

## The proposal to license professional foresters in Pennsylvania: myth and reality.

In a desperate effort to kill legislation that would protect Pennsylvania's forest landowners and the woodlands of the Commonwealth, the Pennsylvania Forest Products Association (PFPA) has resorted to a campaign of distortion, misrepresentation, and fear. This fact sheet exposes PFPA's claims for what they are and presents the truth about this important landowner protection proposal.

### FACTS ABOUT FORESTER LICENSING

#### Forester licensing means:

- Protection of landowners from individuals unqualified to offer forestry advice.
- Accountability of foresters to adhere to professional standards.
- Better management of Pennsylvania's forests.
- In the long run, a healthier forest and forest products industry.

#### What forester licensing will not do:

- Forester licensing will not require landowners to use foresters.
- Forester licensing will not infringe on landowners' private property rights in any way. Landowners will continue to be able to do what they want on their land so long as they do not violate government laws or regulations or the property rights of others.
- Forester licensing will not open the forest products industry to increased government regulation. Just the opposite is true.
- Forester licensing will not increase the cost of forestry services in Pennsylvania and will not increase costs for the forest products industry.
- Forester licensing will not restrict competition or limit the number of foresters who can practice in Pennsylvania, but will require that those who practice meet reasonable requirements related to education, experience, and continuing education.

**Myth:** "Licensing is an excessive intrusion in the marketplace."<sup>1</sup>

**Reality:** In a perfect world, we would not need policemen, but we do not live in a perfect world. Likewise, in a perfect world, we would not need to license certain professionals and regulate their practice. Licensing and regulation have long been seen as an appropriate and necessary function of government in order to protect the public health, safety, and wellbeing. Far from being an intrusion in the marketplace, licensing promotes a level playing field by ensuring businesses and the public alike that unscrupulous and deceptive behavior will not be tolerated.

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<sup>1</sup> The myths exposed in this fact sheet were included in a legislative position paper issued by the Pennsylvania Forest Products Association, March, 2006.

Licensing, registration, and certification of professions and occupations is how we do business in Pennsylvania. Beyond the PA Department of State (DOS) — which regulates more than 30 professions and occupations ranging from doctors and barbers to social workers and architects — other state Departments from Agriculture and Health to Securities and Public Welfare protect the public by regulating multiple vocations.

**Myth:** Licensing “will arbitrarily prohibit individuals from freely engaging in their chosen business.”

**Reality:** Not true. Like other licensed professionals, professional foresters who become licensed by meeting educational, experience, and continuing education requirements and who conduct their practice in an ethical manner, will be able to freely engage in their chosen business.

The only individuals who should be concerned about this proposal are those who represent themselves as being “foresters” or who offer to practice “forestry” without possessing necessary knowledge and experience. Currently in Pennsylvania, anyone can call themselves a “forester,” regardless of his education or background.

Loggers and timber buyers are specifically exempt from the licensing proposal so long as they do not represent themselves as being “foresters.”

**Myth:** Licensing “will intrude upon the rights of forest landowners to manage their land.”

**Reality:** Not so. The licensing proposal specifically exempts private landowners, does not require them to hire a professional forester, and does not mandate they follow any particular forest management practices. Simply put: as far as private landowners are concerned, the status quo will be maintained.

**Myth:** Licensing will “limit who landowners can engage in contract ...”

**Reality:** There is no such provision in the proposal. The proposal will actually help and protect landowners who contract for *forestry services* by requiring that individuals who offer such services: (1) possess adequate knowledge and experience to offer such services; and (2) abide by standards of ethics that require them to clearly specify they are acting as the *faithful agent* of the landowner, not some third party.

**Myth:** “... and potentially reduce the net income of a landowner’s timber harvest.”

**Reality:** Absolutely not true. Study after study has shown that forests that are scientifically managed by professional foresters provide greater economic return to landowners over a longer period of time. Further, scientifically-managed forests provide multiple tangible and intangible benefits to landowners, help ensure the future of a dynamic forest products industry in Pennsylvania by ensuring a long-term supply of economically-desirable tree species, and protect the environment.

**Myth:** Licensing “will also discourage some landowners from harvesting their timber.”

**Reality:** It is possible that some landowners who retain professional foresters to help them manage their woodlots may limit or defer harvesting for any number of reasons, but the final decision on harvesting will continue to rest with the landowner.

**Myth:** Licensing will “disrupt timber markets.”

**Reality:** PFPA offers no basis for this assertion. In actuality, timber markets may benefit over the long run if this proposal is adopted because forests that are managed according to scientifically-based principles have been proven to produce greater quantities of economically desirable tree species. This fact will sustain Pennsylvania’s forest products industry out into the future.

Another way by which licensing of professional foresters will help to stabilize timber markets relates to the manner in which municipal timber harvesting ordinances are drafted and administered. An increasing number of municipalities are adopting such ordinances, but — because foresters are not a legally recognized profession and are usually not involved in the ordinance drafting process — municipalities considering ordinances frequently receive inappropriate advice from individuals who do not possess knowledge of scientific forestry principles. Properly drafted municipal timber harvesting ordinances will protect the public safety and wellbeing and — at the same time — not unduly restrict harvesting activities because of increased public confidence that the job will be done right.

**Myth:** Licensing will “put many of Pennsylvania’s forest product companies at a competitive disadvantage.”

**Reality:** Once again, PFPA offers no basis for this assertion. As previously indicated, professional licensure establishes a level playing field among competitors, thereby strengthening the marketplace and making it more dynamic. In addition, biannual professional licensure renewal fees are generally in the range of \$50, hardly a burdensome amount.

**Myth:** “It is wrong to suggest that licensing will address critical environmental problems.”

**Reality:** Licensing will not, in itself, generate desired environmental benefits. However, it is undeniable that increased scientific management will improve the health of Pennsylvania’s forests, thereby providing multiple benefits to landowners, the forest products industry, and the general public.

**Myth:** The proposal to have the existing state licensing board that is responsible for engineers, land surveyors, and geologists include foresters “will allow non-foresters to dictate how forestry is performed in the Commonwealth.”

**Reality:** Wrong again! The actions of DOS licensing boards and all other state agencies that regulate vocations are limited to the details of who may be licensed, how one qualifies to be licensed, and how licensed individuals are dealt with if they conduct their practice in an illegal or unethical manner. The licensing board will not dictate how forestry will be practiced in Pennsylvania. PFPA cannot point to one example of abuse by Pennsylvania licensing boards where they have strayed beyond their statutory authority.

Needless to say, it will be the General Assembly and PA Department of State that will finally decide where administrative functions related to forester licensing are housed.

**Myth:** “In 1998, the Forestry Task Force of the Joint Conservation Committee ... recommended against legislative action without industry-wide support for regulation. Nothing has changed since the Task Force examined the issue.”

**Reality:** Support for forester licensing has grown considerably since 1998. While some forest products companies continue to oppose licensing professional foresters, there is wide-spread support for licensing among professional foresters and organizations of landowners, farmers, local government officials, environmentalists, and others. The proposal is also supported by responsible forest products companies who are concerned about the long-term health and productivity of Pennsylvania’s forests.

- **FACT:** The Pennsylvania Division of the Society of American Foresters (SAF) — which is the largest national (and Pennsylvania) organization of professional foresters and includes more than two-thirds of the Commonwealth’s foresters — has endorsed licensing of professional foresters by an overwhelming vote.
- **FACT:** Both national associations of professional foresters endorse licensing of professional foresters.

The enactment of legislation protecting Pennsylvania’s forest landowners should not be blocked by those who put their own short-term economic benefits above the public interest.

**Myth:** PFPA’s “Register of Professional Foresters” is an adequate substitute for licensing.

**Reality:** As good as the so-called register may be, it suffers from three significant flaws:

- It is purely voluntary: unscrupulous individuals can continue to call themselves “foresters” even though they lack adequate qualifications and experience.
- It lacks any meaningful enforcement mechanism.
- It duplicates and will compete with an existing voluntary system: the SAF *Certified Forester*® program, which already includes over 10 percent of Pennsylvania’s foresters.

Although PFPA represents itself as being a champion of free markets, its register is subsidized by government money (grant funds from the PA Department of Agriculture). In addition, PFPA promotes an agenda of special interest legislation that seeks to provide benefits to its members at the expense of others, including landowners and the public at large.

For additional information contact:

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