



## The New York Tropical Deforestation-Free Procurement Act

The New York Tropical Deforestation-Free Procurement Act (S.4859, Krueger/Zebrowski), if passed into law, will ensure that state and local government procurement does not drive tropical deforestation, tropical primary forest degradation, or associated abuses of the rights of Indigenous Peoples and local communities in forested tropical regions.

### What does the bill do?

The NY bill will (1) close loopholes in an existing 30-year old state ban on the use of tropical hardwoods for government projects; (2) create a statute requiring that state contractors who deal in forest-risk commodities certify that their products don't drive tropical deforestation or degradation, by providing data to the state and the public demonstrating supply chain due diligence to their products' points of origin; and (3) create a program through Empire State Development to support NY-based small and medium-sized businesses and women and minority-owned enterprises in their efforts to achieve ethical and sustainable supply chains for forest-risk products. **Key forest-risk commodities covered by the law include soy, beef, palm oil, coffee, cocoa, wood pulp, paper and wood products.** Other commodities may be added by the Commissioner of the Office of General Services upon future review.

### Why does this matter?

By ensuring that the products New York State buys do not contribute to the destruction of Earth's most vital ecosystems and the communities that depend on them, NY procurement can help save global forests. In turn, global forests can protect New Yorkers – and the rest of humanity. Tropical forests, often referred to as the lungs of the planet, are essential to stabilizing our climate; they harbor rich cultural and biological diversity; and they serve as the earth's immune system, safeguarding against the emergence of pandemic diseases. Because they remove and store vast amounts of atmospheric carbon, keeping tropical forests standing is essential to countering the climate crisis, which is crucial to save New Yorkers from superstorms, floods, heatwaves, and more.

While the bill is focused on protecting climate-critical forests, it is also fundamentally about equity and justice, both local and global: the grim reality is that people of color, the poor, and Indigenous Peoples are the most impacted by the climate and deforestation crises, whether in New York or across the world's tropical regions. The NY Tropical Deforestation-Free Procurement Act seeks to bring transparency, accountability and a human rights focus to the supply chains that link global businesses to New York State's purchasing.

## **Why target forest-risk commodities?**

The largest direct cause of tropical deforestation and forest degradation is industrial-scale production of agricultural products, including palm oil, soy, cattle, cocoa, timber and paper, collectively known as “forest-risk commodities.” The U.S. is an important market for imported commodities and associated products linked to deforestation, such as palm oil from Southeast Asia and leather from Latin American cattle, which drives Amazon destruction and Indigenous rights violations. New Yorkers should not be the unwitting financiers of environmental crime and human rights abuses.

Globally, an estimated 18,000,000 acres of forest, an area more than half the size of New York State, is lost every year to deforestation. Further, roughly 20 percent of the world's greenhouse gas emissions come from deforestation and forest degradation. Loss of biodiversity resulting from forest loss, as well as human encroachment on formerly undisturbed ecosystems, increases the risks of zoonotic disease pandemics such as COVID-19. The harvest of just seven forest risk commodities – beef, soy, cocoa, coffee, rubber, palm oil and wood products – caused 58% of the world’s agricultural deforestation between 2001 and 2015. An estimated 69% of this deforestation is illegal in the home country.

Beef production is the number one driver of tropical deforestation, accounting for 25% of global land use and 60% of global agricultural land. Soy, the second largest driver, is overwhelmingly used to produce feed for more livestock, resulting in a vicious cycle of land consumption and destruction. The giant cocoa industry is directly linked to child labor and inhumane labor practices.

The impacts of tropical deforestation are felt most acutely by Indigenous Peoples, whose lands, cultures and livelihoods are inextricably linked to the forests where they live. This bill would require suppliers to NY State agencies and authorities to ensure that their supply chains are not linked to abuses of Indigenous Peoples’ rights, by mandating that large contractors adhere to global standards of Free Prior and Informed Consent in their operations, and that all state contractors are avoiding products that drive tropical deforestation and degradation.

## **Impact on transparency**

By creating a statute to require state contractors to certify that they are not contributing to tropical forest destruction directly or through their supply chains, the NY Tropical Deforestation-Free Procurement Act will boost growing supply-chain transparency efforts in the affected industries and close loopholes in existing statutes that limit the purchase of tropical hardwoods by the state and local governments.

## **This bill is part of a global trend**

By passing this bill, New York State would join a movement to tackle the root causes of tropical forest destruction. The European Union has adopted legislation that will require firms working in deforestation hotspots to certify that their goods have not harmed forests after a cutoff date of 31 December 2020. Similar legislation is advancing at the US Federal level, the UK, California and elsewhere. This is New York’s opportunity to join this growing movement to protect some of the world’s most precious places.



**Other jurisdictions moving towards deforestation-free procurement legislation**

