

# Ethics Considerations with Diameter-Limit Cutting

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## Abstract

High grading is a poor management practice by definition. It has serious long-term implications to stand structure and function. The use of this management technique creates some ethical dilemmas. By examining the codes of ethics for the Forest Stewards Guild, Association of Consulting Foresters, and Society of American Foresters, only the Society of American Foresters has a code that attempts to balance landowner's rights and an environmental ethic. These seemingly two opposed views can create an ethics problem, but the forester must observe due diligence to keep from an ethics violation. Conversely, ethics violation charges are very difficult to prove in the case of diameter-limit cutting.

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## Introduction

The views of this paper are my own and may not represent any organization or affiliation that I have. This statement must be made to insure that the words and ideas do not have more weight or importance than my opinion. As someone who is interested in ethics and its practical application, this subject provides a fascinating case study. In fact, others actually have already rendered opinions on this topic (Lockhart and Nyland 2004). I propose to look at this problem in the light of three Codes of Ethics. The purpose of this paper is to provide the reader with a practical approach to determine when diameter-limit cutting may be a violation of ethics, how to be protected if placed in a dilemma, and what information is needed to bring charges against an individual who may have violated a code of ethics.

## Diameter-Limit Cutting and High Grading

This conference has already discussed the implications of high grading and diameter limit cutting in eastern hardwoods. However, Reynolds (1980) found in the 1950s that in loblolly and shortleaf pine that if the diameter limit was set high enough (>18 inches) and the poor material was removed from the smaller classes

high grading did not result. I suspect that hardwood stands may respond similarly, but limiting diameter size is unknown. Diameter limit cutting in the strictest sense may not necessarily be high grading. The Dictionary of Forestry (Helms 1998) defines high grading as: *the removal of the most commercial valuable trees (high-grade trees), often leaving a residual stand composed of trees of poor condition or species composition ...high grading may have both genetic implications ...and long term economic or stand health implications.* Is high grading bad? The answer is yes in light of the long-term implications of the practice. It is not sustainable; the property owner's "forest factory" is compromised so that all products of the forest may be affected. The "forest factory" concept is that the forest is a capital investment that produces tangible and intangible goods and services. The quandary is that one of the goods produced by the factory is the factory itself. By strict definition, high grading is bad because it decreases the present and future value of both the factory and products derived from that factory. If diameter limit cutting equates to high grading, then that practice is bad. Defining high grading in the field may be more difficult. A couple of questions come to mind. Does removal of shelterwood/seed tree overstory constitute diameter limit cutting or high grading? Does leaving wildlife trees be defined as high grading? The clear difference in high grading and using diameter limit cutting as a tool is the desired outcome. If the objectives are set, then the result of a practice is clearly evident. However, rationalizations for bad practices are all too often used instead of using forethought to a desired outcome. Very rarely do well-written management plans result in high grading.

## Definition of Ethics and Codes of Ethics

Everybody knows what ethics are but they are difficult to describe. Lammi (1968) stated that ethics is the relationship of conduct with the goals of a particular profession or society as a whole. If ethical, this conduct contributes to the goals of the profession and society. Unethical practice hinders the achievement of the goals. Chapman (1947) distinguished religion from ethics by

stating that religious tenets relate to human life as a whole while ethics relate to professional conduct. Lammi (1968) separated ethics from morals and morality on the basis of whether the rules and practices relate to society as a whole or relates to the activities of a particular group or profession. A profession has specific codes of behavior that members of that profession must conform in order to be allowed to practice. A stated code of ethics and adherence to that code is the mark of a true profession. One of the main purposes of professional societies is to codify these rules of ethics that govern the behavior of its members.

There are three main organizations of which professional foresters may be members that have a code of ethics and violations may occur: Society of American Foresters (SAF), Association of Consulting Foresters (ACF), and Forest Stewards Guild (FSG). Each has a list of their code of ethics on their respective website. The ethics of workmanship, conflicts of interest, employee/employer relations, public interactions and discourse, credit, and confidentiality all are almost identical for SAF and ACF. The Code of Ethics of the ACF is more client-centered and does not have a land ethic. The ACF code is very good at outlining business behavior and interactions. The FSG is eco-centric and has a very strong statement about land stewardship. There are no statements on professional or business interactions beyond the statements on forest value.

One of the purposes of a code of ethics is to inspire members to higher standard of behavior. This is certainly evident in the preamble of the SAF Code of Ethics. The preamble sets the tone for the Principles and Pledges. The theme is the balancing of long-term values of the forest, the environmental ethic, and the property rights of the landowner. It specifically states that landowners have responsibility to the long-term value of forestland. This dichotomy was spelled out by Lammi (1968) when he stated that ethics has a goal of freedom and responsibility. He stated that Chapman (1924) had argued the same point in his discourse that a forester's concept of conservation rejected the responsibilities of the extremists who advocate low level of resource use (preservationists) or advocate immediate monetary rewards (despoilers). The ACF code and preamble is an excellent standard for business and professional conduct.

The first code states: *ACF Consulting Foresters will utilize their knowledge and skill for the benefit of society.* If societal benefits include values from the forest, the first statement of this code could be interpreted as a land ethic or at least a sustainable value ethic. The principles of FSG are explicitly forest centered and nature oriented. If landowner objectives conflict with these principles, the forester should *disassociate*.

In the light of diameter limit cutting and high grading, where does each of these organizations stand? Obviously, anything that would diminish the values of the forest would be contrary to the principles of the FSG and the forester should not continue. For the ACF, if the landowner's rights are paramount and the forester must follow the lead of the employer. For the purposes of this discussion, these organizations have different but "cut and dry" view of this topic. The Code of Ethics of the Society of American Foresters creates an ethical dilemma because it has both a landowner's rights pledge and a land ethic. The problem is balancing the two principles that seem to be opposed.

## **SAF Code of Ethics and High Grading**

Is high grading contrary to the SAF Code of Ethics? Principles 1 and 2 of the code deal with high grading issue. They are as follows:

1. Foresters have a responsibility to manage land for both current and future generations. We pledge to practice and advocate management that will maintain the long-term capacity of the land to provide the variety of materials, uses, and values desired by landowners and society.
2. Society must respect forest landowners' rights and correspondingly, landowners have a land stewardship responsibility to society. We pledge to practice and advocate forest management in accordance with landowner objectives and professional standards, and to advise landowners of the consequences of deviating from such standards.

As foresters, we have an obligation to practice and advocate methods that result in long-term worth and

productivity of the forests. We are ethically bound to place this at the forefront of our practices, but there is another side of the coin. The forest landowner has rights to the land they own especially to extract value from the property. In fact, continuing to produce acceptable rates of return from forestry investments will keep land in forests instead of alternative uses. The art of forestry is melding the landowner objectives and values with the current conditions of the forest stands that result in long term worth and productivity.

The conflict with the code can occur with two types of behaviors: the first is to knowingly high grade without explaining the consequences to the landowner or robbing the landowner of the value of his lands and the second is the landowner is only interested in immediate income. The first behavior not only violates Principles 1 and 2 but also blatantly violates Principles 5 and 6 by not openly communicating with the client and by being dishonest. The second behavior is much more common and puts the forester in the middle of the dilemma. The landowner may have valid reasons for wanting the money now and he has the right to it. The forester has two options at this point; walk away or explain to the landowner the consequences of these actions. If the forester continues working for the landowner after explaining the consequences, he/she has fulfilled the obligation to the Code of Ethics, but the forester must continue to be an advocate of good silviculture throughout the process.

The procedures for ethics charges against members of the Society of American Foresters are found in the SAF By-Laws. This document can be found on the web site ([www.safnet.org](http://www.safnet.org)). Charges are instigated by a letter describing the violations with evidence to support the violations to the President of SAF. This letter must have at least two signatures and the charges can be made by anyone. One does not have to be a member to file charges. This letter starts a process of investigation that leads to acquittal or disciplinary action. The process is designed to protect the rights of the accused. The evidence needed to convict a member of unethical conduct for high grading would require considerable information. The intent of the landowner must be established, the forester's behavior must be documented, and the outcome of the action must be proven. If one

of these three points were to fail, the accused would be acquitted.

Conversely, the foresters must protect themselves when placed in a compromised condition. Foresters must show due diligence. Copies of written correspondence on advice to the landowner and management plans are excellent pieces of evidence to demonstrate the forester's intent. The demonstration of forethought and not rationalization will prove to be adequate to prevent conviction on an ethical charge.

One of the best pieces of advice on how to prevent ethics violations was stated by Patterson (1984) and modified by Irland (2001). The four simple questions that one must ask are:

- What if everybody did it?
- Would I want to read about it in the paper tomorrow?
- What will it look like tomorrow?
- Would I be comfortable explaining this to my 12-year-old?

By examining these questions, most ethical problems will be solved. In fact, we should be inspired to act in a more ethical manner than stated in the code. By doing this, we should be a better profession.

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