

Report on formal comments on the draft revised National Forest Stewardship Standards (NFSS) for Malaysia

Summary of issues raised

The public consultation period for the draft revised Malaysian NFSS commenced on 1 April 2021 and ended on 31 May 2021. During the minimum 60-day public consultation period, invitations to comment on the draft revised NFSS were sent to all stakeholders identified with emphasis on the following groups:

- Members of the Technical Experts Panel of the SDG,
- Certification Bodies (CBs) operating in Malaysia,
- Rubber industry organisations and companies,
- Current FSC Forest Management certificate holders,
- National and State forestry departments including relevant industry councils and associations, and
- Individuals/organisations who commented on previous drafts of the NFSS.

All formal comments provided by stakeholders via email during the public consultation period are included in this report. A total of 65 individual comments from 10 individuals/organizations were recorded (see Annex for details) where the majority 40 comments (or 62%) were specific to the Principles, Criteria, Indicators and Verifiers. Seven comments (11%) were received on the Annexes and 18 (28%) were general comments (each general comment received from a particular stakeholder was counted as a single comment unless specified by the author).

In general, stakeholders provided suggestions including both specific changes to the standards and general improvements, sought clarification on general and standards-specific issues as well as provided their opinions. The following is a summary of issues (listed by section of the standards) raised by stakeholders:

General

- Clarification requested and endorsement of proposed SLIMF indicators,
- Endorsement on proposed inclusion of ILO principles in the NFSS via the incorporation of IGIs V2-0,
- Clarification requested and no major concerns raised on the inclusion of NTFPs in the scope and definition of 'plantations' in the revised NFSS,
- Clarification requested on the inclusion of 'natural rubber plantations' in the scope,
- Corrections suggested on references to HCV resources,
- No major concerns raised on the proposed HCV Framework,
- Clarification requested on benefit sharing in relation to NTFP certification, and
- Clarification requested on 'Annual Allowable Cut (AAC)'.

Principles 1-10

- Corrections suggested for verifiers

Annexes

- Corrections suggested for Annex A and G

Analysis of the range of stakeholder groups who have submitted comments

Ten individuals or groups were attributed to the 65 individual comments received. These individuals or groups consisted of those mainly representing environment and economic interests as well as governmental bodies (see Annex for details).

General response to the comments and indication of how the comments have been taken into account in the subsequent public draft standard

All comments received during public consultation were considered by the Standards Development Group (SDG). Responses typically ranged from acceptance with changes to the draft NFSS based on comments made, to noted but with no changes to the standards. See Annex (response and action columns) for the SDG's detailed responses to the comments received and the resulting changes to the draft revised NFSS. In the subsequent revision of the draft NFSS in response to comments received, changes have been made at verifier level as well as the annexes.

ANNEX: Copy of all formal comments received during public consultation on the draft revised FSC National Forest Stewardship Standard (NFSS) of Malaysia
1 April 2021 – 31 May 2021

Comments received from:

1. CHONG Wei Kwang, Member of Experts Working Group
2. LING Kiang Cheng, Syarikat Samling Timber Sdn Bhd
3. PONG Kuan Kin, Asrama Raya Sdn Bhd
4. Dr. YAP Son Kheong., SCS Global Services
5. LEE Ee Ling, Malaysian Nature Society
6. TOR Mooi See, Proforest Sdn Bhd
7. Surin SUKSUWAN, Proforest Sdn Bhd
8. Belinda LIP, Dr. Jason HON, Adrian CHOO, WWF-Malaysia
9. Frederick KUGAN, Sabah Forestry Department
10. Dato' Mohamed Zin bin YUSOP, Perak State Forestry Department

Date received	Name Organisation Contact details	Comments (Verbatim)	Response	Action
23 April 2021	Chong Wei Kwang Member of Experts Working Group	I have no specific comment on the NFSS per se. However I would like to recommend that FSC looks at introducing controls in its certification system in situations of partial certification by a stakeholder. This is not the same as jurisdiction certification which is a different concept.	Noted	None

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Date received	Name Organisation Contact details	Comments (Verbatim)	Response	Action												
		<p>Reference/supporting information: EIA Report Approval Certificate with signed Undertaking and Annex 1.</p> <p>Section 3: Comments on annexes</p> <p>Annex number: Annex A</p> <p>Comment: For Sarawak, the Statement of Forest Policy, 1954 has been replaced Sarawak Forest Policy 2019.</p>	Noted	See action on Annex A above												
23 May 2021	Pong Kuan Kin Asrama Raya Sdn Bhd	<p>Section 3: Comments on annexes</p> <p>Annex G: Guidance on Standard Operating Procedures (SOPs)</p> <p>Wrong relevant indicator wrote in Annex G: SOP.</p> <p>Corrected indicator is written with blue font color as shown in table below.</p> <table><tr><td>No</td><td>Relevant Indicator</td><td>Objective of the SOP</td><td>Elem</td></tr><tr><td>3</td><td>1.7.2 1.7.3</td><td>To ensure bribery, coercion and other acts of corruption do not occur and corrective measures are implemented if corruption does occur.</td><td></td></tr><tr><td>4</td><td>2.5.9 2.2.9</td><td>To report and eliminate cases of sexual harassment and discrimination based on gen-der, marital status, parenthood or sexual orientation through confidential and effective mechanisms.</td><td></td></tr></table>	No	Relevant Indicator	Objective of the SOP	Elem	3	1.7.2 1.7.3	To ensure bribery, coercion and other acts of corruption do not occur and corrective measures are implemented if corruption does occur.		4	2.5.9 2.2.9	To report and eliminate cases of sexual harassment and discrimination based on gen-der, marital status, parenthood or sexual orientation through confidential and effective mechanisms.		Accepted	Annex G revised based on comment
No	Relevant Indicator	Objective of the SOP	Elem													
3	1.7.2 1.7.3	To ensure bribery, coercion and other acts of corruption do not occur and corrective measures are implemented if corruption does occur.														
4	2.5.9 2.2.9	To report and eliminate cases of sexual harassment and discrimination based on gen-der, marital status, parenthood or sexual orientation through confidential and effective mechanisms.														

Date received	Name Organisation Contact details	Comments (Verbatim)				Response	Action
		5	2.6.4 2.3.1	Health and safety practices to protect workers from occupational safety and health hazards.			
28 May 2021	Dr. S.K. Yap SCS Global Services	Section 1: General Comments In Section 6 of the Preface the definition of SLIMF has not included FMU with no harvesting managed for biodiversity protection e.g. in Sabah where no risk is expected. In the same section there is mention of oil palm and cocoa plantations. FSC has not accepted oil palm in its scheme. The separation of SLIMF in many of the principles does not indicate major differences with the normal requirements in the indicators. Specifications for SLIMF shall be less tedious and easier to achieve. The revised Appendix is an improvement. The essence of each indicator shall not be lost with the many verifiers and documents included in each indicator. FMU managers tend to focus in showing all the specified documents but not understanding the specific requirement. When auditors raised any issues, the response is that every document is present. Education to improve the understanding is required. FSC Malaysia may have to take up the role.				FMUs with no harvesting (managed for biodiversity protection) does not fulfil SLIMF criteria while oil palm and cocoa plantations are given as examples of non-SLIMFs.	None



Date received	Name Organisation Contact details	Comments (Verbatim)	Response	Action
		<p>Section 2: Comments on National Indicators</p> <p>Indicator number:1.3.1 Comment: The verifiers specified do not fit into the requirement of the Indicator. It requires compliance with applicable laws and regulations so Appendix A will be more appropriate.</p> <p>Indicator number:1.5.1 Comment: The documents specified are not compliance to national laws but operational regulations by the authority. This refer to removal pass, DOs as well as requirement of tree tagging is specified under RIL system of logging.</p> <p>Indicator 2.3.1 This Indicator shall also compliance with DOSH requirements in forestry works in addition to just ILO requirements. Need to specify safety and health committee in accordance to the law to review safety practices.</p> <p>Indicator 2.3.6.1 The Indicator shall be similar to 2.3.6</p> <p>Indicator 3.1.1 Need to define Indigenous people – in accordance to UN or state (Sarawak definition) or not clearly defined in Sabah as in Indigenous People Ordinance.</p>	<p>Annex A is currently referenced.</p> <p>Indicator does require compliance to local laws.</p> <p>Indicator only requires compliance to ILO requirements.</p> <p>Impractical to require SLIMF operations to fulfil Indicator 2.3.6</p> <p>'Indigenous Peoples' are already defined in the glossary</p>	<p>None</p> <p>None</p> <p>None</p> <p>None</p> <p>None</p>

Date received	Name Organisation Contact details	Comments (Verbatim)	Response	Action
		<p>Indicator 3.2.4 and Indicator 4.2.4</p> <p>The indigenous people already know of the value of the resources in economic, environment and social terms (No. 2). It is more important that they are informed of their rights to refuse to accept unfavourable terms.</p> <p>Indicator 9.2.4, Indicator 9.2.5 and Indicator 9.3.3</p> <p>In Reduced Impact Logging System only selected trees are harvested throughout the FMU except in sites identified as HCV attributes where more stringent measures are prescribed. There are also protected areas under Principle 6 for ecological functions. There is a need to define CORE AREA in these indicators.</p> <p>Criterion 10.7 had been amended by FSC to include 8 indicators. Revised FSC Pesticides Policy.</p> <p>Section 3: Comments on annexes</p> <p>Annex number/letter/roman numeral: Comment:</p> <p>Annex A reference to Criteria 4.1,4.2,4.3 Aboriginal Peoples Act 1954 had been amended with the formation of JHOA.</p> <p>Annex E the new version is very lengthy with incorporation of all the guidelines for HCV may be possible to refer to the relevant sections of the documents.</p>	<p>Both elements are already captured in the indicators</p> <p>'Core area' is already defined in the glossary.</p> <p>Criterion currently references the FSC Pesticides Policy, which includes revisions</p> <p>Noted and some comments accepted</p>	<p>None</p> <p>None</p> <p>None</p> <p>Annex G and relevant indicators revised based on comment.</p>



Date received	Name Organisation Contact details	Comments (Verbatim)	Response	Action
		<p>Annex H reference for SOPs there are inaccuracies in the indicator reference.</p> <p>No. 4 The Indicator should be 2.2.9</p> <p>No. 5 The indicator should be 2.3.1</p> <p>No. 7 Only Indicator 6.6.3 not relevant</p> <p>No. 10 Indicators 6.7.2 and 6.7.3 do not specify any SOPs in the standard</p> <p>9. FSC Glossary of Terms</p> <p>This should serve only as a reference.</p>		
28 May 2021	<p>Lee Ee Ling Policy Officer</p> <p>Malaysian Nature Society</p>	<p>Section 1: General Comments</p> <ol style="list-style-type: none"> 1. MNS agreeable that International Labour Organization (ILO) to be adapted in the National Forest Stewardship Standard (NFSS), although in practice Malaysian has not rectified all the eight (8) principles. 2. We believe the inclusion of no.1 above could provide pressures to the country to rectify ILO principles to remain current and relevant. 3. The connotation of Non-Timber Forest Products (NTFPs) under the National Forestry Act 1984 can refers to many things beside timber, such as stone, water, electricity, etc. How does the revised NFSS address the extraction of non-prescribed and/or certified forest products from a FSC concession and relate it to sustainable practices? 	<p>Noted. On question 3, In order to be certifiable, NTFPs have to originate from Management Units where The Organization has demonstrated full conformance with all requirements of the Malaysian NFSS. On comment 4, the NFSS has been further revised to add 'rubber plantations' as an example of 'low intensity NTFP plantations.' On comment 5, oil palm and cocoa plantations are given as examples of 'NTFP</p>	<p>'Rubber plantation' added as an example of 'low intensity NTFP plantation' under '6. Note on the interpretation of indicators' for further clarification.</p>

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		<p>4. We do not agree to include tree crops (or agriculture) areas, other than rubber, into 'forest plantations'. MNS prefer to keep this to be in line with FAO global definition of 'forest'.</p> <p>5. Plantation areas like oil palm, cocoa, coffee etc. should not be termed as 'forest plantations' and extraction of products as NTFPs. Other definition(s) can be used, if it is necessary, but it should not be 'forest'.</p> <p>6. The terms 'plantation' and 'natural forest' in Section 9 of the document need to be revised taking into account the listed comments no. 3, 4 and 5 above.</p> <p>Section 2: Comments on National Indicators</p> <p>1. Indicator 1.6.4 (Principle 1, Criterion 1.6) and Indicator 4.6.4 (Principle 4, Criterion 4.6)</p> <p><u>Comments:</u></p> <ul style="list-style-type: none"> The verifiers are not inclusive. It should include documentations or anything similar, showing evidences and records of the consultative processes. For example, meeting minutes from affected stakeholders' meetings, written or verbal declaration agreeing on the decisions made etc. <p>2. Criterion 1.7 (Principle 1)</p> <p><u>Comment:</u> References regarding whistleblowing should be included.</p>	<p>plantations,' not 'forest plantations.' On question 6, FSC's existing definitions provide sufficient safeguards to address the concerns raised.</p> <p>Both indicators mentioned are the 'final steps' of an expected process for handling grievances, where the suggested verifiers are already required for fulfilment of earlier indicators.</p> <p>Noted but changes at criterion level are not allowed.</p>	<p>None</p> <p>None</p>

Date received	Name Organisation Contact details	Comments (Verbatim)	Response	Action
		<p>3. Indicator 2.1.1 (Principle 2, Criterion 2.1)</p> <p><u>Comment:</u> The organization shall not employ workers below 18 years old, instead of 15 years old, following the minimum ages as stipulated in national and/or local laws or regulations and ILO.</p> <p>4. Indicator 2.1.2 (Principle 2, Criterion 2.1)</p> <p><u>Comments:</u></p> <ul style="list-style-type: none"> The ‘...except for the purpose of training...’ shall be omitted. All workers under the age of 18 years old should not be assigned to hazardous or heavy work without any exception. <p>5. Indicator 2.1.3 (Principle 2, Criterion 2.1)</p> <p><u>Comments:</u></p> <ul style="list-style-type: none"> The protection of foreign workers needs to be strengthened. As observed in some RSPO Annual Surveillance Assessments in Malaysia, many of the foreign workers were hired via third party recruitment agencies. Both parties may not be aware of FSC NFSS of Malaysia regarding worker's rights. Hence, more needs to be done to educate the workers of their rights, recruitment contract etc. 	<p>National laws and ILO has provisions for certain types of work by 15–17-year-olds.</p> <p>See comment above.</p> <p>Noted and agreed but current requirements of the indicator (and verifiers) provide sufficient protection for foreign workers.</p>	<p>None</p> <p>None</p> <p>None</p>

Date received	Name Organisation Contact details	Comments (Verbatim)	Response	Action
		<p>Reference/supporting information:</p> <ul style="list-style-type: none"> https://rspo.org/uploads/default/pnc/Jabor_Mill_SOU_12_Public_Summary_Report_2016.pdf https://www.bsigroup.com/globalassets/localfiles/en-my/mspo/psr-2019/mspo-report-sime-elphil-mill-and-estate-asa1.pdf <p>6. Indicator 2.1.4 (Principle 2, Criterion 2.1)</p> <p><u>Comment:</u> Special attention need to be given to pregnant women workers.</p> <p>7. Indicator 2.2.8 (Principle 2, Criterion 2.2)</p> <p><u>Comment:</u> Clarification is required on the used of term ‘...women and men...’. It tends to indicates some of the activities are purposely organized just to fulfill the gender balanced requirement in the activity.</p> <p>8. Indicator 2.2.9 (Principle 2, Criterion 2.2)</p> <p><u>Comment:</u> More details are required to explain what does ‘eliminating cases of sexual harassment and discrimination based on gender, marital status, parenthood or sexual orientation.’ indicates in the context.</p>	<p>Noted but no changes to indicator proposed.</p> <p>Noted but no changes to the indicator proposed.</p> <p>Noted but no changes to the indicator proposed.</p>	<p>None</p> <p>None</p> <p>None</p>

Date received	Name Organisation Contact details	Comments (Verbatim)	Response	Action
		<p>9. Criterion 2.3 (Principle 2)</p> <p><u>Comment:</u> An additional indicator obligating the organization to provide courses, including refresher courses on the health and safety practices and anything similar, is required.</p> <p>10. Indicator 2.3.2 (Principle 2, Criterion 2.3)</p> <p><u>Comments:</u></p> <ul style="list-style-type: none"> The organization should be made responsible for the procurement and distribution of functioning PPE, including bearing the costs of associated fee, charges etc. The workers do not need to source their own PPE. <p><u>Reference/supporting information:</u></p> <ul style="list-style-type: none"> https://www.bsigroup.com/LocalFiles/en-MY/RSPO/Public%20Summary%20Report/2017/RSPO%20P%20and%20C%20Public%20Summary%20Report_Kretam_Kretam%20POM_ASA1_v1_final.pdf <p>11. Criterion 2.4 (Principle 2)</p> <p><u>Comments:</u></p> <ul style="list-style-type: none"> This criterion should provide and discuss about the maximum allowable overtime (Overtime hours per day / month) and basic needs, amenities, as covered under the Malaysia Employment Act 2020 and any other related laws, regulations etc. A copy of the contracts and other important documents needs to be provided to the workers. 	<p>Requirements for safety training are contained in Criterion 2.5.</p> <p>The indicator currently requires the organization is to provide PPE to workers.</p> <p>Accepted.</p>	<p>None</p> <p>None</p> <p>Verifiers under Indicators 2.1.3, 2.1.4 and 2.4.1 revised based on comment.</p>

Date received	Name Organisation Contact details	Comments (Verbatim)	Response	Action
		<p>12. Criterion 3.1 (Principle 3)</p> <p><u>Comment:</u> Evidences of showing effective participation of indigenous people in the consultative processes/engagements must be included.</p> <p>13. Indicator 3.2.1 (Principle 3, Criterion 3.2)</p> <p><u>Comment:</u> An additional verifier stating that stakeholder meeting with stakeholders representing the Indigenous Peoples shall be held on annual basis or something similar, is required, depending on current standard practices, if any.</p> <p>14. Indicator 3.4.2 (Principle 3, Criterion 3.4)</p> <p><u>Comment:</u> Based on our no.1 and no. 2 comments in section 1, Malaysia has not ratified all the eight (8) principles in ILO. In other words, the organization could run away if they violated any of the principles.</p> <p>15. Criterion 3.5 (Principle 3), Criterion 4.5, 4.7 (Principle 4) and Principle 6</p> <p><u>Comments:</u></p> <ul style="list-style-type: none"> Related Environmental NGOs, CSOs etc. shall be included in the engagements organised by the organization and properly consulted, due to the ecological significance on related site. 	<p>Verification of the effective participation of indigenous peoples in engagements are already required by various indicators under the criterion.</p> <p>Noted but no changes proposed.</p> <p>The indicator implicitly requires fulfilment of ILO Convention 169 regardless of Malaysia's ratification status.</p> <p>Principles 3 and 4 focuses on engagement with indigenous peoples and local communities while Principle 6 currently requires consultation on</p>	<p>None</p> <p>None</p> <p>None</p> <p>None</p>



Date received	Name Organisation Contact details	Comments (Verbatim)	Response	Action
		<ul style="list-style-type: none"> Internationally and nationally recognised protected areas, such as the Important Bird and Biodiversity Areas (IBAs) in Malaysia, need to be taken into account. <p>16. Indicator 5.2.2 (Principle 5, Criterion 5.2)</p> <p><u>Comment:</u> The statement needs to be revised as the later half of the sentence is confusing.</p> <p>17. Indicator 4.5.1 (Principle 4, Criterion 4.5)</p> <p><u>Comment:</u> It would be advisable to remove the term 'significant' to avoid malicious misinterpretation of this indicator.</p> <p>18. Indicator 4.6.4 (Principle 4, Criterion 4.6)</p> <p><u>Comments:</u></p> <ul style="list-style-type: none"> The verifiers are not inclusive. It should include documentations or anything similar, showing evidences and records of the consultative processes. For example, meeting minutes from affected stakeholders' meetings, written or verbal declaration agreeing on the decisions made etc. 	<p>environmental values with relevant stakeholders and experts. Reference to IBAs are included in the proposed HCV framework.</p> <p>Noted but no changes proposed as requirements are clear.</p> <p>Definition of 'significant' in the glossary provides sufficient safeguards for misuse of the term.</p> <p>Interviews of affected stakeholders provide greater safeguards than documentation.</p>	<p>None</p> <p>None</p> <p>None</p>



Date received	Name Organisation Contact details	Comments (Verbatim)	Response	Action
		<p>19. Indicator 6.3.2 (Principle 6, Criterion 6.3), Indicator 6.6.1 (Principle 6, Criterion 6.6), Indicator 6.7. 2 (Principle 6, Criterion 6.7), Indicator 9.1.4 (Principle 9, Criterion 9.1) and Indicator 9.3.2 (Principle 9, Criterion 9.3)</p> <p><u>Comment:</u> The statement needs to be revised as the sentence is hanging.</p> <p>20. Criterion 6.5 (Principle 6)</p> <p><u>Comments:</u></p> <ul style="list-style-type: none"> The Central Forest Spine (CFS) in West Malaysia and Heart of Borneo (HoB) in East Malaysia shall be included in the statement as examples of important forest landscapes in Malaysia. The 'Note' provided in Criterion 6.5 may cause contradiction with Criterion 6.7. <p>21. Indicator 6.8.1 and Indicator 6.8.2 (Principle 6, Criterion 6.8)</p> <p><u>Comment:</u> Both indicators can be merged into one.</p> <p>22. Criterion 6.9 (Principle 6)</p> <p><u>Comment:</u> In the international arena, any land conversion involving natural forest, especially Environmental Sensitive Areas etc., to forest plantations is deemed as 'deforestation' and its products may not be marketable.</p>	<p>Disagree that sentences are hanging.</p> <p>Changes at criterion level are not allowed and both CFS and HoB are included in the proposed HCV framework.</p> <p>Noted but though similar, each indicator involves different critical elements.</p> <p>Noted</p>	<p>None</p> <p>None</p> <p>None</p> <p>None</p>

Date received	Name Organisation Contact details	Comments (Verbatim)	Response	Action
		<p>23. Indicator 10.2.1 (Principle 10, Criterion 10.2)</p> <p><u>Comment:</u> Non-local genotypes or non-native species should not be allowed or selected for regeneration purposes in a Management Unit.</p> <p>Section 3: Comments on annexes</p> <p>No comments.</p>	Noted but no changes proposed	None
31 May 2021	Tor Mooi See Proforest Sdn Bhd	<p>Section 1: General Comments</p> <p>It is not clear if this revise NFSS apply to natural rubber plantations although there are indicators on NTFP which related to rubber smallholders rather than monoculture plantations in Malaysia. There are only few references to natural rubber in selected indicators and quite general. Therefore it will be good to clarify the applicability of indicators to rubber plantations and smallholders' rubber farm (jungle rubber)</p> <p>There is some different format for NFSS by referencing to Indicators related to SLIMF such as SFLMF 4.4.2.1, 4.5.1.1, 5.1.1.1 etc compared to some verifiers only applicable to SLIMF. For examples Indicator 5.4.1, 5.4.2, 8.2.1, 8.2.2, 9.1.2 and 9.2.1. Please elaborate the differences and adjust accordingly.</p> <p>What is the linkage between COC standard with this NFSS when we are looking the rubber latex processing and manufacturing? Shouldn't being cover by COC requirements instead?</p>	Yes, the revised NFSS applies to natural rubber plantations, subject to demonstration of full conformance with all requirements. The current wording avoids limiting the array of NTFP operations available in Malaysia. SLIMF-specific verifiers serve as guidance for CBs when auditing SLIMF operations but all are required to fulfil the same indicator, unless a SLIMF indicator is specified. CoC certification covers the downstream operations mentioned while the NFSS covers production. Unsure if	'Rubber plantation' added as an example of 'low intensity NTFP plantation' under '6. Note on the interpretation of indicators' for further clarification.

Date received	Name Organisation Contact details	Comments (Verbatim)	Response	Action
		<p>It is great to reference on ILO Conventions especially those being rectified by Malaysia. However there is no support on Decent Living Wage which being promoted by some international organisations include Ethical Trading Initiative. Is it part of consideration by FSC to promote it in addition of uphold minimum wage in forestry sector?</p> <p>Section 2: Comments on National Indicators</p> <p>Indicator number: 1.2.1 Comment: There is reference on natural rubber in the context of NTFP, however it is not clear if this apply to natural rubber plantations.</p> <p>Indicator number: SLIMF 4.5.1.1 and 4.5.1.2 Comment: How to verify the documents/records from SLIMF involve smallholders especially require report detailing social, environmental and economic impacts as well as management prescriptions. The verifiers below are more achievable by the smallholders in practice.</p> <p>Verifiers: 1) Documents: Records of communications (if applicable), and 2) Interviews: Neighbours and adjacent landowners for evidence of communications (if applicable).</p>	<p>FSC is currently considering the inclusion of Decent Living Wage concepts in its standards.</p> <p>As mentioned earlier, the scope of the NFSS implies applicability to natural rubber plantations.</p> <p>Accepted</p>	<p>None</p> <p>Verifiers for Indicator 4.5.1.1 revised based on comment.</p>

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Date received	Name Organisation Contact details	Comments (Verbatim)	Response	Action
4 June 2021	Belinda Lip Dr. Jason Hon Adrian Choo WWF-Malaysia	<p>Section 1: General Comments</p> <p>2.2 Scope of Standards Honey is not in the list of NTFPs, and should rightly be considered.</p> <p>2.2 Scope of Standards Suggest to mention in the scope, that certification of NTFP is subject to fulfilling the fundamental aspect of legal requirements from the authority; and that NTFPs shall not overtake timber as the main produce.</p> <p>6. Note on the interpretation of indicators Not clear why this statement is included, since the document is on NFSS: "Forest management units from which Non-Timber Forest Products (NTFPs) are collected or harvested shall be evaluated as 'low intensity' on the basis of the harvest rate. A forest management unit consisting of natural forest in which only NTFPs are harvested would, therefore, qualify as a 'low intensity' Management Unit." Also, see comment above.</p> <p>More emphasis should also be made on recognizing Access to Benefit Sharing, a legal requirement in Malaysia, particularly with regards to traditional knowledge and NTFP. Currently there is no mention of this.</p>	<p>Noted. However initially, latex was the main NTFP considered, and inclusion of honey requires additional requirements.</p> <p>Noted. FSC certification as a whole is subject to fulfilment of legal requirements and need justification on why NTFPs shall not overtake timber as the main produce.</p> <p>Noted. The statement provides clarity on the types of operations that can be considered as SLIMFs in Malaysia, with particular reference to certification of NTFPs. There are also specific indicators in the NFSS covering benefit sharing.</p>	<p>None</p> <p>None</p> <p>None</p>

Date received	Name Organisation Contact details	Comments (Verbatim)	Response	Action
		<p>Section 2: Comments on National Indicators</p> <p>Indicator number: 4.8.2 Comment: Should include information of NTFPs, ag Agreement should clearly mention communities' rights to compensation or benefits derived from NTFPs harvesting. This is to fulfil Criterion 5.1 whereby there is no mention of any binding agreement in the verifiers. The binding agreement ensures profits (benefits) from NTFP are channeled back to the local communities.</p> <p>Indicator number: 6.1 Comment: On the inclusion of NTFP harvesting SIR requirements. Local communities collect NTFP, including from FMUs and this is recognized as part of communities' rights to still collect NTFP for their needs. With the inclusion of the NTFP into FSC certification, this implies that the FMU themselves will be collecting the NTFP for sales or production. Has the implication of this on community rights been considered and how would this be factored into the SIR if the FMU will be the one harvesting, selling and getting it certified? Can community collected NTFP also be certified? This is an area of potential conflict.</p> <p>Indicator number: Principles and Criterion 3.0 on community rights should also reflect the considerations above.</p> <p>Section 3: Comments on annexes</p> <p>-</p>	<p>Noted but no changes proposed as current safeguards provided by the indicators mentioned suffices.</p> <p>Noted. Current indicators are sufficient to safeguard communities' rights. A community can also seek certification of NTFPs themselves if they fulfil NFSS requirements. Alternatively, relevant benefit sharing indicators would apply.</p>	<p>None</p> <p>None</p>

Date received	Name Organisation Contact details	Comments (Verbatim)	Response	Action
4 June 2021	Sabah Forestry Department Letter dated 3 June 2021 signed by Frederick Kugan, Chief Conservator of Forests	<p>Section 1: General Comments</p> <p>Page 11 (paragraph 3) – It is mentioned that the FMUs from which NTFP are collected or harvested shall be evaluated as ‘low density’ on the basis of the harvest rate. However, harvesting NTFP in the FMUs can be considered as high density for example tapping of latex in Rubber Forest Plantation. In this regard, the department is proposing to include ‘high intensity’ harvesting of NTFPs.</p> <p>Under Principle 5, the term Annual Allowable Cut (AAC) is used throughout as it is an indicator of sustainability. Harvest scheduling does not have to be annual to demonstrate sustainability. For a small area of say 1,000 ha, harvesting can take place once every 10 years, and still be considered sustainable over the long term. It may be more efficient to harvest 1,000 ha every 10 years of 100 ha annually over a 10-year planning period.</p> <p>Production can also be prescribed for a specified planning period (say 10 years). And over that period, total production shall not exceed that prescribed level. Annual production should be allowed to fluctuate as long as cumulative production does not exceed the prescribed 10-year harvest ceiling.</p> <p>I had the experience of one assessor who have a CAR because our annual production exceeded the AAC for two consecutive years. He ignored the fact that we underharvested in the previous 2 years. We had to write a 4-page appeal just because the clown had no common sense and can only differentiate black and white.</p>	<p>Defining ‘low intensity’ in the NFSS is meant to clarify applicability of SLIMF. ‘High intensity’ operations would automatically be subject to the NFSS as a whole.</p> <p>Noted but no changes proposed. Yield regulation is an essential element of sustainable forest management and AAC is calculated for the FMU. It is understood that the AAC can fluctuate between years in a defined planning period (including zero harvest in certain years) but the harvest over that defined period should not exceed the allowable cut for the same defined period. This is provided for in indicator 5.2.3. The FMP will have a section on yield regulation</p>	<p>None</p> <p>None</p>



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		<p>I think the term Yield Regulation is more appropriate. AAC is just a form of yield regulation. Alternatively, where it says prescribed AAC, just replace with prescribed sustainable harvest level.</p> <p>Generally, I find many indicators poorly worded. And many are quite similar and can be merged. Many verifiers sound more like indicators. Too much repetition.</p> <p>Section 2: Comments on National Indicators</p> <p>Indicator number: 9.2.2, 9.2.6, 9.3.1, 9.3.2, 9.4.1, 9.4.3, 9.4.4, 10.6.1, 10.6.4, 10.6.5, 10.7.6, 10.8.1, 10.8.4</p> <p>Comment: To add Environmental Compliance Report (ECR) (for Sabah) in the Verifier. The report is only stated for Peninsular Malaysia and Sarawak.</p> <p>Reference / supporting information: ECR is stated in the Environmental Impact Assessment Report.</p> <p>Indicator number: 5.2.2</p> <p><i>Based on the Timber harvesting level analysis, a maximum allowable annual cut for timber is de-termined that does not exceed the harvest level that can be permanently sustained including by ensuring that harvest rates do not exceed growth.</i></p>	<p>including explanation and the AAC is also specified in the Annual Work Plan or AWP.</p> <p>Accepted.</p>	<p>Relevant verifiers revised based on comment.</p>

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		<p>Suggested rephrasing: A harvest level is prescribed over the specified planning period that ensures long term sustainability.</p> <p>Documents:</p> <p>a) Allowable Annual Cut section under Yield regulation is clearly explained [in] the management plan</p> <p>Add another verifier: A forest monitoring system is in place to support yield regulation.</p> <p>Indicator 5.2.3 does not add anything new. Can be subsumed under 5.2.2.</p> <p>Indicator 5.2.4: (Suggested rewording) A sustainable harvest level is determined for the commercial extraction of any other forest resource, including NTFP.</p> <p>Indicator 9.2.2 and 9.2.4 can be merged.</p>	<p>Noted but no changes proposed. See earlier comment on issue.</p> <p>Disagree as both indicators address different critical elements.</p> <p>Disagree as this would go against the intention of the indicator.</p> <p>Disagree as both indicators address different critical elements and management strategies may differ.</p>	<p>None</p> <p>None</p> <p>None</p> <p>None</p>
4 June 2021	Dato' Mohamed Zin bin Yusop, Director	<p>Section 1: General Comments</p> <p>1. The format for this standard should be more user friendly ; easier for readers to find related indicators. As a comparison and reference, the format for standard</p>	Noted. Best efforts have been made to make the NFSS more	None



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	<p>Nor Lokman bin Muhamad Nor, Senior Assistant Director (Forest Planning & Management)</p> <p>Perak State Forestry Department</p>	<p>of Malaysian Criteria and Indicators for Sustainable Forest Management (MC&I SFM) is more easy to find the related indicators.</p> <p>2. All of the short forms should be defined and clear in written to avoid misinterpretation by the readers. For example such as in page 15, under Criterion 1.3 that is '(C1.1, 1.2, 1.3 P&C V4)'.</p> <p>3. There are some concerns with the suggestion to include NTFP in the certification standard for FMUs under FSC. By incorporating NTFP in this standard, Perak State Forestry Department's forecast will be contradictory in implementation. For example, the current FMU for FSC at Peninsular Malaysia is managed by a concession company hired by State Government through a long-term concession agreement. However, this company does not have the authority or scope to manage other parties that have been endorsed to harvest NTFP within the same concession area.</p> <p>Section 2: Comments on National Indicators</p> <p>No comment.</p> <p>Section 3: Comments on annexes</p> <p>No comment.</p>	<p>user-friendly and in the future, FSC Malaysia can explore more ways to improve the presentation of the standards. Most short forms in the NFSS have actually been spelled out. The examples given are actually part of the criterion text and is specified by FSC. Certification of NTFPs is also voluntary and up to the Organization's purview.</p>	



Other emails received (informing no comments on the NFSS)

Date received	Name Organisation Contact details
25 May 2021	Wei Kuan, Wong, Assistant Corporate Marketing Manager SGS (Malaysia) Sdn Bhd
26 May 2021	Tan Swee Hua, Managing Director Getahindus (M) Sdn Bhd
29 May 2021	Lee YK Public Packages (NT) Sdn Bhd

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