

Section-by-section analysis  
of legislation to provide for the  
**Licensure of Professional Foresters in Pennsylvania**

(this analysis is based on the legislative draft of March 18, 2003)

This legislation proposes to amend the law that provides for the licensure and regulation of the professions of engineering, land surveying, and geology in Pennsylvania to include the profession of forestry, which is a “sister profession.” This analysis is intended to serve as a guide to the major provisions contained in the proposed amendment and *is not* intended to be a comprehensive representation of all of the provisions of the proposed amendment. This analysis should be read along side the actual text of the proposed amendment in order to obtain a full and complete understanding of the provisions of the proposed amendment.

Nothing in the proposed amendment would interfere with landowners’ private property rights, including their right to manage their forestlands as they see fit. Nor is there any requirement that a landowner must retain a licensed professional forester to manage their forestland, including cutting and selling trees.

The proposed amendment does not specifically mandate how foresters would practice forestry. We believe that foresters who meet the educational and experience requirements of the proposed amendment, pass the appropriate examination, and participate in continuing education activities should possess adequate background to exercise the judgment necessary to practice forestry in an appropriate manner.

**Section 1** – Amends the title and section 1 (short title) of the *Engineer, Land Surveyor, and Geologist Registration Law* (hereafter referred to as “the Act”) to include the profession of forestry.

**Section 2** – Amends section 2 of the Act (definitions) to add definitions for “forestry” and “practice of forestry” as follows:

- “Forestry” means the science, the art and the practice of conserving and managing for human benefit the natural resources, including the trees, other plants, animals, and soil and water that occur on and in association with forest lands.
- “Practice of forestry” means any professional services requiring the application of forestry principles and techniques. Such services shall include, but not be limited to, forest inventory, forest management planning, timber appraisal, the direction and supervision of silvicultural activities, the use and protection of forested areas, and the evaluation of the economic and biological consequences of forest management activities. The term practice of forestry shall not be construed to include
  - (1) the usual and accustomed practices of loggers and timber buyers in connection with purchasing and harvesting timber, provided that they do not represent themselves to be foresters or characterize their services as forestry services;
  - (2) preparation of erosion and sediment control plans pursuant to state laws; and

- (3) the practice of engineering, land surveying or geology for which separate registration is required under the provisions of this act or landscape architecture for which separate registration is required under the provisions of Act 535 of 1965.

**Section 3** – Amends sections 3, 4, and 4.1 of the Act.

Section 3 of the Act prohibits the practice of the professions without licensure and registration. Forestry is added to the list of professions covered by these provisions.

Section 4 of the Act relates to the general powers of the State Registration Board for Professional Engineers, Land Surveyors, and Geologists. Among other powers, the Board has the authority to approve or disapprove curricula for the education of the professions; provide for the regulation and licensing of the professions; examine individuals who seek licensure and registration; establish examinations and fees; require biennial registration and payment of fees; keep a roster of the names and addresses of licensed professionals; and suspend or revoke licenses. This section of the Act also deals with the internal administration of the Board. Forestry is added to the list of professions covered by these provisions.

Section 4.1 of the Act relates to the manner of appointment of Board members and the operation of the Board. The proposed amendment adds two forester members to the board. Forestry is added to the list of professions covered by these provisions.

**Section 4** – Adds a new subsection to the Act, numbered 4.5, which lays out the procedure for licensing professional foresters. Among the requirements for licensure are:

- Passing an examination approved by the Board. Individuals practicing forestry at the time of the enactment of the proposed amendment would be “grandfathered,” provided they meet the other requirements of licensing, fulfill the continuing education requirements, and continue to be qualified to renew their licenses.
- Meeting certain educational and experience requirements:

Educational attainment	Total experience requirement*	Experience requirement	
		Of the total experience requirement, one of the following must be met**	
		Portion of experience under supervision of a licensed forester	Portion of experience in a “responsible position in forestry work”
Graduated from an approved 4 year forestry curriculum or attained a higher degree in an approved forestry curriculum	4 years	2 years	4 years
Graduated from an approved 2 year forestry curriculum	6 years	3 years	6 years

\* The “Total experience requirement” applies to all applicants both during and after the grandfathering period.

\*\* The “Total experience requirement” can be a combination of either working under the supervision of a licensed forester or a person who would otherwise meet the qualifications for licensing as a forester and/or experience in a “responsible position in forestry work.”

- ◆ For the purposes of the proposed amendment, “individuals who have graduated from a one year concentrated 12 month curriculum in forestry technology ... shall be considered to have attained the equivalent of a two year forest technology degree.”
- ◆ Individuals engaged in the practice of forestry at the time of the enactment of the proposed amendment who have completed a two year degree in a field of study closely related to forestry or who have only completed 3 years of an approved four-year forestry curriculum, but who meet all other requirements “shall not be denied the privilege of the practice of forestry until they have had the opportunity to pass the examination ...”
- ◆ Experience obtained prior to the enactment of the proposed amendment would be counted toward the experience requirements.
- Once licensed, a forester would have to complete a minimum of 40 hours of continuing education every two years in order to be able to renew his/her license.

**Section 5** – Amends section 5 of the Act, which provides certain exemptions from professional licensure requirements, including:

- Individuals working under the supervision of a licensed professional forester.
- Nonresident individuals not having a place of business in Pennsylvania who practice forestry for not more than a total of 30 days in a calendar year, providing they are legally qualified to practice forestry where they reside and the standards of that jurisdiction are at least equal to those of Pennsylvania.
- Employees of the federal government when they are working on behalf of the federal government.
- Regular employees of public utilities, which are regulated by the Pennsylvania Public Utility Commission, who are working on facilities related to the public utility, provided that each public utility shall have at least one licensed forester who shall be responsible for the public utility’s forestry work.
- Employees of partnerships, associations, and corporations on property owned by the partnership, association, or corporation unless their work affects the public safety or health or property of another person or entity.

Forestry is added to the list of professions covered by these provisions.

**Section 6** – Amends sections 6, 7, 9, 10.2, 11, and 11.1 of the Act adding references to the profession of forestry at the appropriate places.

Section 6 of the Act deals with how firms and corporations can characterize their services.

Section 7 of the Act relates to seals of licensed professionals.

Section 9 of the Act relates to fees assessed by the Board.

Section 10.2 of the Act requires foresters who are licensed in Pennsylvania and also licensed in another jurisdiction to report that fact to the Board and to report disciplinary actions taken by the other jurisdiction within 90 days of final disposition.

Section 11 of the Act relates to penalties.

Section 11.1 of the Act relates to injunctions the Board may seek against individuals who practice without a license.

**Section 7** – Requires the Governor to appoint two foresters to the Board within 90 days of the enactment of the proposed amendment, one of whom shall have a six-year term and the other shall have a four-year term. The Board currently has 13 members.

**Section 8** – Is a severability clause.

**Section 9** – Provides that the proposed amendment would take effect 60 days after enactment.

Prepared by the Pennsylvania Council of Professional Foresters

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For additional information, contact: