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General Comment

Care needs to be taken with the words used in the text of the MC&I. It is not always a matter of semantics. It is a matter of a CB's auditor assuming that a word in a verifier or indicator should be interpreted with its meaning as in normal usage – and then looking for compliance with that meaning. For example: The word 'Protect' normally means to shelter, or safeguard [from harm], or secure, or defend etc etc. In normal usage it has a very clear meaning. The MTCC and the MC&I should not rely on the approach of: *"Oh, well, the auditors never actually expect the FMU to actually protect a given site – so don't worry lah!"*. There is talk of continued improvement – usually applied to the forest management. But we should also take recognition that audit standards are also required to continually improve. This will mean that one day, perhaps tomorrow?, an auditor will come along and say: *"Hey, You are not in compliance as you are not actually protecting this site. You may have surveyed it and mapped it and informed the museum etc etc - and that's all very good – BUT you are still not actually protecting – as in safeguarding [from harm], securing, or defending - the site as is required by the MC&I against which I am now auditing your FMU. And I must raise a NCR because of that."*

Similarly with the word *Provisions* (as used in Indicators 4.3.1 & 4.3.2). Its use implies that something must be 'supplied' – usually, but not always, material. But in these two indicators there is – or should be - no requirement for the management to provide anything. But again – as with '*Protected*' - if the auditor goes with the accepted, normal meaning of the word '*Provisions*' and asks: *"Hey, what are you providing for the workers...[in the context of these two indicators]..?"* And when the answer is "*Nothing*" then again, the auditor is justified in raising an NCR.

The MTCC/SRC should not shelter behind the fact that something – the wording for example - has never been a problem to date. Let's progress and improve and act to remove potential problems once they are identified – especially when, as in this case, it is, or should be, easy to do.

Any ISO requirements should surely refer only to & only impose on the CBs and MTCC?
These requirements should not in any way be inflicted on the content & structure of the MC&I itself.

Guidelines: I suggest that there is a need consider the logic of including a guideline as a verifier. Guidelines are just that – only a guide. The choice as to whether or not to follow the guideline is that of the FMU's management. Given this freedom to choose, including a guideline as a verifier serves only to raise a point for argument with the auditors.

"Logging" is used in the MC&I for NF [eg 6.5.2] - but not consistently so, but for FP *"harvesting"* is used. Except of course where it is a part of a title, it is suggested that *"harvesting"* should be used throughout the MC&I. After all, the sustainable management of the NF requires the regular *harvesting* of a portion of the forest's annual increment – so why not use the correct description of the management process? Furthermore, the word *"Logging"* now has bad, emotive connotations & its use is best avoided.

“Uniqueness” – occurs more than once. Unique means one of a kind. There are no degrees of uniqueness. It is either unique or it is not. Need to find another word - perhaps.... *special attributes*...

Also need a strong edit to ensure that both FMP and FPMP are used correctly throughout.

In more than one case ‘FPMP’ has been omitted in an Indicator or Verifier that applies to both NF & FP.

2. Specific Comments

Principle/Criterion/ Indicator/ Verifier	Proposal for amendment: deletion or addition	Reason
1.1.1 Verifier	Delete all guidelines & any reference to them	See above
2.3 Criterion	Insert after <i>....interests....</i> “ <i>must be subject to MTCC’s objective and unbiased consideration, based on documentary evidence produced by both parties, in order to determine whether or not the basis of the dispute warrants an operation being disqualified from certification.</i> ”	As Criterion 2.3 stands disputes that have no sound basis in law, adat or logic can very easily prevent a forest area from being certified. This should be recognised by MTCC as being a very unreasonable stance.
3.3 Criterion 3.3.1 Indicator	Delete “ <i>...protected...</i> ” Insert after ‘and “ <i>...shall be recognised by the FMU’s management who shall ensure that the forest operations do not encroach the site in question ...</i> ”	Forest managers are not responsible for the <u>protection</u> of these sites but they <u>are</u> responsible for ensuring that their forest operations do not encroach.
4.3.1 & 4.3.2 Indicator	Delete: “ <i>Provisions...</i> ” and insert ‘ <i>There should be no restrictions...</i> ’	Provisions ,, implies that something is to be provided but that is not the requirement here. The management is not required to <i>provide</i> anything in order to comply with these indicators .

NF 5.1.2 Indicator	Delete: "...to ensure its economic viability."	Difficult if not impossible to assess economic viability of the prescription because of all the unknowns – in particular growth. How to assess the economic viability of eg improving the ecological integrity?
NF 5.1.2 Verifier	Delete "Record of enrichment planting"	This implies that EP is mandatory - which it is not.
NF 5.6.1 Indicator	Delete all & Insert " <i>Rate of harvest shall not be greater than the AAC</i> "	In Sarawak how to use PSP data when it will only be initially available from 5 or 6 PSPs after a minimum of 5yrs monitoring? Not a scientific basis on which to base MAI.
NF 5.6.1 Verifier	Bullet #2 delete " (ha/yr)	
NF 5.6.1 Verifier	Bullet #3 Delete all after...equal to Insert "...the AAC."	As it stands the computation is confused – if not incorrect. Annual cut = MAI x total productive forest area (or annual coupe x 25) - and NOT X the annual coupe for regulated forests. From where to get a reliable MAI? And what are regulated forests? Why not be straight forward and just use the ACC?
FP 5.6.1 Indicator	Delete "... prescribed cutting cycle..." & insert "...rotation length.."	This is FP. It's a rotation.
6.3 Criterion b)	Delete: ... species...	What is genetic diversity if not reflected in the diversity of species? So species is redundant here
6.3.1 Verifier	Delete " Records of enrichment planting..	See earlier note: 5.1.2
6.3.2 Indicator	Delete...species	See 6.3
FP 6.3.2 Verifier	Delete...species	See 6.3
6.3.3 Verifier	Re think this. As written it only refers to NF but it should include FP.	Should mention FPMP and AHP

6.5 Criterion	Delete: <i>....and the choice of species...</i> Insert the deleted phrase into FP Indicator 6.5.1 or insert: <i>(NF)</i> after <i>...species...</i>	Refers to FP & not NF
FP 6.5.4 Verifier	Delete: <i>Manual, Procedures...etc.</i>	This is for NF
FP 6.5.6 Indicator	Delete all after <i>...schedule.</i>	Seems rather confused.. .. What kind of a fertilisation schedule would include the use of chemical pesticides???. It does not read rationally. Also chemical pesticides dealt with under Criterion 6.6. 6.6.4 And don't all plants <i>"... store key elements and nutrients."</i> ?
6.8	Delete: <i>"Use of GMO shall be prohibited"</i> . Insert: <i>The use of GM tree species shall be permitted where the species in question has undergone trials that have shown that its use poses no risk to tree species indigenous to the country of proposed use.</i>	The perhaps MTCC & the Malaysian timber plantation industry needs to catch up with what has already happened, and is still happening, in other parts of the world with regard to GM trees (– not to mention GM food crops). No doubt PEFC [& FSC] needs to be lobbied on this – so be it, then lobby. Brazil, and [the very big] Suzano Pulp & Paper & FuturaGene (owned by Suzano) & others no doubt already are. Are we in Malaysia just following others unquestioningly?
8.1.3 Indicator	Delete <i>"...The conduct of internal audit.....APPENDIX A."</i>	The MC&I should only set out the technical criteria with which the forest managers must comply and some of methods to be used. The conduct of the preparation for FMC audits should be solely at the discretion of the forest manager. Most, if not all of us, will undertake at least one internal audit annually as a check on progress prior to audit. But if at the time of the certification audit the CB determines a non-compliance (NCR) then the preparation has obviously failed to some degree. It is then the responsibility of the manager to correct the NCR. There is no justification in mandating

		<p>what amounts to a second formal audit. Meaning two each year for all management units. This together with the NREB ECA audits means <u>FIVE audits a year for each FMU/FPMU</u>. In Samling's case this will be <u>50 or more audits each year!</u></p> <p>This new requirement is most unreasonable. It's imposition on the industry for no benefit to the industry should be strongly resisted. Is it being imposed on MTCC in order to satisfy some other agency's requirements? In which case MTCC should be the frontline of resistance in order to assist the industry.</p>
FP 8.2.1 Verifier	Delete ..(a) to (e2)... and insert ...(a) to (d) and (e2).	error
NF 8.3.1 Verifier	Delete all but the Record of Removal Pass	Removal Pass would not be issued by SFC unless documentation to show the origin of the logs is presented in the application for royalty assessment. CB log tags also show origin & the LPI log tag can be used to trace origin. Any other documentation is unnecessary - as the verifiers for Sabah & Peninsular would seem to indicate.
Appendix A	Delete	Total confusion. It does not come across as an "interpretation". The use of the word "shall" throughout clearly shows that the procedure is mandatory. But it should not be a mandatory procedure against which the CB's auditors will audit & may raise NCRs. The Indicator 8.1.3 (with the deletion) is quite clear & sufficient for purpose. It is suggested that MTCC formulate Appendix A into a guideline that is issued as a separate document.