



WWF

CASE
STUDY

2018

Okay Oak:

A Case Study on Responsible Sourcing of
White Oak from the Russian Far East





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This document is for educational and informational purposes only and is not intended and should not be construed as legal advice. Persons seeking legal advice on compliance with the U.S. Lacey Act or any other law, regulation, or requirement should consult with a qualified legal professional.



Dave Sandover and Elizabeth Baldwin of Metropolitan in Russia, in front of signage indicating Forest Stewardship Council (FSC) certified forests that have been designated and set-aside as high conservation value forests (HCVF).

INTRODUCTION

PROJECT ORIGIN

The criteria and procedures detailed here are the result of a case study done through a collaboration between World Wildlife Fund (WWF) and Metropolitan Hardwood Floors, Inc. a Canadian-American flooring manufacturer and distributor known for their Kentwood branded flooring.

Metropolitan wanted to know if it would be feasible to establish a purchasing program for white oak (common name: Mongolian oak; scientific name: *Quercus mongolica*) from Russia's Far East region that met their strict standards for legal and responsible material sourcing. Having little experience purchasing CITES-regulated material and recognizing the sourcing challenges of the region, they approached WWF, which has a significant and ongoing presence in the area. Metropolitan proposed a joint research project exploring logging and wood import practices in the region, with particular emphasis on the logging and trade in Russian-origin white oak.

Importantly, there exists a legal supply of oak from Russia, but, unfortunately tracking and verifying that legal supply can be arduous given the continued rates of illegal logging of oak and other hardwoods in the region and the likelihood of commingling legally and illegally harvested wood in log yards and mills at each stage of the production process. The primary goal was to see if it was possible to establish a viable, low-risk and transparent supply chain for Metropolitan from Russia, but the project also intended to provide all participants – including WWF and Metropolitan's regional manufacturing partners – with a better understanding of the state of oak logging in Russia, import and trade industry in China, and supply chain connections in North America.

To develop this guidance, Metropolitan, together with WWF staff from the US, China and Russia offices, visited mills in both China and Russia, attempted to trace both physical wood and documentary controls while reviewing a variety of supply options and purchasing routes.

Despite the considerable investment in time and resources, Metropolitan concluded that because of the limited volumes available within the region, from a manufacturer's perspective it was unfortunately not economically viable at the time to establish a dependable and low-risk supply of material that met their needs.

Background photo: The view in the Land of Leopard NP, Primorsky province, Amur Heilong ecoregion, Russia.

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Deep in the forests of the Sikhote Alin mountains, Primorsky Krai, Russia.

USE OF THIS GUIDANCE

This sourcing guidance is the result of a collaboration between industry and the WWF US office and the ongoing efforts of WWF staff working on the ground in both Russia and China. While most of the recommendations provided are specific to sourcing Russian-origin Mongolian oak, the information related to the Russian CITES program applies also to Manchurian ash, another highly valued and heavily exploited hardwood found in the Russian Far East that is also listed on Appendix III of CITES. Further, these due care recommendations could be applied to any supply chain and foreign buyers are particularly encouraged to consider how the recommendations listed here could be applied to supply chains where similar species from different sources can be commingled and confused. While this guidance was developed for American importers (who have responsibilities under the Lacey Act), buyers from the European Union (who have responsibilities under the EU Timber Regulation, EUTR), Australia (who have responsibilities under the Illegal Logging Prohibition Act and Regulation of 2012), and other countries who must comply with their own national regulations against the trade in illegal wood should also find this useful.

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Dave Sandover from Metropolitan Hardwoods with staff from WWF Russia at the Sikhote Alin' Nature Reserve, Primorsky Province, Russian Far East.



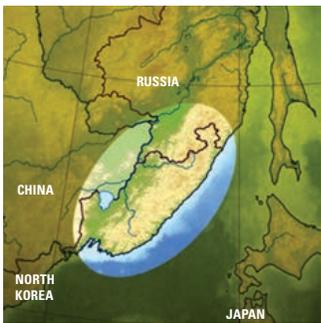
Panthera tigris altaica L., Amur tiger in the rehabilitation center of the wild animals "Utyos" near Khabarovsk (located at the confluence of the Amur and Ussuri rivers). Khabarovsk Krai Territory, Far East, Russian Federation.

II. Understanding Russia's Far Eastern Forests and the Chinese Oak Market

RUSSIAN FAR EAST - THE WORLD'S MOST BIODIVERSE TEMPERATE FORESTS UNDER THREAT

The world's most biodiverse temperate forests are found in the Russian Far East. This area houses the endangered Amur leopards, the last 500 Amur tigers on the planet, red-crowned cranes and the largest salmon on earth: the Siberian taimen. The forests are rich with species like ash, walnut, birch, maple, Korean pine and Mongolian oak, and provide food, water and sustain livelihoods for the region's European and Russian immigrant and indigenous communities. But unsustainable logging practices place severe environmental, social and economic pressures on the region's unique forest ecosystems.

Russia's vast forest resources and long history of scientific forest management give it a natural role as a major player in global timber markets. Unfortunately, heightened levels of illegality risk are associated with Russian-origin wood products of certain species and grades. Limited forest law enforcement capacity, corruption and the massive demand of Chinese manufacturers, which is fed in part by the demand of their western and Japanese customers, has allowed the flourishing of illegal forest trade in competition with legal actors. This is especially true in the Russian Far East that borders China. WWF Russia conducted a comparative analysis of the volume of Mongolian oak legally permitted for harvest in the Russian Far East in 2010 with the "roundwood equivalent" of the volume of exported oak logs, boards and veneer. It revealed that two times more oak was logged for export than was permitted by law.



Two southeastern provinces in the Russian Far East-Primorskiy Krai (highlighted) and Khabarovskiy Krai – are some of the most biodiverse temperate forests in the world and contain the majority of Russia's oak and ash resources. China shares a long border with these provinces to the west and to the east is the Sea of Japan.

Go to p.17 for full-size map of region.

In response to the over logging problem, Russia's Ministry of Natural Resources and Ecology pushed for inclusion of Mongolian oak (*Quercus mongolica*) and Manchurian ash (*Fraxinus mandshurica*) in Appendix III of CITES, effective June 24, 2014. It was hoped that the increased documentary burden and controls would lead to a reduction of illegal exports. However, it is clear that companies cannot rely exclusively on a document-based due care system as illegal logging rates remain high. WWF Russia has shown that the volume of oak exports continues to exceed the legally permitted volume; as recently as 2013, 1.8 times as much oak was exported than was legally allowed for harvest. Additionally, even though Russia listed Mongolian oak on CITES Appendix III in 2014, and thus officially all exports of Mongolian oak logs, sawnwood, and veneer from Russia are required to have a CITES certificate to prove legality prior to export, WWF Russia has found that Russia's exports of oak logs, sawnwood and veneer not only continue to exceed current legal harvest volumes, but are actually greater than the export volumes prior to the CITES listing.

UNDERSTANDING TYPES OF ILLEGAL LOGGING OCCURRING IN THE RUSSIAN FAR EAST

Outright illegal logging. This is when loggers with no legal rights to use the forest steal timber from timber leases or forests designated “protective” forests.¹ This was extremely common in the “wild ‘90s” and early 2000s in the Russian Far East. But gradually this model has come to comprise less of the region’s illegal logging as most forests are given out to lease and such intruders become unwelcome.

Illegal logging with papers. With the decline of wildcat illegal logging, documents that falsely indicate authorization have grown. This can take several forms:

Overlogging on timber leases. Dishonest leaseholders can use the fact that they have permission to harvest and transport significant volumes of wood to conceal illegalities. Some leaseholders know that the authorities cannot keep track of how much they have already harvested and how much has been trucked. This allows for significant possibilities for overlogging; that is, harvesting greater volumes of timber than were permitted in the forest declaration. This leads to rapid depletion of timber stocks and undermining of the sustainable logging regime laid out in the forest declaration.

Logging the timber in wrong places on timber leases: Dishonest leaseholders can also commit illegal logging without exceeding the permitted volume. This is done by logging timber in areas where it is not permitted by law, such as special protective forest patches or stands with 30% or greater composition of Korean pine.

Masking commercial logging under “intermediate” or “sanitary” logging. The basic purpose of these two silvicultural practices is to improve forest quality by removing trees that are sick, dying, dead, poorly formed or of undesirable species to the advantage of healthy, well-formed trees of desirable species. As such, they should naturally produce very limited volumes of good quality commercial timber. But they are grossly abused, forming a major loophole for the harvest of valuable timber from protective forests. More than 10 years of analyzing intermediate and sanitary harvesting abuse have demonstrated that these practices often involve not only logging of high-grade timber in place of low-quality trees, but also overlogging and logging outside the permitted boundaries. However, the government is cracking down.

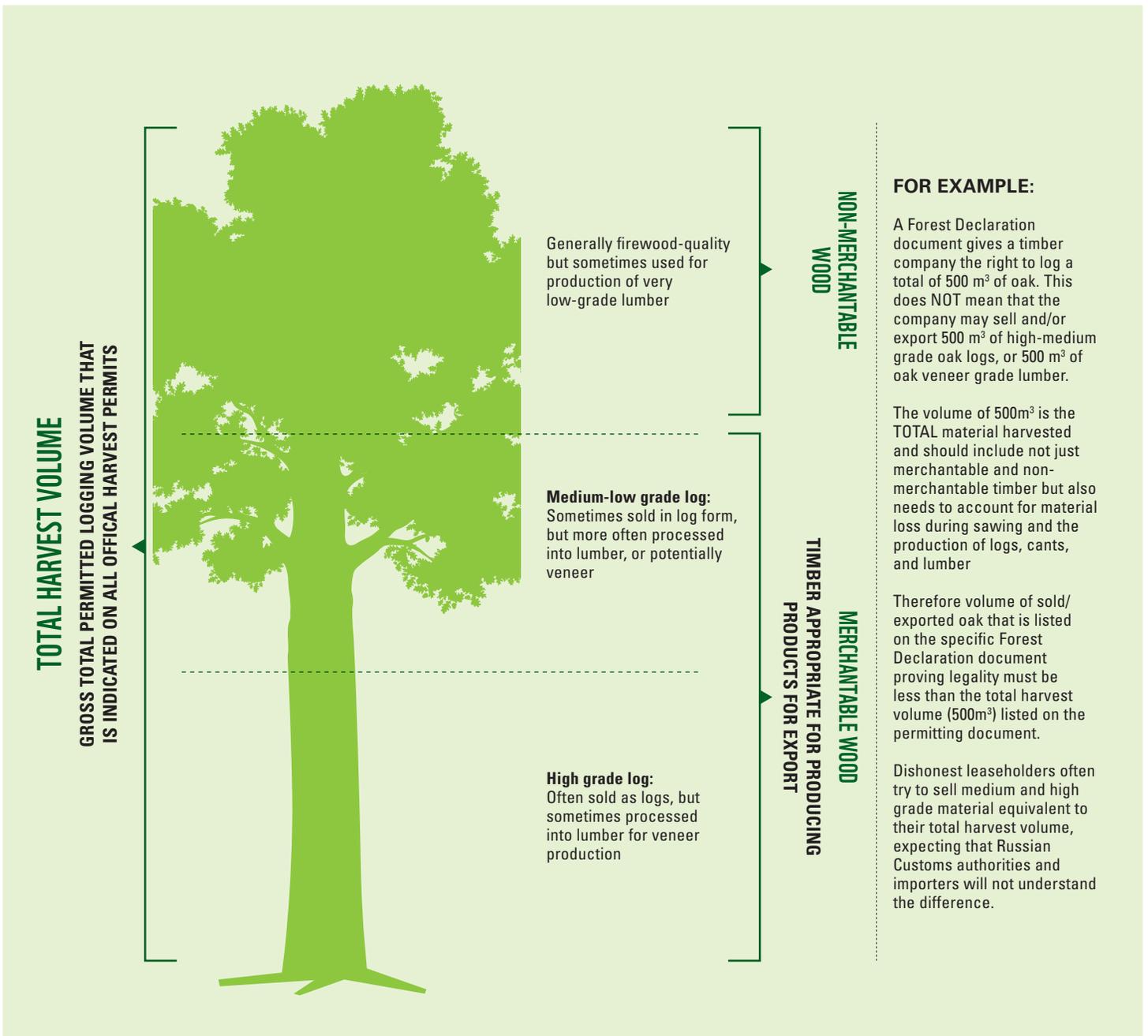
Transporting freshly harvested logs.
Primorskiy Krai, Russia.

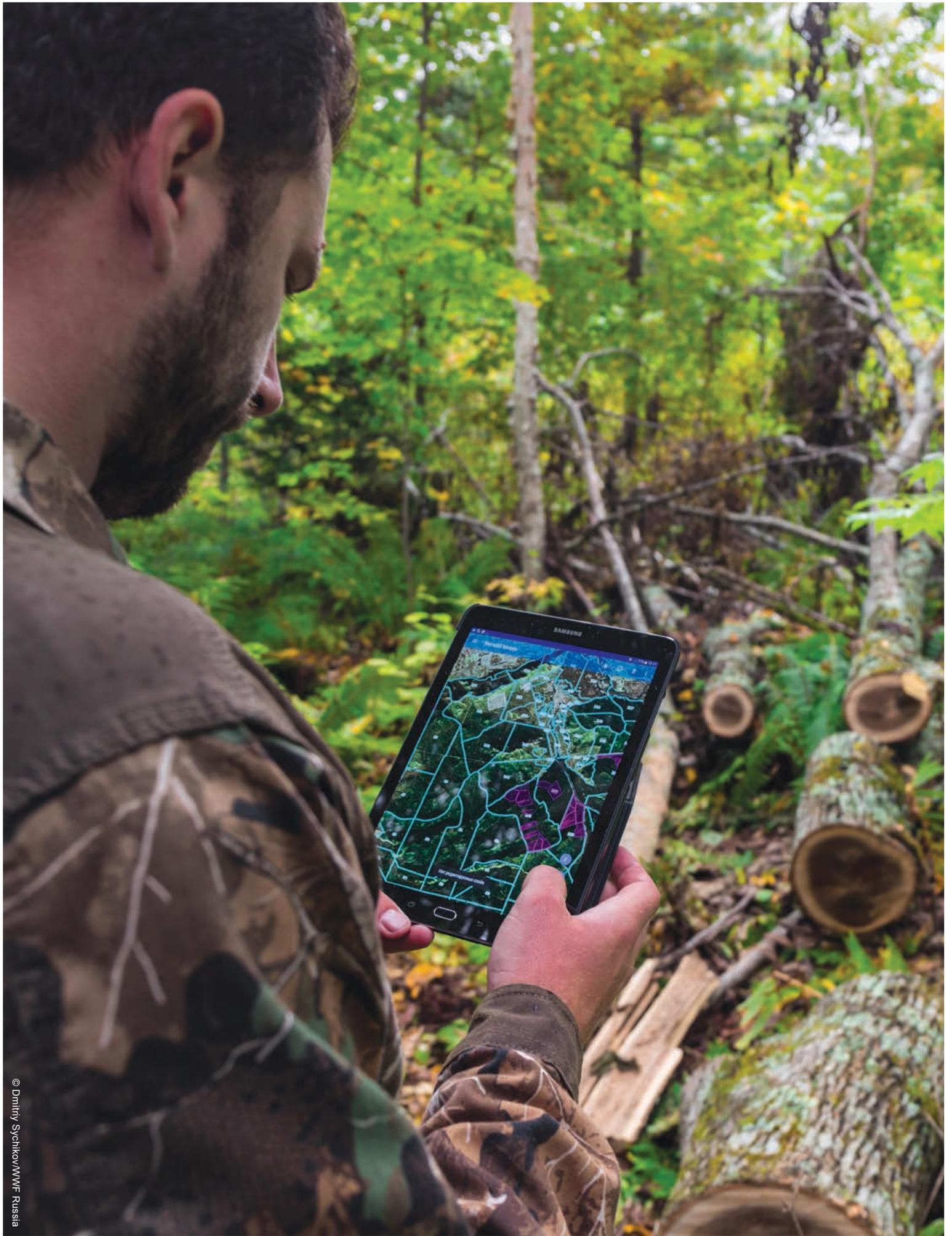


Logging the timber of the wrong grade specified on timber leases.

The question of grade is crucial – the permitted logging volume that is indicated on all official harvest documentation is listed as total permitted harvest volume, which includes **both** merchantable and non-merchantable wood.

A Russian harvest permit gives a timber company the right to harvest a specific volume of oak, but not sell/export that same volume of high or medium grade, veneer-quality, oak logs or sawnwood (*see figure below*).





CHINA AND OAK - UNDERSTANDING SOURCES

1. China's imports of oak logs and lumber

China phased in a ban on commercial logging of its natural (non-plantation) forests throughout their northeastern provinces, with a near complete shutdown in place by the end of 2017. China's own natural oak forests grow in these regions that have been now banned from logging operations indefinitely. China's rapid rise in wood manufacturing coupled with domestic Chinese and global demand for high quality wood products has led to much of the veneer-grade oak logs and lumber that Chinese manufacturers use to make flooring or other products being imported from other countries (see figures on opposite page). United States, France, Russia, Germany, Belgium, and Ukraine are the historical main oak exporting countries to China, with China's oak imports from these six countries, on average in 2016 and 2017, constituting 90% of its foreign supply of oak logs, and 97% of its foreign supply of oak sawnwood lumber.

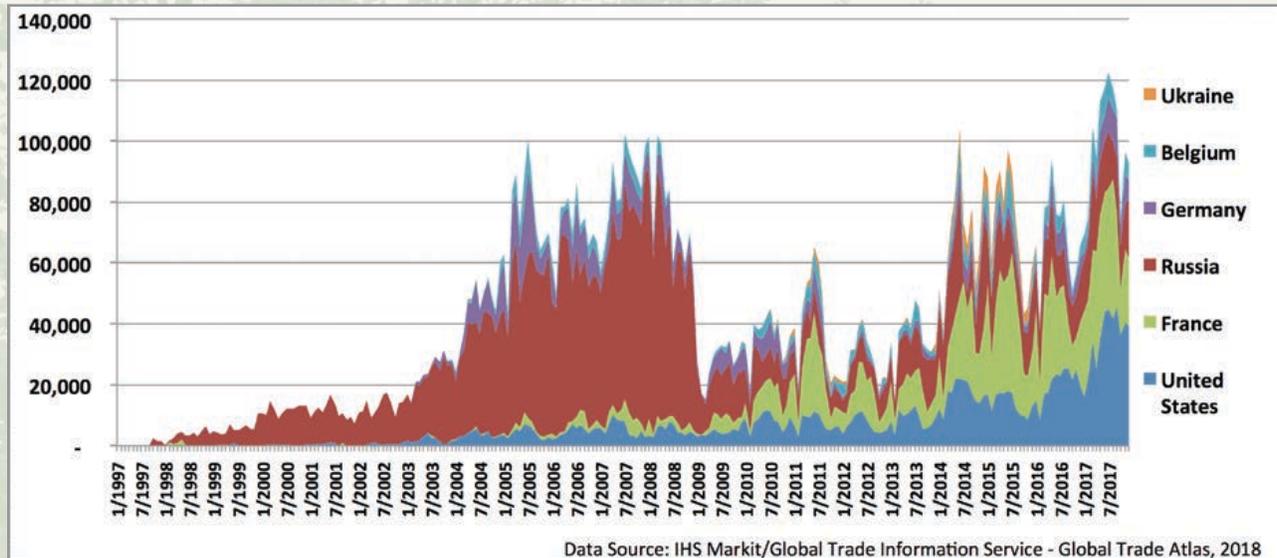
Prior to mid-2009, Russia was China's main oak log supplier, and the US and Russia were the main lumber suppliers. In 2009, Russia instituted a roundwood log export tax and the global economy was in a state of financial crisis. The effects of these events temporarily decreased China's demand for oak resources, and also meant that as the economy rebounded, China sought a supply of oak logs and lumber from countries in addition to Russia. However, even if China's imports of oak came from more diverse sources, the importance of China as an export destination for Russian oak resources remained high. Russia exports most of its oak resources to just one country: China.

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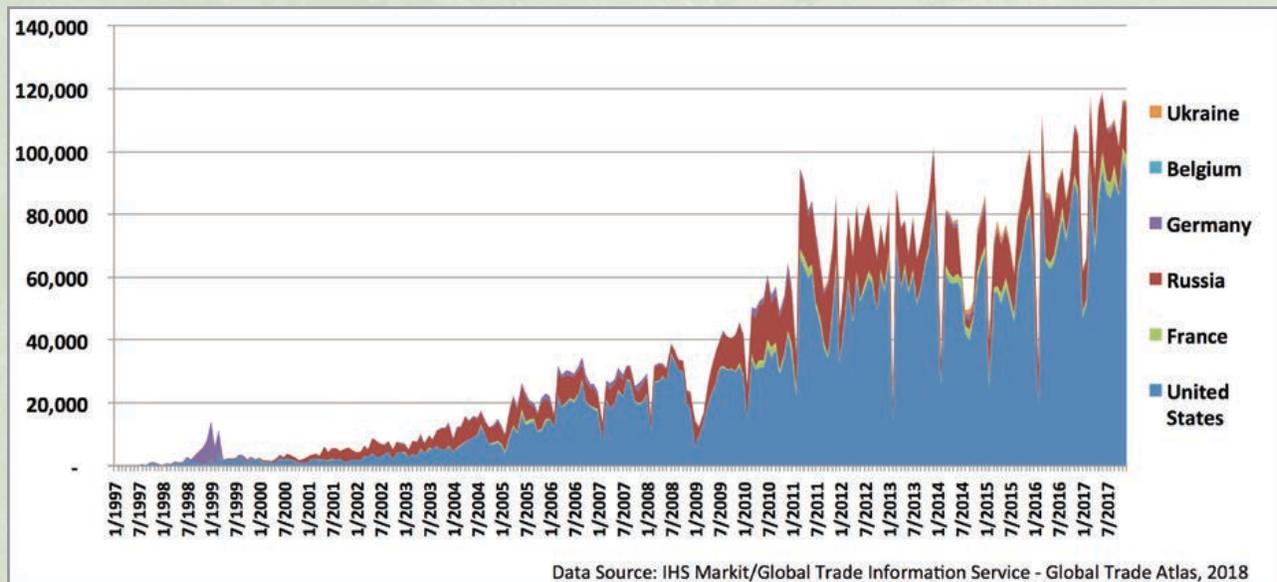


Staff from WWF US and WWF China pose at the Russian-Chinese border in Suifenhe, China with representatives of Metropolitan and their Chinese partners.

CHINA'S MONTHLY IMPORTS OF OAK ROUNDWOOD LOGS, 1/1997 TO 12/2017 (CUBIC METERS)



CHINA'S MONTHLY IMPORTS OF OAK SAWNWOOD LUMBER, 1/1997 TO 12/2017 (CUBIC METERS)





2. China imports almost all available Russian oak on the market

In 2016 and 2017, ninety-eight percent of Russia's exports of oak logs and eighty four percent of Russia's exports of oak sawnwood lumber were destined for China, which together represent almost exclusively the only types of oak products that Russia exports. While there is a legal supply of white oak exports from Russia to China, discerning legal from illegally harvested and traded oak can be difficult, especially once the wood from multiple Russian exporters is commingled in Chinese log yards.

A risk analysis for oak products manufactured in China is recommended for any US importer. Even if a US company imports finished white oak flooring or other products from China and believes that the oak used to manufacture the products originates from sources other than Russia, it is important for the US company practicing due care to fully understand its supply chain, as oak from multiple countries and suppliers can commingle in China for reasons both unintentional and intentional.

III. Criteria for Risk Analysis

A. SOURCE RISK

Mongolian oak is endemic in Northeastern Asia, with a range that encompasses South Korea, North Korea, Japan, Northeastern China, and the Russian Far East. Of these locations, it is only in Northeastern China and the Russian Far East where the species is commercially harvested. WWF Russia's analysis of permitted harvest volumes with trade records strongly indicates significant volumes of illegally logged oak continuing to enter China. This can happen with the knowing cooperation of bad actors within the industry or when CITES documentation is taken at face value by buyers who do not know how to verify the information presented.

B. SPECIES RISK

Commercially available Mongolian oak is endemic in and available from four provinces in the Russian Far East, and four provinces in Northeastern China. The species is potentially the most valuable hardwood in the region, which increases the risk of fraudulent activity.

Russian-origin Mongolian oak: The CITES Appendix III listing of Russian-origin Mongolian oak came into effect in 2014 and applies to Russia's exports of logs (HS 4403), sawnwood (HS 4407), and veneer sheets (HS 4408).² Commercially available Mongolian oak grows in the Primorskiy Krai, Khabarovskiy Krai, Amurskaya Oblast, and the Jewish Autonomous Okrug (JAO) regions of the Russian Far East Federal District.

Chinese-origin Mongolian oak: Even though Chinese-origin Mongolian oak is not listed CITES listed, there is the potential for substitution of Russian-origin oak within a Chinese mill, either deliberately or accidentally.

Previous page: Russian logs marked and ready for transport to China.



Logs leaving a concession in the Russian Far East.

Commercial-grade Mongolian oak grows endemically in the Liaoning, Jilin, Heilongjiang provinces and Inner Mongolia Autonomous Region of Northeastern China. China recently instituted a logging ban on natural hardwood forests for Northeastern China State Forest Bureaus, citing the need for temporary cessation of commercial harvesting from these forests to allow forest health and stock status regeneration.³ The resulting diminished supply of Chinese-origin Mongolian oak likely will increase demand for Russian-origin Mongolian oak, and may even generate incentives in the short run for certain mills to substitute Russian oak for Chinese oak without proper due diligence measures and legality checks.

C. SUPPLIER RISK

Trade in a CITES-listed species allows for a more officially documented chain of custody than is available in many commercial supply chains involving non-CITES-listed species. In this case, a supplier risk assessment should include each supplier that is in custody of the material back to the legal forest concession and ensure information is up-to-date with each purchase/import. Each supplier in the chain should be willing to provide documents explaining its role in the supply chain. The chain should start with correctly identifying the forest of origin and supplier (forest leaseholder) of the wood/forest product and ensuring not just that the correct documents corroborating this information moves through the chain, but that the material is not commingled with either Chinese-origin Oak or material from other sources. Ideally, all suppliers in the chain should be active participants in the due care process.

IV. Recommendations for Risk Mitigation

Determining and verifying the supply chain of legal and responsibly harvested and traded Russian oak by sourcing exclusively from Forest Stewardship Council (FSC) certified forests is considered the best mechanism to mitigate risk across the entire supply chain. In the case of oak trade and procurement in China, FSC certification is particularly useful in helping ensure the correct identification of origin and preventing commingling of sources. When FSC supply is not immediately available, or even when purchasing FSC-certified products, the following recommendations should be considered:

A. SUPPLY CHAIN MAPPING

Companies involved in any oak trade within China will find it useful create a supply chain player/company map that includes company names and locations of the primary suppliers as well as their secondary, tertiary, etc. suppliers. In addition, particularly if there is an inability to ensure physical isolation of the controlled material, it may be necessary to assess potential mixing of wood sources that have various levels of risk, and review other secondary or tertiary suppliers that provide the same species to any of the suppliers in the Company's supply chain.

B. UNDERSTANDING THE DOCUMENTATION

Minimum necessary documentation for Russian sourcing

- The Lease Agreement (договор аренды) provides broad-level information about the legal Corporate entity that is leasing the forest land, which forest management unit jurisdiction the land falls under, and general information about the leased land area and annual volume of logging allowed.
- The Forest Management Plan (проект освоения лесов) contains the time frame, annual allowable cut (AAC) of the leased forest area, and a list of the species and volumes that is allowed within each forest stand where harvesting is permitted.
- The Forest Declaration (лесная декларация) is authorized yearly by the provincial government authority and describes the intended plan for harvesting specific species in specific areas. It contains the location of each logging site within the forest management unit, forest block, and forest stand.
- A Report of Forest Use (отчет об использовании лесов) is a summary report that the Forest Leaseholder/Harvesting company is required to submit monthly to the regional forest management authority, containing monthly subtotals and cumulative yearly totals of actual harvest volumes by species within each logging site.
- A Russian CITES Export Permit is required to export Mongolian oak logs (HS 440391), sawnwood/lumber (HS 440791), and veneer (4408909501)
- Shipping Specification Datasheet (отгрузочная спецификация)

Minimum necessary documentation for Chinese import of oak from Russia

- A Chinese CITES Import Permit - Required to Import Mongolian oak logs, sawnwood/lumber and veneer from Russia
- A Chinese Customs Declaration

For proper analysis of documentation, consider the following:

- Readability of documents: High quality color digital scans should be required. In Russia and China, official verification stamps are a critical aspect of document legitimacy and are needed as part of the assessment to verify which company or government agency provided authorization for each document.
- Interpretation of the documents detailed above with an eye towards detecting potential discrepancies. Of course “collecting the right documents” is not the culmination of the due care process, but only the first step. It is recommended to have these documents interpreted by a Russian speaker familiar with the documentation.
- Determining whether or not the Lease Agreement for the Company is valid by comparing the Company Name of the Lessee and Lease Agreement Number with the published official lists of forest leases administered by each province. For example, the list of active forest leaseholders for Primorskiy Krai province is publicly available on the Department of Forest Management website, at the following link: <http://www.primorsky.ru/authorities/executive-agencies/departments/forestry/statistics.php>

- While cross-checking the validity of the Lease Agreement, a buyer should also be able to determine, according to the Lease Agreement, a more specific geographic sub-region within each province where the wood was harvested. The Lease Agreement lists the leased area's forest management unit, and maps of forest management unit locations are found publicly online by province. For example, the following website maintained by the Primorskiy Krai regional government provides access to maps showing the geographic extent for each forest management unit within the region: <http://www.primorsky.ru/authorities/executive-agencies/departments/forestry/karty-lesnichestv1/spasskoe-lesnichestvo3/terneyskoe-lesnichestvo4/>

C. QUESTIONS A BUYER SHOULD ASK AND WHY

- Is there a risk that the oaks being offered could come from different regions of the world? It is important to ask this question not just of your immediate supplier, but also to look down the supply chain at other points where supply could be mixed.
- Is information consistent between paper documentation provided to Company and information the Company obtains verbally from its suppliers about the geographic origin and company names of suppliers? Does the packaging and markings on the material match what suppliers have said? Asking the same question of different people in the organization should hopefully always result in the same answer and match all available physical and documentary evidence.
- Could the Russian oak have come from the forests described in these documents? The most basic consideration should be if the logging described in the authorization documents could possibly have supplied forest products of the species and grades used in the imported products. Best sourcing practices for Russian oak would include a comparison of data specified in the Russian sourcing documents to determine and validate the permitted harvest limit for oak specifically.⁴
- Do the volumes line up between those indicated in paper documentation and the actual volume of wood needed to produce the product being imported? Importers should understand as much of their product's production process as possible. For example, it helps to know how much raw material is needed to produce the volume of finished product that is purchased (yield) and what quality (grade) of raw material is used. This then can be compared with the possible yield from the total permitted harvest volume presented in logging authorization documents. In the case of CITES-listed oak, there is a limited quantity of such authorizing documents produced in a year, and in theory the volume of oak permitted for logging by these documents should determine how much of these species will be exported from Russia. Unfortunately, copies of logging authorizations appear to be "recycled" and used multiple times. Buyers can be duped because these documents, although appearing apparently legitimate because they actually are issued by the government, are not legal because they are being reused to cover multiple transactions beyond their original scope. That is why working closely with suppliers through the entire supply chain is so important.
- Is this authorized logging type an appropriate source of the wood that was believed to have been purchased? Given that documents for intermediate and sanitary harvesting often are used to legalize illicit timber, importers of high-quality wood products should be wary of supply chains that rely heavily on these types of authorization documents. Such documents do not automatically indicate illegality, but their presence in supply chains should be regarded as a red flag.

D. RECOMMENDED SUPPLY CHAIN CONTROL MEASURES

- Companies can simplify supply chain middlemen by sourcing oak resources as directly as possible from Russia, with the most direct supply chain being that the Russian forest leaseholder is also processing and manufacturing the final product.
- Companies can conduct field checks and enlist local expertise and help to assess if the forest in question could have produced logs of the size and grade used in the imported products.
- Companies can seek to avoid geographic areas, pinch points, transport ports, etc. that are known to be high-risk. For example, unless a company designs robust and strict verification measures in Suifenhe, China, this border crossing/transport point should be considered high-risk, as there are many middlemen and trading companies that buy logs and lumber from one another, rendering it difficult to determine the actual origin of the wood.
- Companies can utilize scientific tools and technologies for species and provenance (origin) verification, such as stable isotope testing.
- Companies should source FSC certified Russian oak whenever possible as this remains the best mechanism to mitigate risk across the entire supply chain.

Recently harvested oak logs stacked at a log yard. Primorskiy Krai, Russia.



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V. Resources

Documents confirming the legality of timber: Online tool confirm the legality of wood products (2013). WWF Russia. In Russian: https://wwf.ru/woodtool/docs/docs_legality

GFTN Guide to Legal Documentation: China. http://sourcing.gftn.panda.org/files/PDF/legal_documentation_china.pdf

Illegal Logging in the Russian Far East: Global Demand and Taiga Destruction. (2013). Vladivostok, WWF-Russia. 43 p. English version: <https://www.worldwildlife.org/publications/illegal-logging-in-the-russian-far-east-global-demand-and-taiga-destruction>

Keep it Legal Country Guide. Practical guide for verifying timber origin legality. (2010). Moscow, WWF-Russia. 100 p. English version: http://wwf.ru/data/pub/forests/do_legal-final-web.pdf

Keep it Legal Country Guide. Practical guide for verifying timber origin legality. (2010). Moscow, WWF-Russia. 96 p. Russian version: http://wwf.ru/data/pub/forests/do_rus.pdf

Lacey Act Compliance Framework for Lumber Liquidators (2016). US Department of Justice Court-enforced Compliance Framework for Lumber Liquidators. http://c.ymcdn.com/sites/www.iwpawood.org/resource/resmgr/Files/LL_Inc_ECP_9_25_2015.pdf

Practice of intermediate thinning and sanitary logging in the Russian Far East: legal cover for illegal logging [Практика рубок ухода и санитарных рубок на Дальнем Востоке России: законное прикрытие незаконных рубок]. (2016). WWF-Russia. In Russian: https://new.wwf.ru/upload/iblock/a62/praktika_rubok_uhoda_i_sanitarnyh_rubok_2016.pdf

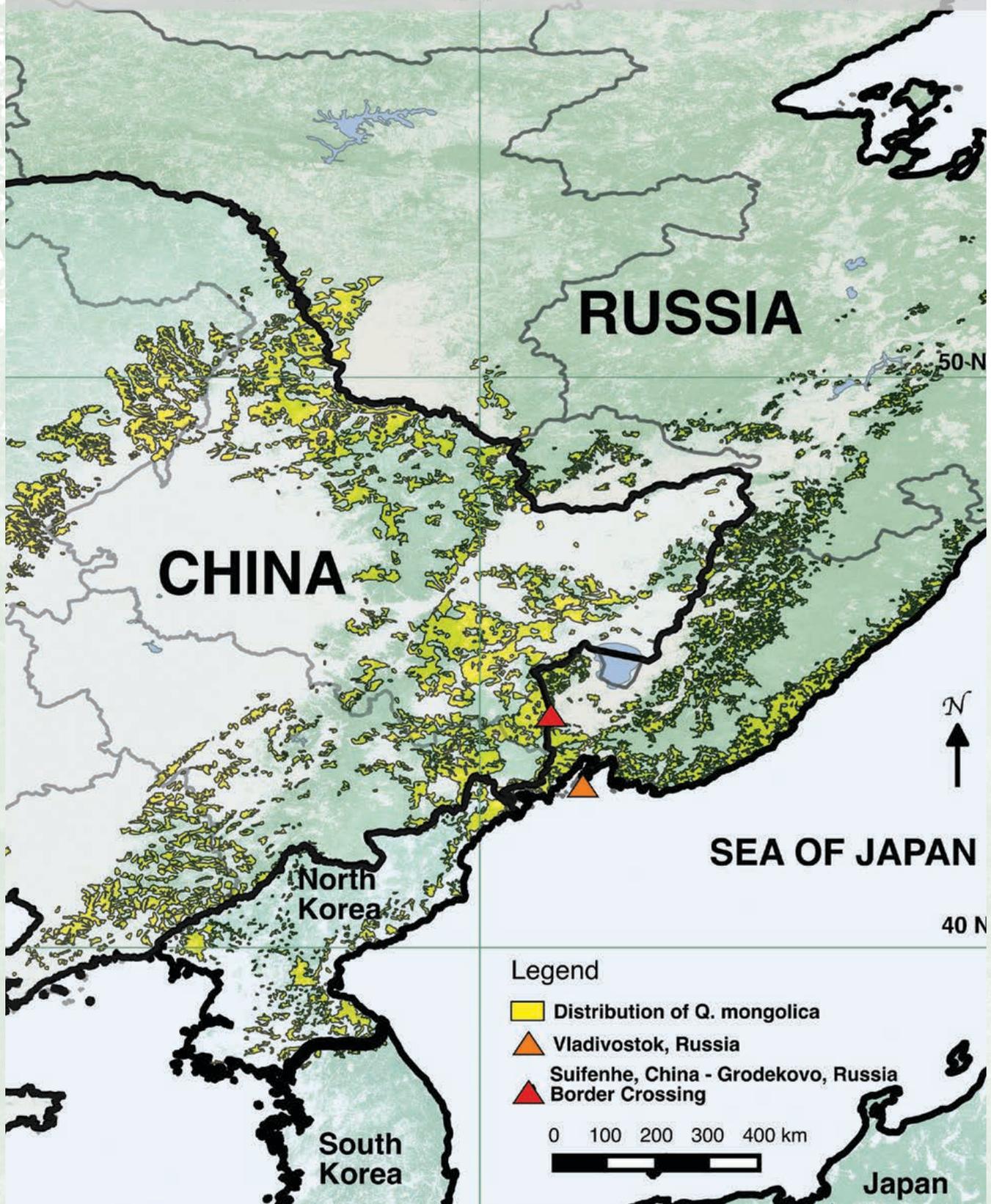
¹ Typically, commercial forest operations take place on forests with the designation of “exploitation forests,” however since 2008 legislative amendments have begun to blur the distinction between “exploitation” and “protective” forests, allowing more and more logging in the latter. It is important not to imagine that protective forests have the same level of restrictions on logging as are seen in the strictest protected areas (like national parks and strict nature reserves, zapovedniks). The majority of timber leases are located in exploitation forests, but in some regions of Russia - and especially true in the Russian Far East - significant areas of protective forests have also been given out to lease for timber harvesting, causing great concern amongst ecologists and local residents.

² The Russian Federation listed both Mongolian oak and Manchurian ash on CITES Appendix III at the same time, and indicated that they were assigned to Annotation V which only requires CITES Permits for the export logs, sawnwood/lumber, and veneer. HS codes for these products are the following: Mongolian oak logs (HS 440391), sawnwood/lumber (HS 440791), and veneer (4408909501), and Manchurian ash logs (4403999501), sawnwood/lumber (440795), and veneer (4408909501). See official CITES notification: <https://cites.org/sites/default/files/notif/E-Notif-2014-014.pdf>; as well as US Fish and Wildlife Service (USFWS) briefing for US importers: <http://www.fws.gov/international/pdf/letter-appendix-III-timber-listings-june-2014.pdf>.

³ It is unclear how long the logging ban will remain in effect. See March 2016 Forest Trends information brief for more information: “China’s Logging Ban in Natural Forests: Impacts of Extended Policy at Home and Abroad” (http://www.forest-trends.org/documents/files/doc_5145.pdf)

⁴ As of early 2018, WWF Russia is currently working on a document for ROSPRIRODNADZOR (the Russian department in charge of overseeing CITES declarations and permits) that describes systematically how to compare information on officially allowed harvest volumes for each species found in harvest documentation. This document has a planned publication date of mid-late 2018 and will be publicly available in Russian on the Internet via WWF Russia’s website (<http://www.wwf.ru/>). It should enhance and simplify a foreign company’s ability to scrutinize Russian harvest and transport documents with CITES declarations forms.

Natural Distribution of Mongolian Oak (*Quercus mongolica*)



Data Sources: WWF Russia. 2017. Vladivostok, Russia & Zhang, XS. 2007. Chinese Academy of Sciences Committee Vegetation Map Editor. Vegetation Atlas of China (1:1000000). Beijing, Geology Press.



OKAY OAK: A CASE STUDY ON RESPONSIBLE SOURCING OF WHITE OAK FROM THE RUSSIAN FAR EAST

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