

**APPLICATION FOR INQUIRY:
FALSE AND MISLEADING REPRESENTATIONS
BY THE SUSTAINABLE FOREST INITIATIVE
ABOUT THEIR
FOREST CERTIFICATION STANDARD**

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OVERVIEW

The Complainants state that the Sustainable Forest Initiative's (the "SFI") description of its forestry certification standard (the "SFI Standard")¹ as providing assurances of sustainable forestry, and representations it makes regarding the SFI Standard, are materially false and misleading. The representations are made for the purpose of promoting the adoption of the SFI Standard and the purchase of wood and wood products that have been logged from forests certified to the SFI Standard.

Generally, the SFI intends to give the impression that logging occurring pursuant to the SFI Standard is "sustainable" or "certified sustainable" and achieves "sustainably managed forests." These are false, misleading, and material misrepresentations.

This is because, by design, the SFI Standard does not prescribe or require that logging meet any definition of "sustainable." As will be discussed below, while the SFI standard outlines steps that *could* result in Sustainable Forestry, they are vague, unclear and not mandatory.

The Complainants illustrate this by examining the literal meaning and the general impression conveyed by the SFI's misrepresentations, and by reviewing the plain wording of the SFI Standard.

The result of the SFI's material misrepresentations is to mislead purchasers of wood and wood products so that they prefer those originating from operations certified to the SFI Standard based on believing that the SFI Standard assures sustainable logging. Indeed, SFI says that the standard should be used for this purpose, "Using the SFI label is a great way to let consumers know that the product comes from a sustainable source."²

The SFI has certified more than 150 million hectares of forest in North America³ - the largest single certification system in the world and 115 million hectares of that, or 76%, is in Canada. Certified area by the other forestry certification schemes – Canadian Standards Association and Forest Stewardship Council - in Canada is much smaller by comparison (12 million and 50 million hectares, respectively).⁴ SFI is endorsed by the Programme for the Endorsement of Forest Certification (PEFC), an international "umbrella" certification system. PEFC includes more than 40 national systems, but SFI accounts for more than 40% of PEFC-certified area. SFI received its third re-endorsement from PEFC in December, 2021.⁵

The misrepresentations made by the SFI have contributed and continue to contribute to unsustainable logging globally and in Canada on an immense scale.

¹ SFI 2022 Standards and Rules – full package https://forests.org/wp-content/uploads/2022_SFI_Standards.pdf. Accessed on 2022/05/13.

² *Ibid*, Section 6: Rules for Use of SFI On-product Labels and Off-product Marks. p. 22/22.

³ SFI In Brief: February 2022 Newsletter. Better Choices for the Planet. <https://forests.org/wp-content/uploads/SFI-In-Brief-Feb-2022.pdf>. Accessed on 2022/05/13.

⁴ Certification Canada. Canadian Year-end Statistics, 2021. <https://certificationcanada.org/en/statistics/canadian-statistics/>.

⁵ SFI website. <https://forests.org/pefc/>. Accessed on 2022/05/13.

The Complainants request that the Competition Bureau conduct an inquiry into the SFI's materially false and misleading representations as reviewable conduct under s. 74.01(1)(a) and/or (b) of the *Competition Act*.

If the inquiry finds that the SFI has made materially false and misleading representations to the Canadian public, the Complainants submit that the SFI should be required to, at a minimum:

- (a) Remove all claims of “sustainable,” “sustainability” or the like from its public communications about the SFI Standard, and from the name of the program itself;
- (b) Issue a public retraction of sustainability claims and an acknowledgment that certification to the SFI Standard does not certify that logging conducted under it is or will be sustainable; and,
- (c) Pay a ten million dollar fine, credited to the Environmental Damage Fund and to be paid to a person or organization for the purposes of conservation, such as the [Central Westcoast Forest Society](#) or the [Indigenous Leadership Initiative](#) for Indigenous Protected and Conserved Areas.

PART I: THE LEGAL FRAMEWORK OF THE COMPLAINT

This complaint is made pursuant to Section 74.01 of the *Competition Act* (the “Act”) which provides a civil prohibition against false or misleading representations, including representations not based on adequate and proper tests:

74.01 A person engages in reviewable conduct who, for the purpose of promoting, directly or indirectly, the supply or use of a product or for the purpose of promoting, directly or indirectly, any business interest, by any means whatever,

- (a) makes a representation to the public that is false or misleading in a material respect;
- (b) makes a representation to the public in the form of a statement, warranty or guarantee of the performance, efficacy or length of life of a product that is not based on an adequate and proper test thereof, the proof of which lies on the person making the representation ...⁶

Section 74.03(5) of the Act provides that, in proceedings under s. 74.01, the “general impression conveyed by a representation as well as its literal meaning shall be taken into account in determining whether or not the person who made the representation engaged in the reviewable conduct.”⁷

⁶ *Competition Act*, RSC 1985, c. C-34, s 74.01(1)(a) and (b).

⁷ *Ibid*, s 74.03(5).

There are three elements to a violation of the civil prohibition against false or misleading representations that the Commissioner must establish on a balance of probabilities:

1. a person has made a representation to the public by any means whatever;
2. for the purpose of promoting, directly or indirectly, any business interest; and
3. the representation is false or misleading in a material respect or makes the representation is made in the form of a statement, warranty or guarantee of performance.

These will be dealt with in turn.

PART II: THE SFI STANDARD

Background and General Description

Since the United Nations Conference on Environment and Development in 1992, international forest policy has evolved rapidly, driven largely by concern for the decreasing quantity and quality of the world's forests. Forest certification, a market-driven mechanism that *could* give consumers the ability to differentiate between forest products based on how they were produced is one resulting development - the premise is that consumers will seek out and buy products from well-managed forests, as identified by their certifications and be willing to pay a premium price for this.⁸

Certification was seen as a way to position Canada as a world leader in sustainable forestry and to deflect criticism of unsustainable forest practices which had emerged following various high-profile forest conflicts including (but not limited to) in Clayoquot Sound.⁹

The Forest Stewardship Council (FSC) certification was founded in 1993 with the goal of promoting responsible forest management, based on international principles and criteria, which are then adapted at the national level to match local conditions. Its structure and governance were designed to give equal voting power to business, environmental and social interests, including Indigenous peoples.

In subsequent years and in response to the civil-society led FSC initiative, *industry-led* forest certification systems were developed in forested countries around the world to compete with FSC certification.¹⁰ In North America, the forest industry put significant effort into developing the Canadian Standards Association's certification standard and the SFI standard.¹¹

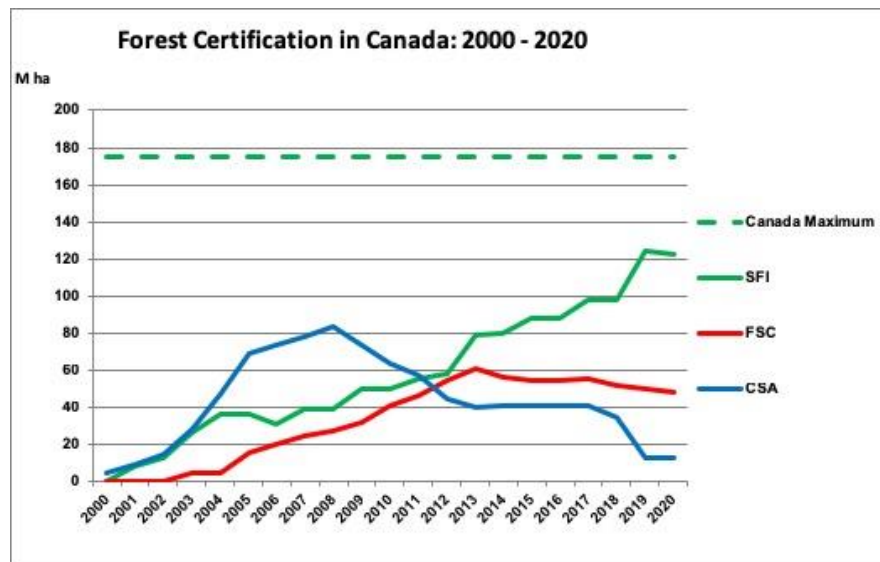
⁸ Chris Tollefson, Fred Gale & David Haley, *Setting the Standard: Certification, Governance, and the Forest Stewardship Council* (Vancouver: UBC Press, 2009) at 19-23.

⁹ *Ibid.*, at 10-11, 110.

¹⁰ Benjamin Cashore, Graeme Auld & Deanna Newsom, *Governing through markets: Forest certification and the emergence of non-state authority* (New Haven: Yale University Press, 2004) at 6.

¹¹ Chris Tollefson, Fred Gale & David Haley, *Setting the Standard: Certification, Governance, and the Forest Stewardship Council* (Vancouver: UBC Press, 2009) at 36-43.

Since 2002, a forest industry umbrella body, the Forest Products Association of Canada, has made certification a requirement for membership, ushering in a large volume of certified hectares particularly from the industry-led SFI Standard.



Source: <https://www.woodbusiness.ca/2021-update-on-forest-certification-in-canada/>

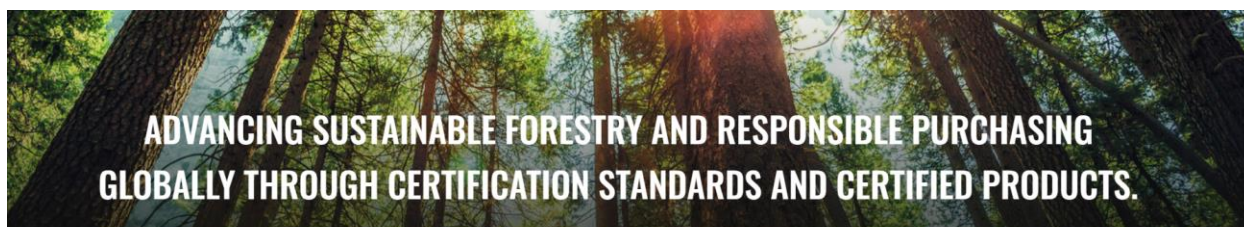
SFI's standards are revised and updated every five years. There are four types of certifications, corresponding to four standards:

- Forest Management Standard
- Fiber Sourcing Standard
- Chain-of-Custody Standard
- Certified Sourcing Standard

All Canada's forestry certification schemes require some form of third-party independent certification audits by certification bodies accredited by a member of the International Accreditation Forum (in Canada, the Standards Council of Canada (SCC)). But the SCC does not assess the *quality* or *effect* of certification schemes (i.e., does not assess whether the schemes achieve what they purport to certify). Effectively, third-party certification schemes are not publicly regulated in Canada.

Element 1: SFI's representations to the public

The following is a screen shot from the SFI's website, which provides an overview of the SFI's misrepresentations.



STANDARDS

People and companies are looking for better solutions to ease pressures on the planet – practical choices that will conserve nature, combat climate change, and cut waste and pollution. Choosing certified sustainable forest products is a great way to protect species, combat climate change, reduce plastic pollution, and protect water supplies.

SFI standards have become the fastest growing, highly trusted solution that can support a growing need for products from the forest, as the drive to reduce carbon pollution and waste intensifies. We are working to shape markets today and ensure that sustainably managed forests will continue to play a crucial role in keeping the planet healthy.

[SFI 2022 STANDARDS](#)

[GET CERTIFIED & THIRD-PARTY AUDITS](#)

[LABELS AND CLAIMS & GLOBAL LABEL](#)

[SFI URBAN AND COMMUNITY FOREST SUSTAINABILITY STANDARD](#)

This page and further pages on SFI's website provide extensive misrepresentations to the public about the SFI Standard, including:

- "Choosing certified sustainable forest products is a great way to protect species, combat climate change, reduce plastic pollution, and protect water supplies."¹²
- We are working to shape markets today and ensure that sustainably managed forests will continue to play a crucial role in keeping the planet healthy.¹³
- SFI requirements for forest management, fiber sourcing and chain-of-custody certification are independently audited by independent certification bodies."¹⁴
- SFI-certified forests are sustainably managed to provide habitats for multiple species, including species at risk. SFI standards take a multi-species approach, and SFI-certified companies are held to the highest level of species and habitat conservation.¹⁵
- Certification is the best way to ensure that a forest is sustainably managed. Vigorous and healthy forests that are sustainably managed are more resilient to the impacts of climate change.¹⁶
- A highlight of the new SFI standards is the SFI Climate Smart Forestry Objective which requires SFI-certified organizations to ensure forest management activities address climate change adaptation and mitigation measures.¹⁷

¹² SFI website. Standards. <https://www.forests.org/standards/>. Accessed on 2022/05/13.

¹³ *Ibid.*

¹⁴ *Ibid.*

¹⁵ SFI website. Species Recovery. <https://forests.org/species-recovery/>. Accessed on 2022/05/13.

¹⁶ SFI website. Climate Challenge. <https://forests.org/climate/>. Accessed on 2022/05/13.

¹⁷ *Ibid.*

- SFI-certified wood is a good choice for construction and renovations because it is a sustainable, natural, and renewable resource.¹⁸
- The SFI label means the forest the wood comes from is managed sustainably to ensure many benefits, like mitigating climate change.”¹⁹

In addition to its public descriptions of the SFI Standard, the documents that form the SFI Standard itself make similar misrepresentations.

For example, SFI Section 1 (Introduction) of the SFI 2022 Standards and Rules²⁰ makes many claims regarding the SFI’s ability to assure sustainable forestry and informs SFI’s definition of “sustainable.” Below are direct excerpts relevant to these claims (from p. 2-3 of Section 1: Introduction, SFI Standard).

“Why SFI Matters

SFI’S MISSION is to advance sustainability through forest-focused collaboration.

SFI’S VISION is a world that values and benefits from sustainably managed forests

When companies, consumers, educators, community, and sustainability leaders collaborate with SFI, they are making active, positive choices to achieve a sustainable future.

Through SFI standards, more forests are sustainably managed, which means more effort is put into conserving healthy *wildlife*, providing clean water, and making more sustainable wood, paper, and packaging products available for consumers and companies. Choosing SFI is a practical choice that helps combat *climate change*, conserve nature, and increase the number of products in the marketplace that have a positive impact on the planet.”

Section 6 of the 2022 SFI Standards and Rules addresses “Rules for use of SFI on-product labels and off-product marks,” and Part 5.1 is about “Communicating Certification” and specifically identifies “statements that can be used in combination with SFI On-Product Labels and with promotional materials.” This guidance for communicating relies almost entirely upon misrepresentation. Some examples include:

(5.1.ii) “Thank you for supporting... healthy Canadian forests. (5.1.v)

(5.1.v) We choose SFI-certified products because a sustainable supply chain is a smart climate solution. (p.11/22)

¹⁸ SFI website. Better Building Solutions. <https://forests.org/better-building-solutions/>. Accessed on 2022/05/13.

¹⁹ *Ibid.*

²⁰ SFI 2022 Standards and Rules – full package. https://forests.org/wp-content/uploads/2022_SFI_Standards.pdf. Accessed on 2022/05/13.

(5.1.b.i) SFI helps protect water quality by ensuring practices that promote healthy forests and minimize erosion. (p.11/22)

(5. 2. b.) SFI certification ensures that working forests and their products reduce the impacts of *climate change*.” (p.12/22)

Element 2: The false and misleading representations are made for the purpose of promoting, directly or indirectly, the supply or use of wood or wood products from forests certified to the SFI Standard

The SFI explicitly acknowledges that representations regarding the SFI Standard are for the purpose of promoting wood and wood products sourced from logging forests certified to the SFI Standard (as discussed above, the introduction to s.5.1 outlines statements that may be made “with promotional materials”).

The SFI also explicitly acknowledges that these representations are intended to assure the public that wood and wood products sourced from logging forests certified to the SFI Standard are preferable because the logging is “sustainable.” For example, the SFI Logo Use Guide, under “Communicating About Certification and Certified Products,” states:

“Using the SFI label is a great way to let consumers know that the product comes from a sustainable source, offering better choices for those consumers—and for the planet.”²¹

SFI’s recommendation to promote wood and wood products sourced from logging forests certified to the SFI Standard is extensively followed. [Appendix A](#) sets out examples of direct and indirect promotion of the SFI Standard by the SFI itself, the Forest Products Association of Canada (FPAC), and retailers, among others, for the purpose of promoting, directly or indirectly, the supply or use of wood or wood products from forests certified to the SFI Standard. For example:

- FPAC regularly endeavours to show Canadian forest management as a global leader in sustainable forest management that adheres to strict environmental, social and economic standards, including those that are SFI certified, which they assert to be equivalent to FSC managed forests.
- The Government of Canada (Natural Resources Canada) makes assurances in public communications that Canada’s forests are sustainably managed because they are certified to SFM standards, including SFI.
- Naturally Wood (Forestry Innovation Investment), an information resource, promotes BC as a global supplier of environmentally responsible forest products from sustainably managed forests.

²¹ SFI 2022 Standards and Rules. Section 6: Rules for use of SFI on-product labels and off-product marks. Appendix 2: SFI Logo Use Guide. p. 22/22. https://forests.org/wp-content/uploads/2022_SFI_Standards.pdf. Accessed on 2022/05/13.

- J.D. Irving, Limited is a large corporation involved in many industries, including forestry. All forest land under their ownership or management is SFI certified, which they claim ensures their operations are conducted in a sustainable manner.
- Home building retailers Lowes and Rona both carry SFI certified forest products and advertise the SFI label to the consumer as: “sustainable products with environmental benefits” and “forest products from sustainable forestry practices”.

Simply put, the SFI’s representations to the public are extensive and, as the SFI explicitly invites, issued for the purpose of promoting, directly or indirectly, a business interest.

Element 3: The representation is false or misleading in a material respect

An analysis of the literal meaning of SFI’s representations about SFI Standard demonstrates misrepresentation. This is established by an analysis of the literal meaning of the elements “sustainable,” “certify,” “certified,” and “standard,” which are core to SFI’s representations.

The literal definition of “sustainable,” “certify,” “certified,” and “standard”

The Merriam-Webster dictionary defines “sustainable” as:

- 1: capable of being sustained
- 2a: **of, relating to, or being a method of harvesting or using a resource so that the resource is not depleted or permanently damaged; sustainable techniques; sustainable agriculture**
- b: of or relating to a lifestyle involving the use of sustainable methods sustainable society²²

The Lexico dictionary²³ defines “sustainable” as:

- 1 Able to be maintained at a certain rate or level.
- 1.1 **Conserving an ecological balance by avoiding depletion of natural resources.**
- 2 Able to be upheld or defended.²⁴

The Merriam-Webster dictionary defines “certify” as:

- 1: **to attest authoritatively: such as**
- a: confirm**
- b: to present in formal communication
- c: to attest as being true or as represented or as meeting a standard**
- d: to attest officially to the insanity of
- 2: **to inform with certainty: assure**
- 3: to guarantee (a personal check) as to signature and amount by so indicating on the face

²² Merriam Webster, *sub verbo* “sustainable,” [emphasis added]. www.merriam-webster.com/dictionary/sustainable. Accessed on 2022/05/17.

²³ Lexico (online) is a collaboration between Dictionary.com and Oxford University Press. <https://www.lexico.com/>.

²⁴ Lexico, *sub verbo* “sustainable,” [emphasis added]. www.lexico.com/definition/sustainable. Accessed on 2022/05/17.

4: to recognize as having met special qualifications (as of a governmental agency or professional board) within a field²⁵

The Lexico dictionary defines “certify” as:

1 Attest or confirm in a formal statement.

1.1 **Officially recognize (someone or something) as possessing certain qualifications or meeting certain standards.**

1.2 Officially declare insane.²⁶

The Merriam-Webster dictionary defines “certified” as:

1: having earned certification

2: genuine, authentic²⁷

The Lexico dictionary defines “certified” as:

Officially recognized as possessing certain qualifications or meeting certain standards.²⁸

The Merriam-Webster dictionary defines “standard” as:

1: a conspicuous object (such as a banner) formerly carried at the top of a pole and used to mark a rallying point especially in battle or to serve as an emblem

2a: a long narrow tapering flag that is personal to an individual or corporation and bears heraldic devices

b: the personal flag of the head of a state or of a member of a royal family

c: an organization flag carried by a mounted or motorized military unit

d: banner sense 1

3: something established by authority, custom, or general consent as a model or example: criterion quite slow by today's standards

4: **something set up and established by authority as a rule for the measure of quantity, weight, extent, value, or quality**

5a: the fineness and legally fixed weight of the metal used in coins

b: the basis of value in a monetary system the gold standard

6: a structure built for or serving as a base or support

7a: a shrub or herb grown with an erect main stem so that it forms or resembles a tree

b: a fruit tree grafted on a stock that does not induce dwarfing²⁹

The Lexico dictionary defines “standard” as:

²⁵ Merriam Webster, *sub verbo* “certify,” [emphasis added]. www.merriam-webster.com/dictionary/certify. Accessed on 2022/05/17.

²⁶ Lexico, *sub verbo* “certify,” [emphasis added]. www.lexico.com/definition/certify. Accessed on 2022/05/17.

²⁷ Merriam Webster, *sub verbo* “certified”. www.merriam-webster.com/dictionary/certified. Accessed on 2022/05/17.

²⁸ Lexico, *sub verbo* “certified,” [emphasis added]. www.lexico.com/definition/certified. Accessed on 2022/05/17.

²⁹ Merriam Webster, *sub verbo* “standard,” [emphasis added]. www.merriam-webster.com/dictionary/standard. Accessed on 2022/05/17.

1 A level of quality or attainment.

1.1 A required or agreed level of quality or attainment.

2 An idea or thing used as a measure, norm, or model in comparative evaluations.

2.1 (standards) Principles of conduct informed by notions of honor and decency.

2.2 A form of language that is widely accepted as the usual form.

2.3 The prescribed weight of fine metal in gold or silver coins.

2.4 A system by which the value of a currency is defined in terms of gold or silver or both.

3 A tune or song of established popularity.

4 A military or ceremonial flag carried on a pole or hoisted on a rope.

5 A tree or shrub that grows on an erect stem of full height.

5.1 A shrub grafted on an erect stem and trained in tree form.

5.2 Botany The large, frequently erect uppermost petal of a papilionaceous flower.

5.3 Botany One of the inner petals of an iris flower, frequently erect.

6 An upright water or gas pipe.³⁰

Above, the Complainants have highlighted, within the definitions, terms applicable to their use in the SFI's misrepresentations.

Taken together, the SFI's representations literally mean, to extract from dictionary sources:

Certification to the SFI Standard confirm or assures a purchaser/consumer that the logging from which wood or wood products originated was done using a method of harvesting that was sustainable in that it conserved the ecological balance by avoiding depleting the forest.

While this definition is sufficient for assessing SFI's misrepresentations, the phrase, "Sustainable Forest Management" is itself a defined term. As will be discussed below, the SFI's representations about the SFI Standard are intended to mean "Sustainable Forest Management."

The definition of "Sustainable Forest Management"

Historically, sustainable forestry meant "sustained yield" which traces its roots to 18th century Germany³¹ and focused primarily on maintaining timber volumes over all other values except to the extent doing so would jeopardize timber supply. This is akin to the Lexico first definition of "sustainable" outlined above – "able to be maintained at a certain rate or level."³²

Since the late 1980s, an increasingly wide range of ecological, social, and economic values, goods and services have been included within "what is to be sustained," and the term "sustainable forest management" became the common term used to reflect that.³³ In 1993, the

³⁰ Lexico, *sub verbo* "standard," [emphasis added]. www.lexico.com/definition/standard. Accessed on 2022/05/17.

³¹ Wiersum, K.F. 200 years of sustainability in forestry: Lessons from history. *Environmental Management* 19, 321–329 (1995). <https://doi.org/10.1007/BF02471975>.

³² Lexico, *sub verbo* "sustainable". www.lexico.com/definition/sustainable. Accessed on 2022/05/17.

³³ See Jeffrey Sayer and Stewart Maginnis, "New Challenges for Forest Management" in Jeffrey Sayer, Stewart Maginnis & Michelle Laurie, eds, *Forests in Landscapes: Ecosystem Approaches to Sustainability* (London: Earthscan, 2007) 1 at 1-7.

Ministerial Conference for the Protection of Forests in Europe adopted the following definition of sustainable forest management:

the stewardship and use of forests and forest lands in a way, and at a rate, that maintains their biological diversity, productivity, regeneration capacity, vitality and their potential to fulfil, now and in the future, relevant ecological economic and social functions, at local, national and global levels, and that does not cause damage to other ecosystems.³⁴
(“**Sustainable Forest Management**”)

This definition was subsequently adopted for use by the Food and Agriculture Organization of the United Nations (FAO) and has been described as the modern definition of Sustainable Forest Management or “a good definition of the present day understanding of the term SFM [Sustainable Forest Management].”³⁵

That the SFI intends to convey this modern definition of sustainable forestry is illustrated through the many misrepresentations as set out above, excerpted here:

- “SFI-certified forests are sustainably managed to provide habitats for multiple species, including species at risk. SFI standards take a multi-species approach, and SFI-certified companies are held to the highest level of species and habitat conservation.”³⁶
- Certification is the best way to ensure that a forest is sustainably managed. Vigorous and healthy forests that are sustainably managed are more resilient to the impacts of climate change.³⁷
- Through SFI standards, more forests are sustainably managed, which means more effort is put into conserving healthy *wildlife*, providing clean water, and making more sustainable wood, paper, and packaging products available for consumers and companies. Choosing SFI is a practical choice that helps combat *climate change*, conserve nature, and increase the number of products in the marketplace that have a positive impact on the planet.”³⁸

This conclusion is also supported by the actual wording of the SFI Standard which sets out the requirements in the Standard. These are generally structured as “Principles” and “Objectives,” some of which have “Performance measures” which are defined as “A means of judging whether an objective has been fulfilled.”³⁹

³⁴ Second Ministerial Conference on the Protection of Forests in Europe (MCPFE), General Guidelines for the Sustainable Management of Forests in Europe, Resolution H1 (Helsinki: 16-17 June 1993), online: https://www.forestseurope.org/docs/MC/MC_helsinki_resolutionH1.pdf [MCPFE General Guidelines].

³⁵ Sayer and Maginnis. 2007. p. 21.

³⁶ SFI website. Species Recovery. <https://forests.org/species-recovery/>. Accessed on 2022/05/13.

³⁷ SFI website. Climate Challenge. <https://forests.org/climate/>. Accessed on 2022/05/13.

³⁸ SFI 2022 Standards and Rules, Full Package. Section 1: Introduction, p. 2/5. https://forests.org/wp-content/uploads/2022_SFI_Standards.pdf. Accessed on 2022/05/13.

³⁹ SFI 2022 Standards and Rules, Full Package. Section 14: Definitions, p. 8/11 <https://www.forestseurope.org/standards/>. Accessed on 2022/05/13.

In the first instance, the intention to misrepresent the standard as certifying Sustainable Forest Management is illustrated by the Principles:⁴⁰

1. Sustainable Forestry

To practice sustainable forestry means meeting the needs of the present while promoting the ability of future generations to meet their own needs by practicing a land stewardship ethic that integrates reforestation and the managing, growing, nurturing and harvesting of trees for useful products, and for the provision of ecosystem services such as the conservation⁴¹ of soil, air and water quality and quantity, climate change adaptation and mitigation, biological diversity, wildlife and aquatic habitats, recreation and aesthetics.

2. Forest Productivity and Health

To provide for regeneration after harvest, maintain the health and productive capacity of the forest land base, and to protect and maintain long-term soil health and productivity. In addition, to protect forests from economically, environmentally or socially undesirable impacts of wildfire, pests, diseases, invasive species and other damaging agents and thus maintain and improve long-term forest health and productivity.

3. Protection of Water Resources

To protect and maintain the water quality and quantity of water bodies and riparian areas, and to conform with forestry best management practices to protect water quality, to meet the needs of both human communities and ecological systems.

4. Protection of Biological Diversity

To manage forests in ways that protect and promote biological diversity, including animal and plant species, wildlife habitats, ecologically and culturally important species, threatened and endangered species (i.e., Forest with Exceptional Conservation Values) and native forest cover types at multiple scales.

The further point of describing Sustainable Forest Management as a defined term is because it illustrates the essence of the SFI's misrepresentation.

For example, unless it admits that it is misrepresenting the intended effect of certification, the SFI would argue that there is a difference between “Sustainable Forest Management” and “Sustainable Forest Management *standard*.”

And there *is* a difference: certification to the SFI Standard does not certify Sustainable Forest Management – it certifies only that a process is being applied – but that process might or might not result in Sustainable Forest Management.

This is illustrative of certification schemes generally being of two types: (1) “management systems-based standards” which involve processes which to some extent must be followed to be

⁴⁰ *Ibid*, Section 2: SFI 2022 Forest Management Standard, p. 2-3/16.

⁴¹ “Conservation” is defined by the SFI 2022 Standards as “1. Protection of plant and animal habitat. 2. The management of a renewable natural resource with the objective of sustaining its productivity in perpetuity while providing for human use compatible with sustainability of the resource.” SFI 2022 Standards and Rules, Full Package. Section 14: Definitions, p. 3/11.

certified; and (2) “performance-based standards” which require results to be achieved to be certified. Why industry chooses the former is obvious:

Unsurprisingly, the management-systems approach provides corporations with much more flexibility in the choice of technology to be used in the forest, the types of forest practices to be adopted, the volume of timber to be removed and the degree to which biodiversity and other forest values are protected...⁴²

As will be discussed more below, the SFI’s certification scheme is a management systems-based standard – certifying a process not an outcome.

For the sake of comparison, the SFI’s certification scheme can be contrasted with FSC:

The FSC’s performance-based certification scheme requires certifiers to assess the degree to which a forest operation is managed in accordance with FSC’s principles and the set of detailed pre-determined social, environmental, and economic standards....The FSC process not only certifies the forest practices of an individual or a company, but it also certifies the resulting *product*.⁴³

SFI’s misrepresentations do not, however, distinguish between “Sustainable Forest Management standard” versus “Sustainable Forest Management.” Effectively, the SFI’s misrepresentations such as “SFI-certified forests are sustainably managed” are intended to mean “certified Sustainable Forest Management.”

As will be discussed below, this is also consistent with the general impression conveyed.

The general impression conveyed

Section 74.03(5) of the Act provides that, in proceedings under s. 74.01, the “general impression conveyed by a representation as well as its literal meaning shall be taken into account in determining whether or not the person who made the representation engaged in the reviewable conduct.”⁴⁴

The “general impression test” in the Act has been interpreted by the Supreme Court of Canada to mean the general impression a credulous and inexperienced person has after an initial contact with the entire advertisement, and it relates to both the layout of the advertisement and the meaning of the words used.⁴⁵ The general impression conveyed by a representation must be analyzed in the abstract – without considering the personal attributes of the consumer who has instituted the proceedings.⁴⁶ As the Competition Bureau notes, the general impression test

⁴² Chris Tollefson, ed, *The Wealth of Forests: Markets, Regulation and Sustainable Forestry* (Vancouver: UBC Press, 1998) at 283-284.

⁴³ *Ibid.*

⁴⁴ *Competition Act*, RSC 1985, c. C-34, s. 74.03(5).

⁴⁵ See *Richard v. Time Inc.*, 2012 SCC 8 at paras 57, 70 (*Richard*). Note that in this case the SCC interpreted the General Impression Test as it applied to Quebec’s *Consumer Protection Act*, RSQ., c. P-40.1; the *Richard* decision has been applied in the context of the *Competition Act*, see e.g. *Canada (Competition Bureau) v. Chatr Wireless Inc.*, 2013 ONSC 5315, at paras 123-132.

⁴⁶ *Ibid.*, para 49.

recognizes the power of the “sum of the parts” in advertising, and ensures that the Competition Bureau or reviewing court consider the overall impression an advertisement as a whole makes on consumers.⁴⁷

The Complainants submit that the general impression of the average consumer of wood or wood products is informed by the extensive misrepresentations, such as:

- “SFI-certified forests are sustainably managed to provide habitats for multiple species, including species at risk. SFI-certified forests are sustainably managed to provide habitat for multiple species, including species at risk. This means the SFI standards and SFI-certified companies represent the highest level of sustainable management for the conservation of species and habitats.”⁴⁸
- “Certification is the best way to ensure that a forest is sustainably managed. Vigorous and healthy forests that are sustainably managed are more resilient to the impacts of climate change.”⁴⁹
- “Choosing SFI is a practical choice that helps combat climate change, conserve nature, and increase the number of products in the marketplace that have a positive impact on the planet.”⁵⁰
- “SFI requirements for forest management, fiber sourcing and chain-of-custody certification are independently audited by independent certification bodies.”⁵¹

Consideration of the “sum of these parts” leads to only one conclusion – that the representations are intended to and do convey the modern meaning of Sustainable Forest Management as described above. Indeed, what other conclusion could be drawn from representations such as “SFI-certified companies represent the highest level of sustainable management for the conservation of species and habitats?”⁵²

The SFI’s representations result in a general impression that logging pursuant to the SFI Standard is certified to and so is actually performed at the Sustainable Forest Management standard.

Also, no inexperienced, credulous person would appreciate that the SFI was certifying a *process* not an *outcome*.

⁴⁷ See Competition Bureau Canada, “False or Misleading Representations and Deceptive Marketing Practices” (Gatineau: Competition Bureau Canada, 2015) online: <www.competitionbureau.gc.ca/eic/site/cb-bc.nsf/eng/03133.html>. See also Competition Bureau Canada, “The Deceptive Marketing Practices Digest,” (Gatineau: Communications and Marketing Branch Industry Canada, 2015) online: <[www.competitionbureau.gc.ca/eic/site/cb-bc.nsf/vwapj/cb-digest-deceptive-marketing-e.pdf/\\$FILE/cb-digest-deceptive-marketing-e.pdf](http://www.competitionbureau.gc.ca/eic/site/cb-bc.nsf/vwapj/cb-digest-deceptive-marketing-e.pdf/$FILE/cb-digest-deceptive-marketing-e.pdf)>. Accessed on 2022/05/13.

⁴⁸ SFI website. Species Recovery. <https://forests.org/species-recovery/>. Accessed on 2022/05/13.

⁴⁹ SFI website. Climate Challenge. <https://forests.org/climate/>. Accessed on 2022/05/13.

⁵⁰ SFI 2022 Standards and Rules, Section 1: Introduction, p. 2/5. https://forests.org/wp-content/uploads/2022_SFI_Standards.pdf. Accessed on 2022/05/13.

⁵¹ SFI 2022 Forest Management Standard. <https://www.forests.org/standards/>. Accessed on 2022/05/13.

⁵² SFI website. Species Recovery. <https://forests.org/species-recovery/>. Accessed on 2022/05/13.

As will be set out next, the SFI's representations are materially false and misleading.

The SFI's representations are materially false and misleading because SFI Standard does not prescribe or require practices that meet any definition of "sustainable" or "sustainable forestry" or "sustainable forest management"

A representation is "material" if it is so pertinent, germane, or essential that it *could* affect the decision to purchase the product.⁵³ It is not necessary to establish that any person was *actually* misled by a representation. It is sufficient to establish that an advertisement is published for public view and that it is untrue or misleading in a material respect.⁵⁴

In this case, as introduced above, the SFI's representations are materially false and misleading because SFI Standard does not prescribe or require practices that meet any definition of "sustainable," "sustainable forestry," or "Sustainable Forest Management."

This is because, as set out below, the SFI Standard's requirements are vague and discretionary, and largely aspirational. It may request that a goal be set, but does not require or verify that this goal be met. Simply put, there are no independent "hard and fast" requirements that assure sustainable forestry.

The result is that the standard on its own is incapable of *assuring* that forest management meets *any* definition of "sustainable."

This conclusion is demonstrated by the wording of the SFI 2022 Forest Management Standard, which includes Principles, Objectives and Performance Measures (Section 2) and which focusses on provisions related to determining and maintaining a sustainable rate of cut and maintaining biodiversity.

As will be developed below, generally, the SFI Standard relies on discretionary or aspirational terms such as "may" or "promote/promoting" as opposed to mandatory language "ensure," "require," or "must." Or, where mandatory language is used ("shall") it is always qualified by discretionary language.

Another dynamic at play overall is that in many instances the Performance Measures actually weaken the intent of the higher-level principles and objectives that they are supposed to reflect, and the Indicators further weaken the Performance Measures.

The remainder of Part II will present an analysis of the SFI Standards, highlighting the level of discretion that it permits.

SFI Forest Management Standard: Principles

⁵³ *R. v. Tege Investment Ltd.* (1978), 51 CPR (2d) 216 at para 7 (Alta Prov Ct) [*Tege Investment*]; cited and adopted by *Canada (Commissioner of Competition) v. Sears Canada Inc.*, [2005] CCTD No 1 at para 334 (CACT); *Apotex Inc. v. Hoffmann-La Roche Ltd.* [2000] O.J. No. 4732 at para 16 (ONCA).

⁵⁴ *Ibid.*

To be certified, organizations are required to have a written policy (or policies) to implement and achieve the SFI's Principles.⁵⁵ These Principles are not explicitly linked with any specific Objectives, Performance Measures or Indicators.

The illustration that the *effect* of the certification is different from the representations begins with an analysis of the language of three of the Principles set out above:

“1. Sustainable Forestry

To practice sustainable forestry means meeting the needs of the present while promoting the ability of future generations to meet their own needs by practicing a land stewardship ethic that integrates reforestation and the managing, growing, nurturing and harvesting of trees for useful products, and for the provision of ecosystem services such as the conservation of soil, air and water quality and quantity, climate change adaptation and mitigation, biological diversity, wildlife and aquatic habitats, recreation and aesthetics.”

While meeting the needs of the present is required and consistent with the definition of Sustainable Forest Management, the Principle only promotes not requires the ability of future generations to be able to meet their own needs. Note that in Section 14: Definitions, “sustainable forestry” is defined more strictly (“To meet the needs of the present without compromising the ability of future generations to meet their own needs...”⁵⁶), but the Certification scheme doesn't require that.

“2. Forest Productivity and Health

To provide for regeneration after harvest, maintain the health and productive capacity of the forest land base, and to protect and maintain long-term soil health and productivity. In addition, to protect forests from economically, environmentally or socially undesirable impacts of wildfire, pests, diseases, invasive species and other damaging agents and thus maintain and improve long-term forest health and productivity.”

Though at first glance, this Principle appears to support Sustainable Forest Management, on a closer read, it emphasizes productive capacity of the forest land base, with no requirement to ensure long-term sustainable harvest levels. While it seeks to “protect and maintain long-term soil health and productivity,” “long-term” is defined in the standard as a time period that can be as short as the length of one rotation⁵⁷ (60-80 years). This approach is akin to the historic definition of sustainable forestry as sustained *yield* as opposed to Sustainable Forest Management.

“4. Protection of Biological Diversity

To manage forests in ways that protect and promote biological diversity, including animal and plant species, wildlife habitats, ecologically and culturally important species, threatened and endangered species (i.e., Forest with Exceptional Conservation Values) and native forest cover types at multiple scales.”

⁵⁵ SFI 2022 Standards and Rules – Full Package, Section 2: SFI 2022 Forest Management Standard, p. 2-3. https://forests.org/wp-content/uploads/2022_SFI_Standards.pdf. Accessed on 2022/05/13.

⁵⁶ SFI 2022 Standards and Rules, Section 14: Definitions, p. 10/11.

⁵⁷ *Ibid*, p. 7/11.

Again, at first glance this appears to be consistent with ensuring Sustainable Forest Management, including the requirement to “protect” biological diversity, implies a mandatory outcome. However, as set out below, neither this Principle, nor the associated Objectives and Performance Measures, offer any assurance regarding actual outcomes for species.

This provision, among others, is further undermined by the SFI definition of the word “protect/protection,” which only requires the “maintenance of the status or integrity, over the long term, of identified attributes or values, including management, *where appropriate*.” (emphasis added). SFI’s weak definition of “long-term”, as described above, in turn reduces obligations of the organization to actually protect biological diversity.

Objectives, Performance Measures and Indicators

Further analyzing example Objective, Performance Measures and Indicators illustrates a discretionary scheme that does not seek to ensure outcomes.

Objective 1: Forest Management Planning

To ensure forest management plans include long-term sustainable harvest levels and measures to avoid forest conversion or afforestation of ecologically important areas.

*“PM 1.1 Certified Organizations **shall** ensure that forest management plans include long-term harvest levels that are sustainable and **consistent with appropriate growth-and-yield models**”*

The use of the word “shall” makes this seem reasonably strong in terms of ensuring sustained yield until the SFI Standard definition for long-term is considered:

long-term: Extending over a relatively long time period – for the SFI 2022 Standards, this means the length of one forest management rotation or longer.⁵⁸

Indicators are similarly weak, including:

- 1.a) presence of a “**long term** resource analysis”
- 1.h) “**recommended** sustainable harvest levels for areas available for harvest”.
2. “Documented current harvest trends fall within long-term sustainable levels identified in the forest management plan.”⁵⁹

PM 1.2 Certified Organizations shall not convert one forest cover type to another forest cover type unless an assessment has been conducted to determine ecological impacts and provide appropriate justification.

⁵⁸ *Ibid*, p. 7/11.

⁵⁹ *Ibid*, Section 2: SFI 2022 Forest Management Standard, p. 6/16.

Protection of forests from conversion is a key element of Sustainable Forest Management.⁶⁰ Effectively “shall not...[without] appropriate justification,” in the absence of setting out a threshold or clear criteria for “assessment” or “justification” means that certified logging may convert the forest.

The associated Performance Indicators purport to set out that threshold:

Indicator 1: Certified Organizations shall not convert one forest cover type to another forest cover type, unless the conversion:

- a. does not convert native forest cover types that are rare, ecologically important, or that put any native forest cover types at risk of becoming rare; and*
- b. does not create significant adverse impacts on Forests with Exceptional Conservation Value, old growth forests, forest critical to threatened and endangered species, or special sites or ecologically important non-forest ecosystems; and*
- c. includes objectives for long-term outcomes that support maintaining native forest cover types and ecological function; and*
- d. is in compliance with relevant national and regional policy and legislation related to land use and forest management.*

Because of the use of “shall not,” if even one of the four provisions listed are met, this should preclude conversion. However, aside from (d), each are discretionary.

- In A, “Rare,” “ecologically important,” and “at risk” are not defined.
- In B, since “significant” is not defined, it’s unclear what adverse effects would be allowed. Also, Certified Organizations are given discretion over how to define “old growth forests,” though it is suggested that this be “specific to their region and particular forest types.”⁶¹
- C only requires inclusion of “objectives” for “long term” (i.e. as little as 60-80 years) outcomes on maintaining native forest cover types and ecological function (with no requirement that these objectives are actually met).

Once conversion is deemed appropriate, Indicator 2 sets out the requirements for a landscape assessment that is then required, but these are only to be “considered” and would not necessarily restrict harvest levels to a sustainable level.

Lastly with regard to (d), Canada and Canada’s provincial forestry laws have not adopted a uniform approach to forestry management other than historically employing a sustained yield approach. While that approach may have evolved, (d) doesn’t require confirming that the relative law requires non-conversion (or indeed sets any standard relative to achieving

⁶⁰ Forest Europe (1993). General Guidelines for the Sustainable Management of Forests in Europe. Second Ministerial Conference on the Protection of Forests in Europe (MCPFE) 16-17 June 1993, Helsinki, Finland. https://www.foresteuropa.org/docs/MC/MC_helsinki_resolutionH1.pdf. Accessed on 2022/05/13.

⁶¹ SFI 2022 Standards and Rules, Full Package, Section 14: Definitions, p.8/11. https://forests.org/wp-content/uploads/2022_SFI_Standards.pdf. Accessed on 2022/05/13.

Sustainable Forest Management). Indeed, if Canada's forestry laws required Sustainable Forest Management, why would the forest industry have created the SFI certification?

Objective 2: Health/productivity

To ensure long-term forest productivity, forest health and conservation of forest resources through prompt reforestation, afforestation, deploying integrated pest management strategies, minimized chemical use, soil conservation, and protecting forests from damaging agents.

While this objective purports to “ensure long-term forest productivity, forest health and conservation of forest resources...”, the emphasis is on regrowth following harvesting, as opposed to restricting harvest levels to that which can be sustained, protecting certain areas from harvesting, and to sustaining other ecosystem values.

While it contains Performance measures regarding maintaining long term productivity and carbon storage, it's focus is reforestation, controlling pests, and avoiding soil damage.

Objective 4: Conservation of Biodiversity

To maintain or advance the conservation of biological diversity at the stand- and landscape-level and across a diversity of forest and vegetation cover types and successional stages including the conservation of forest plants and animals, aquatic species, threatened and endangered species, Forests with Exceptional Conservation Value, old-growth forests, and ecologically important sites.

While consistent in principle with the definition of Sustainable Forest Management, objective, the associated Performance Measure and Indicators are weak, and incapable of providing assurance that biodiversity, including threatened and endangered species, will be maintained. In addition, the weak definition of the word “Conservation” (which only requires management to have “the objective” of sustaining productivity in perpetuity, with no reference to actual outcomes⁶²), undermines this section as a whole.

To illustrate:

Performance Measure 4.1. Certified Organizations shall conserve biological diversity.

While the use of “shall” and “conserve” would appear to limit discretion, Indicators for this performance measure are weak. Indicator 1 assesses only whether a *program* is in place that incorporates conservation of biodiversity and research results. Similarly, Indicator 5 assesses only the existence of “*program to address conservation of ecologically important species and natural communities*”, with no indication of what “address” looks like, or whether the program is in any way effective or adequate. Program is defined as “An organized system, process or set of activities to achieve an objective or performance measure,”⁶³ but it does not indicate whether this refers to the company's program, that of the government, or other.

⁶² SFI 2022 Standards and Rules, Full Package, Section 14: Definitions, p.3/11. https://forests.org/wp-content/uploads/2022_SFI_Standards.pdf. Accessed on 2022/05/13.

⁶³ *Ibid*, p. 9/11.

***Performance Measure 4.2.** Certified Organizations shall protect threatened and endangered species, critically imperiled and imperiled species (Forests with Exceptional Conservation Values), and natural communities, and old-growth forests.*

Again, this appears strong at the outset but is then undermined by discretionary and weak indicators. Indicator 1 looks only for the existence of **programs** that claim to protect threatened and endangered species, and Indicator 2 looks for known sites associated with **viable occurrences** of critically imperiled and imperiled species and ecological communities. Indicator 3 assesses whether there is “*support for and participation in programs for conservation of old-growth,*” with no assessment of whether these programs are in any way effective or adequate, nor the actual status of the species and associated habitats. Furthermore, species with very low population numbers could be deemed by the manager to be “non-viable” and thus not taken into consideration.

***Performance Measure 4.3.** Certified Organizations shall manage to protect ecologically important sites in a manner that takes into account their unique qualities.*

“*Shall manage to protect*” would appear to be a strong level of direction, but neither of the two associated Indicators evaluates whether protection of these sites, and their “unique qualities,” is actually achieved. Rather, they merely assess what information is used to identify/select sites for protection (Indicator 1), and that appropriate mapping, cataloguing and management of identified ecologically important sites has taken place (Indicator 2). The SFI’s definition of protect/protection further undermines this provision, since only “identified attributes or values” need to be maintained,⁶⁴ and over the “long term,” which is defined as a time frame as short as one rotation length.⁶⁵

***Performance Measure 4.4.** Certified Organizations shall apply knowledge gained through research, science, technology, field experience and the results of monitoring of the effectiveness of conservation-related programs to manage wildlife habitat and contribute to the conservation of biological diversity.*

While this mainly concerns the collection and use of data, if this Performance Measure required certified organizations to assess the effectiveness of their conservation-related programs and incorporate the results in such a way that this contributed to the conservation of biological diversity, that could be meaningful. But again, the indicators do not, rather merely considering: 1) whether the organization participated in the collection of information (including government programs); 2) whether a program to incorporate this information exists; and, 3) if it participates in research that demonstrates the conservation outcomes resulting from management strategies”⁶⁶

⁶⁴ *Ibid*, p. 9/11.

⁶⁵ *Ibid*, p. 7/11.

⁶⁶ PM 4..4 Indicators:

1. Collection of information on Forests with Exceptional Conservation Value and other biodiversity-related data through forest inventory processes, mapping, or participation in external programs, such as NatureServe, state or provincial heritage programs, or other reputable organizations. Such participation may include providing non-proprietary scientific information, time, and assistance by staff, or in-kind or direct financial support.

2. A program to incorporate data collected, research results and field applications of biodiversity and ecosystem research into forest management decisions.

Objective 5. Management of Visual Quality and Recreational Benefits

To manage the visual impact of forest operations and provide recreational opportunities for the public.

While PMs and Indicators within this section are intended to address the impact that harvesting has on other values and could therefore have a bearing on the sustainability of the certified operation (e.g. the size of clearcuts), ultimately the objective contains nothing that would restrict harvest levels.

Performance Measure 5.1 requires only that the impact on visual quality be “managed” and the associated indicators require only programs to address visual quality management and that aesthetic considerations are incorporated.

PM 5.2 ostensibly requires that the size, shape and placement of clearcuts are managed but the indicators do not provide any clear limits. For example, 5.2.1 stipulates “Average size of clearcut harvest areas does not exceed 120 acres (50 hectares),” but this is then undermined by “...except when necessary to meet regulatory requirements, achieve ecological objectives or to respond to forest health emergencies or other natural catastrophes.” (p.10/16)

PM 5.3: “Green up” requirements are normally upheld in the interest of ensuring that clearcut areas are allowed to recover and grow to a certain height prior to adjacent areas being cut (to avoid it effectively appearing as one larger clearcut). However, once again, the indicators only require that a “program” is in place and that this is tracked, and only requires trees in clearcut areas to grow for three years old **OR** to five feet (1.5 metres) tall. Thus, even if the trees fail to grow to this minimal height during this time, it can be claimed that green-up requirements are met, allowing for the further clearcutting of adjacent areas. This is further weakened by the addition of the caveat “...or as appropriate to address operational and economic considerations, alternative methods to reach the performance measure are utilized by the Certified Organization.” (p. 10/16)

PM 5.4 stipulates that “Certified Organizations shall support and promote recreational opportunities for the public,” and yet the indicator states that this is only to be done “where consistent with management objectives.”

Conclusion regarding Objectives, Performance Measures and Indicators

The foregoing illustrates why SFI’s representations are materially false and misleading – the SFI Standard does not prescribe, require, assure, command, mandate, or in any form certify Sustainable Forest Management. It allows aspirations, stated intentions, and programs to be

3. Individually or collaboratively participate in or support research that demonstrates the conservation outcomes resulting from management strategies.

conflated with actual outcomes. In other words, the SFI Standard does not certify Sustainable Forest Management.

At best, the SFI Standard could be represented as a “discretionary forest management process.” Incorporating words like “certification” and “sustainable” in representations regarding the SFI Standard results in material misrepresentation.

The materiality is usefully and starkly illustrated by excising the environmental and performance elements from SFI’s misrepresentations. If you take these misrepresentations:

- “SFI-certified companies are helping to mitigate the impacts of climate change through their use of SFI standards
- SFI-certified forests are sustainably managed to provide habitats for multiple species, including species at risk. SFI standards take a multi-species approach, and SFI-certified companies are held to the highest level of species and habitat conservation.
- Using the SFI label is a great way to let consumers know that the product comes from a sustainable source.”

and truthfully state them, they become:

- “SFI-certified companies *may* help mitigate the impacts of climate change through their use of SFI standards
- SFI-certified forests *may* be sustainably managed to provide habitats for multiple species, including species at risk. SFI standards *may* take a multi-species approach, *although* SFI-certified companies *are not required to, or assessed to achieve* the highest level of species and habitat conservation.
- Using the SFI label is a great way to have consumers *believe* that a product comes from a sustainable source.”

Comparing these two sets of phrases demonstrates that the first set assures environmental quality and outcomes; the second set does not. The difference in literal and conveyed meaning is material.

Element 3: The representations of Sustainable Forest Management are not based on adequate or proper tests

Section 74.01(1)(b) of the *Competition Act* prohibits making, or the permitting of making, a representation to the public about the performance, efficacy, or length of life of a product, which is not based on an adequate and proper test. The onus is on advertisers to ensure that claims about the performance, efficacy, or length of life of their products have been substantiated by an

adequate and proper test.⁶⁷ The adequate and proper test must be made prior to the representation to the public.⁶⁸

SFI touts its auditing scheme to confirm compliance with the SFI Standard. For example, it claims on its webpage that “SFI requirements for forest management, fiber sourcing and chain-of-custody certification are independently audited by independent certification bodies.”⁶⁹

But, simply put, these independent audits do not confirm that forestry certified to the SFI Standard result in Sustainable Forest Management. SFI *employs no means* of assuring that certification to the SFI Standard achieves Sustainable Forest Management.

Again, the SFI Standard is a “management systems-based standard” which involve processes which to some extent must be followed to be certified. This may may be distinguished from a “performance-based standard” which require results to be achieved to be certified.

Again, the SFI is intended as a process, which may or may not achieve an outcome, and auditing the SFI employs assesses the process - not whether the outcome achieved Sustainable Forest Management.

Not surprisingly, the Complainants know of no circumstance where an SFI certification has ever been refused or withdrawn for non-compliance as a result of the original certification process or audit, respectively. Again, this is consistent with the SFI Standard not being a performance standard – in the absence of mandatory requirements, there is no standard against which performance could be judged inadequate for the purpose of obtaining or maintaining certification.

In the context of Section 74.01(1)(b) of the *Competition Act*, the SFI makes claims of performance and implies that such performance is tested (“audited”). Indeed, this is also the plain meaning of “certify” (i.e., to attest as being true or as represented or as meeting a standard⁷⁰; to officially recognize someone or something as possessing certain qualifications or meeting certain standards⁷¹). This demonstrates that the SFI intends to give the impression that certification includes testing to confirm performance when in fact it does not.

Conclusion

The Complainants assert that they have made out the three elements to a violation by the SFI of the civil prohibition against false or misleading representations on a balance of probabilities.

⁶⁷ Competition Bureau, “Performance representations not based on adequate and proper tests,” (Gatineau: Competition Bureau, 2018), online: <www.competitionbureau.gc.ca/eic/site/cb-bc.nsf/eng/00520.html>. See also Competition Bureau Canada, “The Deceptive Marketing Practices Digest,” vol 2 (Gatineau: Communications and Marketing Branch Industry Canada, 2016), online: <[www.competitionbureau.gc.ca/eic/site/cb-bc.nsf/vwapj/cb-digest-deceptive-marketing-vol-2-e.pdf/\\$file/cb-digest-deceptive-marketing-vol-2-e.pdf](http://www.competitionbureau.gc.ca/eic/site/cb-bc.nsf/vwapj/cb-digest-deceptive-marketing-vol-2-e.pdf/$file/cb-digest-deceptive-marketing-vol-2-e.pdf)>. Accessed on 2022/05/13.

⁶⁸ *Canada (Commissioner of Competition) v. Imperial Brush Co.*, 2008 Comp. Trib. 2, [2008] C.C.T.D. No. 2 at para 125 (CACT).

⁶⁹ SFI 2022 Forest Management Standard. <https://www.forests.org/standards/>. Accessed on 2022/05/13.

⁷⁰ See *Merriam Webster*, *supra* note 25.

⁷¹ See *Lexico*, *supra* note 26.

PART III: REQUEST FOR INQUIRY

The Complainants request that the Competition Bureau conduct a thorough, rigorous inquiry into the SFI's materially false and misleading representations made to the Canadian public, which constitute reviewable conduct under s. 74.01(1)(a) and/or (b) of the *Competition Act*.

If the inquiry finds that the SFI has made materially false and misleading representations to the Canadian public, the Complainants submit that the SFI should be required to, at a minimum:

- (a) Remove all claims of “sustainable,” “sustainability” or the like from its public communications about the SFI Standard, and from the name of the program itself;⁷²
- (b) Issue a public retraction of all sustainability claims and an acknowledgment that certification to the SFI Standard does not certify that logging conducted pursuant to the SFI Standard is or will be sustainable; and,
- (c) Pay a ten million dollar fine, credited to the Environmental Damage Fund and to be paid to a person or organization for the purposes of conservation, such as the [Central Westcoast Forest Society](#) or the [Indigenous Leadership Initiative](#) for Indigenous Protected and Conserved Areas.⁷³

These penalties could have a beneficial deterrent effect on the SFI and companies certified to the SFI Standard to stop making representations regarding sustainable forestry. Removing these claims of sustainability and providing accurate information on the scope, pace, and lack of sustainability of Canada's logging industry would help to reduce public and consumer confusion about logging that happens in Canada, allow the public to make informed choices about the sustainability and the environmental impact of wood and wood products they purchase, and help protect Canada's forests and the environment.

The proposed enforcement measures recognize that there are several aggravating factors in the SFI's behaviour that a court would likely consider under s. 74.1(5) of the *Competition Act*, including:

- the Canada-wide reach of the certification;
- the materiality of the representations;
- the SFI's financial position; and,
- the frequency and duration of the conduct.

⁷² *Competition Act*, *supra* note 6 at s. 74.1(1)(a) (“the court may order the person...not to engage in the conduct” at s. 74.1(1)(a)).

⁷³ *Ibid* at s. 74.1(1)(c)(ii) (“the court may order the person...to pay an administrative monetary penalty, in any manner that the court specifies, in an amount not exceeding...in the case of a corporation, \$10,000,000 and, for each subsequent order, \$15,000,000” at s. 74.1(1)(c)(ii)).

APPENDIX A: Examples of public claims of sustainability in Canada regarding the SFI Standard

- A. The Forest Products Association of Canada (FPAC) created certificationcanada.org, “showcasing Canada’s world leadership in managing forests according to strict environmental, social and economic standards.”⁷⁴



The screenshot shows the Certification Canada website. The header is teal with the text "Certification Canada" and a small maple leaf icon. Below the header is a banner image of a forest. A teal box on the left contains the word "Certification". A sidebar on the left lists navigation options: "Forest Management Certification", "Chain of Custody Certification", "Certification Map of Canada", and "Forest certification recognition statement". The main content area is titled "Forest Management Certification" and contains a paragraph about the tool, a paragraph about its growth in Canada, and a bulleted list of statistics.

Certification Canada

Certification

Forest Management Certification

Forest management certification is a voluntary tool available to forestry organizations who want to demonstrate corporate responsibility by having their forest management planning and practices independently certified against a sustainable forest management standard. These standards set high thresholds that forest companies must meet – above and beyond Canada’s tough regulatory requirements.

The phenomenal growth of forest certification in Canada has been spurred on by a forest industry commitment to third-party certification. In 2002 the Forest Products Association of Canada (FPAC) became the only national forest trade association in the world to require members to certify their operations to any of the three major, credible standards recognized in Canada. Four years later that goal was met. This commitment has been instrumental in spurring the phenomenal growth of forest certification in Canada, allowing the country to meet the growing customer demand for certified forest products.

- The three independent certification programs used in Canada – Canadian Standards Association (CSA), the Forest Stewardship Council (FSC) and the Sustainable Forestry Initiative (SFI) – all set high thresholds above and beyond Canada’s tough regulatory requirements.
- Canada leads the world in third-party sustainable forest certification. As of 2019 end of year, 187 million hectares were certified to the three SFM certification programs in use in Canada.
- Just 11% of the world’s forests are independently certified, and 35% of these certified lands are in Canada. This means customers are much more likely to find certified products from Canada that meet their specific needs.
- Canada’s certified lands would cover an area the size of Germany, Spain and Sweden combined.
- About 70% of Canada’s certified lands are in the boreal region – it has three times more boreal forest certified than any other country.
- Canada is the only country in the world whose national trade association (FPAC) makes third-party verified sustainable forest certification a condition of membership. FPAC member companies – who are responsible for about half of forestry operations Canada – committed to certify all of their forestry operations in 2002, and by the end of 2006 were able to report success.

⁷⁴ Forest Products Association of Canada. Who We Are. <https://certificationcanada.org/en/about-us/who-we-are/>. Accessed on 2022/05/13.

- B. FPAC regularly endeavours to show industry-led systems as equivalent to FSC. While it is true that the systems share “common elements,” the actual performance required is very different.



Programs used in Canada

Common Elements

The CSA, FSC, and SFI standards for forest management practices are reviewed regularly and evolve with changing expectations about what sustainable forest management entails.

They share many common elements, including requirements for:

- Conservation of biological diversity
- Maintenance of wildlife habitat and species diversity
- Protection and/or maintenance of special sites (biological and cultural)
- Maintenance of soil and water resources
- Ensuring harvest levels are sustainable, and harvested areas are reforested
- Protection of forestlands from deforestation and conversion to other uses
- Aboriginal rights and involvement
- Public disclosure
- Compliance with laws, including legal harvesting

The broader programs run by FSC, SFI, and CSA in partnership with PEFC, also include:

- Chain of custody certification
- Labels for products (for use with a certified chain of custody)
- Balanced decision-making processes
- Audits by independent third-parties.

- C. **FPAC.ca: Canadian Forestry is Sustainable Forestry.** “This third party certification work is done to ensure forest management is carried out legally and in an ethical and sustainable way. Canada is heads and shoulders above all others being home to 40% of the world’s certified forests. That makes us a global leader in sustainable forest management.”⁷⁵

CANADIAN FORESTRY IS SUSTAINABLE FORESTRY

SHARE    

July 13, 2018  Tree Talk Blog

On June 25, the Natural Resources Defense Council (NRDC) promoted letters that unfortunately misrepresented reality when it comes to forest management in Canada. Such misinformation undermines positive community collaborations on the ground and ignores important work happening in Canada’s forests every day.

Only about 10% of the world’s forests are independently audited and certified. This third party certification work is done to ensure forest management is carried out legally and in an ethical and sustainable way. Canada is heads and shoulders above all others being home to 40% of the world’s certified forests. That makes us a global leader in sustainable forest management. We take real pride in being important stewards of this shared resource that brings so many benefits to Canadians.



⁷⁵ Forest Products Association of Canada. Canadian Forestry is Sustainable Forestry. (July 13, 2018). www.fpac.ca/canadian-forestry-is-sustainable-forestry/. Accessed on 2022/05/13.

- D. “Naturally Wood” (Forestry Innovation Investment) is “a comprehensive information resource promoting BC as a global supplier of quality, environmental-responsible forest products from sustainably managed forests.”⁷⁶

naturally:wood®

FOREST CERTIFICATION IN BRITISH COLUMBIA

B.C. Products are from Sustainable Forests

Third-party forest certification demonstrates the rigour of the Province of British Columbia's (B.C.) forest management laws and documents the province's world-class sustainable forest management record.

Canada is the international leader in forest certification with B.C. contributing more than any other province. Certification gives customers added assurance that B.C. forest products are from legal, sustainable sources.

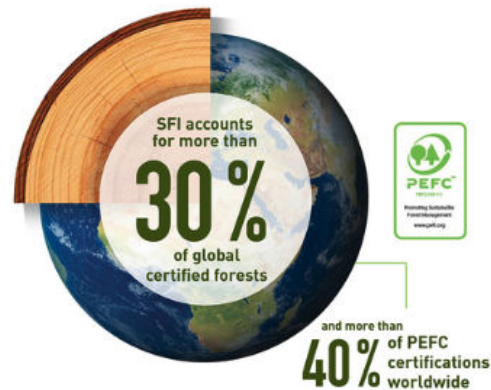
⁷⁶ https://www.naturallywood.com/wp-content/uploads/forest-certification-in-british-columbia_factsheet_naturallywood.pdf. Accessed on 2022/05/13.

- E. SFI is part of the Programme for the Endorsement of Forest Certification (PEFC), an international “umbrella” certification system created to compete with FSC and detract from its influence on forest management. SFI accounts for more than 40% of PEFC certifications worldwide, and received its third re-endorsement in December, 2021⁷⁷.



SFI IS INTERNATIONALLY ENDORSED BY PEFC

SFI's international recognition is increased by the endorsement of the Programme for the Endorsement of Forest Certification (PEFC).



With more than 40 endorsed national certification systems and over 320 million hectares of certified forests, PEFC is the world's largest forest certification system.

PEFC is an international non-profit, non-governmental organization dedicated to promoting Sustainable Forest Management (SFM) through independent third-party certification. As an umbrella organization, we work by endorsing national forest certification systems developed through multi-stakeholder processes and tailored to local priorities and conditions.

Each national forest certification system undergoes rigorous third-party assessment against our unique Sustainability Benchmarks to ensure consistency with international requirements.

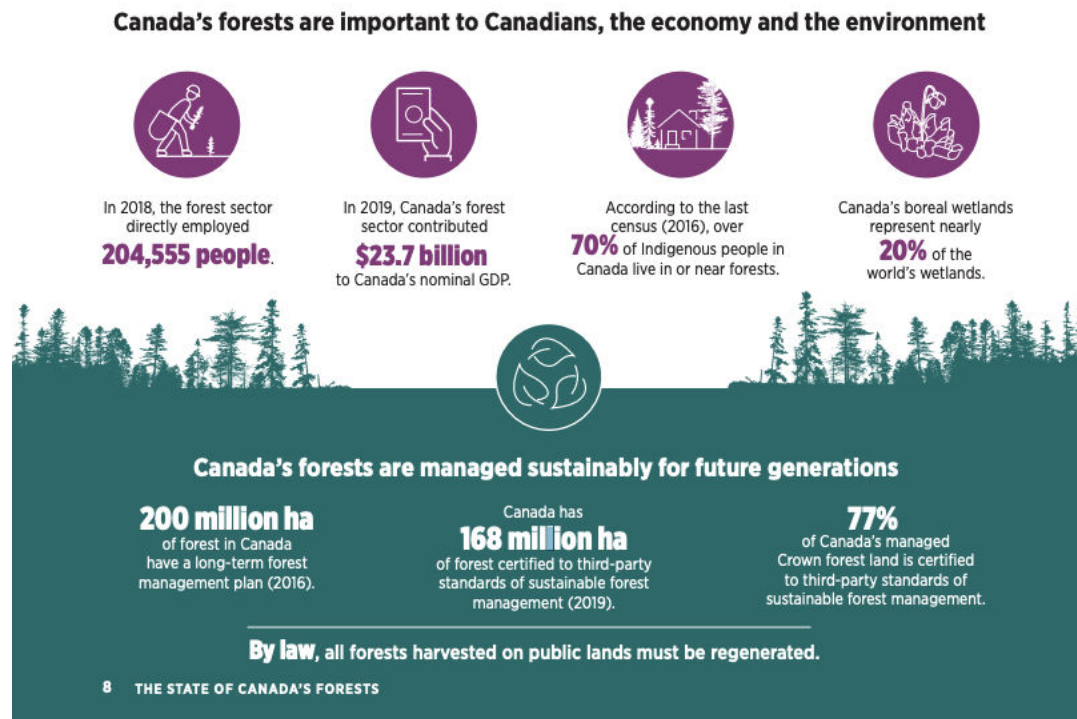
The PEFC alliance provides reach and relevance of forest certification programs around the globe. SFI shares the PEFC alliance's promotion of sustainable forest management and its recognition in the supply chain from the local to the global level. SFI is proud to be part of the PEFC alliance, an alliance that fosters and supports initiatives of members that are unique and innovative around the world.

PEFC Endorsement Timeline

Third re-endorsement: 16 December 2021
Small lands group certification module endorsed: 12 November 2019
Second re-endorsement: 12 August 2016
First re-endorsement: 3 November 2011
First endorsement: 6 December 2005
Joined PEFC: 19 June 2001

⁷⁷ SFI website. <https://forests.org/pefc/>. Accessed on 2022/05/13.

- F. Excerpt from the federal government's report: "The State of Canada's Forests." The number of hectares certified to SFM standards is used to provide assurance that Canada's forests are managed sustainably.⁷⁸



⁷⁸ Natural Resources Canada. 2020. *Sustainable Forestry: Adapting to Change*, (Ottawa: National Capital Region). <https://d1ied5glxfp8x8.cloudfront.net/pdfs/40223.pdf>

- G. SFI promotes its new standards, positioning them as advancing conservation and sustainably managed forests, including through association with globally recognized IUCN.⁷⁹

SFI Forest Certification Standards Advance Key Global Sustainability an...

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SFI Forest Certification Standards Advance Key Global Sustainability and Conservation Priorities

September 02, 2021 09:00 ET | Source: [Sustainable Forestry Initiative Inc.](#)


WASHINGTON and OTTAWA, Sept. 02, 2021 (GLOBE NEWSWIRE) -- The Sustainable Forestry Initiative (SFI), participating in the International Union for Conservation of Nature (IUCN) World Conservation Congress today, [shared the news of its new forest certification standard revisions](#), which advance solutions to some of the world's most pressing sustainability challenges. The new standards build on [SFI's announcement at the IUCN World Conservation Congress 2016](#) of the formation of the [Conservation Impact Project](#), which is focused on addressing climate change, biodiversity, and water quality on the SFI footprint.

This combination of SFI's standards and conservation work helps provide nature-based solutions to global challenges such as climate change, while contributing to biodiversity. Coupled with SFI's scale, as represented in hectares influenced by SFI standards and by the strength of the SFI network, including conservation collaborations, this combination of standards and conservation can provide transformational solutions.

"SFI has a mission to advance sustainability through forest-focused collaboration, and together, our new standards and conservation work position SFI as leader in leveraging the power of sustainably managed forests as a tool of change," said Kathy Abusow, President and CEO, SFI. "Our association with IUCN facilitates our ability to work collaboratively with critical partners and contribute to these important issues."

⁷⁹ SFI. SFI Forest Certification Standards Advance Key Global Sustainability and Conservation Priorities. (September 2, 2021). <https://www.globenewswire.com/news-release/2021/09/02/2290935/0/en/SFI-Forest-Certification-Standards-Advance-Key-Global-Sustainability-and-Conservation-Priorities.html>.


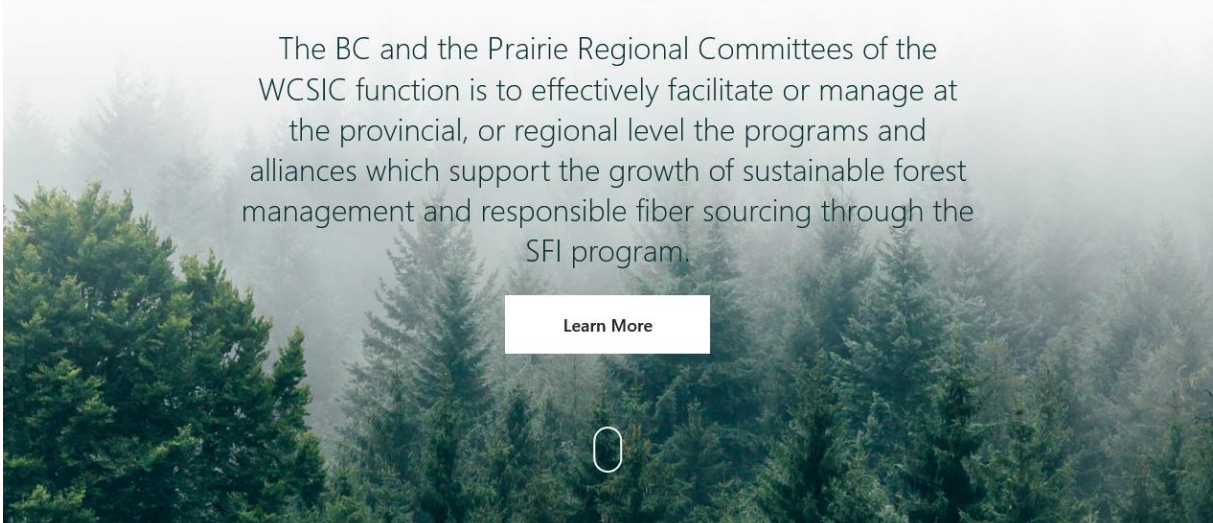
- H. SFI's communications materials, including describing their regional Western Canada⁸⁰ and Central Canada⁸¹ Implementation Committees portray themselves as supporting sustainable forest management.



[Our Initiative](#) ▼ [Inconsistent Practices](#) ▼ [Sponsorship](#) [Links](#) [SFI Blog](#) [Contact](#) [Member Login](#)

Western Canada SFI Implementation Committee (WCSIC)

The BC and the Prairie Regional Committees of the WCSIC function is to effectively facilitate or manage at the provincial, or regional level the programs and alliances which support the growth of sustainable forest management and responsible fiber sourcing through the SFI program.

[Learn More](#)

About Us


The Western Canada Sustainable Forestry Initiative Implementation Committee (WCSIC) is made up of Sustainable Forestry Initiative (SFI) Program Participants in British Columbia, Alberta and Saskatchewan. SFI Program Participants are SFI certified forest companies or organizations that believe forest landowners have an important stewardship responsibility and a commitment to society, and they recognize the importance of maintaining viable public and private forest forestlands.

SFI Program Participants support sustainable forestry practices on forestland they manage and promote it on other lands. They support efforts to protect private property rights, and to help all landowners manage their forestland sustainably.

The WCSIC performs local outreach and education activities that promote sustainable forestry, the SFI program, and SFI Standard conformance on public and private forestlands.


⁸⁰ SFI. Western Canada SFI Implementation Committee. <https://wcsic.ca/>. Accessed on 2022/05/13.

⁸¹ SFI. Central Canada SFI Implementation Committee. <https://sficentralcanada.org/>. Accessed on 2022/05/13.



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SFI-01139

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Central Canada SFI Implementation Committee

www.sficentralcanada.org

About the Sustainable Forestry Initiative Standard

The SFI Program is a comprehensive system of principles, objectives and performance measures developed by foresters, conservationists and scientists that when put into practice, ensures forests are being managed in a sustainable manner. The standard is based on a set of core principles that address economic, environmental, cultural and legal factors, as well as a commitment to continual improvement.

[Leadership in Energy and Environmental Design \(LEED\)](#), the most widely used green building rating system in the world, recognizes wood and paper made from SFI managed forests as an integral approach to environmental responsibility.

The **Central Canada SFI Implementation Committee (CCSIC)** promotes and fosters understanding of the Sustainable Forestry Initiative and encourages the implementation of sustainable forestry practices to wood suppliers, landowners and the public.

The purpose of this website is to provide an overview of the key components of the SFI Program and provide links to additional sources of information.



The Central Canada SFI Implementation Committee would like to invite you to consider application to the

[SFI® Conservation Grant Program - New Submission Deadlines](#)
Soon

[SFI® Community Grant Program - New Submission Deadlines](#)
Soon

CCSIC has been working with forest industry partners to erect billboards across Northern Ontario Highways to help spread the message.

[Forest Ontario's It Takes a Forest](#)



Press Release - June 26, 2019

SFI Program

Sustainable Forestry is based on the concept of meeting the needs of the present without compromising the anticipated needs of future generations. This is accomplished by practicing a land stewardship ethic that integrates the reforestation, managing, growing, nurturing and harvesting of trees for useful products with the conservation of soil, air and water quality, biological diversity, wildlife and aquatic habitat, recreation, and aesthetics.

The SFI program is a comprehensive system of principles, objectives and performance measures developed by foresters, conservationists and scientists that, when put into practice, ensures forests are being managed in a sustainable manner.

SFI's profile in Canada continues to grow as Forest Management practices evolve and improve. A number of companies have adopted SFI the program in Ontario and Manitoba, and have either certified or are in the process of certifying to the standard.

- I. Knowledgebank is a “management consulting company that works with leaders in the government, commercial and nonprofit sectors”. They describe SFI as being committed to advancing sustainable forest management.⁸²

Knowledge Bank™ Your Path to Complete Material Knowledge

Glossary Categories ▾

Home » Terms A-Z » Environmental » Sustainable Forestry Initiative (SFI Certified)


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Sustainable Forestry Initiative (SFI Certified)

Explore Materials and Sample

The Sustainable Forestry Initiative (SFI) is a non-profit organization committed to advancing sustainable forest management. SFI's standards and product labels aid consumers in making responsible decisions and promote market visibility of certified forest products, such as wood, paper, and packaging items. SFI has developed a set of three certification standards—the SFI Forest Management Standard, the SFI Fiber Sourcing Standard, and the SFI Chain-of-Custody Standard.



The SFI Forest Management Standard is designed for organizations in the United States or Canada that own or manage forests. Its requirements include measures that protect water quality, biodiversity, endangered species, workers' rights, and the rights of Indigenous peoples, amongst others. The SFI Fiber Sourcing Standard applies to manufacturers that use wood fiber. Participants are required to prove that their raw materials are acquired from legal, responsible sources. The SFI Chain-of-Custody Standard follows forest fiber content across the supply chain, from production and manufacturing to the final product, to ensure that all sources are responsible.

Certification involves an auditing process by an accredited third-party certification body. These bodies evaluate each operation based on conformities, non-conformities, corrective action plans, opportunities for improvement, and exceptional practices. If found to be in accordance with relevant SFI requirements, a certificate is issued. Certified operations are required to conduct annual surveillance audits, and full recertification audits every three years for forest management and fiber sourcing certificates, and every five years for chain-of-custody certificates. Search for SFI certified products according to product category on [SFI's Certificate Database](#).

⁸² Knowledgebank. Sustainable Forestry Initiative (SFI Certified). <https://knowledgebank.materialbank.com/terms/sustainable-forestry-initiative-sfi-certified/>. Accessed on 2022/05/13.

- J. J.D. Irving, Limited is a large conglomerate company involved in many industries including forestry. All forest land owned or managed by J.D. Irving is SFI certified, which they claim ensures their forest management operations are conducted in a sustainable manner.⁸³

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SILVICULTURE

FOREST MANAGEMENT


SUSTAINABLE FOREST INITIATIVE® PROGRAM



All forest land owned or managed by J. D. Irving, Limited is Third Party Certified to the Sustainable Forestry Initiative® (SFI) program Forest Management Standard – the largest certification standard in North America. This ensures that forest management and operations are conducted in a manner that is sustainable and protects the environment. J.D. Irving, Limited is audited every year to a number of SFI® standard indicators to ensure that the following SFI® standard Forest Management objectives are met: Forest Management Planning; Forest Health and Productivity; Protection and Maintenance of Water Resources; Conservation of Biological Diversity; Management of Visual Quality and Recreational Benefits; Protection of Special Sites; Efficient Use of Fiber Resources; Recognize and Respect Indigenous Peoples' Rights; Legal and Regulatory Compliance; Forestry Research, Science and Technology; Training and Education; Community Involvement and Landowner Outreach; Public Land Management Responsibilities; Communications and Public Reporting; and Management Review and Continual Improvement.

J.D. Irving, Limited also buys wood from private landowners to meet mill requirements. This is done using procurement processes that are Third Party Certified to the SFI® standard Fibre Sourcing Standard. J.D. Irving, Limited is audited every year to a number of SFI® program fiber sourcing indicators to ensure that the following SFI® program Fiber Sourcing objectives are met: Biodiversity in Fiber Sourcing; Adherence to Best Management Practices; Use of Qualified Resource and Qualified Logging Professionals; Legal and Regulatory Compliance; Forestry Research, Science and Technology; Training and Education; Community Involvement and Landowner Outreach; Public Land Management Responsibilities; Communications and Public Reporting; Management Review and Continual Improvement; Promote Conservation of Biological Diversity, Biodiversity Hotspots and High-Biodiversity Wilderness Areas; Avoidance of Controversial Sources including Illegal Logging; and Avoidance of Controversial Sources including Fiber Sourced from Areas without Effective Social Laws

Meeting these criteria means that J.D. Irving, Limited is able to apply the SFI® standard seal of approval on products made from these forests – assuring the customer that the product they are buying came from responsibly managed forests.



SUSTAINABLE FORESTRY INITIATIVE

SFI-00032

2021_JDI_SFI_Public_Summary_Report

⁸³ J.D. Irving, Limited. Sustainable Forest Initiative Program. <https://www.irvingwoodlands.com/jdi-woodlands-report-cards-sfi.aspx>. Accessed on 2022/05/13.

- K. Canada's main large home building retailers – Lowe's⁸⁴ and Rona⁸⁵ – both carry SFI certified products, including wood and forest products. Products with the SFI label are promoted and advertised to the consumer as: “eco friendly”, “sustainable products with environmental benefits”, and “forest products from sustainable forestry practices”.⁸⁶

Lowe's:

Eco Friendly

☒
Yes

Over 4,000 products in our collection come with the ECO label, including those that are FSC, SFI, OMRI, Greenguard, ENERGY STAR, and WaterSense certified. Simply select the ECO filter to display sustainable products with all the environmental benefits you are looking for!

A careful selection of products

The selection of products admitted to RONA's ECO program is based on rigorous environmental criteria, specific to each product category and determined according to their life cycle. Some of our criterias are based on the following certifi

Rona:

“Our product selection meets the different sustainable-consumption needs of our customers.”

CUSTOMER NEEDS	AVAILABLE AT RONA	RECOGNIZED CERTIFICATIONS
ENERGY EFFICIENCY 	Insulation materials and ENERGY STAR-approved light fixtures, doors, windows, heating and air conditioning systems. Rebates and subsidies offered jointly with public agencies and departments.	
AIR QUALITY 	Paint, adhesives and cleaning products low in volatile organic compounds (VOC) as well as insulation without urea formaldehyde which is ECOLOGO- or GREENGUARD-certified.	
WATER CONSERVATION 	Toilets, shower heads and faucets bearing the WaterSense label. Low-flow products eligible for rebates from municipalities.	
SUSTAINABLE MATERIALS 	Forest products from sustainable forestry practices certified by the FSC®, CSA, PEFC or SFI, and materials made from recycled and recyclable content.	


⁸⁴ Lowe's Eco Products. <https://www.lowes.ca/sustainable-development-products>. Accessed on 2022/05/13.


⁸⁵ Rona. 2014. Sustainable Development Report.

https://www.rona.ca/ucmServlet/GetFileServlet?dDocName=B2CPRDSTG_041712. Accessed on 2022/05/13.

⁸⁶ Home Depot, the world's largest home improvement retailer, does not appear to carry the SFI logo on their website, and according to their Wood Purchasing Policy, claim to prioritize FSC certified products. See: The Home Depot Canada. About Eco Options. <https://www.homedepot.ca/en/home/corporate-information/our-community/thd-and-the-environment/eco-options.html>, and, The Home Depot Canada. Wood Purchasing Policy. <https://www.homedepot.ca/en/home/corporate-information/our-community/thd-and-the-environment/wood-purchasing-policy.html>. Accessed on 2022/05/13. However, environmental groups have called out their Wood Purchasing Policy as greenwashing and lacking in any meaningful commitment to FSC or sustainable standards. See: NRDC. Aug 27, 2022. Home Depot: Sourcing Wood Products Like It's 1999. <https://www.nrdc.org/experts/jennifer-skene/home-depot-sourcing-wood-products-its-1999>.

L. The Canadian government promotes the false notion that Canada is a world leader in sustainable forest management, in part due to forest certification, including SFI.⁸⁷ They claim all three certification schemes (FSC, CSA, SFI) are based on rigorous standards that assures a company is operating sustainably and in compliance with world-recognized standards for sustainable forest management.

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Forest certification in Canada

Forest management certification is carried out by independent organizations that assess forestry operations against standards for sustainable forest management. Canada has the largest area of third-party-certified forests in the world. This, coupled with strong forest management governance, supports Canada's reputation as a source of legally and sustainably produced forest products.

SEE ALSO: Canada's forestry laws: Why Canada is trusted for legal, sustainable forest products



Certification provides assurance of legal, sustainable forest practices

Third-party forest management certification complements Canada's comprehensive and rigorous forest management laws and regulations. It provides added assurance that a forest company is operating legally, sustainably and in compliance with world-recognized standards for sustainable forest management.

Since it emerged in the 1990s, forest management certification has been adopted quickly across Canada, and now more than 75% of the country's managed forest land is certified. As of the end of 2020, Canada had 164 million hectares of independently certified forest land. That represents 36% of all certified forests worldwide, the largest area of third-party-certified forests in any country.

Certification benefits the public and forest companies

Forest certification offers different benefits to different groups:

- Consumers can consider certification in their buying decisions.
- Forest companies can use certification to show they are responsible resource managers.
- The public can look to the value of certification in improving forest practices around the world.

Canada's forest certification systems

Three forest certification systems are used in Canada, those of the Canadian Standards Association, the Forest Stewardship Council and the Sustainable Forestry Initiative.

The **Canadian Standards Association (CSA)** and **Sustainable Forestry Initiative (SFI)** systems are endorsed by the International umbrella organization called the Programme for the Endorsement of Forest Certification Schemes (PEFC).

The **Forest Stewardship Council Canada (FSC)** has four Regional Forest Management Standards. Three – the National Boreal Standard, Maritimes Standard and BC Standard – have been accredited by FSC International. The fourth one, the Great Lakes St. Lawrence Standard, is currently in draft form.

Canada has more than half of the world's PEFC-endorsed certifications and almost a third of the world's FSC certifications.

All 3 certification systems meet rigorous standards

Although the forest certification systems differ from one another, all three are based on standards that reflect the current understanding of what sustainable forest management entails.

According to the Canadian Council of Forest Ministers, all three certification systems in Canada:

- involve independent third-party audits that assess a forest operation's planning, procedures, systems and performance against predetermined standards
- require annual surveillance audits and public disclosure of findings through audit reports
- require involvement with affected Aboriginal peoples to make sure that their rights, knowledge and values are respected
- offer chain-of-custody assurance
- reinforce the basics of sustainable forest management by requiring that all applicable laws be obeyed and by demonstrating that no unauthorized logging has taken place
- go beyond simple timber harvesting by ensuring the conservation of biodiversity.

Standards get updated to reflect sustainable forest management practices

The standards on which forest certification is based are not static. That's because expectations of what certification should demonstrate are always changing. Certification standards are regularly revised to keep pace with new knowledge and emerging concerns about sustainable forest management.

Canada is a leader in sustainable forest management

Sustainable forest management means balancing environmental considerations with the economic value of the forests. Learn what makes Canada a leader in sustainable forest management.

⁸⁷ Natural Resources Canada. Forest Certification in Canada. <https://www.nrcan.gc.ca/our-natural-resources/forests/sustainable-forest-management/forest-certification-canada/17474>. Accessed on June 24, 2022.