

Better Safe Than Sorry

Misconceptions about the OSHA standard can lead to trouble for loggers.

By Andy Egan

It'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 distressing, many myths are being conveyed by insurance representatives as well as several logging safety trainers. Among the most common misconceptions about the OSHA standard are those related to the "two-tree-height" rule and manual felling.

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 not cite 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 invoked only during inspections initiated by an accident, fines were far steeper for this violation (\$1,500) than for the overall average (\$130.59).

Perhaps more importantly, lawyers contracted by injured parties (or by relatives of decedents) 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 costs of a legal defense, court settlements, jury awards and loss of

human life or limb far exceed penalties levied by OSHA.

Although the "danger tree" element of the OSHA standard presents a myriad of dilemmas associated with logging practicality, 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 in the safety zone causes an accident. To say this element can be completely ignored is irresponsible and contrary to the evidence.

Myth no. 2: V-notching and plunge backcutting are required. V-notching is a method of notching a tree that involves two diagonal cuts on the face of a tree that meet at a vertex. The technique has been around for decades and has been particularly useful when felling 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 v-notch (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 Humboldt (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. Again, 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 from the back of the tree. It also "works" on flatter terrain. But slash backcuts, safely and judiciously applied, are still okay according to OSHA. Whatever backcut method is used, however, OSHA does state that "sufficient hinge wood" should be maintained for both directional control and safety. TH

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Cyberloggers?

Why not? Just look back 20 years at the progression from conventional logging to mechanical logging. When I started in this industry, we were working with horses and cable skidders. As we looked for ways to become more efficient, we purchased whole tree harvesters and recognized the benefit of mechanical slashing and delimiting. Today, we have state-of-the-art cut-to-length systems. Computers are in just about every professional logging office today. You can buy a computer system with Internet capability, for about the price you would pay for a good logging tire.

We are in the process of developing an ALC web site, which will enable us to communicate with the public, the media, our elected officials and, just as importantly, with each other. We have already begun with a program called "Log Online" and our goal is to unveil the web site (with individual state association links) at our fourth annual meeting, which is scheduled for September 26 at the Charleston (SC) Sheraton. In addition, there will be individualized computer training throughout the week. For more information about this or our annual meeting, please call ALC at (703) 794-8856.

Drafting a unified message and modernizing our method of communication to get our positions out to our legislators and to the public is the next challenge for the logging industry. And I yet see a challenge that good loggers can solve. TH