



## Oppose Senate Bill 335: Regulation Without Sufficient Representation

- Reduces the eligibility of citizens with practical forestry experience from serving on the Oregon Board of Forestry **from no more than 3 of 7 members to no more than 2 of 7**, one of whom must represent small forest landowners.
- Places an **income limit** from activities either directly or indirectly related the forest products sector **on the remaining 5 seats**.
- **Eliminates the 3 Regional Forest Practice Committees**, which are panels of citizens that advise the Oregon Board of Forestry on current forestry issues and forest management approaches.
- **Puts the Governor in charge of hiring and firing the State Forester** instead of the Board.

### The Board of Forestry requires expert input from trained professionals.

#### **SB 335 is like a hospital board lacking adequate input from physicians.**

The Board's 7 members make pivotal decisions on management activities that have material impacts to rural businesses and the communities they support throughout Oregon. It is impossible for the Board to adequately review and vote on regulations without the benefit of on-the-ground, practical knowledge of how those regulations will impact the many foresters, loggers and landowners who work in the woods every day.

#### **Regular, open dialogue with the regulated community is a part of good governance.**

The Regional Forest Practices Committees give the agency and Board the opportunity to receive insight from on-the-ground practicing foresters, forest engineers, landowners, and watershed managers, helping inform policymakers when new rules, guidance documents, or other forest policies are being developed. These are merely advisory committees – nothing in statute binds or directs Board policy through these committees.

#### **Standard practice for boards and commissions requires significant representation from the profession or industry regulated:**

- California's Board of Forestry requires *fewer than a majority* of members with a direct personal financial interest, and also *requires three members* be selected from the forest products industry.
- Oregon Board of Agriculture: *seven of nine members* must be actively engaged in the production of agricultural commodities.
- Oregon Health Authority: *No more than 4 of 9* members can be employed in a health care or related field.
- Oregon Teachers Standards of Practice Commission: *all but 2 of 17 members* come from the education community, including teachers, administrators, super intendents, and school board members.

The \$1,000 annual income limit is incredibly low and may inadvertently catch members with a retirement account that invests partly in timber, or even employees of Home Depot and Lowe's. *If included, it should also apply equally to those from environmental interests.*



## **SB 335 is a solution in search of a problem.**

Recent examples like the unanimous approval to forward the proposed State Land Habitat Conservation Plan demonstrate the Board continues to advance regulation of the industry, often ignoring the industry's strong opposition. Other examples include approval of expanded riparian buffers for Salmon Steelhead and Bull trout to meet an arbitrary cold-water standard in 2017, and direction to develop a plan to identify and protect Marbled murrelets after anti-forestry litigants sued the Board to force them to prioritize more stringent protections for a species whose populations are trending positive in Oregon.

## **SB 335 further politicizes a highly controversial and contentious Board.**

For more than five years, appointments to the Board have been highly controversial, often failing to receive Senate approval and leaving unfilled vacancies that hinder Board actions. Placing the Governor in charge of the State Forester will only further politicize the position and the agency and cause further disruption.

## **The composition of the Board of Forestry should not be under consideration right now.**

This topic was one of the elements of both [timber](#) and [environmental](#) initiative petitions that *were clearly set aside* when the Private Forest Accord was struck in [February 2020](#). The Legislature supported that agreement by passing [Senate Bill 1602](#) in June of 2020, and it should continue that support by not pursuing this issue while the Private Forest Accord negotiations are ongoing.