

North Carolina Department of Labor
Division of Occupational Safety and Health
Raleigh, North Carolina

Field Information System
SN/OPN

Operational Procedure Notice 88C

Subject: North Carolina Special Emphasis Program to Reduce the Number of Injuries and Death
Associated with Tree Felling and Related Activity

A. Purpose.

This notice reestablishes a North Carolina Special Emphasis Program (SEP) to address the hazards associated with tree felling and related activity. This effort will include safety inspections and specific consultation and education and training activities.

B. Scope.

Tree felling activity includes limbing, bucking, marking, and cutting logs of trees to length as well as felling. Covered operations include but are not limited to logging, tree trimming, felling of trees in preparation for construction activity such as the building of roads or trails, preparation for agricultural activity, sawmilling, and storm debris cleanup and removal. Tree felling activity could reflect Standard Industrial Classification (SIC) Codes 0783, 1629, 2411, 2421, and those codes representing the public sector. This notice is applicable throughout North Carolina.

C. Action.

This Operational Procedure Notice (OPN) provides for special emphasis inspections in accordance with GS 95-136.1(2) due to a high rate of work related deaths.

D. Background.

North Carolina initiated the state's first special emphasis inspection program for tree felling operations in 1994 in response to an increasing number of fatalities and serious injuries associated with tree felling and related activity. Through consultation, education and training, and compliance activity, the SEP had a significant impact on reducing the number of fatalities relating to tree felling. In 1993, the state experienced 13 fatalities in tree felling operations, while the number dropped to only three deaths in 1994. The special emphasis program was not extended beyond 1995. The years 1996 and 1997 have seen the number of tree felling fatalities increase to a level near that of 1993. In 1996, there were 12 fatalities and 11 in 1997. In response to the increasing number of fatalities over the past two years, the tree felling special emphasis inspection program has been resumed. The SEP will address tree felling and include activity associated with continuing storm cleanup projects. Funds are now being made available to cities, towns, and counties to address secondary cleanup sites not previously scheduled for cleanup. Part of the SEP education process

will be to make public sector instrumentalities aware that subcontractors hired for storm cleanup involving tree felling and related activity are covered under applicable OSHA standards, including Logging Operations.

E. Expiration.

This SEP shall remain in effect until canceled by the Director.

F. Training and Consultative Activity.

The Bureau of Training and Outreach, and Consultative Services shall provide training and consultative efforts to address the hazards associated with tree felling and related activity.

G. Inspection Activity.

Each District Office shall conduct inspections under this state special emphasis program.

1. Scheduling.

- a. The Division shall develop a list of establishments (worksites) likely to be covered by this special emphasis program. Inspection sites can be randomly selected for inspection from this list using a random numbers table. AS new sites are added, they should be randomized for inspection. SIC codes most likely to be included in this list are 0783, 1629, 2411, 2421, and those codes representing the public sector.
- b. The randomly selected establishments designated for inspection under this special emphasis program will be included with the usual assignment list distributed to each Safety District Supervisor on a periodic basis.

2. Referrals.

- a. In response to the high visibility and mobile nature of tree felling operations, any serious hazards observed shall normally be investigated immediately by the Safety Compliance Officer (SCO) who observes them after consulting with the District Supervisor as Compliance Bureau procedures require. Serious safety hazards observed by the Health Compliance Officer (HCO) shall be referred to the Bureau of Safety Compliance.
- b. Because many tree felling operations are located in remote locations where the observation of hazards from public areas would not be possible, whenever a SCO observes or receives information regarding a site where tree felling may be taking place but no violation is observed, the SCO and the District Supervisor shall determine if the site needs to be immediately scheduled for inspection or added to the list of establishments to be randomly selected for inspection. Such determination shall be based on but not limited to the following criteria: The resources available for inspecting the site, the size of the operation, the prior history of the operator if known, and/or the likelihood that the site will be abandoned before it could be randomly selected for inspection.
- c. For tree felling operations associated with storm cleanup, the Bureau Chief of Safety Compliance may request that specific searches be conducted to locate the cleanup sites. This would include contact with public sector instrumentalities.

3. IMIS Coding.

The OSHA-1 form for all inspections conducted as a result of this special emphasis program shall be coded as local emphasis program in block 25C and marked "TREE FELLING."

H. Applicability of 1910.266 Logging Operations.

1. All activities under this OPN shall be considered covered under standards for Logging Operations 1910.266. This clarification is provided to give those employees and employers subject to the OPN, as well as the SCOs conducting inspections, clear guidance on which rules the Division will apply to the various working conditions addressed by the OPN through the special emphasis inspection program.
2. OSHA standard 1910.266 applies to employers and employees using all types of tree cutting and logging equipment or techniques. Employers engaged in storm reconstruction work, debris removal, site clearing in preparation for construction work, and other covered operations are expected to adhere to the "vertical" Logging Operations standard. In addition, the standard, and a subsequent interpretative memo from Federal OSHA dated March 4, 1998, also specify that the requirements apply "regardless of the end use of the wood."

I. Evaluation of Program.

1. Bureau Chief's Responsibilities.

Bureau Chiefs affected by this special emphasis program shall submit to the Director by June 30, 1999, an evaluation report to include at least the following:

- a. Bureau Chief of Safety Compliance:
 - i. Number of inspections.
 - ii. Number of citations and violations issued.
 - iii. Impact on the number of fatalities in tree felling activities.
 - iv. Standards cited.
 - v. Scheduling problems, such as locating work sites or establishments for this special emphasis program.
 - vi. Number of safety and health programs involved or implemented.
 - vii. Overall assessment of the special emphasis program including the impact on other Bureau activities and the goal of eliminating hazards associated with tree felling.
 - viii. Standard promulgation recommendations.
- b. Bureau Chief of Consultative Services:
 - i. Description of outreach efforts implemented.
 - ii. Assessment of the impact of outreach efforts.
 - iii. Number of employers and employees affected.
 - iv. Number of consultative visits conducted.
 - v. Types of hazards observed.
 - vi. Number of safety and health programs improved or implemented.
 - vii. Standard promulgation recommendations.
- c. Bureau Chief of Training and Outreach:
 - i. Description of outreach efforts implemented
 - ii. Assessment of the impact of outreach efforts.

- iii. Number of training sessions conducted.
- iv. Number of employers and employees affected.
- v. Standard promulgation recommendations.
- vi. Number of safety and health programs improved or implemented.

Steven Sykes
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Robert K. Andrews, Jr.
Director

Date: 6/4/98