

**Oregon OSHA
Forest Activities Advisory Committee
March 8, 2018
Meeting Minutes**

Attendees:

Steve Aulerich
Tom Bozicevic
Heather Case
Mike Coiner
Mark Dvorscak
Jim Gahlsdoug
Jim Geisinger
Mark Gustafson

Scott Haviland
Rod Huffman
Larry Kirkpatrick
Tyson Losli
Teresa Lundy
Greg Pellham
Rocky Shampang
Bruce Skurdahl

Mark Standley
Renée Stapleton

Meeting called to order at 9:02 a.m.

The group introduced themselves.

The group discussed the December 14, 2017 meeting minutes. Specifically, the group raised concerns regarding the wire size in the discussion of framed vehicle definition. The group was not sure if the minutes should say 7/16 wire or 3/8 or 5/16. Tom stated he would look at the minutes and ensure that the proper size was reflected. After that is fixed, **The group approved the December 14, 2017 meeting minutes.**

Tom announced to the group that he has accepted a new position within Oregon OSHA as an Appeals Specialist. His work will involve both appeals and technical duties, and he will continue as the contact for Forest Activities, which will include this advisory committee.

Continuing Business

Tethered Logging

Research Variance Report Summary

Tom passed out a handout of the January 2018 tethered logging variance report summary. This is a report of information from all employers who have been granted a research variance for tethered logging regarding their systems. This report contains data from both the current reporting period (July 2017 through December 2017) and the cumulative reporting period (June 2016 through December 2017). The group has over 10,000 hours of use of tethered logging on slopes of 50% or more. There was one tip over on the side of the road and no damage or injury from that tip over. The machine hit a stump hole and tipped. Tom let the group know he will be scheduling site visits to interview and observe variance participants and will share the information he learns with the group.

There are 16 employers who currently have a research variance for tethered logging. Since the report, there has been one additional interim variance approved and another employer is in the

process of being approved. The group asked if any of the research variances include forwarders. Tom replied that at this time it is only feller bunchers. The group then had a brief discussion on the different types of forwarding machines and T-Wench machines. Tom reminded the group that time will tell regarding any potentially issues that may develop with wear and tear as use of such equipment increases.

The group discussed what a timeline might be for loggers to not need the research variance any more to do tethered logging on steep slopes. Tom stated that Oregon OSHA does not have an idea of a timeline yet. This would involve changing the rule, which has many different factors including:

- Oregon OSHA would like to coordinate their rulemaking with other entities, such as Washington Labor and Industry.
- Oregon OSHA would like to see the dust settle as much as possible (in regards to potential issues) before going in to rulemaking.
- The agency needs to be aware of multi-state stakeholders as they do rulemaking.
- The agency wants to ensure it does not adopt rules that are at odds with manufacturer recommendations and technology.

Additionally, Tom stated that, as an advisory committee, the group will likely be consulted regarding rulemaking, and that the group themselves have also expressed interested in doing rulemaking on other parts of Division 7, which the group could do all at once, or split out rulemaking for tethered logging specifically. Additionally, the group may potentially want to look at cab requirements. The more changes Oregon OSHA begins to make in rulemaking, the harder the buy-in will be from stakeholders on the rulemaking process, but it can be done.

Oregon OSHA will need to work with the Oregon Department of Forestry (ODF). Right now the variance is a research project and meets and ODF exemption, but will not if the agency changes the rules. ODF did have a discussion about tethered logging at the logging conference, and they are aware of the issue. ODF has an ongoing public records request with Oregon OSHA for records involving research variances granted. ODF is interested in slope, soil erosion and soil problems in general.

Oregon State University (OSU) has been conducting the research involving tethered logging. They are currently one year in to a two year grant. They have done a presentation on ground compaction and tethered logging's impact on the ground. Results seem to be positive so far. One employer that currently has a research variance has a machine that is directly involved with OSU's research now. Tethered, un-tethered, and hand felling have been examined. Research is ongoing. They are looking at the time involved and the effect on soil after different types of logging.

The group discussed the variance process in general and holding employers accountable during variances. Tom let the group know he requests specific further information from employers if needed, and part of the variance application process is for the employer to understand where to get the information they are providing, so they can continue to access that information throughout the variance.

The group went through the rest of the variance report summary, noting that end connectors look to need inspection more often as they're showing up more in the reports. Tom reminded the group not to use quick nubs except as temporary for use only in an emergency. Otherwise variance participants can use what connectors they want within manufacturer's specifications.

No one connector seems to stand out so far as working better than others, although Tom acknowledged that this may come out more in interviews.

Current research variance provisions

Tom passed out to the group an example of what an order granting a research variance looks like. He reminded the group that Oregon OSHA reviews variances on a regular basis. The agency looks at conditions to see if they have changed. Particularly if an employer no longer needs the variance, Oregon OSHA will revoke that variance.

The group asked questions of Tom regarding variances. The first asked if jump splicing is a permanent variance, as the code states this can only be used in half-inch or smaller cable. Tom stated there are no variances regarding jump splices. Statewide variances (i.e. - blanket variances granted statewide to all employers) do not exist in Oregon. The group wondered if allowances for innovative safety meetings are variances. Tom answered that they are not variances but they are similar. Additionally, Tom pointed out that employers under Division 7 have that ability by rule and explained how to apply for innovative safety meetings. The group also wondered how long an employer would have to not use a variance to get it revoked. Tom stated there is not a set time period, but the employer would have to say they are not using the variance and will not use it in the future. Additionally, revocation could come from not following the variance provisions, or if the agency did rulemaking that rendered the variance obsolete.

Tom reviewed the current research variance provisions with the group. This order is now uniform among all employers who receive this research variance. The bullet points on pages 2 through 5 of the example order are the conditions of the variance. A subcommittee on tethered logging helped put the variance provisions together initially. Underlined text in that handout represents changes the agency is considering to the variance provisions. The group went through the underlined text changes and suggested improvements and approved the changes. Oregon OSHA can and will re-issue variances when requirements of the variance change.

The group discussed Ponzi systems. Those systems are their own thing and using those systems within manufacturer's specific guidelines would not require getting a variance.

Tethered logging in Washington

Washington Labor and Industry (L&I) has created a draft of best practices that they will soon make available. Some of that language was used in creating the changes to Oregon OSHA's variance provisions.

The group discussed the dangers of side washing and its effect on tension monitors. The group also discussed the pros and cons of the name of 'tethered logging' versus 'cable assisted logging'. Oregon OSHA is waiting to hear if there is an industry standard that emerges before settling on the name of the process. The group will need to think about the term used when discussing concrete rulemaking. The group also discussed the bullet in the research variance provisions regarding block use while sidelining. The group will table this variance requirement and Tom will return to the group with different language.

Tom showed the group hazard alerts from Washington L&I. Tom stated when he sends out the variance provisions to newly granted variances, he includes these hazard alerts to notify participants of potential issues. Tom let the group know that once Washington L&I has published their best practices.

Securing Log Loads at Log Yards

Tom passed out a draft of an interoffice memo to the group. He suggested that this could also be written as a hazard alert as well. This memo is intended to memorialize work the committee has been doing regarding clarifying log load securement requirements when unloading at log yards. This is meant to be guidance for the public as well as compliance officers.

The group reached consensus that bumping the load is not securing the load. Some in the group also stated that the only way of securing the load is preventing a log from going over or around the stakes on the side where wrappers are removed. The group identified that log yards will need to find a way to hold logs in place while the wrappers are removed, and some current log yard machines will not be able to do it in a way that the group is identifying as secure.

The group acknowledged that a load that is built stable on a truck may not stay that way all the way to the log yard. Tom showed the group some pictures he had of incorrect ways to secure a load to the group. He will likely use these to create diagrams for a hazard alert. The group agreed that the main thing in the hazard alert will need to be making contact with the logs to prevent logs from falling off the side of the load where wrappers are removed.

The group discussed non-adjustable barriers at log yards. The yard would need to be able to reliably demonstrate that logs cannot fall through or out of the barrier in order for the load to be considered secured. Relying on close parking by the log truck driver is not sufficient enough for a log yard operator to ensure securement. Barriers that adjust must make contact with the load.

Wrapper racks also need to be used consistently to reduce hazards. Log yard operators need to be enforcing their rules on a regular basis as they are in control of their workplace. Not securing loads at the logging site landing was the top violation in Division 7 in 2017. Employers of truck drivers also need to be making their employees aware that they need to follow log yard rules even if no one is in the yard enforcing the them. Something the group recognized is how it may be difficult for the log yard to punish someone who is not following the rules, as drivers are typically only there for a short time and may return to the yard irregularly. The group also discussed the need for log yards to display their rules in an overt manner – either a well visible sign or giving drivers a document they have to go over. Perhaps this could be a best practice recommendation on the part of Oregon OSHA. The group asked if this could be an emphasis program. Oregon OSHA stated that there are not enough incidents in the state for that at this time, but that the agency could look at adding sawmills to their struck by emphasis program.

In the draft memo that Tom passed out to the group, there is no specific definition of secured load. The group discussed that rule 437-007-1110(2) does sort of address security when speaking to the center of the logs being below the stakes. The group discussed that clarification of these terms were needed and suggested adding a definition that states that secure means logs cannot come off the load. Additionally the group discussed adding language that the wrapper rack needs to come into contact with the problematic part of the load, not just contact any part of the load. Tom stated that for now he would remove this item from the agenda and work more on a finished product that will more likely take the form of a hazard alert and return to the group.

The group also identified that they need to discuss lightweight wrappers again and asked that this topic be placed on the agenda. Additionally, wrapping loads on landing will be an item on June's meeting agenda.

Two-way radio communication for workers who are single jacking

Tom brought a revised copy of a response to an employer question regarding using radio communication among workers who are single jacking. This answer has been examined by the committee and Oregon OSHA's policy group have made suggestions as well. In this document Oregon OSHA states they will allow the use of radio communications to meet the intent of rule 437-007-0800(4). Oregon OSHA outlined 6 conditions that must apply for radios to fulfill the intent. The group went over these conditions. Tom specified that this use would be situational-when reducing hazards by increasing the distance between cutters, then the cutters can use radios to maintain contact. This cannot be the standard practice.

The group discussed the idea of rendering assistance, particularly the condition 3 involving workers staying within a 15 minute walk. The group expressed concerns that moving within the woods can take a long time. The group thought the wording without the time requirement was sufficient. The group also discussed that the judgment of the compliance officer regarding travel time would be in play here, but it is also at play in the rule today. Also the group discussed the idea that nothing in this interpretation negates the need to be close enough to render assistance. The group also discussed emergency assistance devices that are used in fire services that may be a good suggestion for this industry.

Quarterly Overnight Hospitalizations & Fatalities Report (Q2/FY2018)

The committee reviewed the accidents reported to Oregon OSHA since the previous meeting. Some committee members asked questions and provided clarification.

Roundtable

The group discussed the use by some members of drones in their work. Testing drones is going well, and they are very precise. The group brought up concerns regarding getting ahold of people to notify them of use as required. One member of the group stated they have a good number to help get ahold of people and would give it to Tom to distribute to the group. The group discussed some of the safety concerns around drones and the benefits.

Meeting adjourned 12:35 p.m.

Next Meeting:

When: Thursday, June 14, 2018 at 9:00 a.m.

Where: Associated Oregon Loggers Office, 2015 Madrona Ave SE, Salem, OR 97302