

Oregon OSHA Forest Activities Advisory Committee

March 10, 2022

9:00 am – noon

Attendees:

Tom Bozicevic	John Garland	Jim Gahlsdorf
Dave McLaughlin	Frank Chandler	Mark Dvorscak
Renee Stapleton	Ty Travis	Alta Schafer
Kate Ryan	Jennifer Flood	Jeff Wimer
Bryon Snapp	Bruce Skurdahl	Dave Boyd
John Myers	Matt Kaiser	Rod Huffman

Meeting Agenda:

- Introductions
- Approve December meeting minutes
- Rulemaking and legislation update
- Tethered logging
- Quarterly Overnight Hospitalizations & Fatalities Report
- Roundtable (time permitting)

Meeting started at 9:05am and introductions were conducted.

Review of December 2021 meeting minutes.

Member motioned to approve, a second member approved the minutes. No objections. Minutes approved.

Question: Member questioned why arborists are being included in Dec. 2021 meeting. Tom Bozicevic: They were included in report for information only. In 2021 – 8 fatalities, 4 due to unknown medical/natural causes. Does not include employee struck by fallen tree or a wood chipper incident, unrelated to forest activities.

Rulemaking and legislation update (Renee Stapleton)

- Stated that Matt Kaiser is the new Senior Policy Analyst - Legislative Coordinator for Oregon OSHA.
- Forest Accord Senate Bill 1501:
<https://olis.oregonlegislature.gov/liz/2022R1/Downloads/MeasureDocument/SB1501/Enrolled>
Tethered Logging rulemaking is reference in section (7) starting on page 3. States that Oregon Forestry has to do rules on tethered logging. Oregon OSHA will request to be involved in the process. Likely looks at larger impact of tethered logging on preservation and wildlife.
- “Overtime” bill – related to Oregon OSHA with the idea of more workers being hired.
- Agriculture labor housing rules are being developed.
- COVID-19 rules: masking will no longer be required in most indoor places beginning 3/12/22. Still need to look at how to handle the “Exceptional risk” category of the current rule. This will be discussed in the coming days, and an advisory memo will be coming out to the rule advisory groups. There is not a way for it to be sent using the GovDelivery system.
- Heat and Smoke rules: Feb 1 proposed. Comment period is still open until 3/18/22. Submit comments in writing, instructions in chat box. Additional option to comment this time: phone

number to leave a message up to two minutes. If adoption is the path taken, possibly mid-April with the idea to be effective starting early summer. Direct heat/smoke comments can also be emailed to Tom Bozicevic to be included in record. Tom.BOZICEVIC@dcbs.oregon.gov

- [Proposed Rules to Address Employee Exposure to Wildfire Smoke \(oregon.gov\)](#)
- [Proposed Rules to Address Employee and Labor Housing Occupant Exposure to High Ambient Temperatures \(oregon.gov\)](#)
- Consultation – with regard to public entities. Fed OSHA requires that serious hazards are abated. Going through rulemaking process. Likely April. Three objectives– 1) public entities - serious hazards are abated; 2) 21D consultants must check. Already is the process but will be part of the rule; and 3) rule makes clearer that consultation is confidential and that protection of confidentiality is provided.
- Firefighting rule – needs to get back going again.
- Employer knowledge rule – needs to get back going again. But important for new Oregon OSHA administrator to be hired to be involved.

General updates:

- Bryon Snapp: new Medford Enforcement Manager is Gary Robertson. Gary.L.Robertson@dcbs.oregon.gov
- Renee Stapleton: new Statewide Consultation Manager is Holt Andron. Holt.andron@dcbs.oregon.gov
- Tethered logging – Reach out to Consultation if you have a variance that needs navigated.

Tethered logging:

- Member: Please share who is involved with environmental impacts / OSU / tethered logging information.
 - Matt Kaiser / Tom Bozicevic will be working with that committee. Once we get that contact information, we can share that with the group.
 - TETHERED LOGGING RULEMAKING SECTION 7.
 - (1) Pursuant to the authority granted by ORS 527.710 and subject to the procedures set forth in ORS 527.714 for rules described in ORS 527.714 (1)(c), not more than three years after the effective date of this 2022 Act, the State Board of Forestry shall initiate rulemaking concerning tethered logging.
 - (2) The board shall prioritize the rulemaking.
 - (3) The rulemaking is not subject to the requirements of section 39 of this 2022 Act, but as part of the rulemaking, the board may solicit and consider reports that pertain to tethered logging from the Adaptive Management Program Committee and the Independent Research and Science Team described in sections 36 and 38 of this 2022 Act.
- Tom Bozicevic: ODF has an open public records request for employers with a granted/interim research variance for tethered logging.
- Research variance semiannual report summary (July – December 2021). Total of 80,507 machine hours of operating on slopes over 50 percent since 2016. One event that was not included in the report was when an employee slipped getting in/out of the machine which was not directly related to the activity. Member pointed out a duplicate/typo in variance report which Tom made note of.
- Base machine cab protection (FAAC March 9, 2017 meeting minutes revisited):
“Cab protection for tethered logging winch-based machine and moving anchor: The committee discussed what level of operator protection is required for the winch-based machine. Tethered

logging research variances only permit alternative methods for operator protection addressed under the steep slope restrictions of 437-007-0935, and does not include a reduction in the level of operator protection provided by protective structure requirements under 437-007-0770, 437-007-0775, and 437-007-0780. Due to the possible autonomous operation of the winch-based machine during tethered logging operations, violative conditions regarding operator protection for the winch-based machine may be considered de minimis if there is no employee exposure (no one in the cab). However, if an employee occupies the winch-based machine while the tethered line(s) is under tension from the harvesting machine, the cab of the winch-based machine must meet the applicable protective structure requirements based on the machines original date of manufacture.”

Discussion:

- Tom Bozicevic added: If there is an operator in the base machine that is under tension from the steep slope machine, it must be equipped with tip-over protection. We don't want to discourage second operator in base machine; however, the second operator must be protected.
- Member: If machine is on prepared surface, does it need tip-over protection?
- Tom Bozicevic: There was the discussion of the base machine being on a prepared surface of 20 percent slope or less. This still does not guarantee that a tip-over would not occur, and we don't want to create a new hazard for workers. I have been telling employers that during road changes, steep slope machine should be positioned to prevent unintentional machine movement.
- Member: A member stated that the New Zealand tethered logging tip-over accident was first prototype machine. It was a total system failure. That machine is not the same as we are using now, and in the US.
- Tom Bozicevic: Our current variance provisions require a device to alert the operator of anchor movement. May have changed to be that it prevents the winch from operating.
- Member: Some base machines have a switch that shuts down the winch system. Operator has to go back to machine.
- Member: Machine on slope, is burying the bucket taken into account? Could other systems be in place? Consider a system like a “spud” to create an anchor?
- Tom Bozicevic: Method like “bury the bucket” method may or may not be being utilized by current employers under a research variance.
- Member: Some bury the bucket, some use a lanyard. Newer machinery is very stable.
- Tom Bozicevic: Overall discussion: what should expectations be if second operator is in the base machine to ensure their safety / prevent a tip-over?
- Bryon Snapp: Because these base machines have an additional variable that is introduced (machine down below attached to it), does this committee think there is an additional hazard added? What is the appropriate mitigation?
- Member: Hazards may arise because the machine is not used as intended, but that is different than a hazard created due to the machine itself. For example, a load that is too large and a machine tips over, that is a causal effect that needs to be mitigated, not the situation itself.
- Renee Stapleton: Oregon OSHA is only notified when a tip-over results in an accident/fatality. A “near miss” with no accident would not be reported.

- Tom Bozicevic: Recommendation is to have a kill switch and burying the bucket?
- Member: We (as an employer) don't recommend burying the bucket because we have a lanyard tied off to a stump/ filled 5 gallon bucket.
- Member: Tethered line off the back. Recommend burying the bucket. Always try to take proactive approach and consider worse case scenario (in terms of soil, etc.). Questioned, are we being consistent?
- Line inspections and replacement criteria (Tom Bozicevic)
 - A competent person must inspect the entire length of each tether line and drum connection prior to the startup of each tethered logging operation.
 - A competent person must also inspect the first 50 feet of each tether line daily prior to use. Tether lines must be replaced if there is evidence of chafing, sawing, crushing, kinking, crystallization, bird-caging, significant corrosion, heat damage, other damage that has weakened the tether line, or if the tether line reaches 2,000 hours of use.

Discussion:

- Tom Bozicevic: Some employers are suggesting only needing to inspect the amount of line used during the last job. Comments regarding that practice?
- Member: What is the clarification of what a job is / timing of required inspection?
- Tom Bozicevic: Currently rule says, inspect the first 50 feet of each tether line daily prior to use. Move to a different site, would need to do an entire line inspection.
- Member: Agree that inspecting the portion that was out as the most important to inspect.
- Member: Suggest inspecting what was used on last job, what is needed for next job, plus 5-6 wraps on the drum.
- Tom Bozicevic: Replacement at 2000 hours of use: should requirement be removed from variance?
- Member: When there is more of a slope, more hours of use, then more tension has been on those lines. Our expectation is, any time you should anchor, inspect the lines again. Have to replace the whole line that may not have been used for the full 2000 hours?
- Member: System has a data system in place. Operators can regularly look at what the rope has "seen."
- Member: It could discourage employers from using the line on lower slopes because it is more expensive (additional wear on the line).
- Member: Reports from field employees, line still looks useable and in good shape, but has to be replaced. Competent person's inspection suggests that it would be useable beyond 2000 hours.
- Tom Bozicevic: These comments and suggestions will be reviewed by Oregon OSHA's Policy Group to determine if research variance provisions need revising.

Quarterly Overnight Hospitalizations & Fatalities Report

- 1/28/22 – Hospitalization – Caught-in/Amputation
An employee had the eye of the skyline in his hand and told his coworker he needed a little more slack on the line. The skidding line break was accidentally released causing the carriage to come down the line. The employees right hand was caught in the carriages front sheave resulting in an amputation of four fingers. The employee was transported by crummy to the hospital where he was admitted.
- 2/17/22 – Hospitalization – Medical Condition
Just before 1:30pm, the employee (chaser) stated he wasn't feeling good and sat down. Soon after, a coworker noticed him not looking well and holding his left arm. An ambulance was

called, and the employee was put on a stretcher and carried out and driven down to meet the in route ambulance.

Roundtable

- Renee Stapleton: should next meeting be virtual and September in-person? Group agrees. Would be a hybrid option for those unable to drive to an in-person meeting.
- Member: Notified committee that their company has a management position open.
- Member: New hard hat design from TPR Industrial, WaveCel that is available soon. I will have a testing version in hand next week and cutters will be using it in the field. Hopefully can report on those next meeting. It has a new technology, suspension system design.
<https://www.fastcompany.com/90727004/a-new-hardhat-material-could-reduce-concussions-by-up-to-98>
- Request to share the number/general discussion of the ANSI standard that covers head protection.

Meeting adjourned at 10:57am.