

Written comments to the House Committee on Government Operations regarding H.355 (forester licensing and regulation) as introduced to the House on February 27, 2015

Submitted by Charles Hancock, North Woods Forestry, Montgomery Center Vermont
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I support forester credentialing programs as implemented by professional organizations such as SAF and/or through state-level forester licensing and mandatory registration requirements, and am therefore support the principles of H. 355 and welcome forester licensing in Vermont. I believe forester licensing could be good for the profession, the public, and the environment.

- I am pleased to see existing SAF content and standards integrated into the bill, including the SAF Certified Forester exam and Certified Forester experience criteria.
- I would urge you and the Office of Professional Regulation (OPR) to continue to work with SAF, particularly the Green Mountain Division, as well as representatives of the Forest Stewards Guild to craft this legislation and, if the legislation passes, enact the regulations.
- Forestry is a very diverse field and every forester has a different approach to their job. The highly varied nature of forests means that there is not one acceptable approach for any one forestry task. There are likely dozens and most may be acceptable. Good forestry is very difficult to define and is open to interpretation. As one of my mentor's once put it, you can't legislate good forestry. For these reasons, administering forester licensing and determining what is good forestry and what practices or actions warrant revoking a forester's license will be difficult. The effectiveness of licensing of foresters to ensure there is no harm to the public (the sole reason for licensing, according to State statues) will be determined by the Director of the OPR and the regulations put in place by the Director. I would stress the importance of the Director working closely with the advisors appointed by the Secretary of State and the forestry community to put in place a solid framework so that forester licensing is effective at reducing poor forestry, and does not only become a hoop to jump through that does not benefit the Vermont landscape.

Specific opportunities for content modification or clarification in H.355 as introduced

- **Exemptions:** (§ 4904, (3)) (Page 4, lines 16-21)
 - Requiring the supervising, licensed forester to be “on-site and present” and “immediately available to the person being supervised” is impractical and unnecessary. This provision would cause productivity to be very low during the training phase for a new employee to the point where hiring an unlicensed

forester would not occur, even if that employee was on a track to become a licensed forester (i.e., summer intern). Additionally, some of forestry learning process requires learning how to navigate and work in the woods, alone. The unlicensed forester should be able to work alone so long as the licensed forester he or she is working under is fully responsible for the work completed by the unlicensed forester.

- The phrase “forest practices” is used in this provision but is not defined in the bill. What constitutes a “forest practice” that an unlicensed forester needs to be directly supervised while executing? Surely marking timber is a “forest practice” but what about inventorying regeneration, flagging water bars on a skid road or refreshing boundary paint. The phrase “forestry services” is defined in §4902 (4)(A). Perhaps in “forestry services” should be used in place of “forest practices”.
- **Duties of the Director** (§ 4911, (3)) (Page 5, lines 7-9)
 - Need to clarify “approve education programs for applicants”. Is this offering accreditation of educational institutions issuing degrees? What are the standards which will be applied? What about using existing SAF accreditation?
- **Advisor Appointees** (§ 4912, (a)(1)) (Page 5, lines 19-20, Page 6 lines 1-8)
 - Given the incorporation of existing SAF criteria and frameworks in this legislature I would recommend that at least one Appointee at all times be a member in good standing of the Green Mountain Division, SAF. I would also recommend that one Appointee at all times be a member in good standing of the Forest Stewards Guild to provide a diversity of representation from membership organizations within the profession.
- **Qualifications:** (§ 4921, (1)) (Page 6, lines 13-15)
 - Experience is essential to effectively practicing forestry. Simply having a degree and passing an exam does not mean that someone knows how to be a forester. A set number of hours of experience should be required before a full forestry license can be obtained.
- **Renewals** (§ 4924, (c)) (Page 8, lines 4-6)
 - There is a need for clarification on Continuing Education requirements. Would recommend that licensing credits follow SAF format/numbers (used for CFEs) and the language “as approved by SAF” and not by the director, or as approved by the appointed advisory panel

- **Unprofessional Conduct** (§4926 (5-6)) (Page 9, lines 10-13)
 - Language around “competently” “habitually intemperate”, etc. needs clarification. Who determines this and by what standards, especially relating to a potential disability.

- **Current Foresters** (Section 3 (1) (Page 10, lines 12-19))
 - It is my opinion that all applicants for licensure be required to pass an examination regardless of degree and work experience, or at a minimum that those holding only an associate’s degree be required to pass an examination regardless of experience. Exception may be made for applicants who are existing certified foresters under SAF.

Respectfully submitted on by Charlie Hancock of North Woods Forestry, Montgomery Center
Northwoodsforestry@gmail.com; 802.326.2093