

THE COUNCIL

The City of New York

Int. No. 206-A

February 26, 1998

Introduced by Council Members Miller, Freed, Duane, Leffler, DiBrienza, Eldridge, Fisher, Henry, Linares, McCaffrey, Robinson, Robles, Sabini, Warden, Watkins, Weiner, Eristoff, Ognibene, Cruz, Malave-Dilan, Koslowitz, Stabile and White; also Council Members Foster, Harrison, Michels and O'Donovan—read and referred to the Committee on Contracts. Amended June 17, 1998. Ordered Printed and Laid Over.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to prohibiting the purchase by the city or by contractors with the City of any tropical hardwoods or tropical hardwood products.

Be it enacted by the Council as follows:

- 1 1. Declaration of legislative findings and intent. The world's equatorial tropical
- 2 rainforests are the Earth's oldest and richest terrestrial ecological systems. Tropical rain-
- 3 forests are home to at least 10 million species of plants and animals totaling over half of
- 4 the Earth's plant and animal species as well as thousands of indigenous tribal peoples.
- 5 Tropical and temperate rainforests are being destroyed through commercial logging,
- 6 burning and overcutting at an alarming rate. Scientists estimate that if the current rates
- 7 of loss continue, all accessible rainforests will have been destroyed or severely degrad-
- 8 ed—except for the less than 3% of the total that is protected—within the next 35 years.
- 9 Over one-fourth of all rainforest destruction is related to the logging of rainforests
- 10 to support international trade in tropical hardwoods. In addition to immediate degrada-
- 11 tion, logging also precipitates further habitat reductions by providing access to previous-
- 12 ly inaccessible areas. According to the United Nations Food and Agriculture

1 Organization, logged-over rainforests are 8 times more likely to be totally deforested
2 than unlogged forests. The United Nations further estimates that 70% of all deforesta-
3 tion from shifting cultivation (the largest cause of deforestation) is due to the access to
4 forested areas provided by logging and mining roads. The United States contributes to
5 the problem as the third largest importer of tropical hardwoods and the largest importer
6 of mahogany. The deforestation of tropical rainforests has been scientifically linked to
7 atmospheric imbalance and global warming, known as the Greenhouse Effect, caused by
8 increased concentrations of CO² in the global atmosphere. The effects of global warm-
9 ing include drought, floods, melting of the polar ice caps and changes in weather pat-
10 terns worldwide. In addition, rainforests are important to local ecosystems because they
11 provide flood control, regulate rainfall, retain topsoil, buffer the impact of storms and
12 provide habitat and shelter to humans and animals alike.

13 Harvard biologist Edward O. Wilson calculates that the rich fabric of life that
14 makes up the earth's ecosystems is now being destroyed at the rate of at least 50,000
15 species a year. The loss of species reduces the Earth's genetic diversity, which is inval-
16 uable to the production of human medicines and food products.

17 The destruction of the rainforest results in the displacement of indigenous tribal
18 peoples, many of whom have never before been contacted by the modern world. Such
19 displacement often results in the death of these peoples and the destruction of their cul-
20 ture.

21 It is crucial to the survival of the planet and the species located in tropical rain-
22 forests that the demand for tropical hardwoods not harvested in a sustainable manner be
23 eliminated. Reducing the consumption of tropical hardwoods will be a major step in
24 reducing the deforestation of the rainforests and averting irreversible global environ-
25 mental catastrophe.

1 Prohibiting the use of tropical hardwoods by the city or its subdivisions will con-
 2 tribute to this necessary reduction in the demand for tropical rainforest products. Such a
 3 prohibition would not create shortages of building supplies, inasmuch as many accept-
 4 able non-tropical wood products of comparable quality are available; the city can pur-
 5 chase rainforest timber grown and harvested in a sustainable manner; purchase and use
 6 domestic timber, or use alternatives such as lumber made from recycled plastic.

7 2. Section 6-123 of the administrative code of the city of New York is added, to
 8 read as follows:

9 *Section 6-123. Prohibiting the purchase of tropical hardwoods.*

10 *a. For purposes of this section, the following terms shall have the follow-*
 11 *ing meanings:*

12 *1. "Tropical hardwood" shall mean any and all hardwood" scientifi-*
 13 *cally classified as angiosperme, that grows in any tropical moist forest. Tropical hard-*
 14 *woods shall include but not be limited to the following species:*

15	<i>Scientific Name</i>	<i>Common Name(s)</i>
16	<i>Vouacpous american</i>	<i>Acapu</i>
17	<i>Pericopsis elata</i>	<i>Afrormosia</i>
18	<i>Peltogyne spp.</i>	<i>Amaranth</i>
19	<i>Guibourtia ehie</i>	<i>Amazaque</i>
20	<i>Aningeria spp.</i>	<i>Aningeria</i>
21	<i>Dipterocapus grandiflorus</i>	<i>Apitong</i>
22	<i>Ochroma lagopus</i>	<i>Balsa</i>
23	<i>Virola spp.</i>	<i>Banak, Virola, Tapsava</i>
24	<i>Anisotera thurifera</i>	<i>Bella Rosa</i>
25	<i>Guibourtia armoldiana</i>	<i>Benge</i>

1	<i>Deterium Senegalese</i>	Boire
2	<i>Guibourtia demeusei</i>	Bubinga
3	<i>Prioria copaifera</i>	Cativo
4	<i>Antiaris africana</i>	Chenchen
5	<i>Dalbergia retusa</i>	Cocobolo
6	<i>Cordia spp.</i>	Cordia
7	<i>Diospyrus spp., Diospvros spp.</i>	Ebony
8	<i>Aucoumea klaineana</i>	Gaboon
9	<i>Ocotea rodiaei</i>	Greenheart
10	<i>Tabebuia spp.</i>	Ipê, Bethabara
11	<i>Dyera Costulata</i>	Jelutong
12	<i>Chlorophora excelsa</i>	Iroko
13	<i>Acacia koa</i>	Koa
14	<i>Pterygota macrocarpa</i>	Koto
15	<i>Shorea spp.</i>	Lauan, Meranti, Serana, Philippine Mahogany
16	<i>Shorea polysperma</i>	Tanguile
17	<i>Terminalia superba</i>	Limba
18	<i>Aniba duckei</i>	Louro
19	<i>Khaya ivorensis</i>	Africa Mahogany
20	<i>Swietenia macrophylla</i>	Amer. or Bigleaf Mahogany
21	<i>Tieghemella heckelli</i>	Makoré
22	<i>Distemonanthus benthamianus</i>	Movingui
23	<i>Pterocarpus ssp.</i>	Padauk
24	<i>Aspidosperma peroba, Paratecoma peroba</i>	Peroba
25	<i>Peltogyne spp.</i>	Purpleheart

1	<i>Gonystylus macrophyllum</i>	<i>Ramin</i>
2	<i>Dalbergia spp.</i>	<i>Rosewood</i>
3	<i>Entandrophragma cylindricum</i>	<i>Sapele</i>
4	<i>Shorea philippinensis</i>	<i>Sonora</i>
5	<i>Tectona grandis</i>	<i>Teak</i>
6	<i>Millettia laurentii</i>	<i>Wenge</i>
7	<i>Microberlinia spp.</i>	<i>Zebrawood, Zebrano</i>

8 2. "Tropical rainforests" shall mean any and all forests classified by the
9 scientific term "tropical moist forests", the classification determined by the equatorial
10 region of the forest and average rainfall.

11 3. "Tropical hardwood products" shall mean any wood products, whole-
12 sale or retail, in any form, including but not limited to veneer, furniture, cabinets, pan-
13 eling, plywood, moldings, doorskins, joinery, or sawnwood, which are composed of
14 tropical hardwood.

15 b. Restriction on the purchase of rainforest timber. Except as provided below,
16 the city of New York and all its governmental agencies, political subdivi-
17 sions, public corporations, or public benefit corporations shall not pur-
18 chase or obtain for any purpose any tropical hardwoods or tropical
19 hardwood products, wholesale or retail, in any form.

20 c. Contracts with the city. Every contract for or on behalf of the city for the
21 manufacture, furnishing, construction or purchase of supplies, material or
22 equipment, shall contain a stipulation, as a material condition of the con-
23 tract, by which the contractor agrees not to purchase or obtain for any
24 purpose any tropical hardwoods or tropical hardwood products, wholesale
25 or retail, in any form, for use in performance of the contract.

1 d. *Exceptions. The provisions of subdivisions (b) of this section shall not*
2 *apply:*

3 1. *to any tropical hardwood or tropical hardwood product purchased from*
4 *a forest certified by any group accredited by the Forest Stewardship Council or its suc-*
5 *cessor:*

6 2. *where use of tropical woods is deemed necessary by the Landmarks*
7 *Preservation Commission for purposes of historical restoration and there exists no*
8 *available acceptable non-tropical wood species; or*

9 3. *where the agency contracting officer determines that:*

10 (a) *no person or entity is capable of providing acceptable alternative*
11 *products sufficient to meet the particular contract requirements; or*

12 (b) *the contract is not capable of being performed using acceptable*
13 *alternative products.*

14 3. *This local law shall take effect forty-five days after it shall have been*
15 *enacted into law, but shall apply only to solicitations issued after its effective date.*

Note: Matter in *italics* is new; matter in brackets [] to be omitted.