# **Rainforest Relief**



www.rainforestrelief.org

3/12/09

Harry Szarpanski, P.E., *Deputy Commissioner*, Bureau of Long Term Export New York City Department of Sanitation 44 Beaver Street, 12th Floor New York, NY 10004

Re: North Shore Marine Transfer Station: **Illegal Use of Wood Banned by NY State Finance Law** §165; Use of Wood Illegally Logged in Guyana

Dear Mr. Szarpanski,

I am in receipt of the call for bids for the construction of the North Shore Marine Transfer Station, in which a quantity of apitong and a large amount of greenheart have been specified. I would like to take a moment to inform you of the problems associated with the use of apitong by a New York City agency and the use of greenheart for marine construction, as well as alternative materials.

#### Apitong

The current call for bids for the North Shore MTS includes a call for the use of apitong for the flooring of one or more flatbed trailers. The use of apitong by a New York City agency is in violation of the law passed in 1991 by New York State (§165) barring the use of certain tropical hardwoods by State and municipal governments. According to the specifications in your own bid, supplying apitong to, and the use of apitong by, DSNY for this project would be illegal. Any bids that include supplying the trailer(s) as specified are non-compliant, according to state law.

Given the June, 2008 passage of amendments to the US Lacey Act, as you know (given the bid addendum highlighting the Lacey amendments sent to prospective bidders in January), it is now illegal to import, sell or buy wood in the US that has originated from illegal logging operations. Logging of apitong is highly suspect, as it is originating in old-growth rainforests of Malaysia and Indonesia. Indonesian government authorities and the United Nations have stated that 75% - 80% of logging in Indonesia is occurring illegally.

It is also a federal crime to transport, sell, buy or own any wood within the US that is contrary to any laws of US states or municipalities. Therefore, the use of apitong by DSNY would not only be in violation of the New York State law but thus also constitute a federal crime.

As per the Lacey Act, wood imported into the US must now carry a declaration of legality, something that will be impossible at this time for wood imported from Malaysia or Indonesia.

Exposing and Challenging Rainforest Consumption

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## Logging in Rainforests

As Rainforest Relief has, beginning in 1994, stated to various New York City officials and agency staff, logging for export wood is the primary factor leading to total deforestation of tropical rainforests. The United Nations Food and Agriculture Organization (UNFAO), the primary body tracking global deforestation rates, has stated that the largest direct cause of deforestation in the tropics is conversion of forests to agriculture. However, UNFAO has also stated that 70% of deforestation directly due to agricultural clearing is precipitated by the existence of logging roads. World Resources Institute recalculated this figure and stated that a logged forest in the tropics is eight-times more likely to be completely deforested than one remaining unlogged.

The loggers that have the ability to bulldoze new roads into primary forests (an expensive, equipmentintensive activity) are those who are logging high-value species, almost entirely for export. Estimates are that 70 - 100% of key high-value species logged in tropical forests are exported. That is, the demand in importing countries for ipê, greenheart, mahogany, virola, ramin, nyatoh and lauan drives the bulldozing of new roads into pristine forests.

The existence of roads enables further clearing for other land uses, such as agriculture. Without the roads, farmers would not have access to new forest areas to clear.

Research in the Amazon has shown that, on average, 28 trees are killed to harvest a single targeted tree. Thus, to obtain a single tree, up to half the acre in which it resides is destroyed. This has been corroborated by two studies on the impact of logging as it relates to deforestation. Both studies concluded that 50% of the forest was destroyed during high-grade logging (cutting high-value species only). Both studies also concluded that the UNFAO's estimates of deforestation need to be doubled to consider high-grade logging.

Greenheart often grows in stands (called "rafts") that often have a much higher density of greenheart trees than typically occurs for species in the Amazon. However, greenheart is also being logged from outside these rafts and thus, large-scale road-building is occurring.

Greenheart makes up 70% of Guyana's timber export. That is, the demand for this single species is driving the majority of the logging in Guyana. Pilings make up the majority of US imports of greenheart. Each piling is an entire tree. The destruction wreaked on the old-growth rainforests to harvest this quantity of trees is enormous. Given the large quantity of greenheart pilings and other timbers specified, the use of greenheart for the North Shore MTS will necessitate the destruction of perhaps dozens of acres of tropical forests in Guyana.

Scientific studies have shown that an incredible array of species reside within each acre of old-growth rainforests. For instance, in a study in the rainforests of Brazil, 1200 species of beetles were found *on a single rainforest tree*, 80% of which were not found on another tree just 150 feet away. The scientist also estimated that 150 of those species were found to exist *on that single variety of tree*.

Worldwide, logging of tropical forests, and the deforestation that results, is driving an estimated *100* species to extinction every day. The end result of this Mass Extinction — the largest and most rapid to have ever occurred on Earth — can only be guessed at at this time — but no one has yet postulated that the results will be beneficial to the global human population.

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# Illegal Logging

Estimates are that 35 - 95% of wood logged in the tropics has been produced from either illegal operations or 'legal' operations where operators are acting in some way illegally. The government of Brazil has admitted that 80% of exports of wood logged in the Amazon have come from illegal logging. A similar situation exists in Peru. The World Trade Organization, the UN and the government of Indonesia have agreed that 75 – 80% of logging in Indonesia is occurring illegally, accounting for at least 75% of exports.

A number of researchers and organizations have documented illegalities and irregularities in the production of wood by companies logging in Guyana. In numerous instances, the largest producer of exported wood in Guyana — Barama, a subsidiary of Samling, a Malaysian company — has been shown to be operating illegally. As well, other companies have been shown to be logging illegally in some way.

At this time, it is impossible to show that wood imported from Guyana has been logged legally, adhering to the forestry and other laws of Guyana. As well, wood imported into the US must carry a declaration of legality, something that will be impossible at this time for wood imported from Guyana.

### Marine Borers

Regarding the impetus to use greenheart, I understand that greenheart is purported to be resistant to attack by marine borers. As you are most likely aware, the impact of marine borers in New York Harbor has increased substantially as the waters of the region have become cleaner.

However, analysis of wood in New York Harbor by a company that conducts gamma ray scans of pilings has revealed that greenheart is being heavily attacked by marine borers. Malcolm McClaren of McClaren Engineering, a large engineering firm based in Nyack, NY, has stated that greenheart is eaten less readily than pine but that it is eventually destroyed as well. The reason greenheart holds up longer is simply that it is stronger than pine, even when compromised by numerous borer tunnels. Thus, the notion of greenheart being impervious to marine borers is erroneous, at least in New York Harbor.

### Alternatives

Recycled plastic lumber (RPL) is lumber (of various dimensions) made from plastic recycled from municipal waste streams (usually high-density polyethylene, HDPE). RPL is totally impervious to insect attack as well as attack by marine borers.

RPL does not absorb moisture, does not splinter, is incredibly stable, utilizes waste materials destined for landfills and incinerators, re-sequesters a substantial amount of the carbon liberated in the production of plastic, spares logging of tropical and temperate forests (thus reducing species extinction and further greenhouse gas emissions) and generates local jobs in recycling and manufacturing. There is simply no reason to not specify this material for the applications for which you are specifying greenheart.

For load-bearing situations, structural RPL (SRPL) should be used. SRPL is RPL that has some type of stiffening agent blended with the plastic. This can be fiberglass or a mineral component or a stiffer plastic (as in the case of Polywood, produced by Axion, which is comprised partly of polystyrene).

RAINFOREST RELIEF 917/543-4064 • info@rainforestrelief.org • www.rainforestrelief.org Typically, even SRPL as a material is more flexible than almost all woods; certainly it is more flexible than tropical hardwoods (Polywood approaches the stiffness of pine). This can be an asset in some ways as it enables construction techniques that would be difficult or impossible with wood. However, due to its greater flexibility, substituting SRPL for wood one-for-one can be challenging. Usually, in order to carry the same loads, even SRPL will need to be thicker than wood for which it is substituted. McClaren Engineering has stated that 2.5"-thick SRPL can replace 1.5" wood for a load-bearing boardwalk. There are numerous methods that can be used to transition to these materials, depending on how much of a structure is being replaced.

When constructing a new facility, using RPL is simple and much more cost-effective over time. But more specifically, in the case of the MTS, because the greenheart specified is large members and against a solid bulkhead, **SRPL can most likely be substituted board-for-board and piling-for-piling**. This suggesting has been largely corroborated by McLaren Engineering, pending further analysis.

Given the above, Rainforest Relief calls on the New York City Department of Sanitation to redesign the fenders and cluster piles of the North Shore MTS to utilize SRPL or another sustainable material, in place of greenheart, as well as re-specifying the trailers to utilize either SRPL, white oak, black locust or some other sustainable material in place of apitong.

We are moved to initiate a campaign to stop the use of wood logged from old growth rainforests by DSNY for marine transfer stations and other facilities.

Sincerely and for the forests,

Tim Keating, *Executive Director* Rainforest Relief

cc: Andrew M. Cuomo, Attorney General, State of New York New York State Department of Environmental Conservation, Division of Law Enforcement Mr. Alan Gold, New York City Department of Sanitation Sascha von Bismarck, Executive Director, Environmental Investigation Agency Scott Paul, Forest Campaign Director, Greenpeace US Michael Brune, Executive Director, Rainforest Action Network Judith Canepa, Co-founder, New York Climate Action Group

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