

VOSH PROGRAM DIRECTIVE: 12-250C

ISSUED: 15 January 2015

SUBJECT: Logging Operations, General Industry, 1910.266; Corrections

Purpose

CHANGE I: This directive transmits to field personnel the above-referenced revised standard.
CHANGE II: This Change transmits to field personnel the subsequent partial stay of enforcement of numerous paragraphs.

CHANGE III included corrections and technical amendments which lifted the partial stay of numerous paragraphs and expresses VOSH's intent regarding other issues; and

CHANGE IV: This Change corrects a typographical error which contained a reference to the wrong standard.

This Program Directive is an internal guideline, not a statutory or regulatory rule, and is intended to provide instructions to VOSH personnel regarding internal operation of the Virginia Occupational Safety and Health Program and is solely for the benefit of the program. This document is not subject to the Virginia Register Act or the Administrative Process Act; it does not have general application and is not being enforced as having the force of law.

Scope

This directive applies VOSH-wide.

Reference

79 FR 37189 (01 July 2014)

Cancellation

CHANGE II: VOSH Program Directive 12-250 (01 April 1995)

CHANGE III: VOSH Program Directive 12-250A (01 July 1995); and

CHANGE III: VOSH Program Directive 12-250B (15 February 1996)

Effective Dates

CHANGE I: 01 June 1995;

CHANGE II: 18 April 1995 – 09 August 1995;

CHANGE III: 01 March 1996; and

CHANGE IV: 15 February 2015

Action

Directors and Managers shall ensure that policies and procedures established in this Directive are uniformly enforced and field personnel understand and comply with the requirements included in this Directive.

Expiration Date

Not Applicable.

C. Ray Davenport
Commissioner

Distribution: Commissioner of Labor and Industry
Assistant Commissioner
VOSH Directors and Managers
Legal Support & IMIS Support Staffs

Cooperative Programs Director and Manager
VOSH Compliance & Cooperative Programs Staff
OSHA Region III & Norfolk Area Offices

Attachments: CHANGES I – III (None);

CHANGE IV: 79 FR 20316 (April 11, 2014) or refer to link below:

http://www.osha.gov/FedReg_osha_pdf/FED20140701.pdf

I. Background

CHANGE I: Prior to this revised logging standard, federal OSHA's existing logging standard, adopted in the early 1970's, was based on then-current American National Standards Institute ("ANSI") standards which covered pulpwood operations--those involving soft wood used in making paper. This pulpwood standard remained virtually unchanged since it was first adopted. The ANSI logging standard, however, was withdrawn by ANSI in 1984 because no final action was taken to revise or reaffirm it.

The purpose of this revision of the pulpwood logging standard, § 1910.266, was to provide a comprehensive performance-based logging standard to protect all loggers from the hazards encountered during timber harvesting regardless of the end use of the wood.

The Safety and Health Codes Board adopted the Logging Operations standard at its meeting on December 19, 1994, with an effective date of July 1, 1995 [subsequently amended to June 1, 1995 by approval of the Board].

CHANGE II: After the final rule was published, the Equipment Manufacturers Institute (EMI), the Portable Power Equipment Manufacturers Association (PPEMA), and Homelite, a manufacturer of chain saws, filed timely petitions with the court seeking judicial review of the standard. Following the December 12, 1994 deadline for filing a petition for judicial review, logging associations from California, Oregon, Montana and Washington also filed objections to the final rule.

As a result of questions raised by the parties and organizations, OSHA determined that the partial stay would allow time for clarification of the language in the regulatory text so that OSHA could more adequately express its intent with respect to some of the provisions. The partial stay also would provide additional information on other provisions.

OSHA stayed enforcement of 12 provisions of the standard for six months, until August 9, 1995. The provisions stayed included the following: foot protection to protect employees against chain-saw penetration; face protection; annual review and approval of first-aid kits by a health care provider; machine operation on slopes; machine shutdown procedures; ROPS specifications; machine cab enclosures; machine parking brakes; maintenance and inspection of employee-owned vehicles; and location of the backcut required when using the Humboldt cutting method. A second stay extended the partial stay for an additional 30 days, until September 8, 1995, so OSHA could further complete its reconsideration of the issues and corrections and clarifications in the regulatory text and preamble.

The Safety and Health Codes Board adopted the initial partial stay of enforcement on April 17, 1995 at its meeting. The effective date of the partial stay extends from April 18, 1995 through August 9, 1995.

CHANGE III:

See Changes I and II of Section I. Background.

On December 11, 1995, the Board adopted corrections and technical amendments to the Logging Operations standard, effective on March 15, 1996.

CHANGE IV: Federal OSHA corrected two typographical errors, one each in its standards on Vehicle-Mounted Elevating and Rotating Work Platforms in §1910.67, and Logging Operations, §1910.266, because, as published, the standards contained a title error and references a wrong standard.

On December 11, 2014, the Safety and Health Codes Board adopted federal OSHA's corrections to the Logging Standard, with an effective date of February 15, 2015.

II. Summary

CHANGE I: On October 12, 1994, federal OSHA issued a final standard which specified safety requirements covering all logging operations, regardless of the end use of the forest products (saw logs, veneer bolts, pulpwood, chips, etc.). This revised logging standard replaced the existing Pulpwood Logging standard at § 1910.266 that had applied only to pulpwood logging, and expanded coverage to provide protection for all employees engaged in logging operations. This standard addressed the unique hazards found in logging operations, and supplemented other general industry standards in Part 1910.

The revised standard established basic training requirements that must be provided by employers covering safe performance of assigned work tasks, safe use of tools, and recognition and control of workplace hazards. Employers are required to ensure that their workers wear logging boots, although the employer is not required to pay for the boots.

The revised logging standard requires employers to:

- Offer first-aid training to employees, including training in cardiopulmonary resuscitation;
- Provide workers with first-aid kits at the work site, landing area, and in each crew vehicle;
- Ensure that each chain saw placed in service be equipped with a chain brake or other protective device that minimizes chain saw kickback; and
- Provide rollover protective structures to protect workers in each tractor, skidder, swing yarder, log stacker, and mechanical felling device such as tree shears or feller-bunchers placed into service after the effective date of the standard.

CHANGE II: Federal OSHA's stay of enforcement, effective until August 9, 1995, affected the following paragraphs of the revised Logging standard:

- (d)(1)(v), insofar as it required foot protection to be chain-saw resistant;
- (d)(1)(vii), insofar as it required face protection;
- (d)(2)(iii) for first-aid kits that contained all the items listed in Appendix A;
- (f)(2)(iv), (f)(2)(xi), (f)(3)(ii), (f)(3)(vii), (f)(3)(viii), and (f)(7)(ii), insofar as parking brakes were required to stop the machine;
- (g)(1) and (g)(2), insofar as they required inspection and maintenance of employee-owned vehicles; and
- (h)(2)(vii), insofar as it precluded backcuts at the level of the horizontal cut of the undercut when the Humboldt cutting method is used.

CHANGE III. This revision corrected and amended the Logging Operations final rule for General Industry, published by federal OSHA on October 12, 1994 (59 FR 51672). OSHA clarified language in the regulatory text so that it more accurately expresses the Agency's intent with respect to the provisions in question and provides additional information with regard to some of the provisions.

Although OSHA made numerous changes in this amendment to clarify its intent, only the logging operations provisions that were partially stayed by OSHA in February 8, 1995 (60 FR 6447) and then again on August 9, 1995 (60 FR 40457) are specifically outlined below. They are as follows:

- 1) **Cut-Resistant Foot Protection.** Paragraph (d)(1)(v) was corrected to reflect that employers need only ensure that boots used by their employees are cut-resistant--not impervious to--chainsaws. The foot protection must prevent the chain saw from cutting the employee before the employee is able to react, or before the protective material jams the chain saw.
- 2) **Face Protection.** Paragraph (d)(1)(vii) was revised to indicate that where employees are at risk of facial injury they must wear protection meeting the requirements of Subpart I of Part 1910 (29 CFR 1910.133). Employees involved in the following logging operations require face protection: chipper operators, employees cutting limbs, branches or spring poles, and employees moving through dense underbrush.

Also, a note was added to clarify that where the employer determines that protection against eye and face injury is necessary and provides the employee with a device that protects both the eyes and face, the final rule does not require the employee to wear separate eye protection as well.

- 3) **First-Aid Kits.** Paragraph (d)(2)(iii) was corrected to eliminate the requirement that employers have first-aid kits reviewed annually by a health care provider because the Logging standard in Appendix A contains a list of minimum contents for a first-aid kit.
- 4) **Machine Operation on Slopes.** Paragraph (f)(2)(iv) was revised to require that employers assure that logging machine operators follow the instructions, directions and limitations described by the manufacturer in the operating and maintenance manuals.
- 5) **Machine Shutdown Procedures.** The discharge provision of paragraph (f)(2)(xi) had been stayed to reconsider whether the provision could be misinterpreted to require unnecessary discharging of pressure and stored energy. OSHA corrected this provision to indicate that the hydraulic and pneumatic storage devices must be discharged as specified by the manufacturer.
- 6) **ROPS Specifications.** Paragraph (f)(3)(ii) was amended to state that only machines manufactured after August 1, 1996 must have ROPS which meet the 1988 Society of Automotive Engineers (SAE) standard. The change was made because, while many machines currently manufactured do meet the 1988 SAE ROPS standard, other machines currently manufactured or in use do not. Machines manufactured on or before August 1, 1996, that comply with the 1979 SAE ROPS standard, are appropriate for use if the ROPS is maintained at its designed level of effectiveness.
- 7-8) **Machine Cab Enclosures.** Paragraphs (f)(3)(vii) and (viii) were revised to require that logging machines manufactured after August 1, 1996 have cabs which are completely enclosed, including at entrances (paragraph (f)(3)(vii)). The revised provision also clarifies that the enclosure must be constructed with mesh material or with other material(s) which the employer demonstrates will provide equivalent visibility and protection from penetrating objects. Paragraph (f)(3)(viii) clarifies that logging machines manufactured on or before August 1, 1996 may either comply with revised paragraph (f)(3)(vii) or

continue to meet the protective canopy requirements specified in the 1971 pulpwood logging standard.

- 9) **Machine Brakes.** Paragraph (f)(7)(ii) was corrected to clarify that logging machines placed into initial service after September 8, 1995, must be equipped with three braking systems: service brakes, secondary brakes and parking brakes. OSHA is permitting older machines manufactured with primary brakes but without backup brakes to remain in use, provided the employer assures that the service brakes are inspected and maintained at their designed level of effectiveness.
- 10-11) **Maintenance and Inspection of Employee-Owned Vehicles.** By amending the definition of "vehicle," OSHA revised paragraphs (g)(1) and (2) to apply the vehicle inspection and maintenance requirements only to vehicles that the employer owns, rents or leases. These inspection requirements apply only if the equipment is used during the work shift. If it is not to be used, it does not need to be inspected.
- 12) **Backcuts.** Paragraph (h)(2)(vii) was clarified to state that the backcut requirement does not apply to open face felling. The backcut requirement, specified in this paragraph, applies to felling trees using the Humboldt cutting method.

CHANGE IV: Federal OSHA corrected an incorrect reference to another federal OSHA standard that appeared in the Logging Operations Standard, specifically, in §1910.266(d)(1)(iv), which was adopted by the Safety and Health Codes Board on December 19, 1994. This subparagraph, which establishes personal-protective-equipment requirements when logging employees operate chain saws, states that the requirement does not apply to employees who operate chain saws from a vehicle-mounted elevating and rotating work platform that meets the requirements of §1910.68. However, §1910.67, not §1910.68 (Manlifts), addresses vehicle-mounted elevating and rotating work platforms. Therefore, in §1910.266(d)(1)(iv), federal OSHA inserted the reference “§1910.67” and removed the reference “§1910.68”.

Logging Operations, General Industry, § 1910.266

As adopted by the
Safety and Health Codes Board

Date: December 19, 1994



VIRGINIA OCCUPATIONAL SAFETY AND HEALTH PROGRAM

VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY

Effective date: June 1, 1995

Logging Operations, General Industry, § 1910.266

VR 425-02-52

When the regulations, as set forth in the standard for Logging Operations, General Industry, § 1910.266, are applied to the Commissioner of the Department of Labor and Industry and/or to Virginia employers, the following federal terms shall be considered to read as below:

Federal Terms

VOSH Equivalent

29 CFR

VOSH Standard

Assistant Secretary

Commissioner of Labor and Industry

Agency

Department

February 9, 1995

June 1, 1995

**LOGGING OPERATIONS, GENERAL INDUSTRY, § 1910.266;
PARTIAL STAY OF ENFORCEMENT**

As adopted by the
SAFETY AND HEALTH CODES BOARD

Date: April 17, 1995



VIRGINIA OCCUPATIONAL SAFETY AND HEALTH PROGRAM

Effective dates: April 18, 1995 - August 9, 1995

Logging Operations, General Industry, § 1910.266

VR 425-02-52

When the regulations, as set forth in the partial stay of enforcement of certain provisions of the standard for Logging Operations, General Industry, § 1910.266, are applied to the Commissioner of the Department of Labor and Industry and/or to Virginia employers, the following federal terms shall be considered to read as below:

Federal Terms

VOSH Equivalent

29 CFR

VOSH Standard

Assistant Secretary

Commissioner of Labor and Industry

Agency

Department

February 9, 1995

June 1, 1995

February 9, 1995

August 9, 1995

**LOGGING OPERATIONS, GENERAL INDUSTRY, § 1910.266;
Corrections and Technical Amendments**

As adopted by the

SAFETY AND HEALTH CODES BOARD

Date: December 11, 1995



VIRGINIA OCCUPATIONAL SAFETY AND HEALTH PROGRAM

Effective dates: March 15, 1996

Logging Operations, General Industry, § 1910.266

VR 425-02-52

When the regulations, as set forth in the corrections and technical amendments to the standard for Logging Operations, General Industry, § 1910.266, are applied to the Commissioner of the Department of Labor and Industry and/or to Virginia employers, the following federal terms shall be considered to read as below:

Federal Terms

VOSH Equivalent

29 CFR

VOSH Standard

Assistant Secretary

Commissioner of Labor and Industry

Agency

Department

February 9, 1995

June 1, 1995

February 9, 1995

August 9, 1995

September 8, 1995

March 15, 1996

Logging Operations; §1910.266; Corrections

As Adopted by the
Safety and Health Codes Board

Date: December 11, 2015



VIRGINIA OCCUPATIONAL SAFETY AND HEALTH PROGRAM

VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY

Effective Date: February 15, 2015

16VAC25-90-1910.266, Logging Operations, §1910.266

When the regulations, as set forth in the Correcting Amendments to standards for Logging Operations, §1910.266, are applied to the Commissioner of the Department of Labor and Industry and/or to Virginia employers, the following federal terms shall be considered to read as below:

Federal Terms

VOSH Equivalent

29 CFR

VOSH Standard

Assistant Secretary

Commissioner of Labor and Industry

Agency

Department

July 1, 2014

February 15, 2015