



OSHA REGIONAL INSTRUCTION

U.S. DEPARTMENT OF LABOR Occupational Safety and Health Administration

DIRECTIVE NUMBER: 2019-12 (CPL 04) | **EFFECTIVE DATE:** October 1, 2018

SUBJECT: Regional Emphasis Program for Logging in West Virginia

REGIONAL IDENTIFIER: Philadelphia Region III

ABSTRACT

- Purpose:** This Instruction continues a Local Emphasis Program for the Logging Industry in West Virginia.
- References:** [CPL 04-00-002, Procedures for the Approval of Local Emphasis Programs \(LEPs\)](#) (11/13/2018)
[CPL 02-00-025, Scheduling System for Programmed Inspections](#) (January 4, 1995)
[CPL 02-00-160 Field Operations Manual \(FOM\)](#) (August 2, 2016)
- Cancellations:** Philadelphia Regional Notice: CPL 2018-12 (CPL 04), dated October 1, 2017. This Instruction replaces and updates an earlier version.
- State Impact:** None.
- Action Offices:** Charleston, West Virginia Area Office.
- Originating Office:** Charleston, West Virginia Area Office.
- Contact:** Prentice Cline, Area Director
Charleston Area Office
405 Capitol Street, Suite 407
Charleston, West Virginia 25301-1727

By and Under the Authority of

Richard Mendelson
Regional Administrator

TABLE OF CONTENTS

I.	<u>Purpose</u>	3
II.	<u>Scope</u>	3
III.	<u>References</u>	3
IV.	<u>Expiration</u>	3
V.	<u>Action Information</u>	3
	A. Responsible Office.....	3
	B. Action Office	3
	C. Information Offices.....	3
VI.	<u>Action</u>	3
VII.	<u>Background</u>	3
VIII.	<u>Procedures</u>	3
	A. Outreach activities	3
	B. Inspection activity.....	4
IX.	<u>Recording in OIS</u>	5
X.	<u>Evaluation</u>	5
	Appendix A-1.....	6-7
	Appendix A-2..	8

LOGGING LEP

- I. Purpose
This instruction continues an LEP for the Logging Industry in West Virginia.
- II. Scope
This instruction applies to the Charleston Area Office.
- III. References
[CPL 04-00-002, Procedures for the Approval of Local Emphasis Programs \(LEPs\)](#) (11/13/2018) [CPL 02-00-025, Scheduling System for Programmed Inspections](#) (January 4, 1995) [CPL 02-00-160 Field Operations Manual \(FOM\)](#) (August 2, 2016) [CPL 02-00-051, Enforcement Exemptions and Limitations Under the Appropriations Act](#) (December 18, 2018)
- IV. Expiration
This Instruction expires on September 30, 2023.
- V. Action Information
 - A. Responsible Office Charleston Area Office
 - B. Action Office Charleston Area Office
 - C. Information Office Philadelphia Regional Office
- VI. Action
OSHA compliance personnel shall ensure that the procedures contained in this directive are followed when conducting this LEP.
- VII. Background
The logging industry has been recognized as one of the five most hazardous industries, based on injury rates, and has been a source of multiple fatalities in West Virginia historically. Since January 1, 2016, 17 percent (six workers) of all occupational fatalities in West Virginia occurred in logging. Significant emphasis will be placed on this industry to reduce its injury and illness rate and fatality rate. This program is designed to provide inspection coverage to logging establishments and contractors (NAICS 113310) that conduct timber cutting operations in West Virginia. Based upon the 2017 Bureau of Labor Statistics nationwide data, logging workers experienced a fatal injury rate of 84.3 having 55 fatalities.
- VIII. Procedures
This LEP will be conducted throughout the State of West Virginia.

There will be two phases to the LEP, an outreach phase and an inspection phase. Each is discussed below.
 - A. Outreach Activities
 1. Outreach activities were conducted throughout FY 2015 as resources and

weather permitted. Charleston Area Office personnel participated in training classes given by the West Virginia Division of Forestry. At these sessions, OSHA Area Office personnel answered questions and provided information on compliance, the LEP, and logging safety. Area Office personnel will continue to serve as a contact for technical and other information for the West Virginia Forestry Association, an industry group that is operating a pilot program to reduce workers' compensation rates for certain members. The Charleston Area Office also prepared correspondence to logging companies throughout the State to ensure familiarity with OSHA standards, the LEP, and logging safety.

2. The Area Office will continue to respond to queries and requests for materials generated by the letter and class participation described above.

B. Inspection Activity

Information from neutral sources such as the U.S. Forest Service will be used to determine the location and number of logging operations in West Virginia. The Charleston Area office will also utilize a WV Division of Forestry web-based program known as LONIE (Logging Operation Notification Inspection & Enforcement). LONIE will be used to locate active logging jobs in the State of WV.

1. When an employer's NAICS is exempted in the most current revision to Appendix A of [CPL 02-00-051, Enforcement Exemptions and Limitations Under the Appropriations Act](#) at the time of the opening conference, the procedures described in the [Appropriations Act](#) will be followed. For employers with 10 employees or less that are not inspected, the CSHO will provide compliance assistance information and exit the job site.
2. The state will be divided into six districts corresponding to the areas of jurisdiction of the West Virginia Division of Forestry Districts. See Appendix A-1, Listing of West Virginia Division of Forestry contacts, and Appendix A-2, Map of Geographical Areas. These six districts will be randomly selected using a random number generating function in standard software, such as Microsoft Excel or Access, to determine the order in which the districts will be planned for inspection activity. When the office is ready to conduct inspections the LONIE system will be accessed by the Supervisor to determine the location of all active logging sites in that district. All sites will be listed on the inspection register.
3. Based on prior experience, it is estimated that it will be possible to inspect all covered logging operations in each area. It is estimated there will be five to ten contractors in each district, excluding self-employed sole proprietorships, equal partnerships, and the like. The number of employers to be inspected is an estimate which may be revised during the year based on changing

conditions and/or efficient use of CSHO time. If excessive numbers of loggers are found to be operating, sites to be inspected will be selected by random number table applied to the original inspection register. Sites can be inspected in any order that makes efficient use of CSHO resources.

4. Once a site has been inspected, it shall not be scheduled again for at least 6 months unless there is a complaint, referral, or incident at the site which requires inspection.
5. Employers in NAICS code 113310/SIC code 2411 may also be selected for inspection based on observation by a CSHO of a worksite at which logging is being conducted. If, in the normal course of travel, a CSHO observes a work site within the area office's jurisdiction that is conducting operations in NAICS code 113310/SIC code 2411, the CSHO will call the Area Office to inform the Area Director or other supervisor of his/her intent to conduct the inspection.
6. Complaints, referral, and fatalities will be handled in accordance with CPL 02-00-160, the FOM.
7. All scheduled inspection will be comprehensive in scope and will last at least one shift to ensure all practices, including tree felling, are observed.

IX. Recording in OIS

The OIS identifier code to be used on the Inspection form, Inspection Type tab, under Inspection Emphasis Programs will be “**LOGGING**”.

X. Evaluation

The Area Office will submit to the Regional Administrator a written evaluation at the midpoint (30 months) and completion (60 months) of this LEP in the format specified by OSHA Instruction [CPL 04-00-002 Procedures for the Approval of Local Emphasis Programs \(LEPs\) \(11/13/18\)](#).

Distribution: Regional and Area Offices
Regional Solicitor
Directorate of Enforcement

APPENDIX A-1 – Logging Area Contacts

AREA 1

Matthew Borrer, Forester (Marion, west Monongalia, & northern Preston counties)
304-825-6983

Travis Hayes, Forester (Tucker & Harrison counties)
304-825-6983

J. Michael Reese, Forester (Preston county)
304-329-0184

Brent Lyons, Forester (Brooke, Hancock, Ohio, and Marshall counties)
304-825-6983

AREA 2

Vernon Stephens, Supervisory Forester (Wood, Wirt, Richie, Tyler, Pleasants counties)
304-420-4515

Robert Langkame, Forester (northern Ritchie, southern Wirt, northern Doddridge counties)
304-643-2520

AREA 3

Ian Smith, Forester (Jackson, Mason & Putnam counties)

David Turnipseed, Forester (Lincoln, Wayne, and northern Mingo counties)

Michael Dolin, Forester (Kanawha Boone, Logan & southern Mingo counties)

AREA 4

Anthony Kesterson, Forester (Greenbrier & Pocahontas counties)
304-647-7425

Curtis Helton, Forester (McDowell, Mercer & Wyoming counties)
304-256-6775

Timothy Sizemore, Forester (Monroe, Raleigh & Summers counties)
304-380-2903

AREA 5

Jack Spencer, Forester (Clay and northern Nicholas counties)
304-380-3538

Franklin "Josh" Simons, Forester (Upshur & Braxton counties)
304-541-9573

Justin Shanks (Randolph county)
304-380-3209

Mayford Lake, Forster (Webster county)
304-380-5873

Jamie Bradley, Forester (Fayette county)
304-545-1083

AREA 6

William E. Pownell, Supervisory Forester (Berkeley & Jefferson)
302-822-4512

Michael Bonner, Forester (Mineral & Hampshire)
304-788-0311

Tommy George, Forester (Grant, Hardy, & Pendleton)
304-538-2397

APPENDIX A-2 - LOGGING AREAS 1-6

