



OSHA REGIONAL NOTICE

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

DIRECTIVE NUMBER: 2018-12 (CPL 04) | **EFFECTIVE DATE:** October 1, 2017

SUBJECT: Local Emphasis Program for Logging in West Virginia

REGIONAL IDENTIFIER: Philadelphia Region III

ABSTRACT

- Purpose:** This notice continues a Local Emphasis Program for the Logging Industry in West Virginia.
- References:** [CPL 04-00-001, Procedures for Approval of Local Emphasis Programs \(LEPs\)](#). (November 10, 1999)
[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 2017-12 (CPL 04), dated October 1, 2016. This Notice 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

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LOGGING LEP

- I. Purpose This notice continues an LEP for the Logging Industry in West Virginia.
- II. Scope This notice applies to the Charleston Area Office.
- III. References [CPL 04-00-001, Procedures for Approval of Local Emphasis Programs \(LEPs\)](#). (November 10, 1999)
 [CPL 02-00-025, Scheduling System for Programmed Inspections](#) (January 4, 1995)
 [CPL 02-00-160 Field Operations Manual \(FOM\)](#) (August 2, 2016)
- IV. Expiration This notice expires on September 30, 2018.
- 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, 15 percent (four 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 113300) that conduct timber cutting operations in West Virginia. Based upon the 2015 Bureau of Labor Statistics Data logging workers experienced a fatal injury rate of 132.7 (<https://www.bls.gov/iif/oshcfoi1.htm#rates>) having 67 total 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 will be conducted throughout FY 2015 as resources and weather permit. Charleston Area Office personnel will participate in training classes given by the West Virginia Division of Forestry. At these sessions, CAS/CSHOs will answer questions and provide information on compliance,

the LEP, and logging safety. Area Office personnel will also 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 will also prepare a correspondence to logging companies throughout the State to ensure familiarity with OSHA standards, the LEP, and logging safety.

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

B. Inspection Activity

1. Inspection activity will commence at the start of the fiscal year. Note that NAICS 113300 is listed in Appendix A of [CPL 02-00-051, Enforcement Exemptions and Limitations Under the Appropriations Act](#), for 2017 as a low rate employer, so inspections in that NAICS must be limited to employers with greater than 10 employees. For employers with 10 employees or less, the CSHO is to provide compliance assistance information and exit the job site, unless an imminent danger is observed. If the CSHO observes a condition that poses an imminent danger, the CSHO must immediately open an inspection, in accordance with the Field Operations Manual and CPL 02-00-051. All inspections will include a review of employer's OSHA illness and injury logs.
2. 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. Beginning this fiscal year, the Charleston Area office will 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.
3. 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 table (Appendix B) 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.
4. 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.

5. Once a site has been inspected, it shall not be scheduled again for at least 6 months unless there is a complaint, referral, or accident at the site which requires inspection.
6. 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 their travel, a CSHO observes a work site within the individual 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.
7. Complaints, referral and fatalities will be handled in accordance with CPL 02-00-160, the FOM.
8. All scheduled inspections 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 No later than October 31, 2018, the Charleston Area Office will prepare a written evaluation of this LEP in the format specified by OSHA Instruction CPL 04-00-001, Appendix A. This program will be evaluated using the following activity and outcome measures:

A. Activity Measures

1. Number of inspections conducted.
2. Number, type and classification of violations per inspection.
3. Numbers of loggers attending training sessions.
4. Numbers of employees removed from risk.

B. Outcome Measures

1. Reduction in the numbers of fatalities
2. Reduction in injuries and illnesses
3. Implementation of a safety and health program by 100% of those employers entering an informal or formal settlement agreement.

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, Ritchie, 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



APPENDIX B

I	II	III	IV	V
94	98	89	20	83
64	97	80	57	58
18	33	15	65	41
90	11	45	25	93
92	52	85	54	46
16	40	84	06	26
74	75	49	71	87
22	37	13	44	62
47	72	29	70	21
14	82	19	48	30
100	63	08	78	34
39	35	73	88	23
77	56	55	09	28
86	69	02	60	99
51	79	32	43	07
38	42	81	95	59
67	12	96	91	03
24	68	31	53	66
01	61	27	17	36
05	76	50	10	04