

23 Company Choices on Sustainable Forestry Forest Certification: the Case of JD Irving, Ltd

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One of the most important developments in the globalization of forest policy has been the development of international and domestic forest certification systems that recognize individual forest companies for practicing 'sustainable forest management' (SFM) according to predefined rules (Fletcher and Hansen, 1999; Sasser, 2001). Forest certification is part of a wider emergence of 'non-state sanctioned, market-driven' (NSMD) governance systems, in which different stakeholders create incentives for forest managers to conform to distinctive standards or procedures in forest management (Cashore, 2000). Under these systems, government neither grants nor cedes its traditional sovereign policy making authority. Instead, these mechanisms hold authority through the conscious decisions of individual companies to participate in the face of both 'carrot' and 'stick' incentives. Under NSMD, the market's supply chain is the institutional setting for broad-based struggles over environmental rules.

This chapter addresses the emergence of NSMD by exploring the choices JD Irving made about forest certification in the Canadian Maritimes¹ and US Northeast.² JD Irving is one of the first North American forest companies to support the international, environmental group-supported Forest Stewardship Council (FSC). Irving's position was unique: most other forest

companies in the US Northeast either hesitated to support any programme, or supported industry-initiated ones.

Yet Irving eventually withdrew its commitment to the FSC in the Maritimes, while maintaining its support for the FSC in the Northeast. These two regions share similar forest ecosystems, forest management problems caused by spruce budworm infestations, high private forestland ownership, and clientelistic forest policy communities. Why the same company, operating in similar regions, would make such different choices is important to students of sustainable forest policy, corporate greening (Sharma, 1998; Vertinsky and Zietsma, 1998; Prakash, 1999, 2001), and policy instruments (Howlett, 2000), as well as to those involved first-hand in the forest certification issue.

This chapter seeks to explain these two stages of decision making through an historical analysis. We turn to organizational sociology's literature on corporate greening, and political scientists' work on historical institutionalism and policy subsystems, to develop five explanatory hypotheses. The first two explain Irving's initial proactive and supportive approach in both regions, while the latter three address the later divergence. JD Irving originally committed to the FSC for defensive and proactive reasons: it sought to answer critics of its forest practices by adopting the

very standard that most environmental groups supported; but it also saw in the FSC an opportunity to distinguish itself from its competitors. Yet the same issues that led some groups to criticize Irving's forest practices – and policy choices made in traditional public policy processes – also drew some of Irving's strongest critics into the FSC-Maritimes process. On the other hand, many of the environmental and other groups that entered the FSC-Northeast process had a slightly different agenda than some of their counterparts in the Maritimes, and saw the FSC process as another multi-stakeholder tool with which to negotiate changes in forestry in closer collaboration with industrial forestry interests. As we detail below, the result of these dynamics was that Irving remained committed to the FSC-Northeast, but felt excluded from the FSC-Maritimes and withdrew. Our overall argument is that these differences in support are due to the way industry/environmentalist relations in the public policy process can 'spill over' to these new 'private governance' initiatives. In this case these spill-over effects led to differences in each region's decision making processes and ultimately very different regional standards.

The chapter proceeds in four parts. First, it reviews the development of forest certification and the FSC. Secondly, it develops the five explanatory hypotheses. Thirdly, it illustrates their validity through a step-by-step historical account. It concludes by reflecting on the implications for the future of NSMD governance.

Emergence of the Forest Stewardship Council (FSC) and Competitor Programmes

Forest certification first emerged as an international force after the failed global forest convention at Rio (Humphreys, 1996, 1999; Lipschutz, 2001). By 1993, environmental non-governmental organizations (ENGOS), retailers and other social organizations had responded by creating the FSC, now headquartered in Oaxaca, Mexico, and then sought to use market incentives to force forest managers to comply with its sustainable forest management rules (Moffat, 1998; Elliott, 1999; Forest Stewardship Council, 1999b; Romano, 2000).

As a market-based ENGO strategy, the FSC stepped beyond traditional boycotts, because it offered a 'carrot' for compliance alongside the traditional 'stick' of boycott campaigns. The FSC is noted for: (i) prescriptive performance-oriented standards; (ii) a broad economic, social and environmental scope to the standards; (iii) third-party certification of voluntary compliance; (iv) an institutionalized corporatist-style international decision making structure; and (v) chain-of-custody and ecolabelling programmes. Point (iv) covers an important decision making feature: social, environmental and economic chambers, themselves divided equally between developing and developed countries, are each given one-third of the votes at the international policy making level. This feature is intended to leave no one stakeholder group dominant.

The FSC's ten international principles and criteria are designed to guide national and regional standards development. The latter generate the more specific rules governing forest management. As a result, separate regional standards-setting processes – and decision making structures – are central to FSC operations.

As the FSC has grown, various forest industry and landowner associations have created national programmes that compete with it. In the USA, the American Forest and Paper Association (AF&PA) has created the Sustainable Forestry Initiative (SFI); and in Canada, the Canadian Pulp and Paper Association (CPPA) contributed to the Canadian Standards Association's (CSA) programme. Both build on the International Organization for Standardizations' (ISO) flexible, process-oriented systems and, while supported by firms and some landowners, have found efforts to gain support from environmental groups and buyers groups more difficult (Clancy and Sandberg, 1997; Vogt *et al.*, 1999; Balsillie, 2000). In developing policy, each programme has a distinctive number of organizational levels and opportunities for stakeholder input: many are national, single-stakeholder initiatives, though they often consult more widely. Thus, this story is not a window into universal patterns in all programmes; rather, it investigates one programme in a wider, evolving relationship.

Competition has provoked changes to each kind of programme. The FSC has made some principles more palatable to industry; the SFI has systematized many of its once-flexible rules, and has shared some policy making authority. In the

two regions we discuss, there were notable differences in the FSC's main competitor, and therefore in the pressures for change. In Canada, the commitments the CSA demanded of certifying firms were relatively high, without offering strong ENGO endorsement or strong international name recognition (Clancy and Sandberg, 1997; Moffat, 1998; Elliott, 1999). The FSC became the initial centre of certification politics in the Maritimes, but never won broad support from landowners or large industrial forest companies, in the Maritimes, most of whom became certified under ISO's 14001 Environmental Management System (Canadian Sustainable Forestry Coalition, 2001), which unlike the CSA, contain no rules governing forest management.

In the USA, by contrast, the most popular option has been the industry-backed SFI (McNulty *et al.*, 2000–2001; Sustainable Forest Project, 2000; Sustainable Forestry Initiative (SM), 2000). Recent changes in standards and third-party certification appear to have increased the SFI's credibility among some conservation-oriented ENGOs, leading retailers, and some other stakeholders who had originally only supported the FSC.

Explanatory Hypotheses

Just why some firms choose to become proactive environmental innovators when responding to outside pressure, while other firms either conform or resist, has been subject to significant scrutiny among organizational sociologists (DiMaggio and Powell, 1991; Oliver, 1991; Sharma, 1998) and political scientists (Prakash, 1999, 2001; Cashore and Vertinsky, 2000). We address these literatures, both in Irving's early choice to distinguish itself by supporting the more prescriptive FSC, and in its subsequent decision to differentiate its support.

As to Irving's initial move to establish itself as a leader in sustainable forestry, three factors from the literature are important: the organizational culture and structure that mediate firm-level choices (Prakash, 2001), leadership and personnel changes (Vertinsky and Zietsma, 1998), and the structure of a firm's external environment (DiMaggio and Powell, 1991; Oliver, 1991).

The environmental factor has been explored extensively within organization theory's neo-institutional (Scott, 1987; Zucker, 1987; Greening,

1992; Greening and Gray, 1994; Jennings and Zandbergen, 1995), stakeholder (Carroll, 1989; Brenner and Cochran, 1991), and resource-dependency theorists (Rowley, 1997). DiMaggio and Powell (1991) have explored how firms internalize pressures: coercive, normative or mimetic pressures can result in a process of 'isomorphism'. Oliver (1991) has theorized that a complex external environment with competing prescriptions and pressures is more likely to provoke resistance than a response. Sharma (1998) and Sharma and Vredenburg (1998) have likewise addressed cases in which firms go beyond merely responding to existing pressures, to attempt to be seen as proactively green.

All three factors played a role in our story. The family-owned JD Irving was known for swift decision making and implementation; earlier research suggests that family-ownership would also increase Irving's incentive to protect its name against criticism (Raizada, 1998; Cashore and Vertinsky, 2000; Cashore *et al.*, 2001). New leadership sought out a longer-term solution to these conflicts, which FSC certification appeared to provide. Any company wishing to be seen as an environmental leader in an industry already growing in its support for the SFI, would arguably have to be drawn to the more prescriptive FSC.

Hypotheses accounting for initial Irving decision to support FSC

Reflecting these dynamics, we hypothesize that:

- *Hypothesis 1* – when a specific firm has been targeted in a sector by environmental groups and other stakeholders to adopt green policies, it is more likely to take proactive responses to new greening initiatives than competitors who have been shielded from such pressure.
- *Hypothesis 2* – when an industry sector generally accepts NSMD governance systems but multiple systems exist, firms that want to be seen as proactive are more likely to accept 'stricter' systems, in order to differentiate themselves from their competitors.

Political science's work on existing governance and regulatory regimes provides additional insight for hypotheses about 'green reversals' –

companies withdrawing their support. Reflecting findings by Porter and van der Linde (1995) about the impact of regulatory frameworks on company choices to pursue innovation, Prakash (1999, 2001) and Cashore and Vertinsky (2000) have found that the existing policy climate has strongly mediated firm-level choices under these pressures. Likewise, environmental and other groups (such as ENGOs) may be less likely to facilitate a firm's commitment to being green insofar as strong historical animosity has existed. We will develop three hypotheses, building deductively on the above literatures and inductively from the Irving case.

Hypotheses accounting for Irving's divergent responses in Canadian Maritimes and US Northeast

- *Hypothesis 3* – environmental and other groups are more likely to accept and facilitate a proactive firm's efforts to adopt the stricter NSMD governance system when there has already been a history of public/private collaborations in the subsystem.
- *Hypothesis 4* – environmental and other groups are less likely to accept and facilitate a proactive firm's efforts when traditional public policy networks in the subsystem have been closed historically to non-industry interests. In such cases environmental and other groups are more likely to use the emerging NSMD governance system as a way to contain industry interests, in an effort to overcome the limits of their influence in the public policy subsystem.
- *Hypothesis 5* – a proactive firm will choose to remove its support for an NSMD governance system when it believes it is being excluded from the policy making process and choices over specific rule development.

We now illustrate and develop these hypotheses through the Irving case.

JD Irving

Headquartered in Saint John, New Brunswick, Canada, JD Irving is part of the family-owned Irving group with multiple interests. As of August

1999, Irving managed over 2 million ha of woodland, around 15 sawmills, six pulp and paper mills, and some 3000 people. In the Maritimes, its economic and political influence is legendary. One of about 12 dominant firms in Maine's Northern Forest, Irving Woodlands holds about 607,000 ha there (Banville, 1999; JD Irving Ltd, 2000b, c). The firm's widely acknowledged initial commitment to the FSC went against the early industry taste for competitor programmes (Boetekess *et al.*, 2000). It achieved early certification in both regions: the Black Brook lands in northwestern New Brunswick (announced 8 October 1998); and the Allagash lands in Aroostook County, Maine (announced 1 June 2000) (JD Irving Ltd, 1998, 2000d).

Irving's motivations appear to be complex. First, as a mid-sized international price-taker, Irving had economic interests: it wanted to lead in a differentiated certified wood products market, and it was influenced in its thinking by a US client, Home Depot (JD Irving Ltd, 1998, 2000d; Caulfield, 1999; Forest Stewardship Council, 1999a; Carlton, 2000). But secondly, some report that it was not merely responding to external market pressures. Instead, it pursued certification proactively and before market pressures were heavy, precisely to distinguish itself as an environmental leader. A suggestion of more complex motivations is that the timing of its earliest contact with Home Depot began in 1993, before that firm's 1999 commitment to purchase FSC-certified wood.

Thirdly, though it would not abandon clearcuts or biocide use, other changes suggest it was working to merge its business and environmental strategies. For Irving, the certification process brought in outside expertise that was a potential catalyst for internal change. During the late 1990s, it made large land acquisitions in Maine (JD Irving Ltd, 2000a), and bought hardwood mills for the US market (Banville, 1999). In Chuck Gadzik, it recruited an advocate of workable, sustainable forest management from Maine's forest service to be its chief US forester (Dobbs and Ober, 1996). Fourthly, several debates had led certain audiences to contest Irving's 'greenness' and social responsibility. Under the wide-ranging FSC principles and criteria, certification would have seemed to be a way of dampening such criticisms. We now turn to the debates in this public policy background, and then to the FSC procedures that channelled debate into a substantially new governance mechanism.

Differences in prevailing policy issues

The Canadian Maritimes and the US Northeast have frequently faced similar forestry problems, but have approached them in different ways. In these debates, Irving has often been both a target of concern and an influential player; they gave it multiple external incentives to seek FSC certification, but they also created substantially different regional climates within which to realize Irving's goals. Other stakeholders perceived their own influence over public policy formation, and the level of public policy innovation, in different ways in these areas in the two regions. These differences affected the respective standards-setting processes, and ultimately forest certification standards and choices.

First, the intense spruce budworm infestations of the 1970s and 1980s generated quite different lead policy debates. In the Maritimes, pesticide spraying to combat the budworm lasted into the 1990s, and provoked a strong counter-reaction over risks to the environment, public health, and even some economic factors. Anti-spraying campaigners strongly believed that they had been shut out on this public issue for decades, especially in New Brunswick.³ By contrast, the Northeastern infestation had ended by 1986. Debate focused more on the impact on long-term timber supply, large-scale clearcutting during salvage work, and the accompanying increase in other intensive industrial forestry techniques. As we will see, some ENGOs and other stakeholders were drawn into multi-stakeholder processes on these issues.

A second difference was in public policy conflict over otherwise similar land ownership patterns, notably involving large vertically integrated forest companies and small woodlot owners. In the Maritimes, a major debate arose over the price and supply of fibre that NIPF owners sold at the mills of vertically integrated firms. In the 1960s and 1970s, they had organized associations and sought marketing boards in response. One NIPF leader keenly felt at a disadvantage in influencing this public policy:

The forest industry in [our province] is pretty well controlled by multinationals and large companies and through the control and the influence that they have on politicians and on bureaucracy, which controls so much of what happens. They know that woodlot owners will never really have any strength if they are not united and they

manage to always get the organizations against each other: the details don't really matter (personal interview).

Such issues also existed in the US Northeast. But given the geographical concentration of vertically integrated industry in the 'Northern Forest' (northern New York State, Vermont, New Hampshire and Maine) and smaller NIPFs in the southern and coastal areas, they were more commonly expressed through the public-policy issues of separate subregions. In particular, as we will see, traditional stakeholders in the Northern Forest responded to a wave of land sales and land parcel fragmentation with relatively fruitful dialogue, but these talks were oriented in part towards stemming the spread of smaller land-ownerships and part-time residents more typical of the South (Dobbs and Ober, 1996).

Moreover, within the Northern Forest, some large interests, such as the Seven Islands Land Company and Baskahegan, were primarily privately held land managers. Without mills with fixed volume requirements to meet, they could focus more on the long-term value of their timberlands (Dobbs and Ober, 1996; McNulty *et al.*, 2000–2001). Many of the private land managers were respected in business circles but this 'conservative' forest management strategy also impressed many ENGOs. This allowed a few companies to play a key mediating role. For instance, after its early certification in 1993, Seven Islands became an influential moderating force in the FSC-Northeast process (e.g. Floyd *et al.*, 2001). Seven Islands' certification led some – but not all – sustainable-forestry advocates to see FSC certification as improving on-the-ground forest practices, creating a relatively hospitable climate for FSC certifications of large industrial companies like Irving's. By contrast, Irving itself was the first large certification in the Maritimes, which led to concerns by some environmental groups that the FSC might recognize existing industrial forest practices, rather than forcing them upward.

Finally, property rights and the public-private divide were debated in sharply different ways. Amidst the Maritimes standards development talks themselves, these issues centred primarily on the *Mi'kmaq* (Micmac) people, their claim to historic treaty rights to the forest and public land, and their acute sense of historical exclusion from Maritimes resource policy. Their on-shore claims

confronted provincial governments, but also forest interests who, like Irving, harvested timber from the contested public lands (Canadian Broadcasting Corporation, 1998; Lagasse, 1998; Forest and Nicholas, 1999; Union of Nova Scotia Indians and Assembly of Nova Scotia Mi'kmaq Chiefs, 1999). In the US Northeast, property-rights issues centred on the large-scale land sales and fragmentation, during which Irving incidentally made large land purchases and assumed a more public profile.⁴ Private-forestland states such as Vermont and Maine debated the impact on traditional open-access arrangements for local recreationists on private forestland, but this further stimulated subregional dialogue and innovation (Dobbs and Ober, 1996). By contrast, in New York State's Adirondacks Park in the late 1980s, a new plan to regulate these trends sparked grievances among local residents about their property rights and their historic exclusion from park decisions (Dobbs and Ober, 1996).

Differences in decision making processes

Irving also faced two substantially different experiences of FSC standards development. With respect to formal process in the US Northeast, decision making rules were clear, and were agreed early on. In the Canadian Maritimes, consensus decision making rules demanded subtle and discerning communications, and few backup procedures were arranged in advance. Different kinds and degrees of informal consensus also emerged. The US Northeast process developed an informal and collegial approach, while in the Maritimes, positions appeared more entrenched and focused on broad social and environmental concerns about the nature of industrial forestry itself, and the role of such firms in existing public policy processes.

This consensus among industry critics in the Maritimes related directly to their perception of alternative change strategies. In the US Northeast's Northern Forest, debates over timber supply and harvest techniques had fuelled public policy innovation, often winning ENGO support on the basis of multi-stakeholder negotiation. ENGOs (e.g. Johnson, 2000) appear to have been more predisposed to negotiation, in part because a relatively legalistic policy environment made

them more programme-oriented. Hence, the major Northeast ENGOs became stout FSC supporters (Bryan, 2000; Natural Resources Council of Maine, 2000; Wormser, 2000), but continued to consider other such policy instruments, whether public or private, on a pragmatic basis. While the Northeastern ENGO's legislative frustration appears to have been intense, Maritimes ENGOs generally perceived that they had less routine influence in the public sphere. Their existing capabilities and achievements had stronger roots in oppositional grassroots campaigns (e.g. anti-spraying campaigns).

The US Northeast: a Relatively Smooth Standards Development Process

FSC-Northeast standards development was launched amidst successive state and regional public policy reviews in the Northern Forest. In many ways, these state-sanctioned discussions predefined the subregional and the multi-stakeholder procedures at the core of the FSC's regional standards development (FSC-Northeast and Reidel, 1999). Converging on a common budworm emergency and unprecedented sectoral change, industry and moderate ENGOs were drawn into dense public and private exchanges (Dobbs and Ober, 1996). All this strongly conditioned Irving's certification decisions.

A groundbreaking review of the Northern Forest came in the late 1980s, instigated initially by several well-placed US senators. The seminal USDA *Northern Forest Lands Study* (Harper *et al.*, 1990) led to the Northern Forest Lands Council (1990–1994), a multi-stakeholder regional forum that addressed shoring up more traditional forest practices, communities and interests in the sub-region (Dobbs and Ober, 1996). The various states followed up on this work. In Vermont, a relatively polarized debate ensued over biocides and clear-cutting. In New Hampshire, a moderate multi-stakeholder experience emerged (Ryn, 1997), but the mixed Maine experience probably affected certification standards most.

On one hand, the Maine Council of Sustainable Forest Management (MCSFM) reviewed the department of conservation and forest-practices law, again on a multi-stakeholder basis (McNulty *et al.*, 2000–2001). Unlike provincial agencies in the

Maritimes, it saw a formally sanctioned role for forest certification. On the other hand, in 1996, some ENGOs became convinced that multi-stakeholder, state-sanctioned strategies were exclusionary and would not bear substantial fruit. They launched the first in a series of forest referenda, which cut short the Council's work. The referendum sponsors sought a direct legislated end to clearcuts and other trends in Northeastern forestry.

The larger ENGOs at the state level were unconvicted. Indeed, they negotiated a compromise Forest Compact with state government and industry, which ran against both the *status quo* and the proposed alternative. The Forest Compact would have legislated more modest forest-practices reforms, monitoring and study; while envisioning exemptions for FSC-certified landowners from planned state audits (Anon., 1996). The Forest Compact nearly won a three-way referendum race; but even in defeat – and just as the US Northeast FSC standards development process was getting underway – it appeared to reshape public debate in the ENGOs' favour (Dunning, 1998).

The FSC process itself was kept deliberately quiet and business-like. The work of a generally moderate, technically experienced working group, and launched early in the life of the FSC, it was later characterized by the group's sympathizers as a model of success (FSC-Northeast and Reidel, 1999). A procedural framework was put in place well before substantive controversies were broached. In subsequent meetings, mutual trust grew, and the formal voting rules informally gave way to a consensus method. But a clear early framework played an important role, shaping what and whom stakeholders like Irving confronted, and setting key measures of successful talks.

The Northeast Working Group began as an initiative of the New England Environmental Policy Center (NEEPC), in consultation with FSC-US leadership, then headquartered in the region. (The Center's vice president sat on the FSC's international dispute resolution committee.) In October 1996, a trained forester was hired as regional coordinator, and began preparatory consultations. Stakeholders were reportedly eager to build on the wider atmosphere of negotiated public policy reform, with the additional advantages of a quieter, low-profile process. Organizers recruited individuals to the drafting committee who formally represented wider constituencies and wanted

to build the FSC by reaching beyond single constituencies.⁵ Meanwhile, the NEEPC developed a 422-page resource manual and other supporting documents. Members' initial responses were then compiled for the group's first meeting on 25–26 August 1997, where formal procedures were also agreed. After multiple drafts had been reviewed and circulated, draft standards were announced in May 1998.

By then, in Maine, referendum politics were altering state-level dynamics again. A runoff vote in 1997 narrowly defeated the Forest Compact, and key ENGOs in Maine spent much of 1998 organizing legislative initiatives on the same issues, though few were passed (McNulty *et al.*, 2000–2001; Natural Resources Council of Maine, 2001). Many of the leading ENGOs increasingly focused on the private arena and FSC forest certification.

Between the industry's assertion that major reform had been rejected by voters and ENGOs' assertion that the need for reform was pressing, Maine legislators separately negotiated a special reporting relationship with the industry's SFI. The wider atmosphere of reform and SFI's private and flexible character all made this easier for industry to endorse than regulation or the FSC. The agreement intensified the perceived competitiveness between SFI and FSC.

Meanwhile, from 1998, Irving was working on the Allagash FSC certification, which it now had few reasons to abandon. A hiatus had ensued in the regional standards process, apparently because of NEEPC personnel changes, but three more FSC standards-development meetings occurred, the last in January 1999. Substantively, the FSC negotiations focused on harvesting and silviculture on large landholdings, of primary concern to ENGOs and large businesses in the Northern Forest (FSC-Northeast and Reidel, undated), while chain-of-custody and 'FSC marketing' remained relatively minor. This centred attention on precisely those stakeholders who participated in the processes of the Northern Forest. The Maritimes crisis (see below) and the rising credibility of SFI also raised the costs of failure. Thus, amidst ENGO frustration with the public arena in at least one key state, and news of a worsening FSC crisis in the Maritimes, key FSC stakeholders had proved willing to work in this new private setting towards FSC standards that their business counterparts would accept.

The Canadian Maritimes: a Volatile Context for Certification⁶

In the Canadian Maritimes, Irving was certifying while at the centre of a standards development process that gradually reached an ideological and procedural impasse. This outcome can be directly traced back to various perceptions of unresolved public policy conflicts, and more immediately to key procedural problems. While the public policy legacy created plausible motivations for Irving to prove its good intent through certification, they also drew some stakeholders to the FSC who viewed it as a new counterweight in the regional balance of power, a supplement to their own emphasis on public campaigns against an exclusionary and unsustainable public policy arena. Here one local ENGO activist assesses different strategies.

But, yeah, for me, I definitely feel that it is the best decision in terms of strategy within the environmental community: pushing the governments to enact legislation . . . I think environmental companies gave up a powerful weapon [consumer boycotts] when they bought into the certification schemes because I don't think they fully exploited the tactic to its logical conclusions. I think one of the reasons that industry has embraced certification is exactly to take the heat off of them (personal interview).

For some of these stakeholders, relatively high, wide-ranging FSC standards were more important than Irving's agreement.

The impasse can also be partly explained by some key procedural problems. First, as we have suggested, formal consensus decision making became dominant there from the start, with few backup rules to resolve the region's entrenched disagreements. Reworking formal procedures later linked the number of seats each group should hold, and ultimately the regional legitimacy of the FSC itself, to the outcome of substantive debates. Second, Maritimes FSC rules left the representative role of key individuals unclear to many. This uncertainty led some ENGO participants to question the role of Irving.

The Irving chief forester . . . has a private membership in the FSC . . . Irving [has] had all the advantages of being a member of the working group through their head forester, but when it comes to being accountable, it is only his answers:

he is personally reliable for his actions, but not the company (personal interview).

The role of environmental groups was also criticized. Boetekess *et al.* (2000) found that the Falls Brook Centre played triple roles as provider of office facilities, decision maker, and advocate (Boetekess *et al.*, 2000) and that this led to frustration and confusion among stakeholders.

In April 1996, some 175 people met to launch standards development, at roughly the same time as Irving's first on-site inspections at Black Brook. Unlike the international and national levels of the FSC, the regional meeting organized as many as nine interest-based groups to appoint a representative Technical Standards Writing Committee (TSWC). This group met monthly for 2–3-day sessions over more than 2 years. Overwhelmingly, consensus procedures were used. Until talks finally collapsed, this succeeded, making votes by house unnecessary; more precise voting procedures and seating rules were accordingly neither developed nor used. Initially, the results appeared positive, in part by deferring the more controversial debates. Increasingly broad public consultations and standards consolidation occurred in August and November 1997, and again in May 1998. The process culminated on 23 June 1998, in a second, smaller review meeting.⁷

Then on 15 July 1998, a new Maritimes Regional Steering Committee (MRSC) was established to steer a final review of the standards, in the light of extensive TSWC public consultations, and seek their approval. The selection process became controversial, especially for the economic members. The Nova Scotia Forest Products Association (NSFPA), an association of medium-sized operations and a potential industrial-forestry ally for Irving, was prepared to commit to FSC principles and become eligible for voting FSC membership. However, two of its nominees fell out of the selection process, one reportedly because he was never contacted (Boetekess *et al.*, 2000). This meant that future calls for representative reform came to be associated with a stronger voice for allies of industry.⁸

On 19–21 July, despite the absence of Irving's lead executive on certification, the MRSC began and concluded its consideration of the TSWC consultation results, and also revised the proposed standards, all in its first meeting. On 1 August, it passed the results to the FSC Canada Working

Group (CWG) for referral to FSC-International in September. Irving FSC members and their supporters interpreted this as particularly hasty and exclusionary.

The CWG board called instead on the MRSC to revisit specific industry concerns, notably about key restrictions on industrial forestry: biocides, species conversion of forestland, and exotic species. Only in these matters, which had also been central to public policy debates, had consensus failed. Black Brook had been a technically superior exemplar of such practices, and Irving opened it to stakeholders, trying to justify at least some resort to these tools. By autumn, it could boast FSC certification for the site, and had launched ISO certification as well (JD Irving Ltd, 1999).

Some observers who saw FSC as an NSMD route to more sustainable forestry considered Irving's FSC certification a coup, proof to other industrial operations that FSC standards could be relevant to them. But a number of different sustainable-forestry and ENGO opinion makers also saw a disturbing degree of ecological transformation in Black Brook. The Sierra Club of Canada (SCC) appealed the certification; on its behalf, a member of the MRSC from a Cape Breton ENGO began to investigate biocide use at Black Brook (Brunsdon, 1999a; Sierra Club of Canada, 1999, 2000; Restino, 2000).

The MRSC held increasingly polarized meetings during the autumn, with confusing results. A fleeting consensus on 11 November included: (i) a general ban on biocides, and (ii) case-by-case exceptions, approved by a regional technical committee (Boetekess *et al.*, 2000). The next day, Irving's leadership reportedly withdrew their consent, but the other members sought ratification anyway (Boetekess *et al.*, 2000).

To varying degrees, the 18 came to believe that this [the withdrawal] was just another instance of JDI throwing its substantial weight around. To [Irving's chief forester and lead voice on the MRSC], it contributed to his perception that the Maritimes standards process, and the MRSC in particular, was stacked against his employer and other large forestry interests (Boetekess *et al.*, 2000: 30).

Just under the surface of these antagonisms were deep mutual animosities and opposed perceptions that had built up for years. As one ENGO activist told us:

The kinds of things that have been published by the industry about environmentalists, it has slowed down progress over the years. You don't just bury that stuff overnight . . . There have been a lot of things said, and there is a definite lack of respect for our position. We learned to develop campaigns and tactics that took that into account. Having to sit down and reach consensus with the industry . . . it is really a tough one to pull off (personal interview).

For their part, Irving officials argued that

a special interest local group, an anti-industry local group, has developed standards that clearly don't have broad stakeholder support (B. Brunsdon, quoted in Canadian Broadcasting Corporation, 1998).

Indeed, those sympathetic to Irving believed that the Maritimes process had been 'hijacked' by exclusionary extremists. But many of those involved, including the Falls Brook leader and the woodlot owner cited below, clearly felt that substantial compromise in the FSC would simply reproduce the failings of a closed public-policy process.

Well, [our province] is sort of a Banana Republic you know? . . . We give away our resources so that someone will give us jobs you know, and even today the politicians buy into that as quick and as easy as they did 40 or 50 years ago. It hasn't changed a bit you know (personal interview).

[M]aybe Irving isn't used to making decisions with a broad, stakeholder committee (Jean Arnold in Canadian Broadcasting Corporation, 1999a).

This time, the CWG broadly accepted the draft standards on 24 November, and passed them on to the international level; at the same time, it sought guidance on some elements. On 18 December 1998, Irving appealed this decision; in January 1999, the FSC-International board endorsed the standards. But again Oaxaca set important preconditions that effectively reopened time-limited negotiations on biocides and other issues, and made the results subject to approval by its executive director (FSC-Maritimes, 2000: Annex 1, 55–56). Any substantial deviation from higher level FSC provisions would require 'significant agreement by all relevant stakeholder groups' and a review after 2 years.

With reference to the Irving appeal, FSC-International called for a Canadian dispute-resolution process, launched on 22 February. Meanwhile, the MRSC met periodically over the

preconditions, finding some solutions, but not on biocides. Other regional industrial interests began to voice support for Irving, and after years of hesitation sought to participate in FSC processes; Irving also consolidated its ISO credentials, with a final audit in March (JD Irving Ltd, 1999). But its leadership remained isolated on the MRSC, and FSC-Canada's skeleton resources were overwhelmed by the mounting concerns of industry.

When the MRSC majority referred the matter back to the CWG, the latter again requested renegotiation. Finally in September, the CWG endorsed a third referral (Boetekess *et al.*, 2000). Meanwhile, the Canadian dispute resolution process rejected Irving's appeal, but recommended procedural reform and standards review (FSC-Maritimes, 2000: Annex 4, 59–60). In October, both these decisions were forwarded to the FSC-International. In a November visit, an FSC-International delegation confirmed reports of entrenched differences over the MRSC's work. In the end, Oaxaca itself presented new wording for the key standards, consulted, and finally endorsed the results conditionally on 20 December 1999 (FSC-Maritimes, 2000: Appendix IV, 53–56). The text included a phase-out of biocides for certifying firms. But no time-frame was set for this; and the standard was subject to revision by a restructured regional body within the year (Boetekess *et al.*, 2000). FSC-International reported that only JD Irving's executives and one ENGO member openly objected to this solution.

However, on 29 December, Irving broke with the FSC-Maritimes, publicly indicted it as unrepresentative and biased, and returned its Black Brook certification, appealing against the endorsement of the 'flawed local standard' (Brunsdon, 1999b; Canadian Broadcasting Corporation, 1999b). Key figures publicized the withdrawal and demanded a swift response (Boetekess *et al.*, 2000). On 10 January 2000, FSC-International announced an official inquiry and interim suspension of certifications, and promised a streamlined standards-development process and harmonized standards across the Canada–USA border (Johansson and Synnott, 2000).

The FSC response did not enjoy uniform ENGO support. The SCC registered a new complaint about Black Brook in January, based on records of biocide use there that the FSC had specifically banned. (Irving argued that the chemical use was strictly experimental (Restino, 2000; Sierra

Club of Canada, 2000).) Top Irving executives continued to monitor the attempts to reconstitute the MRSC, and retained its other ties to the FSC, primarily through certification in the Northeast. Irving also remained committed to third-party certification, pursued other certification options with SFI and ISO, and said it would consider rejoining a suitably reformed FSC-Maritimes (Canadian Broadcasting Corporation, 2000).

In short, a draft regional standard had advanced through the house-based, consensus-driven FSC process, in the face of vehement business opposition. The question then arises why FSC-International was prepared to move ahead. The most likely explanation appears to be that Oaxaca came to perceive the proposed standards as an interim element in a larger package. Since the latter included constitutional revisions and a new regional body to review the standards, the important matter became the poor stakeholder relations on the present committee. Other stakeholders might abandon a process that stalled much longer, and leave the entire region without an FSC structure.

In Maine, Maritimes events influenced critics of both the FSC and Irving. Moderately committed stakeholders focused more attention on making the SFI competitive than on building the more moderate FSC-Northeast. In an unusual cross-border move, the SCC appealed against Irving's Allagash certifications as well. Back in the Maritimes, intense efforts to form a new regional body culminated in Moncton the following summer. But, despite preparations, elections in the new economic chamber broke down, and the meeting ended with a split between small woodlot owners and industrial interests. To Irving, this outcome confirmed that the FSC-Maritimes held little promise. For its part, the FSC's internal review of the Maritimes experience has forced a review of its internal procedures and external funding arrangements.

Conclusions

Irving forged its initial commitment to the FSC in two regions that respectively became host to one of the FSC's more harmonious standards development processes, and to one of the most controversial. Irving's early decision to certify with

FSC addressed critics over aerial biocide spraying, fibre supply and aboriginal rights (Hypothesis 1), but also outflanked the mounting industrial support for the less prescriptive SFI in the Northeast (Hypothesis 2). We have also seen that the issues that arose in the two regions were different, however, in ways that undermined the conditions for moderation and compromise in the FSC-Maritimes. More generally, Irving's interest in environmental leadership focused the attention of critics on it alone, rather than on the sector as a whole.

Irving's way to certification was facilitated in the Northeast by the existing developments in public policy dialogue, particularly in the Northern Forest (Hypothesis 3). There, some ENGOs and some large concerns had become willing and able to engage in dialogue with one another, if not always to agree. But in the Maritimes, Irving was increasingly affected by other stakeholders' perceptions that the FSC was an occasion to counter-balance relatively closed public policy arenas (particularly in New Brunswick) with new, higher NSMD standards (Hypothesis 4). Committed to consensus as a method, the Maritimes process paradoxically attracted actors in profound disagreement over policy. This created the principal dynamics that led Irving to seek important changes in the draft standards, and reluctantly to abandon the FSC-Maritimes process (Hypothesis 5).

The present research demonstrates the ongoing importance of public policy debates for NSMD mechanisms like the FSC during their own standards development period. It also demonstrates how NSMD outcomes for some regions can create spill-over effects in others, primarily through firms with cross-border and global strategies. In creating new policy regions, the FSC also created internal spill-overs, as when the biocides issue allowed the anti-spray campaigns of Nova Scotia to influence New Brunswick. Clearly, some actors in both regions are also prepared to be quite pragmatic about the choice between the public and the NSMD arenas. This suggests that more research must be done into developments across the public-private divide as new NSMD governance mechanisms emerge. Research is also necessary into the conditions in both public and private institutions that are necessary for NSMD programmes to establish a stable degree of influence over policy areas such as sustainable forestry, separate from their relationship with the public policy arena.

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Endnotes

¹ This region includes the provinces of New Brunswick, Nova Scotia and Prince Edward Island.

² This region includes the states of New England (Maine, New Hampshire, Vermont, Connecticut, Rhode Island and Massachusetts) and New York.

³ Later, ENGOs achieved key anti-biocide goals in Nova Scotia, but more through campaigns than in dialogue with industry.

⁴ Land buy-backs for the Passamaquoddy Indians settled similar land claims in northern Maine in 1979 (Dobbs and Ober, 1996).

⁵ This also meant that other stakeholders were excluded and considered the representation narrow.

⁶ A special FSC Commission of Enquiry compiled a narrative of events in relation to this region's FSC crisis (Boetekess *et al.*, 2000). The following account generally follows its outline of events, though we do not commit ourselves to its conclusions.

⁷ All previous participants had been invited, but industry attendance was reportedly sparse.

⁸ Indeed, others felt that industry had decided to undermine the legitimacy of the process.

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