

**November 2012**

**Contribution to the public consultation on the newly proposed RSPO P&C**

**Submitted by:**

**Union of Concerned Scientists**

**National Wildlife Federation**

Thank you to the RSPO for consulting with the public as it reviews its Principles and Criteria. It is vital that the RSPO use this review process to add critical missing components to the P&C to protect the RSPO brand from criticism and to ensure that sustainable palm oil can be used to satisfy the commitments being made by major consumer goods companies, retailers, and financial institutions around the globe, who are calling for zero net deforestation supply chains. Thus, the P&C must include greenhouse gas accounting, including a threshold measure for land conversion to ensure that sustainable palm oil drives zero deforestation and has a neutral carbon footprint. Below you will find our text-specific suggested changes to the P&C, which we developed in consultation with a number of other stakeholders.

	Original	Proposed changes	Explanation
3.1	Guidance: There should be longer-term planning for plantations on peat, particularly in regards to subsidence and flooding issues	<p data-bbox="695 358 1136 597">Additional indicator 3.1.3: No replanting on peat in areas where the drainage base will be reached within 40 years (two crop cycles on peat) as a result of unavoidable soil subsidence caused by necessary drainage of the plantation area.</p> <p data-bbox="695 691 1136 1003">Guidance: Drainage should be stopped well before the drainage base is reached to avoid high risk of regular flooding and enable timely rehabilitation of the area through hydrological restoration, in order to maintain options for sustainable alternative land-uses that do not require drainage.</p>	<p data-bbox="1136 358 1911 529">Considering the extensive areas involved (millions of hectares) and ultimate risk of land loss in case of long-term peatland subsidence (when the drainage base is reached), extreme caution is needed when replanting on peat is considered. The issue should therefore be brought to the level of indicators.</p> <p data-bbox="1136 561 1911 837">In case the drainage base is reached, the area will be flooded. Risk of regular flooding will already have increased substantially well before that, making the area economically unsuitable for palm oil production. Timely retraction of oil palm cultivation will enable rehabilitation to undrained land use (including commercial forms of climate smart land-use such as paludiculture and forestry with indigenous peat swamp forest tree species that require no drainage).</p>

4.3	<p>4.3.5 Drainability assessments shall be required prior to replanting on peat.</p> <p>Guidance: Where drainability assessments have identified areas unsuitable for oil palm replanting, plans should be in place for appropriate rehabilitations or alternative use of such areas.</p>	<p>4.3.5 Drainability assessments shall be in place prior to replanting on peat <b>to ascertain long-term viability of necessary drainage potential for oil palm growing. If the assessment indicates high risk of regular flooding and/or salt water intrusion within two crop cycles (40 years) replanting shall be ceased.</b></p>	<p>The indicator does not state what is required when the drainability assessment shows that the area risks in the long term subsidence down to the drainage base. A cut-off point (see BMP for existing plantations on peat) is required to ensure that replanting should not proceed if flooding issues will appear within two crop cycles (40 years). The consequence of not doing this will be landscape level loss of areas to flooding and salt water intrusion. Drainage of the area should therefore be stopped well before the risks become unmanageable. The area can then be turned to a land use that does not require drainage. If oil palm growing (and thus drainage) would continue for too long, rehabilitation to a land use without drainage will become impossible. Therefore the indicator should be amended as proposed.</p>
7.1.2	<p>Appropriate management planning and operational procedures shall be developed and implemented to avoid or mitigate identified impacts</p>	<p>Appropriate management planning and operational procedures shall be developed and implemented to avoid or mitigate identified <b>potential</b> impacts.</p>	<p>The indicator relates assessments implemented prior to development; hence, the indicator can only apply to potential impacts.</p>
7.1	<p>Guidance: Measures should be planned and implemented to maintain the quantity, quality and access to water resources</p>	<p>Guidance: Measures should be planned and implemented to maintain the quantity, quality and access to water <b>and land</b> resources</p>	<p>In regard to wetlands, oil palm development may reduce quantity and quality of land where subsidence of peat soils, entisoils or hydrosols may result in frequent or permanent flooding and/or salt water intrusion. Also in areas where as a result of drainage related peat oxidation over time the entire peat layer will be lost, it is essential to identify the suitability of the subsoil. In many areas in Southeast Asia the subsoil under peat consists of Potential Acid Sulphate Soils (Sulphaquents) or sterile white sands which are unsuitable for oil palm cultivation.</p>

7.1	<p>Guidance: One potential outcome of the assessment process is that the development should not proceed because of the magnitude of potential impacts.</p>	<p>One potential outcome of the assessment process is that the development should not proceed because of the magnitude of potential impacts, particularly where these will be irreversible, including the loss of HCV (also in adjacent areas), loss of land that can be gravity drained, high GHG emissions, occurrence of acid sulphate soils, and high risk of conflicts with communities.</p>	<p>“Magnitude” can mean anything (from 0 to 100%), and the current draft P&amp;C leaves the weighting of this and what is acceptable to the operator. Some guidance is needed to help define necessary cut-off points.</p> <p>High GHG emissions are emissions that cannot be offset through sequestration by the plantation itself. GAR uses 35tC per ha of aboveground biomass as a cut-off point for plantation development.</p>
7.1	<p>Guidance: For land areas greater than 50 ha and less than 500 ha an internal/simplified assessment using selected components of SEIA and HCV assessments, should be used.</p>	<p>Guidance: For land areas less than 500 ha an internal/simplified assessment using selected components of SEIA and HCV assessments, should be used.</p> <p>In peatland areas any development should be avoided, including in areas smaller than 500 ha.</p>	<p>Small plantation areas in a peatland landscape can have significant hydrological impacts on an area much larger than the plantation itself. The hydrological unit in a peatland landscape is the peat dome which can extend over thousands of ha. A plantation of several ha can impact the entire peat dome of thousands of ha depending on where it is located in the peat dome. Therefore, smallholders should avoid any peatlands.</p>

7.2.1 and 7.2.2	....“and taken into account in plans and operations.”	<p>Add indicator 7.2.3:</p> <p>Areas located within the plantation perimeters that are considered unsuitable for long-term sustainable oil palm cultivation, including areas with excessive slopes and peatlands, will be delineated in plans and included in operations for conservation and rehabilitation.</p>	<p>This addition is particularly relevant as Criterion 7.2 is specifically about soils and topographical conditions (such as hydrology). It is therefore important to mention here that peat soils are considered unsuitable (as the environmental impacts: GHG emissions, land subsidence, and in the longer term – flooding and land loss, are unavoidable and may also extend to adjacent and hydrological connected areas). Also for smallholders this is very important. Peat soils can be easily recognized, also by smallholders and the much higher investment needs for peatland development (apart other unsuitability considerations) make them even less suitable for smallholder development. It is important to specify that “taken into account” comes with particular obligations, not just avoidance but active management in terms of conservation and where areas have already been subject to degradation their active rehabilitation. (reference also to the RSPO PLWG guidance on rehabilitation)</p>
7.4	Criteria: Extensive planting on steep terrain, and/or on marginal and fragile soils, is avoided.	Extensive planting on steep terrain, and/or on marginal and fragile soils including peat soils, is avoided.	<p>It has become abundantly clear that extensive planting on peat is unsustainable as it inevitably comes with severe environmental impacts including very high GHG emissions and land subsidence leading in the long term to flooding and land loss. Continuation of the practice of planting on peat under the RSPO label will have a strong negative impact on the credibility of the CSPO label. RSPO thus should make clear that it will not condone such practice and cannot certify palm oil produced on peat as sustainable.</p>

7.4	7.4.1 Maps identifying marginal and fragile soils, including excessive gradients and peat soils, should be available and used to identify areas for avoidance	7.4.1 Maps identifying marginal and fragile soils, including excessive gradients and peat soils, should be available <b>on the company website and plans and operations will delineate these areas for conservation and rehabilitation.</b>	Avoidance of such areas is insufficient. When such areas are found within the plantation boundaries a responsible owner should actively manage these areas to ensure their conservation and where necessary rehabilitation. This will also provide enhanced opportunity for the owner to develop a positive carbon balance through carbon sequestration and emission avoidance (see also 7X – “minimizing and/or avoidance of GHG emissions and maximization of sequestration”).
7.4	Guidance: National interpretation will determine specific controls and thresholds, such as slope limits, listing soil types that on which planting should be avoided (especially peat soils), the proportion of plantation area that can include marginal/fragile soils, and/or definition of ‘extensive’, ‘marginal’ and ‘fragile’, ‘excessive’.	Guidance: National interpretation will determine specific controls and thresholds, such as slope limits and soil types on which planting should be avoided, and/or definition of ‘extensive’, ‘marginal’ ‘fragile’ and ‘excessive’. <b>Avoidance of peat soils is not subject to national interpretation; avoidance of peat soils is a basic RSPO criterion. A plantation area may include any proportion of such marginal/fragile soils, and the plantation owner accepts responsibility for managing these areas through conservation and rehabilitation.</b>	Exclusion of peat soils for extensive planting cannot be a matter of national interpretation in view of the clear unsustainability of such practice. (Reference also to the RSPO PLWG Science review of environmental impacts of oil palm plantations on peat)

7.x	7.x.1 Areas with potentially significant carbon stock and potential significant sources of emissions shall be identified and estimated using existing processes	<p>7.x.1 Areas with potentially significant carbon stock and potential significant sources of emissions, <b>within the plantation boundaries and such areas outside of the plantation that may be impacted by the plantation development and operations</b>, shall be identified and estimated using existing processes <b>and RSPO approved methodologies.</b></p> <p><b>Guidance: Areas with significant carbon stock are areas with an aboveground biomass of 35tC per ha or areas with high soil carbon including any peatland.</b></p>	Off-site impacts can be significant, and should be considered especially within the water catchment within which the plantation is located. A plantation's impact on water levels in adjacent peatlands, including drainage caused by infrastructure such as roads, may result in peat oxidation (CO2 emissions) and increased vulnerability to fires. Such potential offsite impacts should therefore also be included in the identification and estimation processes.
7.x	7.x.2 Management plans shall identify the planned measures for minimization and/or avoidance of GHG emissions and maximization of sequestration	7.x.2 <b>Development and</b> management plans shall identify the measures for minimization and/or avoidance of GHG emissions and maximization of sequestration <b>within the plantation and areas impacted by the plantation's development, infrastructure and operations (including drainage) and its on- and off-site infrastructure</b>	Maximisation of sequestration may be achieved by conservation and rehabilitation of deforested areas and degraded forests, HCV and peat swamp forests. Minimisation of emissions will have certain limitations in regard of e.g. the need to use fertilisers in oil palm plantations and other operations in which a minimal level of emissions cannot be avoided. However, substantial minimization can also be achieved through avoidance of peatland and through active rewetting of drained peatlands which will result in avoided emissions or in emission reductions, respectively.

7.x		7.x.3 Development plans shall exclude forest areas with a biomass of more than 35tC per ha as well as peatlands from conversion and planting.	Golden Agri Resources has already adopted this threshold, which is equivalent to the average carbon content of an oil palm plantation and represents a cut-off point for carbon neutral development.
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