

PROSPECTIVE ANALYSIS

LOGGING SAFETY ADVISORY BOARD

IDAPA 24.39.80

RULE 301.01.F

Proposed Rule: “. . . A two-tree length distance shall be maintained between cutters working on the same unit unless they work directly together and only one cutter is sawing at a time.”

Current Rule: “Trees shall not be felled if a falling tree endangers any worker, line, or any unit in operation.”

Legal Authority: 67-2605(7)(b). Mandatory.

Define the specific problem the proposed rule is attempting to solve. Can it be solved through non-regulatory means?

The rule attempts to prevent accidents, injuries, and fatalities to individuals and equipment from falling trees and branches. It aims to encourage communication by ensuring only one cutter is sawing when working closely together. This also makes cutting more efficient by minimizing delays caused by potential hazards or accidents. This could be solved through non-regulatory means such as safety training programs and educating cutters on safe distances and proper coordination.

What evidence is there that the rule, as proposed, will solve the problem?

The [National Traumatic Occupational Fatalities \(NTOF\) Surveillance System](#) shows “59% of all logging-related deaths occurred when workers were struck by falling or flying objects.” By maintaining a two tree-length distance between cutters, accidents and logging-related deaths can be prevented by ensuring proper communication and coordination.

Federal Law Comparison (where applicable)

Summary of Law (include direct link)	How is the proposed Idaho rule more stringent? (if applicable)
OSHA mandates that work areas in logging operations must be assigned in such a way that trees cannot fall into adjacent occupied work areas. It requires the distance between	OSHA's rule considers additional factors. Assigned work areas. Calculating the

<p>the adjacent occupied work areas be at least two tree lengths of trees being felled. The regulation stipulates that this distance should also reflect the degree of slope, the density of the growth, the height of the trees, the soil structure, and other reasonably anticipated hazards at the work site.</p> <p>29 CFR 1910.266(d)(6)(ii)</p>	<p>distance between adjacent occupied work areas reflecting degree of slope, density of growth, height of trees, soil structures and other foreseeable hazards.</p>
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State Law Comparison

State	Summary of Law (include direct link)	How is the proposed Idaho rule more stringent? (if applicable)
Alaska	<p>Trees must not be felled or bucked within a unit of standing timber if it creates hazardous conditions for cutters or operators. If hazards arise, precautions must be taken before regular operations commence to minimize the risks.</p> <p>Alaska also specifies the technical details of felling, ensuring its parallel to the inner edge of the undercut and specifically two inches higher.</p> <p>https://labor.alaska.gov/lss/forms/logging.pdf</p>	<p>Idaho requires two-tree length distance between cutters working on the same unit, unless working together, and only one cutter can saw at a time.</p>
Montana	<p>Montana follows OSHA requirements for logging operations. Same summary of law under Federal Law Comparison.</p> <p>See 29 CFR 1910.266(d)(6)(ii)</p> <p>https://loggingsafety.com/timber-harvesting-safety-manual/introduction/</p>	<p>Idaho requires only one cutter to saw at a time.</p>
Nevada	<p>Nevada follows OSHA requirements for logging operations. Same summary of law under Federal Law Comparison.</p> <p>See 29 CFR 1910.266(d)(6)(ii)</p> <p>https://dir.nv.gov/OSHA/Regulations/</p>	<p>Idaho requires only one cutter to saw at a time.</p>
Oregon	<p>Other cutters must not approach within two tree lengths of a tree being felled without a signal from the individual falling the tree that it is safe to approach. The minimum distance between cutters falling trees and any other personnel must be twice the height of</p>	<p>Idaho requires only one cutter to saw at a time.</p>

	the trees being felled (does not apply to a team of two or more working on the same tree). https://osha.oregon.gov/OSHArules/div7/div7I.pdf	
South Dakota	South Dakota follows OSHA regulations for logging operations. Same summary of law under Federal Law Comparison. <i>See</i> 29 CFR 1910.266(d)(6)(ii) https://www.osha.gov/contactus/bystate/SD/areaoffice	Idaho requires only one cutter to saw at a time.
Utah	Utah follows OSHA requirements for logging operations. Same summary of law under Federal Law Comparison. <i>See</i> 29 CFR 1910.266(d)(6)(ii)	Idaho requires only one cutter to saw at a time.
Washington	Washington follows OSHA regulations for logging operations. Same summary of law under Federal Law Comparison. WAC 296-54 WAC, Logging Operations	Idaho requires only one cutter to saw at a time.
Wyoming	Wyoming follows OSHA regulations for logging operations. Same summary of law under Federal Law Comparison.	Idaho requires only one cutter to saw at a time.

If the Idaho proposed rule has a more stringent requirement than the federal government or the reviewed states, describe the evidence base or unique circumstances that justifies the enhanced requirement:

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Anticipated impact of the proposed rule on various stakeholders:

Category	Potential Impact
Fiscal impact to the state General Fund, any dedicated fund, or federal fund	None
Impact to Idaho businesses, with special consideration for small businesses	None
Impact to any local government in Idaho	None

RULE 401.02.A

Proposed Rule: “. . . The canopy framework shall be consistent with the Society of Automotive Engineers SAE J1040, April 1988 “Performance Criteria for Rollover Protective Structures (ROPS) for Construction, Earthmoving, Forestry, and Mining Machines.”

Current Rule: “The canopy framework shall consist of at least two (2) arches, either transverse or longitudinal.”

Legal Authority: 67-2605(5). Mandatory.

Define the specific problem the proposed rule is attempting to solve. Can it be solved through non-regulatory means?

The proposed rule aims to align with OSHA guidelines by incorporating ASME standards for designing and constructing industrial truck Roll-Over Protective Structures (ROPS). This ensures ROPS meets specific safety and performance criteria to protect operators during a roll-over incident. Cannot be solved by non-regulatory means.

What evidence is there that the rule, as proposed, will solve the problem?

Federal Law Comparison (where applicable)

Summary of Law (include direct link)	How is the proposed Idaho rule more stringent? (if applicable)
Each machine manufactured after August 1, 1996, shall have ROPS tested, installed, and maintained in accordance with the Society of Automotive Engineers SAE J1040, April 1988, "Performance Criteria for Rollover Protective Structures (ROPS) for Construction, Earthmoving, Forestry, and Mining Machines", which is incorporated by reference as specified in § 1910.6. ROPS shall be tested, installed, and maintained in serviceable condition. https://www.osha.gov/laws-regs/regulations/standardnumber/1910/1910.266	

State Law Comparison

State	Summary of Law (include direct link)	How is the proposed Idaho rule more
		rule more

		stringent? applicable) (if
Alaska	Alaska adopts and enforces federal standards, OSHA guidelines, for Roll-over Protective Structures. No state-specific rule. <i>See</i> federal law comparison above. https://labor.alaska.gov/lss/program_directives/PD_07-03-Roll-Over_Protective_Structures.pdf	
Montana	Montana adopts and enforces federal standards, OSHA guidelines, for Rollover Protective Structures. No state-specific rule. <i>See</i> federal law comparison above. https://erd.dli.mt.gov/safety-health/	
Nevada	Nevada adopts and enforces federal standards, OSHA guidelines, for Rollover Protective Structures. No state-specific rule. <i>See</i> federal law comparison above. https://dir.nv.gov/uploadedFiles/dir.nv.gov/content/OSHA/Features/08-2021%20-%20Federal%20OSHA%20Standards%20Adoptions.pdf	
Oregon	Oregon's rule applies to a variety of machinery including tractors, skidders, front-end loaders, scrapers, graders, and dozers. Excludes log stackers used exclusively for lifting, transporting, or stacking logs in sorting yards or transfer stations. Machines manufactured after specific dates must have ROPS that meet SAE standards (SAE J1040 – April 1980). Must also comply with the SAE J397 (April 1988) for Deflection Limiting Volume for laboratory evaluation of ROPS. Protective structures must be sufficient in strength and dimension to withstand impacts from materials handled. Must include shear or deflecting guards, side screens, and rear covers with specific material and size requirements. Must be designed to allow for operator visibility and emergency egress, with clearance of at least 52 inches between the deck and the protective structures. ROPS must be maintained and labeled with the manufacturer's information, model number, and specific equipment for which its designated. Welding on ROPS can only be performed by qualified welders. https://oregon.public.law/rules/oar_437-007-0770	
South Dakota	South Dakota adopts and enforces federal standards, OSHA guidelines, for Rollover Protective Structures. No state-specific rule. <i>See</i> federal law comparison above. https://www.360training.com/osha-campus/south-dakota?srsId=AfmBOoo9Nuh38vNnx0t4qoH11Y5zs_xD0wPTnv7C4Op2bazBc90MAqbg	

Utah	Utah adopts and enforces federal standards, OSHA guidelines, for Rollover Protective Structures. No state-specific rule. <i>See</i> federal law comparison above. https://www.laborcommission.utah.gov/laws-regulations/uosh-laws-regulations/	
Washington	Applies to logging machines, including tractors, skidders, log stackers, log loaders, and mechanical felling devices. ROPS must meet SAE J1040 (April 1988) standards for all roll-over protective structures. Detailed specifications for shear or deflecting guards, side screens, and deflectors to protect against limbs and brush. ROPS must be labeled with manufacturer details and maintained to preserve original strength. Welding must be performed by qualified welders. Requires enclosures with mesh material for visibility and protection, as well as solid overhead coverings for cabs. https://app.leg.wa.gov/wac/default.aspx?cite=296-54-57355	
Wyoming	Wyoming specifies a broad range of equipment, including crawler tractors, graders, wheel loaders, skid-steer loaders, and agricultural tractors. ROPS must meet requirements of SAE J1040 (1986) or SAE J1194 (1983). Includes detailed requirements for ROPS construction, labeling, installation, and maintenance. Specifies that ROPS must support twice the weight of the vehicle and meet performance criteria. Maintenance must be approved by the manufacturer or registered professional engineer.	

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