Better Safe Than Sorry

I t's been more than three years since the effective date of OSHA's comprehensive logging standard. Unfortunately, there are still many questions and misconceptions about certain elements of the standard. Perhaps most disturbing, many myths are being conveyed by insurance representatives as well as several logging and insurance trainers. Argue the truth of common misconceptions about the OSHA standard are those related to the "two-tree-height" rule at the time of injury.

Myth no. 1: The two-tree-height rule can be ignored. This myth was conveyed by a workers' compensation insurance representative at a recent meeting of professional foresters. OSHA indicates that hazard trees must be felled or removed before logging commences. If they are not felled or removed, they must be avoided by establishing a circular safety zone around the tree with a radius of two tree heights within which no work is allowed.

While it may be true that during "program planned" OSHA inspections (i.e., those inspections that are performed without being initiated by an accident or complaint), inspectors may the site loggers for the two-tree-height guideline, the rule is being enforced when an accident occurs. For example, in the first 18 months of the new standard, there were 170 citations against logging companies in West Virginia. In only two of these cases, contractors were cited for not removing or avoiding a hazard tree—i.e., a logger was working within the two tree height safety zone. However, though this element of the OSHA Standard was involved only during inspections initiated by an accident, fines were far steeper for this violation ($1,500) than for the overall average ($335.52).

Perhaps more importantly, lawyers contracted by injured parties (or by relatives of deceased contractors) consistently investigate the location of so-called "danger trees" around the site of logging accidents. If a "danger tree" is found within two tree heights of the accident, evidence indicates that the case for negligence and liability against the contractor, and possibly the landowner, is much stronger because OSHA guidelines were not followed. Needless to say, the cost of a legal defense, court settlements, jury awards and loss of human life or limb far exceed penalties levied by OSHA.

Another myth, the "danger tree" element of the OSHA standard presents a myriad of dilemmas associated with logging practicability, salvage operations, and wildlife habitat, logging contractors should be aware that, despite claims to the contrary, the two-tree-height guideline is being noted by both OSHA and lawyers, and contractors are paying dearly when a hazard tree is the safety zone causes an accident. To say this element can be completely ignored is irresponsible and contrary to the evidence.

Myth no. 2: E-Nothing and plunge backcut are required. E-Nothing is a system of choosing a two tree that involves two diagonal cuts on the face of a tree that meets at a vertex. The technique has been around for decades and has been particularly useful when fellling trees downhill. The method allows for a potentially wider face cut, thereby providing greater control of the tree during its fall. However, despite claims by many, the e-Nothing (also known as the open-face notch) is not the only notch permitted by OSHA. OSHA guidelines merely state that the notch be "of a size so the tree will not split and will fall in the intended direction" and that the method used should open the face at least 70°. A well-executed Humphard (horizontal) cut on the top of the face cut) or conventional horizontal cut on the bottom of the face cut) notch can accomplish this.

Furthermore, a plunge-type backcut (vs. a slash backcut) is not required by OSHA, despite claims otherwise. When the plunge backcut has been around for decades, it has been used consistently by good fallers when trees have a lean so excessive that splitting may result if a more conventional slash backcut is started. A "work" on flatter terrain. But slash backcut, safely and judiciously applied, will not always work on OSHA. What-ever backcut method is used, however, OSHA does state that "sufficient hinge wood" should be maintained for both directional control and safety.

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