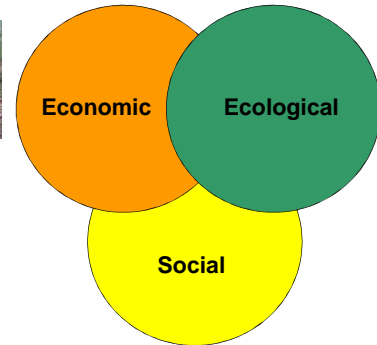
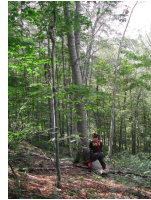


Hazard Trees

Objectives for the Day

- Independent Contractor Discussion (cont.)
- Define hazard trees
- Discuss how they can impact forest management
- Review a few cases

The hazard tree dilemma.



OSHA Responds

- Stricter standards for harvesting
- Particularly with respect to danger/hazard trees

OSHA's 2-tree Length Rule

- Hazard trees must be felled or removed before logging commences
- If they are not felled or removed a circular safety zone around the tree with 2-tree lengths must be established where no work is allowed
 - 30ft snag = ¼ acre
 - 60ft tree = one acre
 - 75ft standing dead = 1.5 acres

What about wildlife habitat?

- USFS recommends 3 – 5 (even 7) wildlife trees per acre
 - Should represent a spectrum of the following
 - Soft snag
 - Hard snag
 - Dead top
 - Hollow tree (den tree)
 - Broken top
 - 2 hard snags, 1 den tree, 1 replacement snag
 - Large diameter is better
- 325 vertebrate species in NE; one-third require wildlife trees



Key Wildlife Species

- 10 need perching trees
 - Red tailed and red shouldered hawk
 - Great Horned, Barred owls
- 53 need cavities
 - Woodpeckers, Flickers,
 - Wood duck
 - Fox, bear
 - Bats, owls, tree frogs
- 39 need down and dead
 - Salamanders, voles
 - warblers



Accidents Happen

- What happens if there is an accident associated with a hazard tree on your job?
- You will have an OSHA inspection
- They will be looking for patterns on the job. Did the crew follow the two-tree length rule? Did they use directional felling techniques?
- The case for negligence and liability against the contractor, landowner or forester is much stronger if OSHA standards were not followed.

4 Rules of Liability

Rule #1: Anybody can sue anyone, at any time, for any reason

Rule #2: And they do

Rule #3: Sutton syndrome

Rule #4: EATB (Everybody and their brother)

Why do they sue?

- What is Tort?
 - Wrongful act
 - Act of commission or omission, something you did or failed to do
 - failure to show due diligence

Deep Pockets Syndrome (Sutton Syndrome)

- Lawsuits seek out the money
 - employer/employee relationship becomes an issue
- Precedent setting tort case:
1971 – Dole vs. Dow Chemical Co.
 - worker Dole was killed when cleaning a grain elevator using chemicals from DOW
 - Widow Dole sued DOW directly for improperly marked chemicals
 - DOW sued the grain company for not advising employee of dangers of chemicals
- Both DOW and company paid out

Communication is the Key

Need to improve communication between foresters, loggers and landowners on this issue of hazard trees to mitigate the dangers in the woods.