



TIMBER TALK

Your Voice for South Carolina Timber Harvesting

NOVEMBER/DECEMBER 2016

AS WE SEE IT ...



AMERICAN LOGGERS COUNCIL

DECEMBER 2016

HAPPY HOLIDAYS

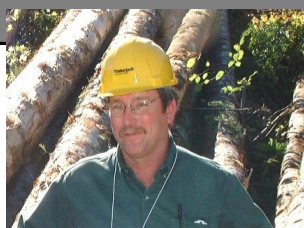
It is always difficult to try and speculate what might happen between the time that this editorial is written and then goes to print 30 to 45 days later, and this is one of those particularly difficult times when the elections have been held and yet as of this writing we do not know the outcome.

Regardless, we will have to work with whatever President and administration that is elected, and our issues will not go away simply because one political party defeated the other in the Presidential race. Let's just hope that whomever is elected will listen to the will of the people and place their values and needs over that of any party.

As you read this, the staff of the American Loggers Council has already made plans to visit DC in mid-December to get an idea of what the transition might look like from one administration to the next, and to see if there is a better opportunity to work across the aisle in completing legislation in the 115th Congress set to begin work in January.

Just because the American Loggers Council is working for you, doesn't mean that you shouldn't be involved in what's happening. Regardless of the results in the November election, we need all hands on deck with log-

gers engaged at the grass-roots level to get the policy changes we need and ensure our industry is prosperous for the future.



We have many issues to deal with for the industry, including truck weight reform on the Federal Interstate Highway System, attracting and retaining employees to the logging and log trucking industry, working to develop and support markets for the products and services we provide, and ensuring that our Federal Timber lands are sustainably managed to support a viable timber sale program that would help the many timber dependent communities across the Nation.

While these are some of the issues, we know that there will be many more to contend with in the future as we strive to tell our story to the public where they will have a better understanding of what we do and why we do it. Here at the American Loggers Council, we will do our best to keep the public informed of your professionalism in harvesting timber and dedication to protecting the environment as you continue to provide the fiber that is consumed on a daily basis by those that

(Continued on page 2)

Inside ...

As We See It ... December 2016	Cover
A Better Way Begins Today	2
American Workers Deserve Certainty	3
Lame Duck Session From FFRC	4
Annual Meeting Write Up	5
Annual Meeting Registration	6
SCTPA Board Nominations Needed	10
2017 Annual Meeting Schedule	11
Welcome New Members	17
As We See It ... January 2017	20
WSRI Notes December 2016	22
As We See It ... February 2017	24
USDOT Still Bans Marijuana Use By Truckers	25
Economics of Forest Biomass	26
Timber Harvests Up in 2015	27
Elections Shake Up Climate Policy	28
Letter to House Speaker Ryan	29
FMCSA Poised to Launch Clearinghouse	30
Weyerhaeuser Contributes to Clemson	31
Regulatory Reform Must be a Top Priority	32
OSHA's New Regulations for Drug Testing	34
Why Cut Down A Tree?	36
Mark Your Calendar	39

(Continued from page 1)

do not know its true source or the people that work tirelessly to provide it.

Many of you will be able to be with family and friends this Christmas, and it is justifiably right that you, as a member of this invisible industry, come out of the woods and take the opportunity to enjoy the companionship and fellowship of those that appreciate what you do and keep you going.

God bless, and have a Safe and Merry Christmas!

Log safe!

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.



A BETTER WAY BEGINS TODAY

January 3, 2017

Small Business Regulatory Flexibility Improvements Act *Introduced on Day 1 of New Congress*

WASHINGTON - House Small Business Committee Chairman Steve Chabot (R-Ohio) kicked off the 115th Congress by introducing H.R. 33, the Small Business Regulatory Flexibility Improvements Act of 2017.

The bill forces federal regulators to craft smarter, less burdensome regulations that take into consideration their direct and reasonably foreseeable indirect economic effects, especially on small businesses.

"Small businesses are often hit first and worst by regulatory decisions made by Washington bureaucrats with little to no consideration about what they will mean for small businesses and their employees," said Chairman Chabot. "The Small Business Regulatory Flexibility Improvements Act represents a better way to grow our economy by ensuring that small businesses are no longer an afterthought in federal rulemaking. By giving small businesses and the people who depend on them a say in the regulations they must live under, it will force the federal government to think about what is best for our job creators before it acts, not after."

The Small Business Regulatory Flexibility Improvements Act strengthens and clarifies the Regulatory Flexibility Act (RFA) of 1980. In the over 36 years since the RFA was enacted, agencies have exploited loopholes to get around the good-government intentions of the original legislation. The Internal Revenue Service frequently uses these loopholes to avoid RFA compliance. Chairman Chabot's bill closes these loopholes by requiring more detailed analysis of proposed regulations, providing greater opportunity for small business input, and ensuring agencies regularly review regulations already on the books for their economic impact on small businesses.

AMERICAN WORKERS DESERVE CERTAINTY ON BIOMASS ENERGY

Note: The following op-ed was written by Leo W. Gerard, is International President of the United Steelworkers and; Donna Harman, President and CEO of the American Forest & Paper Association.

Uncertainty can devastate economic growth and sustainability as much as any recession. Some uncertainty is unavoidable, as every American worker and business owner knows all too well. But regulatory uncertainty is something that can be remedied with a little bit of practicality and political courage.

That's precisely what we need from the Administration and Congress now, as they consider future energy policy, including from wood biomass.

The forest products industry is the largest producer and user of bioenergy in America's industrial economy. Paper mills use biomass residuals from their operations—basically the leftovers of making the paper we use every day for communication, hygiene, and environmentally friendly packaging for food and other products—to create bioenergy. That bioenergy yields significant carbon reducing benefits.

But this factual reality has yet to be matched with smart policy. For many years, Environmental Protection Agency (EPA) policy acknowledged and treated biomass energy as 'carbon neutral', in line with the rest of the world. But in 2010, EPA's Tailoring Rule reversed that policy, with no scientific backing, or notice and comment, leading to regulation of greenhouse gas emissions from biomass energy for the first time. EPA committed to study and resolve its biomass policy by July 2014. Unfortunately, EPA has not completed its assessment, and a final resolution is not in sight. As a result, the future of biomass energy is in limbo.

About 900,000 men and women work in the domestic forest products industry supply chain — over 100,000 of them are members of the United Steelworkers. The paper industry provides workers with family-sustaining jobs and is the life's blood of hundreds of local, rural communities. The uncertainty of federal biomass policy makes it difficult for companies to plan future investments in existing facilities or contemplate new ones. This uncertainty negatively im-

pacts jobs. Further, by treating biomass energy emissions the same as fossil fuels, we put U.S. manufacturing at a disadvantage in the global marketplace - where 15 percent of our product is exported. Global economies and governments are looking for clean energy to sustainably meet our future energy needs. Biomass energy is an important part of a clean energy future. U.S. pulp and paper mills' use of biomass as a fuel, after they've created paper products, is highly efficient and has helped the industry reduce its purchased energy by over 8 percent in the past 10 years. By reducing fossil fuel use and employing more efficient technologies, the pulp and paper industry has reduced its greenhouse gas emissions by more than 16 percent.

Furthermore, over 97 percent of the electricity produced by these facilities is through highly efficient combined heat and power technology. And the markets for those paper products encourage forest owners to invest in sustainable forest management practices that keep forests growing and healthy.

We agree with the more than 100 forest science experts from the National Association of University Forest Resources Programs (NAUFRP), who have written twice to the EPA, urging them to affirm biomass energy does not increase carbon dioxide levels, as long as carbon stocks in U.S. timberland remain stable or increase. There is no scientific disagreement that trees capture carbon as part of the natural carbon cycle, which occurs whether or not humans ever intervene. So when some of the natural carbon emissions from decaying plant matter are harnessed to create energy, it is logical to conclude that no net carbon is being added to the atmosphere. And when more trees are grown than harvested, as is the case in the U.S., the emissions created from using bioenergy are more than offset.

We also support full funding for U.S. Department of Agriculture's Forest Inventory and Analysis (FIA) program so that future decisions about forest carbon stocks will be based on the most accurate data possible and not on speculative modeling assumptions about the future.

The U.S. Senate has rightly recognized the need for Congress to act, and we hope Congress will bring needed certainty, recognizing biomass as a part of our nation's renewable energy future. Our government should act now to embrace biomass energy and the economic and environmental benefits it brings.



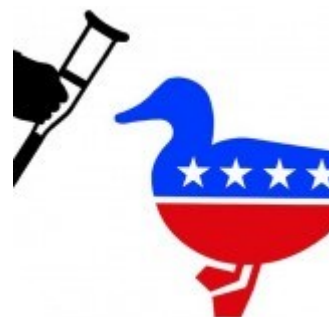
Lame Duck Session Update from FFRC

Bill Imbergamo from the Federal Forest Resource Coalition offers this update on December's lame duck session of Congress:

House leaders on Nov. 17 said that Congress would likely pass a short-term Continuing Resolution and then leave town in early December. "We've got a lot of priorities. We'd like to see changes relative to the Obama funding priorities," House Speaker Paul Ryan (R-Wis.) told reporters. The Speaker said a stop-gap bill would likely run until March 31st, to give the incoming Trump Administration "a say-so on how money is going to be spent going into the rest of this fiscal year."

Appropriations Committee Chairman Hal Rogers (R-KY) said he expected a relatively clean CR to pass by December 9th, when the current funding bill expires. He said policy amendments would be limited, and suggested any additional funds would be limited to foreign military operations. Hopefully the timeframe described won't significantly delay allocation of timber funding and timber targets to the Forest Service regions.

While leadership was squelching expectations for a full-year CR, there's a turnaround in thinking on an Energy Bill. After House leaders significantly downplayed the prospects of action on an Energy package, Senate Majority Leader Mitch McConnell (R-KY) and Senate Energy & Natural Resources Committee Chairwoman Lisa Murkowski (R-AK) indicated a desire for and optimism about passing something during the Lame Duck. There was also a reported meeting between Committee Ranking Member Maria Cantwell (D-WA) and House Natural Resources Chairman Rob Bishop (R-UT) in which they reportedly discussed both fire borrowing and forest management provisions.



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18th SCTPA Annual Meeting

SCTPA is excited about our 18th Annual Meeting to be held February 10 – 12, 2017 at the DoubleTree by Hilton Resort Myrtle Beach Oceanfront, 3200 South Ocean Boulevard, Myrtle Beach.

Our 2016 meeting had our largest attendance ever. We are excited to be returning to the “New and Remodeled” DoubleTree by Hilton Resort (formerly Springmaid Beach Resort) for our 2017 venue.

Our meeting focus will look at issues in Timber harvesting... forest inventory and wood supply, compensation packages in logging versus other similar industries and loggers need to tell their story. Our theme will be... *Loggers Are Heroes!*

Friday's schedule will be a board of directors meeting, afternoon registration and evening welcome reception with food and entertainment. Friday's Welcome Reception entertainment will feature the No Holds Barred Band-DJ-KJ Mix.

Saturday general session speakers will be Pete Stewart of Forest2Market to talk about wood supply and markets, Dr. Shawn Baker, Forisk Consulting presenting the Compensation Comparisons research project completed for the Wood Supply Research Institute and Wendy Farrand, WFarrand Consulting presenting her rousing presentation ... *Loggers Are Heroes*.

We'll also hear at our Saturday luncheon from SC Third District U.S. Congressman Jeff Duncan and former Florida U.S. Congressman Steve Sutherland about issues in Washington after the elections. Steve's brother Tim is a professional logger in Florida.

Saturday's association business session will feature the association's 2016 financials, Board of Directors elections, any bylaws changes, awards and presentations. We'll also have our prize drawings for the Honda Pioneer or ATV, Honda Generator and free stay at DoubleTree by Hilton Resort Myrtle Beach Oceanfront. Saturday evening is free to enjoy Myrtle Beach.

We're bringing back the gospel group *Hi Cotton* who blessed our Sunday Prayer Breakfast years ago. They'll bless us with their Southern Gospel music and faithful testimony.

Our Silent Auction will be available with a variety of nice items for bidding. Please donate an item. The prize drawings and silent auction help the association financially.

Exhibitors will be on hand inside the conference center with their products and services. There'll be no outside exhibits of equipment, trucks, etc. due to Hilton requirements and the new parking lot configurations. And of course there will be plenty of door prizes. We'll draw a winner for another gun or nice item on Saturday during the business session.

Discounted Carolina Opry tickets for the Saturday evening show February 11th are available for \$31 each and can be ordered with your meeting registration. *That's a \$20 per ticket savings versus regular price.*

Contact the Hilton World Wide directly to make your room reservations. **SCTPA's room reservation code is... SCT.** Call Hilton World Wide Reservations at 1-800-774-1500. Book online at:

www.MyrtleBeachResort.DoubleTreebyHilton.com.

Room block cut off is January 10, 2017. After January 10, 2017, standard room rates apply. SCTPA has no flexibility on this cut off date. SCTPA room block rates are the same as February 2016 annual meeting.

Our meeting is a casual family atmosphere. We encourage everyone to bring your family and employees. Dress is business casual. We ask attire suited for a business meeting is worn.

Go ahead now and block the dates to join us February 10 – 12 for our 18th Annual Membership Meeting. Brenda and I look forward to seeing you in Myrtle Beach.

Yours truly,

Crad

Crad Jaynes

Please Note: Sponsor / Exhibitor Packages will be mailed separately to Allied Supplier & Allied Supporters.

SCTPA 2017 Annual Meeting will be February 10 – 12, 2017 at the DoubleTree by Hilton Resort Myrtle Beach Oceanfront, 3200 South Ocean Blvd, Myrtle Beach, SC.

Reservations are to be made directly with Hilton World Wide Reservations by calling 1-800-774-1500. The SCTPA annual meeting Group Code is... SCT. Provide Group Code SCT when making room reservations.

SCTPA room block rates cut off is January 10, 2017. After January 10, 2017, regular room rates will apply. SCTPA has no flexibility with this cut off.

There is no reservation form for use like in the past.

2017 SCTPA ANNUAL MEETING DOUBLE TREE RESORT BY HILTON ROOM RATES

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2017 ANNUAL MEETING REGISTRATION

February 10 - 12, 2017

PLEASE PRINT OR TYPE. COMPLETE ALL INFORMATION BELOW.

Name _____ Badge Name _____

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Contact #: Work _____ Home _____

Fax _____ E-mail _____

Spouse/Guest Name _____ Badge Name _____

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

	Early Registration	After January 15, 2017
	# \$	# \$
Member *	_____ @ \$ 195 = _____.	_____ @ \$ 225 = _____.
Member Spouse *	_____ @ \$ 95 = _____.	_____ @ \$ 105 = _____.
Active Member Employee **	_____ @ \$ 95 = _____.	_____ @ \$ 105 = _____.
Active Member Employee Spouse	_____ @ \$ 75 = _____.	_____ @ \$ 85 = _____.
SATURDAY, FEB. 6 ONLY	_____ @ \$ 175 = _____.	_____ @ \$ 195 = _____.
Non-Member	_____ @ \$ 235 = _____.	_____ @ \$ 250 = _____.
Non-Member Spouse	_____ @ \$ 95 = _____.	_____ @ \$ 105 = _____.
Children - Per Child – Age 6 – 18 <small>Children Under 6 – No Charge</small>	_____ @ \$ 35 = _____.	
Discounted Carolina Opry Tickets <small>Saturday Evening Show, FEB. 11, 7 p.m. Tickets Are Non-Refundable Save \$ 20.00 Per Ticket</small>	_____ @ \$ 31 Per Person = \$ _____.	
TOTAL \$ DUE & PAID \$ _____.		
<small>* Please Refer to Member & Active Member Employee Descriptions Below *</small>		

Return Completed Registration & Check Payable To: SC Timber Producers Association (SCTPA)

*Members ** = Active Members, Allied Supplier Members & Allied Supporting Members with Paid Dues.
Active Member Employee ** = Active Logger, Wood Dealer or Trucker Member Sponsored Employees Only not an owner, partner or corporate officer of active member's business. Supervisors & employees are encouraged to attend.
All other Non logger, dealer or trucker active members use member registration rates per person attending.
 Call SCTPA if questions.

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 SCTPA ROOM BLOCK RATES ABSOLUTE CUT-OFF IS JANUARY 10, 2017.
Regular Hotel Room Rates Will Apply After January 10, 2017.
Hilton Room Cancellation Policy Applies.

SCTPA Annual Meeting Cancellation Policy: Full refund if written cancellation received by January 1, 2017. 50% refund
 If written cancellation request received by January 10, 2017. NO REFUND after January 10, 2017.

Additional Names for Annual Meeting Registration & Name Badges:

2017 Annual Meeting Registration Credit Card Payment

Total Registration Fees \$ _____

Total Carolina Opry Fees (If Applicable) \$ _____

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Total Amount Charged \$ _____

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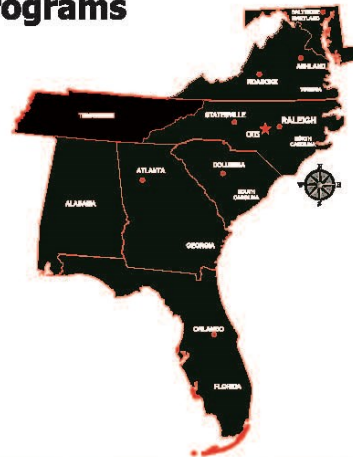
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Timber Talk *Your Voice for South Carolina Timber Harvesting*

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

2017 BOARD OF DIRECTORS NOMINATIONS NEEDED

Three Board of Directors Seats will need to be elected at our February 11, 2017 Annual Membership Meeting at the DoubleTree by Hilton Resort Myrtle Beach Oceanfront, Myrtle Beach, SC.

The board terms for Seat 1 served by Rickey Chapman, Chapman Timber, Inc., Newberry, Seat 3 served by Robby Crowder, Land & Timber, LLC, Greenwood, and BoBo Seckinger, Seckinger Forest Products, Inc., Hampton will expire December 31, 2016.

Nominations are welcomed for the three seats. These expiring board members at this time and as of this Timber Talk issue have not indicated as to whether any one or all will run for re-election. Regardless nominations are encouraged to be submitted for these board seats.

Board member elections will be conducted during the Member Business Session of the Membership Meeting convening at noon on Saturday, February 11, 2017.

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

Board members are responsible to attend board meetings and local district meetings. Plus, promote professional timber harvesting in SC, seek SCTPA members, represent the association at events where needed and promote the association. One board meeting is conducted at the annual meeting with bi-monthly meetings held in Columbia beginning at the end of February each year.

Any member solely and directly engaged in the logging business and in good standing with paid dues as of December 31, 2016, may be nominated for any of the upcoming seats. Any member regardless of location is eligible for nomination. Logger members are encouraged to enter your name or the name of another logger member as an eligible candidate.

To enter your name for nomination or to nominate someone else, please contact the Nominations Committee or SCTPA office no later than January 15, 2017.

Thanks for your assistance in this important association process.

Nominations Committee

Chairman, Danny McKittrick, McKittrick Timber, LLC, Heath Springs

Office/Home 803-283-4333 ■ Fax 803-286-7753 ■ Cell 803-320-1739 ■ logn@comporium.net

Josh Key, Beech Island Timber & Construction, Inc., Jackson

Office/Home 803-827-1807 ■ Fax 803-302-1126 ■ Cell 803-507-8995 ■ jkey@bitimber.com

Tommy Barnes, Ideal Logging, Inc., Edgemoor

Office 803-789-5467 ■ Fax 803-789-3565 ■ Cell 803-385-7994 ■ ideallogging@truvista.net

18TH SCTPA Annual Membership Meeting

MEETING AT A GLANCE

FRIDAY, FEBRUARY 10

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

Conference Center

- Live Oaks Bldg.
2nd Floor
3rd Floor

SATURDAY, FEBRUARY 11

- 6:30 a.m. Member & Guests Breakfast
6:45 a.m. Registration Desk Opens
8:00 a.m. General Session
Welcome, Invocation, Antitrust Statement & Announcements
Speaker: Peter Stewart, President Forest2Market, Charlotte, NC
Speaker: Dr. Shawn Baker, Forisk Consulting, Athens, GA
Morning Break
10:45 a.m. Speaker: Wendy Farrand, WFarrand Consulting, Limerick, ME
8:30 a.m. Ladies Breakfast
11:45 a.m. Break for Luncheon
12:00 p.m. Membership Luncheon & Business Meeting
12:45 p.m. Chairman's Welcome, Board of Directors Introductions & Announcements
Speakers: SC U.S. Congressman Jeff Duncan & Former FL U.S. Congressman Steve Sutherland ... "*DC After the Elections*"
Business Session: Chairman's Report, Financial Report, Bylaws Report, Board Elections, Awards & Special Presentations, Door Prizes & Prize Drawings
2:45 p.m. Afternoon Break
3:00 p.m. Workshop: SFI Trained TOP DVD Module for SFI Training For July 1, 2016 – June 30, 2017 SFI Trained Status
5:00 p.m. Adjourn
Saturday Evening On Your Own. Enjoy Your Evening!
DISCOUNTED CAROLINA OPRY TICKETS Available At Registration Desk.

Conference Center

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2nd Floor
2nd Floor

3rd Floor

3rd Floor

2nd Floor

2nd Floor

SUNDAY, FEBRUARY 12

- 8:00 a.m. Prayer Breakfast
9:00 a.m. Special Guest: *Hi Cotton gospel Group, Springfield, SC*
10:05 a.m. Silent Auction Announcements & Final Comments
10:30 a.m. Adjourn Meeting

Conference Center

3rd Floor

Silent Auction Bidding Hours - Conference Center

Friday, 5:00 – 9:30 p.m. Saturday, 7:00 a.m. – 5:30 p.m. Sunday, 7:00 – 9:00 a.m.

EXHIBITOR HOURS - CONFERENCE CENTER

Friday, 6:00 – 9:00 p.m. Saturday, 7:00 a.m. – 5:00 p.m. Sunday, 7:30 – 9:30 a.m.

THANK YOU FOR SUPPORTING OUR 2017 ANNUAL MEETING!



AS TRUMP'S OMB CHIEF, MULVANEY COULD CUT WORKFORCE, RULES

Kevin Bogardus and George Cahlink, E&E News reporters
Published: Monday, December 19, 2016

Rep. Mick Mulvaney, President-elect Donald Trump's pick for director of the Office of Management and Budget, would bring a zeal for slashing the federal workforce and regulations to the executive branch.

The South Carolina Republican has proposed House legislation to limit agencies' hiring as well as their rules. As a founding member of the Freedom Caucus, Mulvaney is seen as a spending hard-liner who supported the 2013 government shutdown and voted against raising the debt ceiling in the past.

Mulvaney has made cutting the budget a singular pursuit during his time in Congress. Elected in 2010, Mulvaney ousted Rep. John Spratt (D-S.C.), a onetime House Budget Committee chairman, in large part by raising questions about his support for budgets that increased spending and the debt.

On a conference call with reporters today, Trump transition spokesman Jason Miller called Mulvaney a "very impressive pick."

Miller added, "Congressman Mulvaney has a strong history, has been a loud voice for fighting to rein in out-of-control spending, fighting government waste and pushing for tax policies that will allow working Americans to thrive."

Observers have noted Mulvaney and Trump may differ on the president-elect's plan for government spending, such as a massive infrastructure package, but they look to be in sync on what to do with the

federal workforce as well as the regulatory process.

In January 2015, Mulvaney and retiring Rep. Cynthia Lummis (R-Wyo.) introduced a bill to limit new hires by federal agencies to one employee for every three who retire or leave government service. The lawmakers estimated their legislation would save about \$35 billion over five years without requiring current workers to exit their jobs.



In a statement at the time, Mulvaney called the bill "a big step in the direction of efficiency." "It's no secret that the federal government is way too big and spends way too much," Mulvaney said.

Federal worker unions pushed back against the bill. J. David Cox, president of the American Federation of Government Employees, called the effort "misguided legislation" (Greenwire, Jan. 23, 2015).

Mulvaney has not ranked well with AFGE. The nation's largest federal employee union gave him a score of 18 percent for his 2015 voting record, according to its legislative scorecard.

Mulvaney's wish to cut the federal workforce sits well with Trump's rhetoric on the campaign trail. The president-elect has proposed a federal hiring freeze as well.

As part of his contract with the American voter, Trump pledged to reduce the federal workforce through attrition, freezing hiring at all agencies except those involving the military, public safety and public health. The hiring freeze is meant to help Trump "drain the swamp" of corruption and influence-peddling in Washington.

'Starving the agencies'

James Goodwin, a senior policy analyst at the Center for Progressive Reform, a liberal-leaning think tank on regulations, told E&E News that compared with other House Republicans, Mulvaney is not as "super-engaged" on regulatory reform.

Still, as the head of the OMB — which oversees the Office of Information and Regulatory Affairs, the federal government's final check on rules to be issued — Mulvaney will have much power over the regulatory process, including its funds.

"He seems to be more interested in the B [budget] side, which is to say he could still have a big impact on the regulatory side," Goodwin said.

Goodwin noted, "One way Trump can wipe Obama's legacy clean is starving the agencies, and if Mulvaney is writing the budget, that's how he can go after regulations."

Last Congress, Mulvaney was co-sponsor of legislation that would create the Regulatory Improvement Commission. The panel would review and recommend federal rules for repeal.

"Regulations, once enacted, linger on the books forever, achieving the political equivalent of immortality, often becoming outdated, irrelevant, and burdensome. But the solution isn't just fewer regulations; it's smarter regulations," Mulvaney said in an op-ed in *The Hill* with Rep. Patrick Murphy (D-Fla.), the bill's author, soon after its introduction.

Also under his voter contract, Trump has proposed that for every new regulation issued, two existing rules must be eliminated.

Instead of having a commission to stop regulations, Mulvaney as OMB chief could just craft a smaller budget for the rulemaking agency.

"If he [Mulvaney] doesn't like EPA, or their regulations, he can write a small budget for the rule-writing office or he can write a small budget for the general counsel's office," Goodwin said.

After all, Mulvaney has repeatedly called for any

federal spending to be offset by corresponding budget cuts, an initiative popular with the party's right dubbed "cut, cap and balance." In 2013, he offered a failed plan to force across-the-board spending cuts to pay for tens of billions of dollars in Superstorm Sandy aid.

The South Carolina lawmaker has opposed most budget resolutions and spending bills during his tenure in Congress, arguing they would not balance the budget, even favoring defaulting on the federal debt rather than being forced to raise the nation's \$20 trillion debt ceiling. His convictions will be put to a test this spring when Congress will need to raise the nation's borrowing limit.

Unlike past budget directors, Mulvaney does not currently serve on the House Budget Committee, but he's been something of a point man for the Freedom Caucus on fiscal matters. He's among a handful of Freedom Caucus members whom House leaders have sought out to gauge the political temperature of the often rambunctious caucus.

Mulvaney was one of the few conservatives who opposed the election of John Boehner as speaker in 2013, a harbinger of growing opposition on the right that eventually cost the Ohio Republican his gavel.

Mulvaney's hawkish fiscal views could be at odds with Trump's calls for as much as \$1 trillion in new infrastructure projects as well as new spending for the Pentagon. He's derided the Defense Department's emergency war spending accounts as a "slush fund."

But in a statement over the weekend, Trump focused on his calls for cuts and said he believes Mulvaney has the "deep convictions for how to responsibly manage our nation's finances and save our country from drowning in red ink."



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AS WE SEE IT ...



AMERICAN LOGGERS COUNCIL

Election Results Bring New Opportunities, But Old Challenges Remain



Against all odds, Donald Trump was elected as our new president. Republicans also kept control of both houses of Congress. Since November 8, many stories have been written about rural America's influence on the election. But what does it all really mean for the American Loggers Council, its members and professional timber harvesting?

There's no doubt the new year will bring opportunities to reform federal forest management, restore the health of our federally-owned forests, and create more family-wage jobs where they're desperately needed. For ALC, there will be new opportunities to advance key priorities such as ensuring uniform truck weight limits and passing Youth in Careers in Logging legislation. It will also be easier for ALC and its partners to stop anti-forestry measures before they can hurt the industry.

But make no mistake, getting things done in Washington DC won't be easy. Our work isn't done. It's only just beginning.

When it comes to federal land management, Trump now has the chance to appoint officials who can change the culture of federal agencies, emphasizing a shift back to multiple-use management of our lands and natural resources. But the truth is the new Trump Administration will be saddled with the same counter-productive and complex web of federal laws, rules and regulations that have resulted in the neglect of our forests and the loss of thousands of jobs across the industry. It's already clear anti-forestry groups will double-down on lawsuits that bring projects to a halt and put forest health in the hands of judges instead of foresters.

Relieving our federal agencies of obstructive litigation, "analysis paralysis," and chronic budget shortfalls requires congressional action. Given the enormous power and influence anti-forestry groups continue to enjoy

in Washington DC, it's likely any real change will require bi-partisan support in the U.S. Senate, where Republicans lost seats. Any legislative measure will likely require 60 votes in the Senate before President Trump is able to sign it into law. Many policymakers, even those in the new administration, will need to be educated on responsible logging practices and the benefits loggers provide to the American public.

The new administration and Congress offer new opportunities, but many of the old challenges facing the industry will remain. ALC members, led by Executive Vice President Danny Dructor, are working proactively with key leaders to hit the ground running. But ALC still needs your help, even with a federal government that will be friendlier to timber harvesting. Now more than ever, it's important for all loggers to stay informed and stay engaged to make the most of the opportunities that American voters have given us.

Stay tuned to for updates in future issues in our newsletter. And don't forget to "like" us on Facebook!

Nick Smith is Communications Specialist for American Loggers Council and founder of Healthy Forests, Healthy Communities, a non-profit, non-partisan organization that advocates for active forest management on federal forest lands. 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.



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WSRI Notes
December 28, 2016

Merry Christmas and Happy New Year! Here are some of the things that have been going on since my last notes in September:

- Budget stuff
 - o Based on procedures negotiated with Tate and Tryon in the 3rd quarter, WSRI's financial position is now reviewed by the Executive Director with them in detail at least twice a month.
 - o As of November 30th, 2016 WSRI had net assets of \$152,292 which includes \$2,294 of prepaid expenses.
 - o Financial obligations that were met since the September WSRI Notes include \$27,000 for the report released by FORISK in October, \$25,000 to kick off our new project with Virginia Tech, and \$6,000 to Auburn per the terms of our agreement with them to explore data collection on truck delays using cell phone technology.
 - o The only research obligation currently outstanding is the final payment of \$25,000 for the Virginia Tech project. It will be due in October of 2017.
 - o Dues collected so far in 2016 total \$117,500 toward a pledged amount of \$125,500. It is not expected that we will receive additional 2016 dues. The Executive Director will begin the task of sending invoices for 2017 dues in January. As in the past dues will be received by FRA at their headquarters in Washington DC and credited to WSRI.
- Membership
 - o Forestry Mutual has announced that they will join WSRI in 2017.
 - o Don Taylor and Mac Lupold passed away and we will miss them.
 - o Callahan Timber and Yoemans Wood and Timber never paid 2016 dues in spite of repeated pledges to do so. We assume this means they have decided not to be members.
 - o F2M notified Carruth that they would not be members in 2017.
 - o Weyerhaeuser notified Carruth that they would not be members in 2017. However, Weyerhaeuser will financially support the Virginia Tech project in recognition of their interest in it and approval of it.
- Miscellaneous Business
 - o The WSRI Executive Committee held a conference call on November 28th. Board seats, membership, and finances were discussed.
 - o Norbord has agreed to fill an empty Board seat in the Consumer Segment. Consumer members approved this nomination in early December.
 - o Brandon O'Neal with John Deere has been approved to serve on the Board and Executive Committee representing the Associate Segment.
 - o There remains an empty Board seat in the Logger segment. Nominations / volunteers are being solicited.

(Continued on page 23)

(Continued from page 22)

- o Carruth is in the process of reaching out to current Board members whose seats expire in 2017 to discuss their suggestions for filling those seats at the annual meeting.
- WSRI officially commissioned a project with Virginia Tech on November 1st, 2016. The project is entitled *A Lean Logistical Framework: Applications in the Wood Fiber Supply Process*. This project seeks to use Lean principles to review typical wood fiber supply processes in the US South and map them with an eye for documenting potential efficiency and waste. Previous work by WSRI will be reviewed as part of this project to capture and build on findings that mesh with Lean concepts. Per communications just prior to the Christmas holiday, Drs. Quesada and Bond are in the process of developing a summary of the type of information they will need to collect from WSRI member volunteers. Please consider being a participant in this study if and when you are approached.
- *Compensation Indices for Logging and Trucking Occupations* was officially released in October. This report used both publicly available and direct survey data to compare and contrast the salary and benefits of logging equipment operators and logging truck drivers to those of employees who work for businesses that typically compete for the same labor skills. There is plenty of information in this report to spur conversation and suggest actions that can be taken to address manpower issues in the logging and trucking business. Deb Hawkinson (FRA) is working with WSRI to find potential speakers for our annual meeting who might dive into some items of interest from this report.
- Auburn hit snags in attempting to develop a phone app to record trucking delays and assign causes to them. The WSRI Chairman and Technical Team leader are reviewing this effort to decide what, if anything, should be reported on it.
- The WSRI website has been updated. With the retirement of Neil Ward (FRA), Steve Carruth is now working directly with the web service provider to manage and update material on the site. When you visit the site please share any and all observations with Steve. With coaching from Richard Lewis, Steve is also taking on some of the communications work that Richard developed for WSRI. This is being done to streamline some of the effort, adjust to personnel changes occurring within FRA, and save some money.
- The WSRI Annual Meeting is set for Monday May 1st 2017 in Charleston, SC. As in past years it will be followed immediately by the FRA Annual Meeting. Please mark your calendars! Our Executive Committee has pledged to work hard between now and then to find ways to streamline the business portion of the meeting and make time for presentations related to our research. As we search for speakers please consider the possibility of presenting something your organization has done, or would like to do, that could further the mission of WSRI.

WSRI Chairman – Crad Jaynes

WSRI Executive Director – Steve Carruth

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ALC JOINS U.S. CHAMBER IN SUPPORTING REGULATORY ACCOUNTABILITY ACT

By Jim Geisinger

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 reform the federal Administrative Procedure Act. It is an effort to better structure agency rulemaking between general regulations that are needed to keep society functioning, and those high-impact regulations that cost billions of dollars each year and that have a nationwide impact on jobs and the economy.

According to Bill Kovacs of the U.S. Chamber, by focusing only on high-impact 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.

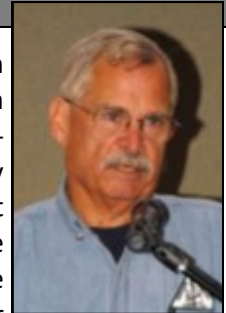
Here's how the RAA works: When an agency first decides to write a high-impact rule, it would be required explain to the public why the regulation is necessary, how it will affect business, jobs and the economy, and why the rule is the best available alternative. After evaluating the impacts of the proposed 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 awarding deference to agency decisions, a court must find that the agency addressed all standards mandated on the agency by Congress.

With a new president and a new Congress elected with a mandate to create and protect American jobs, we have a unique opportunity to establish responsible sideboards on agency rule-making. We can't allow this opportunity to pass by. It is time for impactful regulatory reform, which the American Loggers Council supports and that the RAA can deliver.

Jim Geisinger is Chair of the American Loggers Council Legislative Committee and Executive Vice President of Associated Oregon Loggers.

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.





DOT: Marijuana Still Banned for Truckers Despite Ballot Victories



After four more states voted to approve legalization of marijuana in November, it appears the Department of Transportation will stand by its previous stance that using marijuana is forbidden for truck drivers as long as it remains a Schedule I drug.

Federal Motor Carrier Safety Administration spokesperson Duane DeBruyne said any change in the drug testing laws for truckers would have to begin with the White House's Office of National Drug Control Policy before the DOT could make any changes.

Voters in California, Massachusetts, Nevada and Maine voted to legalize recreational marijuana in their respective states Tuesday, and voters in Arkansas, Florida and North Dakota voted to legalize marijuana for medicinal use. Montana voted to loosen restrictions medical marijuana laws in the state.

In 2012, when Washington and Colorado legalized recreational marijuana, the DOT announced the initiatives wouldn't change its drug testing policies. Last November, DOT issued a similar statement about medical marijuana that stated it wouldn't change the drug testing program.

"It is important to note that marijuana remains a drug listed in Schedule I of the Controlled Substances Act," the 2012 statement said. "It remains unacceptable for any safety-sensitive employee subject to drug testing under the Department of Transportation's drug testing regulations to use marijuana."

According to a report from the Associated Press, nearly a quarter of the U.S. population — upwards of 80 million Americans — now live in states with legalized recreational pot. With Tuesday's vote, 28 states now allow medical marijuana.



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Economics of Forest Biomass Raise Hurdles for Rural Development

The use of residual forest biomass for rural development faces significant economic hurdles that make it unlikely to be a source of jobs in the near future, according to an analysis by economists at Oregon State University.

In a model of the forest industry, researchers in the College of Forestry combined an evaluation of costs for collecting, transporting and processing biomass with the potential locations of regional processing facilities in western Oregon. Each location was chosen because it is adjacent to an existing or recently-closed wood product operation such as a sawmill or plywood manufacturing plant.

The study, published in *Forest Policy and Economics*, focused on biomass generated during timber harvesting operations. Biomass consists of branches and treetops that are generally left in the woods or burned. In some highly accessible locations, these residues are ground up or chipped and used to make a product known as "hog fuel."

"There's a lot of interest in focusing on the use of biomass to meet multiple objectives, one of which is support for rural communities," said Mindy Crandall, who led the research as a doctoral student at Oregon State and is an assistant professor at the University of Maine.

"We thought this might provide some support for that idea," she said. "But from a strictly market feasibility perspective, it isn't all that likely that these facilities will be located in remote, struggling rural communities without targeted subsidies or support."

While researchers don't dismiss the possibility of reducing costs by increasing the efficiency of biomass operations, the future feasibility of such development may depend on public investments and the creation of new markets. And while the study considered the possibility of generating biomass from restoration or thinning operations on federal for-

estlands, it concluded that the additional supply does little to change the economic feasibility of processing facilities.

It would take changes in technology from transportation to processing as well as the development of new value-added products—such as aviation fuel and industrial chemicals—to improve the economic feasibility of biomass, scientists say.

The study may be the first to combine a model of biomass operations with specific locations for regional processing facilities where the material could be processed and stored. Researchers identified 65 likely locations in western Oregon for such facilities, which they call "depots."

The cost of harvesting, chipping and loading biomass at timber harvesting sites comes to about \$37.50 per dry ton, researchers estimated. Operating costs of a regional depot—including labor, fuel, maintenance, electricity and supplies—would add another \$11 per dry ton. These estimates do not include transportation and depot construction.

"The actual levels of these costs that operators experience will be really critical to feasibility," added Crandall.

Researchers have explored the potential for biomass to be used to make aviation fuel, said John Sessions, an OSU professor of forestry who did not take part in this analysis. Sessions has studied the use of forest harvest residues to produce aviation fuel in a project led by Washington State University. While it is technically possible, the economic feasibility of making aviation fuel from biomass would depend on generating income from co-products as well. The first commercial airline flight using aviation fuel made from forest harvest residues was flown by Alaska Airlines last month from Seattle to Washington, D.C., said Sessions, using residues from this project.

Other efficiencies in biomass processing and transportation could improve economic feasibility, added Sessions. They include reducing its moisture content and increasing its density to reduce trucking costs. The scale of processing facilities could be adjusted to minimize the cost per ton.

(Continued on page 27)



(Continued from page 26)

Crandall and her colleagues estimated that a depot operating three shifts per day and producing 75,000 dry tons per year would create about 19 jobs.

They also considered the possibility that an increase in material from federal forests would make a difference, but transportation costs would rise because such lands tend to be remote from likely depots.

"Just like with real estate, it's 'location, location, location' that matters here, and national forest lands are not uniformly distributed across the landscape," said Darius Adams, co-author on the paper. "They are frequently in less accessible areas, and it would cost more to transport material."

The potential for biomass, the researchers said, will likely depend on the ability to achieve other aims in addition to generating biomass as a product: wildfire risk reduction, forest restoration, energy and rural economic stimulus.

Support for the research came from the Northwest Advanced Renewables Alliance led by Washington State funded through the National Institute of Food and Agriculture in the U.S. Department of Agriculture.

U.S. Timber Harvests Up 10% in '15, Says Wood Resource Quarterly



According to official statistics, the U.S. timber harvests were practically the same in 2015 as in 2011, coming in at 355 million m³, but analysis by Wood Resources International based on derived log consumption by the forest industry in the U.S. and net log trade, indicates that the actual removals of industrial roundwood were closer to 411 million m³ in 2015, and 10% higher than in 2011.

The major reasons for the increase in log consumption over the five-year period include higher lumber and wood pellet production. Softwood lumber production was up by as much as 21% from 2011 to 2015, while production of hardwood lumber increased 28% over the same period.

The wood pellet sector, which is concentrated to the southern states and is targeting the European market, has increased six-fold in five years but still consumes just over three percent of the total timber harvest in the U.S.

The substantial rise in both softwood and hardwood lumber production in the U.S. over the past few years has resulted in a higher percentage of the timber removals being shipped to sawmills in 2015 than in 2011. Over the same period, log consumption by the country's pulp mills and log exports have declined.

Log exports from the U.S. West Coast to Asia fell quite substantially from 2013 to 2015. In just two years, shipments were down 33% to six million m³ in 2015. Reduced demand for U.S. export logs has not been limited to China the past few years but to Japan and South Korea as well. A combination of less demand for logs by sawmills in Asia and a strong US dollar has resulted in U.S. log shipments falling to their lowest levels in five years. However, during the first eight months of 2016, exports were up 13% as compared to the same period in 2015, as reported in the Wood Resource Quarterly.

Historically, there have been minimal exports of logs from the U.S. south. This started to change in 2011 when about 200,000 m³ of pine logs were shipped to China, and by 2014 the volumes had almost quadrupled with India and the Dominican Republic being added to the list of destinations. In 2016, export volumes have picked up again and have been about 50% higher than in 2015.

Elections Shake Up Climate Policy Picture

By H. Sterling Burnett,
The Heartland Institute

The election of Donald Trump as the next president of the United States has left reeling the environmental lobbyists and activists and international leaders committed to reducing fossil fuel use to meet the Paris climate agreement. As the Washington Post noted, "Trump comes into office with a plan to toss out most of what President Obama achieved on energy and the environment."

Trump, who has called the alleged human-caused climate change catastrophe a "hoax," vowed to "cancel" the United States' participation in the Paris climate accord. Trump also has committed to scrapping the Clean Power Plan, the Obama administration's signature effort to reduce greenhouse gas emissions. Trump has said he will review and possibly reverse the Environmental Protection Agency's (EPA) determination carbon dioxide is a pollutant endangering public and environmental health (the "endangerment finding"). Trump can't undo the endangerment finding with the stroke of a pen, but he is in a position to get that done over time. Reversing the endangerment finding would end the legal justification for a range of climate regulations. In the process, it also would end radical environmental activists' ability to use the courts to impose climate policies on an unwilling public whose elected representatives have repeatedly rejected climate policies.

Before the election, Trump said he would reverse Obama administration rules imposing undue burdens on businesses. In particular, Trump said he would cut EPA's budget dramatically, virtually reducing it to an advisory agency, and review all EPA regulations, eliminating many of them because, "Over-regulation presents one of the greatest barriers to entry into markets and one of the greatest costs to businesses that are trying to stay competitive."

Trump says he wants to open up more federal lands to oil and gas drilling and eliminate regulations that have contributed to the decline of the coal industry.

The Washington Post reported, "Scott Segal, co-

head of government relations at the legal and lobbying firm Bracewell, said in an email a Trump administration would be 'clearly in favor of enhanced exploration and production of oil and gas as a tenet of energy, economic and national security policy.'

Environmentalists and some foreign dignitaries fear what Trump's election means for America's climate commitments and environmental policies. "We're feeling angry and sad and contemplative," Michael Brune, executive director of the Sierra Club, told the Post.

Asked by the Post how "the environmental movement would deal with a President Trump, Bill McKibben, founder of the climate action group 350.org, said in an email, "[I] don't really know."

The Guardian reports international climate negotiators at the United Nations' climate talks in Morocco say, "It would be a catastrophe if Trump acted on his pledge to withdraw the U.S. from the deal, which took 20 years to negotiate, and to open up public land for coal, oil and gas extraction."

Speaking to reporters at the Morocco meeting, Segolene Royale, the French environment minister who helped negotiate the Paris accord, said Trump could not easily withdraw the United States from the treaty. "The Paris agreement prohibits any exit for a period of three years, plus a year-long notice period, so there will be four stable years."

On this point Royale is whistling past a graveyard. Trump can end the United States' participation in the Paris climate agreement either directly or indirectly. Directly, he can "unsign" the agreement. Regardless of the text of the agreement, because it has not been ratified by the U.S. Senate as required by the Constitution, it has no force of law in the United States. And because the treaty sets only voluntary goals with no legal enforcement mechanism, other countries have no legal way of enforcing the agreement's terms on the United States.

Indirectly, Trump can scuttle the country's participation by reversing Obama's climate actions and not replacing them with alternative climate policies. If Trump does this, U.S. participation in the Paris climate agreement dies from neglect.



LETTER TO PAUL RYAN FOR REGULATORY REFORM ACT



November xx, 2016

The Honorable Paul Ryan
Speaker of the House U.S. House of Representatives
Washington, DC 20515

Dear Speaker Ryan:

The undersigned groups urge you make consideration of the “Regulatory Accountability Act” an early priority for the 115th Congress. We believe that federal regulations should be narrowly tailored, supported by strong and credible data and evidence, and impose the least burden possible, while still implementing Congressional intent. These are the very same principles embodied in your June 2016 report, *A Better Way: A Vision for A Confident America*.

When agencies produce regulations that diverge from these key principles, there must be a way of holding agencies accountable. Your report points to the Regulatory Accountability Act as an effective tool to achieve this goal. Specifically, the Act would make the regulatory process more accountable to Congress and the American public by:

- Increasing public participation in shaping the most costly regulations at an earlier point in the rulemaking process;
- Instructing agencies to choose the least costly option that achieves congressional intent unless they can show a costlier option is needed to protect health, safety, or welfare;
- Requiring on-the-record administrative hearings for the most costly regulations to insure that agency data is sound and that agencies are not relying on self-serving assumptions;
- Restricting agencies' use of interim final regulations; and
- Providing for a more rigorous test in legal challenges for those regulations that would have the most impact.

The Regulatory Accountability Act builds on established principles of fair regulatory process and review that have been embodied in bipartisan executive orders dating to at least the Clinton administration. The Act would make the regulatory process more transparent, agencies more accountable for their decisions, and regulations better-tailored to achieve their purpose without unnecessary burdens on stakeholders.

The Regulatory Accountability Act would allow Congress and the public to reassert control over a federal regulatory bureaucracy that is opaque, unaccountable, and often unfair. Therefore, the undersigned groups strongly support the Act, and urge this legislation to be given high priority as the House begins the new legislative session. We look forward to working with you to enact this important legislation.

Sincerely,

FMCSA Poised To Launch Long-Awaited Drug and Alcohol Clearinghouse



By Shawn N. Kalfus
Smith Moore Leatherwood, Attorneys at Law
Greenville, SC

Just when you think you're in compliance . . . they change the rule! OK, sarcasm aside, this is actually a much-needed and long-overdue change.

After several years of debate, lobbying, and fine-tuning, the FMCSA is poised to launch its Commercial Driver's License Drug and Alcohol Clearinghouse, which will significantly expand the duty of motor carriers and select officers and agencies to report, and check for, commercial drivers' positive drug and alcohol test results or refusals.

Starting January 5, 2017, just in time to beat the Trump administration's expected regulatory moratorium, motor carriers and their designated service agents will be required to report, within three business days:

- Alcohol tests with a concentration of 0.04 or higher;
- Alcohol and drug test refusals;
- All instances of known drug or alcohol use (observations, admissions, DUI citations, etc.);
- Negative return-to-duty drug test results; and
- Successful completion of follow-up tests.

Medical review officers will be required to report, within two business days:

- Positive, adulterated, or substituted drug and alcohol test results; and
- Alcohol and drug test refusals.

Substance abuse professionals will be required to report, within one business day, when they conduct an initial employee drug or alcohol as-

essment and when the employee completes the return-to-duty process.

Further, motor carriers will be required to query the Clearinghouse (1) before hiring any CDL applicant to verify the driver is compliant with drug and alcohol regulations and, (2) once annually to verify current CDL drivers are compliant. So, unlike the PSP, which is a one-and-done check, the Clearinghouse will be checked annually. Motor carriers will be required to keep a record of each query for three years, through January 6, 2023; thereafter, they will be relieved of that requirement if they maintain a valid Clearinghouse registration.

Finally, state licensing agencies will be required to query the Clearinghouse before issuing, renewing, or transferring commercial driver's licenses.

The Clearinghouse is being hailed for its potential positive impact on safety, cost reduction, driver turnover, and simplification of driver hiring. Notably, the Clearinghouse is expected to have a net benefit of \$42 million in expected crash reductions, close the loop-hole of drivers changing employers without reporting failed drug or alcohol test results, and relieve a motor carrier from the tedious "three-year lookback" requirement during the hiring process—after three years, the Clearinghouse will take the place of carriers querying drivers about their last three years of employment history.

In a statement, FMCSA Administrator Scott Darling praised the Clearinghouse as "a major safety win for the general public and the entire commercial motor vehicle industry. Drivers who test positive for drugs or alcohol will no longer be able to conceal those test results from employers and continue to drive while posing a safety risk to the driving public."

Although the rule goes into effect on January 5, 2017, motor carriers and affected officers and agencies will have until January 6, 2020 to be compliant. The three-year lag time is designed to allow all involved, including the FMCSA, sufficient time to implement policies and procedures to ensure compliance.

The FMCSA, or a designated vendor, will charge subscription fees from entities required to query the Clearinghouse.



Weyerhaeuser contributes to Clemson Wood Utilization and Design Institute

The Clemson University Wood Utilization and Design Institute continues to add to its cadre of founding partners and has received a \$50,000 boost to help support the advancement of the South Carolina wood industry.

The gift comes from the Weyerhaeuser Company. The money will be used to help fund the institute, which brings together foresters, architects, engineers, constructors and building industry stakeholders to design advances in wood-based products through education and training, product research and development, as well as development of technical and design solutions.

"This gift will be used to support our institute as we go forward," said Pat Layton, director of the Wood Utilization and Design Institute. A Weyerhaeuser representative will serve on the institute's advisory board and will work with other board members to shape the direction of the institute."

"Weyerhaeuser is delighted to be a founding partner of the Wood Utilization and Design Institute at Clemson University," Graham Marsh, area manager for Weyerhaeuser - S.C. Lowcountry, said, "and company officials are excited about working with the Clemson team." Marsh said, "The talented team at Clemson is leading the way to find new and innovative uses of sustainable forest products. Clemson's work complements our vision to provide great sustainable products that improve lives in fundamental ways."



Clemson University's Wood Utilization and Design Institute (WU+D) is a multidisciplinary entity that was established in 2013 to educate, conduct research and provide continuing education of stakeholders across the wood industry. Researchers with the institute currently are testing cross laminated timber (CLT) to determine burn rates, wind resistance and structural load.

The institute recently achieved national attention when a team of Clemson faculty and students competed with universities from across the nation in the 2015 Department of Energy Solar Decathlon in Irvine, California. The Clemson team won second place for architecture and communications and sixth place overall with its innovative plywood structural system that is assembled and fortified through locking joints, wedges and stainless steel zip ties to create a construction method for any home using plywood as the primary material.

Weyerhaeuser joins an impressive cohort of founding partners for the institute, including Huber Engineered Wood Products, Collum's Lumber Products, SmartLam and Mac Rhodes, a South Carolina timberland owner.

The forest industry has an \$18.6 billion impact on the South Carolina economy. More than two thirds of land in South Carolina — 12.9 million acres — is forested. The Clemson University Wood Utilization and Design Institute is strategically positioned to drive the development, demand and utilization of wood products, as well as address industry's needs for the next generation of talent.

REGULATORY REFORM MUST BE A TOP PRIORITY IN WASHINGTON

By: William L. Kovacs is the senior vice president for environment, technology and regulatory affairs at the U.S. Chamber of Commerce. Mr. Kovac's Op-Ed published in *The Hill* on December 12, 2016.



The current debate over regulatory reform describes a problem comprised of a massive number of regulations—which are deemed laws—that are costly, often incomprehensible and easily issued by government agencies.

To address this uncontrollable lawmaking machine, opponents of regulation advance solutions including regulatory budgets or requirements, such as repealing two regulations for every new regulation issued. In short, the debate becomes a numbers game of how many regulations are enough.

Confusing the American public with statistics like the number of pages of regulations is misplaced since many regulations are mandated by Congress or within the broad discretion delegated to agencies. Moreover, many of the rules are needed to protect the public. These regulations cannot—and should not—be eliminated as part of an accounting game. So what is regulatory reform about?

Regulatory reform is an institutional debate between the branches of our government. It concerns separation of powers and checks and balances, principles that are essential to our democracy. Entering this debate, Congress needs to abandon political agendas and focus on its institutional role under Article I of the U.S. Constitution, which gives it “all legislative powers.”

Regulatory reform is about the role Congress plays in our constitutional system. For Congress to be a real check on agency overreach it needs to reclaim its full legislative authority by establishing clear standards for agency rulemaking and court review of the regulations. These standards are necessary to ensure agencies implement the intent of Congress, not the intent of the agency.

The House of Representatives has started down the path of restoring its institutional integrity with the passage of the Regulatory Accountability Act (RAA) sponsored by Congressman Bob Goodlatte (R-Va.). A similar bill was introduced in the Senate by Rob Portman (R-Ohio). Hopefully the Senate will act on it in the next Congress.

The RAA is the first attempt to substantively amend the Administrative Procedure Act, the guidebook of the regulatory state, since its enactment in 1946.

The key to the RAA is that it does not dismantle the regulatory state. Rather, the bill divides it between general regulations that are needed to keep society functioning and high-impact or transformative regulations that cost \$100 million to billions of dollars a 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

(Continued on page 33)

(Continued from page 32)

feasible, cost-effective, and well-supported by good scientific and economic data. Finally, before awarding deference to agency decisions, a court must find that the agency addressed all standards mandated on the agency by Congress.

This is why the U.S. Chamber of Commerce spearheaded an effort this month that garnered support from 380 business associations urging swift action on the RAA in the 115th Congress.

In a divided government, it is unlikely a president of one party would cooperate with a Congress of another on reforming agency power. But that situation is about to change.

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 RAA can deliver.

SCTPA Comment: *SCTPA and the American Loggers Council were signatories on the letter to U. S. House Speaker Ryan supporting Regulatory Reform in the 115th Congress.*



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

OSHA's New Regulations and Drug Testing: What Does It All Mean?

By Alexander L. Maultsby
Smith Moore Leatherwood, Attorneys at Law
Greenville, SC

"I heard that OSHA has issued new regulations that change post-accident drug testing. It sounds like OSHA won't let you do that anymore." This comment has been popular in HR and Safety Department circles the past few months, as commentators, consultants, and, yes, even some lawyers have been passing around alarming sound bites.

What is really going on here?

OSHA has updated (read: changed) regulations on reporting workplace injuries and illnesses, and the main rule-writing relates to electronic record-keeping for and by the government. Employers with twenty or more employees must begin to submit reports electronically; the deadlines and the required forms depend on whether the employer also has at least 250 employees.

The agency has also relied on a basic point—that the only data worth having is accurate data—to state a few seemingly simple and obvious rules on how employers talk to their employees about reporting injuries and illnesses:

- Involve employees in the recordkeeping system.
- Inform employees they have a right to report a work-related injury or illness, and establish a reasonable procedure for it to happen promptly and accurately. A procedure is not reasonable if it deters or discourages employees from accurately reporting.
- Tell employees they have a right to be free from retaliation; don't retaliate.
- Provide employees with access to your illness and injury records.



That seems simple and logical enough. Who would want uninvolved employees, an unreasonable reporting requirement, a deterrence to accurate reporting, acts of retaliation, or secretive files?

Of course, the devil always lies in the details when it comes to administrative regulations—it would not be the DOL, or its OSHA division, if there were not also directives on how to do these things. So, while not in the regulations themselves, OSHA has separately published its opinions on how to accomplish these objectives and, more importantly, on what it views as unacceptable barriers. Those opinions and views appear in responses to Frequently Asked Questions and in "Guidance" points that OSHA promises are "advisory in nature and informational in content, . . . [and] do not create any new legal obligations or alter existing obligations created by OSHA standards."

On the issue of a "reasonable" reporting procedure, OSHA now says that an employer must devise a way to "account for work-related injuries and illnesses that build up over time, have latency periods (i.e., time between exposure and appearance of symptoms), or do not initially appear serious enough to the employee to require reporting to the employer." Also, a procedure should not be "so difficult or complicated that a reasonable employee would be discouraged from reporting an injury or illness"—for example, by having to "report the same injury or illness multiple times to multiple levels of management." Again, simple enough.

On the issues of reasonableness and non-retaliation, OSHA will look at incentive, disciplinary, and drug testing policies to be sure they do not "discourage workers from exercising their right to report workplace injuries and illnesses." When would that happen? According to OSHA, an employer interferes with the right to report injuries or illnesses when it penalizes injuries instead of penalizing unsafe practices, and when it requires employees who make reports or are named in reports to undergo mandatory alcohol or drug testing, with no more questions asked.

OSHA believes that mandatory post-accident drug testing, applied in all situations without any assessment of whether the possibility of drug or alcohol use is indicated, discourages employees from exercising

(Continued on page 35)

(Continued from page 34)

their "right" to report accidents. Who is going to report an accident that seems minor or might otherwise go unnoticed if he knows that making the report means going to a lab for a urine sample to be tested, OSHA worries.

How intrusive is OSHA really being here? First, OSHA is quick to state that its guidance on the topic does not affect drug testing rules under DOT authority. So, nothing about the new rule will change DOT drug and alcohol testing, post-accident or otherwise. Similarly, OSHA says that it will not issue any citation to an employer for post-accident drug or alcohol testing conducted under a state workers' compensation law or other state or federal law that regulates or covers testing.

Second, and more generally, OSHA acknowledges that post-accident drug and alcohol testing, even for non-DOT personnel, is appropriate where an employer sees "a reasonable possibility that employee drug use could have contributed" to the illness or injury, as opposed to when "employee drug use could not have contributed to the injury ... and testing would not contribute] to the employer's understanding of why the injury occurred." This is the principal part of the rule: where circumstances say alcohol or drug use could have been a factor, testing is appropriate; where no reason exists to think such use was a factor, testing is not appropriate.

But, isn't the whole purpose of post-accident testing to find out whether an injury (and it is usually an injury, not an illness) was caused by a workplace condition or by employee impairment? Isn't that extremely relevant to identifying corrective actions or precautions to undertake?

OSHA is telling employers that there is somewhat of a balance here and is answering these questions with "Yes, but..." Yes, but you need to exclude from

mandatory testing situations in which there is simply no reason to think an employee's behavior or conduct on a particular occasion caused an injury to occur. Is this a latent injury from repetitive stress? Was the employee who would be tested merely a bystander? Was the injury based on clearly defective equipment the employee had no reason to notice? Each of these is a situation, OSHA is saying, where nothing suggests testing will add value.

On the other hand, it would be reasonable for an employer to require post-accident drug testing for a worker who reported an injury experienced while operating a crane or a forklift if the employee's conduct contributed to the injury. Employers need not specifically suspect drug use based on observations of impairment—OSHA is not directly merging post-accident with reasonable suspicion testing—but there should be a potential connection between possible impairment and the nature of the cause of the accident. It is early and the lines are still blurry, but it appears OSHA is permitting the right to test for drug or alcohol use when an employee's conduct or behavior could have caused an accident resulting in injury.

As with much in the regulatory world, it is hard to know where a Trump Administration will take agency rules and regulations. Formally eliminating a rule requires the same rulemaking process as creating a rule, meaning this particular OSHA regulation will not quickly disappear. But, again, OSHA's pronouncements regarding drug and alcohol testing appear in commentary and guidance publications, not in the rules themselves—and those can be revised and re-issued by new leadership within the DOL on much shorter notice. Will the position of OSHA and the DOL change yet again? As with everything in Washington, DC these days . . . stay tuned.



Timber Talk

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

Why cut down a tree?

Bill Cook was published
Michigan State University Extension.

Why should we love to cut down a tree? Here are 10 reasons.



- First, we all use wood. A lot of wood. At least four to five pounds every day. This is a good thing. Managed forests grow wood forever, and we currently grow far more wood than we use. Other raw materials have limited supplies, even if some of them occur in abundance. Full life cycle accounting for carbon and energy clearly demonstrates wood is far more sustainable than other raw materials. Substituting wood for other materials, where possible, is nearly always the more eco-friendly choice.
- Second, removing the correct trees from a woodland area helps maintain forest health and vigor. This is the single best way to prevent or minimize the effects of insects and diseases. Nature has a peculiar habit of killing forests in dramatic, if sometimes gradual, ways. This is especially true of our current forests, which are results of extreme disturbance from the historic logging era.
- Third, a managed forest can greatly enhance the financial value of trees. Money from the forest is a good objective and can be quite lucrative if done properly. Tens of millions of acres are managed this way by corporations that report to stockholders. Many IRA retirement portfolios include these companies. It works.
- Fourth, cutting trees encourages regeneration and future forests. Different tree species have different requirements for light, soil, water, etc. Opening-up a stand in a way that encourages desired species is important to obtain the kinds of forest we want to see.
- Fifth, managed forests produce higher quality and a greater amount of ecological services, such as soil quality, clean water, carbon sequestration, nutrient retention and more. Essentially, we get more “stuff” when we manage. Nature does not work for us, but we can manage forests to work for us.
- Sixth, human population growth and demand for forest products and services are increasing. Forest area, on the other hand, is not. The rate at which the forest has been expanding is beginning to slow. More and more forest is being parcelized, contributing to millions of forest acres that are far more difficult to manage than larger tracts. This means managing forest acres that remain available to management will become increasingly important.
- Seventh, most species of wildlife, especially vertebrate wildlife, depend upon forests for at least part of their habitat requirements. There are numerous examples of animal species that have been brought back from low populations through forest management. The poster child, perhaps, is the Kirtland’s warbler. Cutting trees is an essential tool for creating habitat conditions for many wildlife species, especially game species.
- Eighth, cutting trees is key to forest restoration efforts. The vast majority of our forest has

(Continued on page 37)

(Continued from page 36)

been highly altered by past practices, mostly historic and some more recently. Nature, by itself, will seldom work along these restoration pathways.

- Ninth, many dozens of non-timber forest products can be encouraged by forest management. Maple syrup, blueberries, mushrooms, nuts, fruits, medicines and craft materials are just a few products that contribute to hobbies and cottage industries.
- Lastly, family forests are excellent tools to serve family cohesion. Forests can be important focal points for recreation and foster a deeper understanding of forest ecology. Forest management, when done as a family affair, increases a sense of belonging and stewardship. This can lead to longer ownership tenure, stronger families and, often, better managed forests.

The multitude of benefits and bounty from forests can only be obtained by managing for them. Left on its own, nature will not work in these directions. It's important to note that forests will survive just fine without us if we all disappeared from the planet tomorrow. However, our survival requires the goods and services from forests. Forests are managed for people, rather than strictly from some altruistic fervor. We ignore forests at our own peril.



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Mark Your Calendar

JANUARY 2017

1 Happy New Year!

FEBRUARY 2017

5 NFL Super Bowl, Houston, Texas
 10 SCTPA Board of Directors Meeting, Double Tree by Hilton Myrtle Beach Oceanfront, Myrtle Beach, SC, 1 p.m.
 10 – 12 SC Timber Producers Association 2017 Annual Meeting, DoubleTree by Hilton Myrtle Beach Oceanfront, Myrtle Beach, SC
 28 Newberry District Meeting, Farm Bureau, Newberry, 7 p.m.

MARCH 2017

16 SCTPA Board of Directors Meeting, SC Forestry Commission Headquarters, Columbia, SC, 10 a.m.

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.

Need SFI Trained DVD Class or other training?

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, hazardous materials spill control on logging sites and forestry aesthetics.

Truck Driver Training Workshops will be scheduled. Watch the Mark Your Calendar section of this newsletter for dates. Notices for SCTPA workshops & events will be forwarded.

Timber Talk

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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.