's not if it's going to burn, it's when is it going to burn. If that mountain ever burns, Williams is going to be gone."

Perkins said he has met with Kaibab National Forest managers and Good Earth in an effort to acquire the timber sale property for thinning.

"Right now it's in a 4FRI task order," he said. "But I'm hoping I can get it back. That's my dream."

### **Logging Out West**

### Logging Operations Critical to Washington Forest Restoration

A new collaborative approach hopes to show responsible environmental stewardship can boost the health of Washington's forests and the state's regional economies.

Efforts to work together toward the common goal of improving the forest trace back to the formation of the Tapash Sustainable Forest Collaborative in 2007. Its focus continued to narrow as the Little Naches Working Group, with 40 regular members

representing a wide variety of interests and expertise, helped the Forest Service develop plans for the nearly 57,000-acre Little Crow Area.

Work previously done on a 711-acre parcel of the Okanogan-Wenatchee National Forest in southern Kittitas County and a small part of Yakima County makes it the ideal starting point for Little Crow restoration, says U.S. Forest Service spokeswoman Holly Krake. And, significant commercial logging efforts to reduce the risk of wildfire should pro-

vide jobs and add revenue to help pay for future treatments to restore a more natural state.

"You're looking at a suite of different benefits, including recreation improvements, road improvements and native fish habitats," Krake said. "All of that brings tourism."

Little Naches Working Group chair Lloyd McGee of The Nature Conservancy credited the Forest Service for its transparency and responsiveness that led to "strong agreement" with the prescriptions for restoration, especially when it comes to logging. After 25 years of protecting all trees on federal land decimated the logging industry's workforce, some of those remaining still question the Forest Service's approach.

### Oregon Forest Becomes A Setting for Cooperative Thinning Venture

n Oregon, huge swaths of the Willamette National Forest, perhaps as much as 12,000 acres, has stands of trees less than 40 years old that have never been thinned. The firs are crowded together, making it hard for sunlight to reach them. Competition for resources has made them susceptible to insects, dis-

> ease, blowdowns and snow breakage. Trees that should be 13 to 14 feet apart are suffocating just eight feet from their neighbors.

> The U.S. Forest Service, in cooperation with the North Santiam Watershed Council, is working with companies in the region to establish a special forest products industry to thin the stands and harvest products such as moss, boughs, posts and poles, logs and firewood.

> The agency, the Council and the North Santiam Chamber of Commerce

are encouraging businesses to form a cooperative to take advantage of the commercial opportunities.

"We've managed timber in the Willamette National Forest for 100 years, but we've never tried anything like this," Forest Services natural resources supervisor Darren Cross said. "We're not trying to put things back. Instead we're trying to imagine what the forest will look like in 30, 50 or 100 years."

Washington

Oregon

# Graham Backs Federal Legislation To Improve South Carolina Infrastructure

### Monday, May 22nd, 2017

U.S. Senator Lindsey Graham (R-South Carolina) joined a bipartisan group of senators to introduce legislation – The Building and Renewing Infrastructure for Development and Growth in Employment Act (BRIDGE) – to help states and localities better leverage private funds to repair and replace our nation's outdated infrastructure.

"Now more than ever we need to identify a

long-term funding solution for our infrastructure needs. The BRIDGE Act is a common sense proposal that would bring together private sector investments and public sector resources to finance important

infrastructure projects. Our proposal would ensure taxpayer dollars are used responsibly, and help create jobs," said Graham.

To help address this funding shortfall for our nation's transportation, water and energy in-frastructure, the BRIDGE Act:

- Establishes an independent, nonpartisan financing authority to complement existing U.S. infrastructure funding. The authority would provide loans and loan guarantees to help states and localities fund the most economically viable road, bridge, rail, port, water, sewer, and other significant infrastructure projects.
- Supplies initial seed funding of up to \$10 billion, which could incentivize private sector investment and make possible \$300 billion or more in total project investment.

Structures the authority to make it selfsustaining over time without requiring additional federal appropriations.



In December 2016, Senator Graham signed a letter to then-President-elect Donald Trump urging him to support the BRIDGE Act and pri-

"Now more than ever we need to identify a long-term funding solution for our infrastructure needs. oritize spending for infrastructure needs in South Carolina and across the

nation.

The American Society of Civil Engineers latest estimate shows that in order to close the \$2.0 trillion 10-year investment gap, meet future need, and restore our global competitive advantage, we must increase investment from all levels of government and the private sector from 2.5% to 3.5% of U.S. Gross Domestic Product (GDP) by 2025. As of 2012, of the more than 600,000 bridges in the U.S., 24.9 percent were either functionally obsolete or structurally deficient. Nationally, our bridges are, on average, 42 years old, and need an estimated \$76 billion to repair and replace. Similarly, the average age of the 84,000 dams in the country is 52 years old, and the Association of State Dam Safety Officials estimates that aging and high-hazard dams require an investment of \$21 billion to repair.

# Separating fact from fiction in the Regulatory Accountability

Act

By William Kovacs, Opinion Contributor - 05/18/17



This week a Senate committee advanced a bill that would hold federal agencies more accountable and create a more transparent rulemaking process. (Bill passed out on May 17)

For the last several months, activists have been asserting that regulatory reform provisions in the Regulatory Accountability Act (RAA) actually increase red tape, extend the time for issuing regulations by years and place the health of the nation at risk.

These claims are not based in reality. The RAA is about good governance and the ability of Congress to ensure that federal agencies implement the laws passed by Congress in the manner intended by elected representatives.

After all, it is Congress, not bureaucrats, that makes laws and appropriates money to implement the laws. Each member of Congress is elected by us to represent us. They have to make tough choices between many differing demands on how to use scarce resources, including the time of regulators. As citizens, we need to provide Congress with facts, not unsupported claims, so lawmakers can better legislate.

Some groups have falsely claimed that the RAA adds new, overly burdensome requirements to the rulemaking process, when in reality it codifies existing executive orders and applies existing regulatory concepts to independent agencies. The bill also allows for a more robust public review process to ensure that benefits of new regulations truly outweigh the costs and makes certain that regulators are pursuing the most cost-effective regulatory approach — goals routinely expressed by elected leaders of both parties.

For example, the activists consider the provision that agencies identify their legal authority for decisions as a new requirement. Even the establishment of an electronic docket or a timetable is considered an excessive imposition on regulators in their eyes. And yes, these activists even object to the requirement that an agency conduct a cost/ benefit analysis or respond to significant issues raised by the public.

The key goals of the RAA are to ensure that agencies provide the public with more information regarding its most costly regulations before initiating the rulemaking and to allow the public to challenge incorrect data. The bill also requires agencies to undertake a cost/benefit analysis and to select the most cost-effective approach to regulating.

If enacted, the RAA is as precise of a law as can possibly be drafted. In Taming the Administrative State: Identifying Regulations that Impact Jobs and the Economy, the U.S. Chamber of Commerce did an analysis of the 32,882 final agency regulations issued between 2008 and 2016. The study found that 32,742 rules, or 99.57 percent, would not have been subject to any provision of the RAA.

Of the remaining rules that would have been covered by the law, there were 112 over the nineyear sample period that would likely be subject to the RAA, and only 28 rules (one-tenth of 1 percent) that would automatically be subject to the RAA. These 28 rules each impose over \$1 billion a year in costs and have the greatest potential to transform society and harm the economy.

The facts about the RAA reveal a narrowly tailored effort by Congress to make sure that for the costliest one-half of 1 percent of regulations, the agencies do a better job of finding the facts, getting the science right, involving the public and ensuring the benefits outweigh the costs.

Congress deserves the facts on something as important as making sure agencies implement lawmakers' intent, not the intent of the unelected regulators. The RAA achieves that objective by permanently codifying ideas that already work. This legislation is about getting rules right by bringing transparency, accountability and integrity to the rulemaking process, whether rules are being written by Republican or Democratic administrations.

William Kovacs is the senior vice president for environment, technology and regulatory affairs at the U.S. Chamber of Commerce. He previously was a counsel in the U.S. House of Representatives.

## Work Zone Safety Bill Becomes Law

The Governor signed work zone safety legislation, H. 4033 (R119) into law on Friday, May 19. The bill aims to improve the highway safety of drivers and highway workers by cracking down on speeding in work zones and stiffens penalties for motorists driving recklessly near highway workers and emergency personnel.

The bill will increase the current fine of \$75-\$200 (which has been in law for years) to as high as \$5,000 depending on the type injury received. The specific changes in the law are as follows:

No physical injury must be fined not more than \$1,000 and not less than \$500, or imprisoned for not more than thirty days, or both.

Endangerment of a highway worker where worker suffers physical injury & the committing of the offense is the proximate cause of the physical injury, must be fined not more than \$2,000 and not less than \$1,000, or imprisoned for not more than sixty days, or both.

Endangerment of a highway worker where the highway worker suffers great bodily injury & the committing of the offense is the proximate cause of the great bodily injury must be fined not more than \$5,000 and not less than \$2,000 or imprisoned for not more than three years, or both.



Endangerment of a highway worker where the death of the highway worker ensues within three years as a proximate result of injury received by the highway worker related to the endangerment of the highway worker is guilty of reckless vehicular homicide pursuant to Section 56-5-2910, and, upon conviction, is subject to the penalties contained in that section, including license reinstatement and related conditions.

The fines above are all mandatory and cannot be waived. And, to ensure they are used to hire more officers to work construction zones, the money will be dispersed as follows:

65% of fine to the state treasurer and into a special account (separate and apart from the General Fund) to be used by the Dept. of Public Safety for work zone enforcement.

25% deposited into the State Highway Fund and designated for use by SCDOT to hire off-duty state, county, or municipal police officers to monitor construction or maintenance zones.

10% to county governing or municipality where charge was disposed in municipal court.

Members are encouraged to remind drivers to use caution when driving through work zones and to notify drivers of these changes!

Article provided by SC Trucking Association.

### SCDOT Embarks on a 10-Year Plan to Rebuild SC's Highway System

By Metro Columbia CEO June 30th, 2017

SCDOT has mapped out a decade-long plan designed to rebuild decayed roads and replace structurally deficient bridges all across the state. The foundation of this mission begins on Saturday, July 1. The Roads Bill passed by the General Assembly will become law on that day.

The state's gas tax, currently one of the lowest in the nation, will increase for the first time since 1987. The increase effective July 1, 2017 will be 2 cents and will increase by another 2 cents each year for a total of 12 cents at the end of a six year period.

In addition, the vehicle sales tax will be raised on July 1 along with other vehicle related fees.

A new program that is being launched as part of the plan is the Rural Road Safety Program. South Carolina has the highest rural road fatality rate in the nation. In preparation for this program, SCDOT traffic engineers have identified the rural roads that are the most dangerous.

Secretary of Transportation Christy Hall said this program is aimed at the worst-of-the worst roads. "The research done by our engineers has revealed that 30% of our highway deaths occur on only 5% of our highways and these roads are in our rural areas. We plan to invest \$50 million of the new funds into this program each year to save as many lives as possible," she said.

These targeted roads will see a variety of improvements as needed in each location. Among the improvements are the addition of rumble strips, guard rail, widening shoulders and building shoulders where there are none.

Deputy Secretary for Engineering Leland Colvin said the additional funding will allow the agency to continue and expand on-going programs. "Our current bridge replacement program began in earnest in 2013. The new funding enables us to set a higher target of replacing 465 bridges over the next ten years. Many of structures are load-restricted and cannot be used by school buses and larger trucks," said Colvin.

Another on-going program that will benefit from additional funding is the Interstate Widening Program. SCDOT is currently working to improve 140 miles of interstate highways. As the revenue grows, SCDOT will reach a point in the 10-year plan where even more interstate widening can be added to the program. But for now, the agency is taking a "Fix it First" approach.

SCDOT considers the hallmark of the 10-year plan to be the rebuilding and resurfacing of the roads in the state. Deputy Secretary for Finance Brian Keys said a three-decade shortfall in resources has led to crum-



bling roads all over the state. "The poor pavement conditions and countless potholes are spread throughout the system on our interstates, the major routes that connect our cities and towns and our secondary roads. These conditions did not occur overnight, nor will rebuilding the highway system be accomplished overnight. But the additional funding allows SCDOT to turn the corner and start the repairs," said Keys.

Secretary Hall's message to the public is patience. "Our roads fell into neglect over a 30-year period. We believe the 10-year plan can make great strides in rebuilding our system. The new funding will trickle into the Maintenance Trust Fund at first. But as funding increases in small increments over the next six years, South Carolinians and our visitors can expect to see more road and bridge construction all over the state with each passing year," said Hall.

SCDOT will make periodic reports on the progress of the 10-year plan as revenue accumulates and plans that SCDOT engineers have been preparing for rebuilding projects move forward to construction.

### FMCSA Federal Motor Carrier Safety Administration

### Report Recommends Improvements to CSA Scoring System

WORKTRUCK June 27, 2017

SA scores would be set using an approach that pulls in a wider stream of data such as driver compensation, vehicle miles traveled by state, and other factors under improvements recommended by a congressionally mandated panel charged with reviewing the system.

The Safety Measurement System is used to identify commercial motor vehicle carriers at high risk for future crashes. It's the heart of the Federal Motor Carrier Safety Administration's Compliance, Safety, Accountability enforcement regime, known as CSA. After numerous criticisms of the methodology from the industry, Congress called for the review of SMS as part of the Fixing America's Surface Transportation (FAST) Act of 2015.

The resulting study by the National Academies of Sciences, Engineering, and Medicine recommended replacing the current system over the next two years with a method using (Continued on page 31)

#### (Continued from page 30)

"item response theory," also known as latent trait theory.

FMCSA should develop a "more statistically principled approach" for the task, it said, based on an item response theory (IRT) model. Also known as latent trait theory, it's an approach that has been used for policy decisions in other er SMS percentile ranks should be made public, because it areas such as hospital rankings, according to the panel.

### SMS Data Shortcomings

FMCSA uses information collected primarily during roadside inspections to identify motor carriers that are operating unsafely and therefore theoretically at higher risk for future crashes. These carriers are subject to interventions from FMCSA, such as warning letters and investigation.

Since it rolled out in 2010, the report noted that the system has been criticized for, among other things:

- Using highly variable assessments
- Not accounting for crashes where the motor carrier is not at fault
- Including carriers that have very different tasks in the same peer groups
- Using measures that are sensitive to effects from one or more individual states
- Using measures that are not predictive of a carrier's . future crash frequency
- Using measures that are not reflective of a carrier's efforts to improve its safety performance over time.

The National Academies panel reported, "We have found, for the most part, that the current SMS implementation is defensible as being fair and not overtly biased against various types of carriers, to the extent that data on MCMIS can be used for this purpose.

"However, we believe some features of SMS implementation can be improved upon, and some of the details of the implementation are ad hoc and not fully supported by empirical studies. Many of these details of implementation would be easily addressed if the algorithm currently used were replaced by a statistical model that is natural to this the potential to address serious flaws in the system. sort of discrimination problem. "

The report identified a number of data quality issues. It recommended that FMCSA should continue to collaborate with states and other agencies to improve the collection of data on vehicle miles traveled and on crashes, data which are often missing and of unsatisfactory quality. Including vehicle miles traveled data by state and month will enable SMS to account for varied environments where carriers travel – for example, in icy winter weather in the North. In addition, there is information available in police narratives not represented in the data used that could be helpful in understanding the contributing factors in a crash.

The report also says FMCSA should research ways of collecting data on carrier characteristics - including driver turnover rates, type of cargo, and method and level of compensation. For example, compensation levels are relevant, says the panel, contenting that "it is known that drivers who are better-compensated, and those not compensated

based on miles traveled, have fewer crashes." This additional data collection would require greater collaboration between FMCSA and the states to standardize the effort and to protect carrier-specific information, it noted.

The committee said it was unable to recommend whethwould require a formal evaluation to understand the consequences of public knowledge of the information. SMS data was pulled from public view in December 2015 after the FAST Act prohibited the public display of property carriers' relative percentiles. At the same time, the agency removed the raw CSA data from public view to allow time to revise its SMS website, returning only that raw data to the website in March 2016.

### Industry: What We've Been Saying All Along

Trucking groups say the study confirmed much of what they've been saying all along about the shortcomings of the CSA program.

"This report has confirmed much of what we have said about the program for some time," said American Trucking Associations President and CEO Chris Spear. "The program, while a valuable enforcement tool, has significant shortcomings that must be addressed, and we look forward to working with FMCSA to strengthen the program."

Specifically, ATA noted the NAS study validated the trucking industry's concerns about the inclusion of certain types of violations in the CSA system, that geographic enforcement disparities can have a significant impact on carriers' scores, and that the collection and use of clean inspections is critical to the accuracy of the program.

"We strongly agree with the National Academies' conclusion that CSA should be based less on the 'subject-matter expertise' of enforcement and more on the empirically validated data," said ATA Director of Safety Policy Sean Garney. "We also see great potential in the Academies' recommendation that FMCSA overhaul the current CSA methodology in favor of a new, more adaptive, data-centric model with

"To maximize CSA's potential, there is an urgent need to address issues regarding data sufficiency and accuracy specifically when looking at crash and carrier exposure data."

Similarly, the Truckload Carriers Association supports the notion of CSA — in theory. The study, however, "reaffirms what our industry has been saying all along, that there are inconsistencies with the Safety Measurement System," said TCA Vice President of Government Affairs David Heller. "Safety-minded, forward-thinking carriers like the members of TCA should be able to stand behind their safety accomplishments, and being judged on those achievements, in an equitable manner, should be the basis of what CSA is all about."

The Owner-Operator Independent Drivers Association said it is still reviewing the report, "but in general we hope (Continued on page 32)

#### (Continued from page 31)

the agency will take the suggestions seriously, as it appears the panel agrees with many of our stated concerns about the flawed data used to evaluate the safety of carriers."

### What Will Happen to Safety Fitness Determination?

In March of this year, FMCSA announced it was scrapping a proposed rule that would have used the SMS data for issuing safety-fitness determinations for motor carriers. A large coalition of trucking industry groups wrote to Secretary of Transportation Elaine Chao to argue that the safety-fitness determination proposal should take a back seat to FMCSA fixing its CSA program.

In announcing its withdrawal of that proposal, FMCSA said that if it "determines changes to the safety-fitness determination process are still necessary and advisable in the future, a new rulemaking would be initiated that will incorporate any appropriate recommendations from the National Academies of Science and the comments received through this rulemaking."



### KNOW YOUR RISK FACTORS AND GET ACCLIMATED!

COMBAT HEAT ILLNESS WITH THREE STEPS: HYDRATE - ASSESS- ACCLIMATE

### HYDRATE

Drink ½ liter every ½ hour (equivalent to 1 cup every 15 minutes). Hydration is the most important step to combating heat stress. In extreme heat and humidity workers should use the half-half rule: drink ½ liter every ½ hour. Workers should not wait until they feel thirsty to drink; if they are thirsty they may already have lost 2% of their body's water. The onset of heat exhaustion can begin after losing 3% of the body's water and heat stroke occurs once 8% is lost. The bottom line is, if a worker is not regularly urinating or has dark urine, they are dehydrated and at risk for heat illnesses!

### ASSESS

Assess the relative danger of the CONDITIONS and your PERSONAL risk factors.

Conditions: Be aware that high heat, high humidity, low air circulation all create a more dangerous working environment. Any time more than one of these variables is present, the danger is compounded. In these conditions, workers need to take breaks in the shade and wear light, breathable clothing and hats. Some farm workers wear excess clothing to protect themselves from the sun, but this is a dangerous practice.

Personal risks: Assess your own personal risk that makes you more susceptible to heat illnesses, such as poor conditioning, acute dehydrating illnesses, chronic diseases, recreational drugs, diets and certain beverages, and some medications.

### ACCLIMATE

If an employee is new to a job or is returning after time away: ease them back into full time work over the course of 7-14 days. Starting at half time or 50% effort and increasing to full time work load by 10% each day can greatly reduce the employee's susceptibility to heat stress.

Information provided by the Pacific Northwest Agricultural Safety and Health Center (PNASH Center).

SCTPA Comments From Crad:

While the timber harvesting industry has come a long, long way over my forty years of having the pleasure to be involved with our industry, particularly in



South Carolina and the Southeast, and now perhaps nationwide, our timber harvesting industry has become more and more mechanized.

Whereby, most employees operating harvesting equipment are working in environmentally friendly enclosed machinery cabs with heat, air conditioning, etc. And there are still timber harvesting operations with employees working on the ground. Regardless, timber harvesting business workers are subject to heat related distresses and pre-cautions need to be taken.

Heat related distresses to individuals working on a timber harvesting operation in South Carolina or anywhere during the hot, humid days of summertime "can" and "are" potential threats to workers in machines and on the ground and most of all... to the worker's health.

During the high humidity, high heat days encountered in South Carolina and across this nation in many states during summer weather, do not think this high heat exposure does not pose a threat to timber harvesting workers. Heat related exposures and heat related illnesses are "real."

Have a plan on your jobsite to reduce exposures (as much as possible) ... have an emergency plan to deal with incidences directly related to heat exposure distresses.

It can be HOT in the woods on a timber harvesting operation ... But proper pre-cautions for workers can prevent heat related incidences. But also, have a plan to deal with an incidence if one occurs is important too.

### SAFETY OF EVERYONE IS THE PRIMARY GOAL!! SAFEY IS EVERYONE'S BUSINESS!!



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MAY/JUNE 2017

TIMBER TALK

# Clemson, DHEC Announce SC Adopt-a-Stream Program

Columbia Regional Business Report June 28, 2017

COLUMBIA, S.C. - The South Carolina Department of Health and Environmental Control (DHEC) and the Clemson University Center for Watershed Excellence

are partnering to form the South Carolina Adopt-a-Stream (SCAAS) program.

The SCAAS program will closely mirror the Georgia Adopt-a-Stream (GAAAS) program. Numerous volunteer or-

ganizations in South Carolina have already been utilizing the Georgia program to monitor and record water quality in the streams and rivers around the state.

DHEC and Clemson will promote and expand existing South Carolina volunteer stream monitoring efforts by providing volunteer monitors with a website for information, a database to maintain water quality monitoring data, training classes and materials, and other useful resources.

Numerous volunteer organizations from across the state have already agreed to participate in this citizen river monitoring program. These volunteer river stewards will spend a few hours each month documenting stream conditions and alerting local authorities of exceedance of water quality standards or evidence of illegal and illicit discharges.

"South Carolina is home to some of the most beautiful streams, rivers, and watersheds in the world, and we are committed to doing our part to protect these beloved natural resources," said Catherine E. Heigel, DHEC Director. "Our citizens deserve the opportunity to fish, swim, and play in clean rivers and streams and this program helps make that a reality."

"This is an exciting opportunity to engage the public in a program to promote water quality awareness and provide interested residents opportunities to protect our shared water resources," said Katie Buckley, Clemson University Center for Watershed Excellence Director. "The GAAAS program already has approximately 60 volunteer groups monitoring over 100 streams in South Carolina. The program has received a great deal of national and statewide attention, and interest is increasing."

The SCAAS volunteers will be certified in collecting the following types of stream data:

**Visual** - documenting the conditions of a river, streambed, streambanks, and floodplain.

**Chemical** - basic stream conditions are tracked over time, clarity, dissolved oxygen, Conductivity, and more.

**Bacteria** - volunteers monitor for the indication of the presence of fecal pollution and how this May be

affected by storm events and, over time, watershed changes. This important Monitoring is also used for reporting of potential wastewater pollution or other bacteria-laden pollution to surface waters.

**Macroinvertebrate** - the canaries in the coal mine of water quality, macroinvertebrates and their community species richness and population are indicators of healthy or polluted waterways. This special monitoring tracks changes over time to a stream and streambed's conditions and ecosystem health or stress.

SCAAS river stewards will be trained and certified in sample and data collection protocols designed to inform future monitoring efforts, infrastructure repairs, restoration priorities, and more. To find a training event, please see: http://www.clemson.edu/ public/water/watershed/scaas/aas-events.html. Learn more about the SCAAS program here, www.scadoptastream.org.





### CLEAN WATER RULE Rule repeal to emerge June 27, 2017

Ariel Wittenberg, E&E News reporter Published: Tuesday, June 27, 2017

The Trump administration will reveal its proposal for repealing the controversial Clean Water Rule today, U.S. EPA Administrator Scott Pruitt told a Senate Appropriations subcommittee today.

Pruitt's comments come as appropriators in the House side release a spending bill that would allow EPA and the Army Corps of Engineers to repeal the regulation without follow-

ing the Administrative Procedure Act (see related story).

Pruitt said the proposal was on its way to the Federal Register, in response to a question from Sen. Lisa Murkowski (R-Alaska), head of the Interior, Environment and Related Agencies Appropriations Subcommittee, who asked him about reports that a proposed repeal was "imminent."

Pruitt responded, "It is being sent to the Federal Register as of today. That's very imminent, by the way."

The 2015 Clean Water Rule, also known as the Waters of the U.S., or WOTUS, rule, drew fire from farmers, land developers and energy companies that say it amounts to government overreach.

Pruitt, along with a variety of industry interests, sued the Obama administration over the regulation when he was Oklahoma's attorney general.

Though the 6th U.S. Circuit Court of Appeals put WOTUS on hold, the Trump administration has made repealing and replacing the regulation a priority. A new proposal is the first major step in that effort.

EPA and the Army Corps have said they will revert to a 1986 regulation and 2008 guidance to define "waters of the United States" covered by the Clean Water Act while they work on a new definition.

Pruitt told the Senate subcommittee that he plans to "have a proposed rule on a replacement by the end of this year or the first quarter of next year."

That would be a tight timeline under the Administrative Procedure Act, which, among other things, lays out requirements for public notice and comment periods.

But the House energy and water spending bill for fiscal 2018 says the administration "may withdraw

the Waters of the United States rule without regard to any provision of statute or regulation that establishes a requirement for such withdrawal."

Exempting the regulation from the APA could not only remove the requirement that it undergo certain public scrutiny, but also make it easier for the new administration to ignore the Obama team's justifications for its Clean Water Rule.

That could include the costbenefit analysis of the 2015 regulation and an accompanying 408-page technical report, as well as a review

from EPA's Science Advisory Board (Greenwire, Feb. 10).

The House appropriations bill does not include any exemptions for a regulation writing a new definition for the term "waters of the United States."

An executive order President Trump signed last month directs agencies to align Clean Water Act oversight with the views expressed by the late Supreme Court Justice Antonin Scalia in a 2006 case. The famously messy Rapanos v. United States case ended in a 5-4 Supreme Court decision.

In that case, Michigan landowner John Rapanos wanted to develop a property that was designated a wetland. Because he hadn't applied for a permit, EPA sought to bring civil and criminal enforcement actions.

Scalia, who died last year, argued that the Clean Water Act applied only to "navigable waters" connected by a surface flow at least part of the year. He was joined by Chief Justice John Roberts and Justices Clarence Thomas and Samuel Alito.

But Justice Anthony Kennedy issued a concurring opinion, stating that waters must have a "significant nexus" to navigable rivers and seas, including through biological or chemical connections.

Until now, EPA and the Army Corps have followed Kennedy's "significant nexus" test in regulating clean water. Before the administration writes a new set of standards, it will first have to successfully repeal it.





# Future Logging Careers Act Clears House Committee in Larger Resilient Federal Forests Act

June 27, 2017, Hemphill, TX—In Washington today, the House Natural Resources Committee held a markup on the Resilient Federal Forests Act, H.R. 2396 which included language that would allow the sixteen and seventeen year-old sons and daughters of logging business owners to legally work on their parents job sites under parental supervision. The legislation is a part of the much larger forestry bill which includes streamlining and adding efficiencies to the management of federal forest lands while improving forest health and bolstering the economies of struggling forest dependent communities.

Like farming and ranching, the timber harvesting profession is often a family run business where the practice and techniques of harvesting and transporting forest products from the forest to receiving mills is passed down from one generation to the next. Timber harvesting operations are very similar to family farms with sophisticated and expensive harvesting equipment that requires young men and women to learn how to run the business, including equipment operation and maintenance, prior to obtaining the age of eighteen. Currently, there are no on-the-ground programs in place to facilitate that training and ensure the sustainability of the timber harvesting industry's next generation of family members who choose to enter the profession. The American Loggers Council (ALC) supports extending the agricultural exemption now enjoyed by family farmers and ranchers to train their sixteen and seventeen year old sons and daughters to carry on the family business to mechanical timber harvesters.

"Voters sent a clear message that it's time to put Americans back to work, and strengthening the forest products industry is one way to accomplish that goal in communities across the country," said Daniel Dructor, ALC Executive Vice President. "Professional timber harvesters provide the raw materials that supports manufacturing jobs in many sectors, from lumber to renewable energy. Many logging companies are small, family-owned businesses. To keep American loggers working in the woods, President Trump and Congress should pursue reforms in federal regulations and land management, as well as labor, transportation and energy policies."

American Loggers Council members first brought the language to the attention of Congress in 2014, and have received support from all sectors of the forest products industry. The language has already received bipartisan support in the Senate.

The American Loggers Council is the only national organization solely dedicated to representing the independent contract logger on the national level. We have the combined forces of independent contractors and state and regional logging associations around the country to impact our industry positively and proactively by sharing the benefits of education and training opportunities, networking, research, promotion and legislative coordination. The Council is committed to enhancing the logging profession, establishing a more level playing field for professional loggers and providing accurate information about the logging profession to the forest products companies, landowners and the public. It serves as a national network and communication center, linking local, state and regional organizations around the country.

CONTACT: Daniel Dructor, 409-625-0206, americanlogger@aol.com
## Groups gear up to protect programs slated to be cut in half

Marc Heller E&E News Reporter - May 24, 2017



State foresters are already scrambling to save programs that protect the nonfederal lands making up most of the nation's forests.

"We're disappointed, but we're looking forward to working with [the Trump administration] and Congress," Gary Schiff, policy director at the National Association of State Foresters, told E&E News in reference to the administration's budget plan for the next fiscal year released yesterday.

Schiff said his organization will focus on telling the new administration and lawmakers more about state and private forestry programs, in hopes of heading off the plans to cut them in half in the next fiscal year.

About 60 percent of forests in the United States roughly 500 million acres — aren't owned by the federal government, and they provide most of the nation's timber harvest, according to National Association of State Foresters.

Proposed reductions in forest programs are part of the 20.5 percent cut the Trump administration put forward for the Department of Agriculture. The plan would affect forest management, with sharply less money for state-level work on fire suppression and fighting forest pests, Schiff said.

The administration proposed \$118 million in discretionary funding for state and private forestry, down from about \$237 million this year. Within that reduction, the plan would eliminate funding for landscape-scale restoration projects and the Forest Legacy Program.

And while the administration would fund wildfire suppression at the 10-year average of costs, it proposed eliminating the FLAME Wildfire Suppression Reserve Fund.

Schiff said yesterday that the state and private forestry programs are a chief way that states put their own forest action plans into place, funding the most important programs determined locally.

Other Forest Service programs potentially in line for cuts are capital improvement and maintenance, which includes access roads. Funding for that program would tumble by more than two-thirds, to \$100 million. Total Forest Service spending in fiscal 2018 would be \$5.2 billion in budget authority, about a \$1 billion annual decline.

"We're disappointed to see such large cuts to forest management and forest road maintenance," said Bill Imbergamo, executive director of the Federal Forest Resource Coalition. "The budget would leave large swaths of national forest lands inaccessible over the long term as an already overtaxed road system damaged by large fires and inadequate efforts to reforest — deteriorates."

Imbergamo said his group looks forward to working with Congress to restore funding.

The cut to the fire suppression reserve account doesn't necessarily suggest a lean firefighting budget in reality, Andy Stahl, executive director of Forest Service Employees for Environmental Ethics, argued in a forest planning blog.

"The Forest Service knows that Congress always makes up the difference in subsequent appropriations if it overspends on firefighting," Stahl said, adding that the agency "makes out like a bandit" in an era of steep cuts in federal spending.

A tough sell on the Hill?

The budget request, broadly, received a tepid response among lawmakers who write agriculture legislation, and its deepest cuts seem unlikely to advance.

Though the chairmen of the House and Senate agriculture committees, Rep. Mike Conaway (R-Texas) and Sen. Pat Roberts (R-Kan.), didn't comment on forestry programs in a statement yesterday, they did say they would fight to protect farm bill programs.

Meanwhile, proposed cuts to state and private forestry programs have a history of drawing in lawmakers who otherwise wouldn't pay close attention to the Forest Service.

Last year, Sen. Chuck Schumer (D-N.Y.), now the Senate minority leader, criticized shifting money out of those programs to pay for fighting wildfires, siphoning funds from fighting the emerald borer in New York (E&E News PM, Aug. 15, 2016).

Agriculture Secretary Sonny Perdue will hear about the proposed cuts in two hearings on May 23 and 24. The House Agriculture Appropriations Subcommittee called him to testify May 24<sup>th</sup>, and he was scheduled to appear with Forest Service Chief Tom Tidwell May 25<sup>th</sup> at the Interior, Environment and Related Agencies Appropriations Subcommittee.

## FMCSA YANKS MINIMUM INSURANCE RULEMAKING

June 2, 2017, by David Cullen, Work Truck News

More than three years after launching a rulemaking to increase minimum insurance requirements for trucking, the Federal Motor Carrier Safety Administra-

tion is dropping the effort because it says it has not collected enough information to warrant going forward-- at least for now. The agency had first an-

nounced back in April 2014 that it was issuing an advance notice of proposed rulemaking to consider whether it should increase the financial responsibility for motor carriers, freight forwarders, and brokers. FMCSA noted that it is authorized to establish minimum insurance levels for motor carriers at or above the minimum levels set by Congress.

FMCSA had been seeking public comment on whether to exercise its discretion to increase the minimum levels and, if so, to what levels. "After reviewing all public comments to the Advanced Notice for Proposed Rulemaking (ANPRM), FMCSA has determined that it has insufficient data or information to support moving forward with a rulemaking proposal, at this time," the agency stated in a notice that will be published in the Federal Register for June 5.

In the ANPRM (Docket No. FMCSA-2014-02110) issued in 2014, the agency stated it was "considering a rulemaking that would increase minimum levels of motor carrier financial responsibility for bodily injury or property damage and sought information in connection with that potential rulemaking."

Specifically as to motor carriers, the ANPRM sought public comment on a series of questions addressing the following matters:

- Premium Rates
- Current Minimum Levels of Financial Responsibility
- Impacts of Increasing the Minimum Level of Financial Responsibility
- Compensation
- Sources of Information
- Timelines for implementation

FMCSA also said at the time that it would be asking "several questions related to broker/freight forwarder financial responsibility as it continues to implement Section 32918 of the Moving Ahead for Progress in the 21st Century (MAP-21) Act" highway bill, which became law back in 2012.

In addition, the ANPRM sought answers to questions pertaining to trip insurance for Mexican carriers; the discretionary imposition of financial responsibility requirements for motor passenger carrier brokers; and its self-insurance program for motor carriers.

The ANPRM arose from a study ordered by Congress in 2012 (via MAP-21) in response to the increasing

> costs of truck-related crashes. As it drafted the law, Congress considered raising the insurance minimum for general freight from \$750,000 to \$1

million, but eventually decided to have FMCSA prepare an analysis that could become the basis for changes in the standard.

The last minimum adjustment was in 1985, which set the current standard of \$750,000 for general freight, \$5 million for the most dangerous haz-mat freight and \$1 million for other haz-mat freight.

A total of 2,181 public comments were received in response to the ANPRM, including those submitted by motor carriers, insurance companies, broker/freight forwarders, safety advocates, attorneys, and drivers, and many others.

FMCSA said approximately 145 submissions expressed "general opposition" to increasing the minimum levels of financial responsibility for motor carriers but did so "without providing a substantive rationale for their opinions."

Some 120 submissions-- including one submission reflecting a petition signed by 11,366 individuals-- indicated general support for increasing the minimum levels of financial responsibility for motor carriers but, said the agency, did so also "without providing a substantive rationale for their opinion."

In the end, the effect of receiving so many unconvincing arguments over the past three years was worrisome enough to compel the agency to drop the matter, for now anyway. "Despite receiving a significant number of comments in response to the ANPRM, commenters did not provide responsive information necessary to allow the agency to proceed to a Notice of Proposed Rulemaking," FMCSA stated.

The agency noted in particular that commenters "did not provide sufficient cost or benefit data and the agency was unable to otherwise obtain sufficient data on industry practice with respect to the level of liability

(Continued on page 39)



#### (Continued from page 38)

limits in excess of the agency's minimum financial responsibility requirements, the cost of such premiums and the frequency of, and the amount by which bodily injury and property damage claims exceed policy liability limits."

What's more, "anecdotal and hypothetical data provided by commenters are not sufficient to allow the agency to perform a systematic cost-benefit analysis that would be required to raise motor carrier minimum financial responsibility through a rulemaking."

FMCSA further said that based on the information provided, it is not able to determine potential increases in insurance premiums associated with increased financial responsibility limits, or the impact of an increase in minimum financial responsibility requirements on insurance company capital requirements set by insurance regulators to ensure there are sufficient reserves to minimize the risk of insolvency.

"Moreover, FMCSA is not able to calculate economic benefits from having more financial resources available to assist crash victims associated with increased minimum financial responsibility limits," the agency added.

It has been speculated that the biggest stumbling block to advancing the ANPRM, is the dearth of data in the docket on truck accidents that can only be supplied by insurance carriers. And the agency cannot compel them to provide that proprietary information.

Lane Kidd, managing director of the Trucking Alliance, a group of major carriers that lobby for safety legislation, told HDT that "it's important to note that FMCSA didn't conclude that higher insurance levels aren't necessary, only that the agency doesn't have enough statistics to make a decision.

"I'm confident the private sector will now go to work on answering the questions FMCSA says it needs to make a decision," he continued. "Congress requires the trucking industry to meet its safety obligations to the public in the event of catastrophic truck accidents and self-insured trucking companies are generally meeting that responsibility. But, regrettably, too many trucking companies remain woefully underinsured to meet that congressional mandate."

David Heller, vice president of Government Affairs for the Truckload Carriers Association, told HDT that, "TCA supports the notion that motor carriers be required to possess minimum liability insurance coverage to help protect those we share the road with at reasonable and relatively stable rates." However, he advised that in this case, "one size fits all" is not good public policy. Heller said that while many TCA members have in fact obtained coverage well above the federal minimums, "the difficulty with this rulemaking is defining what would be a reasonable amount for all carriers. Our industry, which represents carriers of all sizes, ranging from one-truck operators to fleets with equipment numbering in the thousands, has shown that in many instances, a one-size-fits-all proposition is not entirely appropriate.

"What one carrier could accept as a reasonable rate may prove costly for another carrier with an entirely different scope of operations, yet identical safety record," he continued. "The inability to clearly define what would be a new proposed minimum makes it difficult to predict the ramifications it would have on small carriers and large carriers alike, to say nothing of the independent contractor."

The Owner-Operator Independent Drivers Association outright applauded the withdrawal of the ANPRM, noting that it had "vehemently opposed a proposed rulemaking to arbitrarily increase insurance minimums for commercial motor carriers."

"We want to thank all the truckers and smallbusiness trucking companies, our OOIDA Board Members and active membership for your work on this issue," said OOIDA Director of Government Affairs Mike Matousek.

In a statement, the association contended that the FMCSA proposal had been "based on increases in medical inflation," and noted that OOIDA and its members had told Congress that the initiative "would place significant financial burdens on motor carriers without any improvement to highway safety." OOIDA added that it had also pointed out that more than 99% of crash damages are covered under current financial requirements.

Matousek also said that the announced withdrawal is "significant in that the agency usually just leaves a docket open if a proposal is no longer being advanced."

As for the American Trucking Associations' take on FMSCA's action, ATA spokesperson Sean McNally told HDT that the trucking lobby "appreciates FMCSA's decision to withdraw this rulemaking when it determined that there is insufficient data to suggest that current minimum financial responsibility levels are inadequate to the purposes for which Congress established them.

"ATA believes decisions like this should be based on strong data, and until that data exists," he added, "FMCSA should leave the financial responsibility minimums at current levels."

## SFI FIBER SOURCING STANDARD RECOGNIZED AS A VERIFICATION MECHANISM FOR PEFC CHAIN OF CUSTODY CERTIFICATION

#### FOR IMMEDIATE RELEASE May 18, 2017

WASHINGTON, DC and OTTAWA, ON — The Sustainable Forestry Initiative (SFI) Fiber Sourcing Standard is now recognized by the Programme for the Endorsement of Forest Certification (PEFC) as a tool that meets PEFC requirements for the avoidance of controversial sources in the PEFC Chain of Custody standard.

"PEFC is pleased to support initiatives of its members that are unique and innovative such as the SFI Fiber Sourcing Standard, which provides an effective mechanism to demonstrate compliance with PEFC Chain of Custody requirements concerning controversial sources at a global level, while promoting the responsible procurement of wood fibre for SFI manufacturing facilities across the USA and Canada," said Ben Gunneberg, CEO and Secretary General of PEFC International, in a PEFC blog.

The SFI Fiber Sourcing Standard not only provides the avoidance of risk from controversial sources, it also sets mandatory practice requirements for the responsible procurement of all fiber sourced directly from the forest, whether the forest is certified or not. The fiber sourcing requirements include measures to broaden the practice of biodiversity, use forestry best management practices (BMPs) to protect water quality, provide outreach to small family forest owners, and use trained harvesting professionals. As a result of the implementation of the SFI Fiber Sourcing Standard, over 170,000 professional harvesters have been trained to ensure understanding of water quality, biodiversity, and other sustainable forest practice requirements.

"The SFI Fiber Sourcing Standard is a pioneering approach that puts the responsibility on the manufacturing organization to address its entire supply chain by promoting legal and responsible sourcing," said Kathy Abusow, President & CEO of SFI Inc. "The SFI Fiber Sourcing Standard holds the individual mills and manufacturers, who bear all the costs to certify, accountable for promoting responsible forestry, and reduces the financial burden on the small family forest owner. Giv-

en that about 90% of the world's forests are uncertified, there needs to be strong mechanisms to promote respon-



sible procurement from these lands."

The SFI Fiber Sourcing Standard has not only been recognized by PEFC for avoiding controversial sources in the supply chain, but by many other global organizations as well. Its recognition is part of a growing trend to look across the supply chain for assurances of legal and responsible procurement:

- The U.S. Environmental Protection Agency specifically called out SFI's standards in 2016 for having "made important contributions to improved BMP implementation through logger training, landowner outreach, and water quality requirements."
- The U.S. Green Building Council called out the SFI Fiber Sourcing Standard in 2016 as a way to meet the responsible sources category under the new Leadership in Energy and Environmental Design (LEED) alternative compliance path.
- The World Business Council for Sustainable Development (WBCSD) Forest Solutions Group, whose members sell products in 180 countries and are responsible for about a third of annual global forest, paper, and packaging sales, recognizes and supports the assurance of management performance and fiber flows provided by SFI Standards.
- SFI's Fiber Sourcing Standard is listed as a resource in WRI/WBCSD Guide to Sustainable Procurement of Forest Products. The Guide seeks to promote the demand of sustainably produced wood- and paper-based products and support

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procurement managers in making informed choices.

 The Sustainability Consortium, which works to improve consumer products sustainability, calls out the SFI Fiber Sourcing Standard as a way to report on non-certified forest content in its Key Performance Indicator around virgin fiber sourcing.
 Uptake of the SFI Fiber Sourcing Standard in the bioenergy sector was noted in the UNECE FAO 2015-2016 Forest Products Annual Market Review.

For more information on the SFI Fiber Sourcing Standard and its global recognition see our factsheet. About the Sustainable Forestry Initiative<sup>®</sup> Inc. The Sustainable Forestry Initiative (SFI) is a sustainability leader that stands for future forests. SFI<sup>®</sup> is an independent, non-profit organization dedicated to promoting forest sustainability and supporting the links between sustainable forests and communities through grant programs, carefully targeted research, direct leadership of critical initiatives, and partnerships that effectively contribute to multiple conservation objectives. Forests certified to the SFI Forest Management Standard cover 285 million acres/115 million hectares. Millions more acres benefit from the SFI Fiber Sourcing Standard. SFI's Forest Management, Fiber Sourcing and Chain of Custody Standards work to ensure the health and future of forests. Through application of these certification standards, SFI's on-product labels help consumers make responsible purchasing decisions. SFI Inc. is governed by an independent three-chamber board of directors representing environmental, social and economic sectors equally. Learn more at sfiprogram.org.

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C6D & C7F



Matt & Beth Foley doing PLT lesson.



State Forester Gene Kodama addresses teachers at sponsor's dinner.



Dan Welch & Jim Curry, Piedmont Pulp, Inc., sponsored Monday's lunch.



Dotty Morris talks about the tour experience.



PLT activity - The 400 Acre Woods



Increment boring to determine age.



























## **SC ROAD COALITION**

May 9, 2017

The Honorable Henry McMaster State House 1100 Gervais Street Columbia, SC 29201

#### **RE:** General Assembly Passage of H.3516

Dear Governor McMaster:

Today, the General Assembly approved H.3516 and sent it your desk. The legislation before you would provide long-term infrastructure investment, meaningful SCDOT reform, and targeted tax relief for South Carolinians.

This bipartisan initiative is years in the making and comes after decades of under-investment in our highway transportation system. H.3516, approved by supermajorities in both the House and Senate, enables SCDOT to begin comprehensive fixes in a responsible, sustainable manner.

A broad coalition of business leaders, public officials, and citizens has worked tirelessly on this effort. With every step, the desire that drove this coalition was to improve quality of life and economic opportunity for our fellow citizens.

Our citizen-legislators have been elected to represent the will of the people and have acted on their behalf. Now, we implore you to join them in acting for the good of all South Carolinians. Let H.3516 become law – invest in our great state's families and businesses by ensuring our infrastructure future.

Thank you for your service.

Sincerely,

SC Road Coalition

cc: SC Senate President Pro Tempore Hugh Leatherman Speaker of the SC House Jay Lucas

/ fany Wight

Tiffany Wright Public Relations Manager AAA of the Carolinas

Adam Jones Executive Director American Council of Engineering Companies of SC

Leslie Clark Director of Government Relations Carolina AGC

Caroline Sutton Executive Vice President Carolinas Ready Mixed Concrete Association



Bryan Derreberry President & CEO Charleston Metro Chamber of Commerce

Carl Blackstone President & CEO Greater Columbia Chamber of Commerce

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Cam Crawford President & CEO SC Forestry Association

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Otis Rawl President & CEO Greater Lexington Chamber & Visitors Center

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Crad Jaynes President and CEO SC Timber Producers Association

J. Richards Todd President & CEO SC Trucking Association

Jason Zacher Executive Director The Upstate Chamber Coalition

# \$100 NEVER TOOK You so far.

...BREAKING NEWS... After months of hard work, we have launched our new website. Members will now have access to their SLC invoices 24/7 with a member login! Amongst the new features are the "find the nearest station" to my location feature, an approved national tires and parts dealers with location info, fill out an application on-line and other features that will assist in the improved communication with our members. The SLC's founding "Cost-Cutting Mission" continues!



ELELING AT IT US Brewton, AL Claiborne, AL Cottonton, AL LaFayette, AL Moundville, AL Pennington, AL Pine Hill, AL Selma, AL Campti, LA Carmel, LA Chopin, LA DeRidder, LA Hodge, LA Mansfield, LA Pineville, LA Port Hudson, LA Winnfield, LA Zwolle, LA Monticello, MS Redwood, MS Chillicothe, OH Allendale, SC Georgetown, SC Orangeburg, SC Domino, TX Evadale, TX Lufkin, TX Pineland, TX Covington, VA

Mark Your Calendar	
July 2017 27 – 29 American Loggers Council, Summer Board of Directors Meeting, Opelika, AL August 2017 17 – 19 Virginia Loggers Association, Annual Meeting, Virginia Tech, Blacksburg, VA.	Vice (
<ul> <li>Newberry District Meeting, Farm Bureau, Newberry, 7 p.m.</li> <li>SCTPA Board of Directors Meeting, SCFC Headquarters, Columbia, 10 a.m.</li> <li>************************************</li></ul>	
District meeting dates may be changed. Meeting notices will be mailed prior to scheduled meeting. Meeting dates will be posted on SCTPA website www.scloggers.com. Members & Non-Members are encouraged to attend our district meetings to know what the issues are affecting the industry.	
<b>Need SFI Trained DVD Class or other training?</b> SCTPA can provide the New DVD Training Module for SFI Trained	
status. SCTPA is an approved DVD training class facilitator and will be scheduling classes during the year. Other training programs are available for safety, driver training, equipment lockout & tagout, haz- ardous 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.	В

## SCTPA Board of Directors

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> > \*\*\*\*\*

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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 statewide legislative activities, and aggressively promoting, supporting and conducting programs of state, regional and national advocacy.