



18<sup>th</sup> March 2022

Secretary of State for the Environment, Food and Rural Affairs,  
Minister for the Pacific and the International Environment,  
Department for Environment, Food and Rural Affairs,  
Seacole Building,  
2 Marsham Street London,  
SW1P 4DF

Dear Secretary of State, Dear Lord Goldsmith,

The UK Government has shown leadership on forests and land use at COP26, and in setting out a clear commitment to reduce the UK's global deforestation footprint, as recommended by the independent Global Resource Initiative Taskforce. The framework to tackle illegal deforestation through the due diligence measures in the Environment Act is an important first step to exclude illegal deforestation from UK supply chains and supermarket shelves, but we are concerned that these measures risk being undermined by any lack of ambition in the implementing regulations that are currently being prepared.

Government [data](#) shows the UK's global deforestation footprint is primarily caused by imports of commodities like beef, palm oil, soy, cocoa, coffee, rubber and maize. Yet despite the need for urgent action, reinforced by the most recent IPCC report, as well as a mandate for action from Parliament passing the Environment Act, the options put forward in the public consultation on the implementing regulations fell far short of what is needed: whether that is including only two forest-risk commodities in the first two years and taking up to five years to include more than two, or limiting the new measures to companies with an annual turnover of more than £200 million with annual trading volumes of more than 1,000 tonnes. These limited company options would mean that the cumulative impact of many smaller and medium sized operations would be ignored.

This slow and insufficiently ambitious proposed action is not commensurate with the urgent need to address the climate and biodiversity emergencies or to meet the UK's pledges on climate and nature. Under the options presented in the consultation, the UK could still be contributing to rainforest destruction the size of Berlin between now and 2030.

It is essential that all seven forest-risk commodities mentioned above are included in the scope of the due diligence measures from the start, and it is critical that these measures become effective within a year of the regulations being adopted. There are clear advantages in tackling key commodities simultaneously, including greater efficiencies for business and greater impact on deforestation. These should be accompanied by targeted measures, including financial support and capacity-building, to empower Indigenous Peoples, local communities, local civil society organisations, and smallholders to address local drivers of deforestation and to secure their rights and livelihoods.

All companies should be required to comply, regardless of legal size, form or turnover. This would be consistent with the UK Timber Regulation and ensure companies do not evade the rules by setting up smaller shell companies. Given that the new regulations will only apply to illegal deforestation - less ambitious than many industry commitments - companies should already be aware of the illegality risks in their supply chains, be monitoring their supply chains for illegally produced commodities, and therefore be ready to comply with the required due diligence measures.

We urge that the secondary legislation clearly specifies what businesses need to do to meet their due diligence obligations. It is essential that the measures provide details of the categories and types of law on land use and ownership that businesses must comply with, including those explicitly protecting the rights of indigenous peoples and local communities.

It is also critical that companies are required to ensure traceability in their supply chains, and to report transparently on the due diligence measures taken and potential risks - and that the government empowers and resources the relevant authorities to effectively monitor and enforce the legislation. While monetary sanctions could play a role in some contexts of minor violations to the due diligence obligation, the full range of potential sanctions should be included, and stringent enforcement mechanisms should be used.

There is no solution to the climate and biodiversity emergencies without a solution to tropical deforestation, the conversion of other critical habitats, and the human rights violations that often drive or result from them. The solutions need to involve indigenous peoples and forest peoples - whom study after study has shown to be the best guardians of the forest. This government succeeded in making forests and land use so prominent at COP26, and this leadership must now be translated into action. Please use your good offices to ensure that the measures introduced under the Environment Act are fit for the task.

Yours sincerely,

Christine Allen, Director - CAFOD

Mike Davis, CEO - Global Witness

Hugh Knowles, Co-Executive Director - Friends of the Earth (England, Wales, Northern Ireland)

Sam Lawson, Director - Earthsight

Niki Mardas, Executive Director - Global Canopy

Hannah Mowat, Campaigns Coordinator - Fern

Kate Norgrove, Executive Director of Advocacy and Campaigns - WWF

Mary Rice, Executive Director - Environmental Investigation Agency

James Thornton, CEO - ClientEarth

Steve Trent, CEO/Founder - Environmental Justice Foundation

Pat Venditti, Executive Director, Greenpeace UK