

VA Loggers Association News & Updates



LOG A LOAD FOR KIDS

What's Inside

Supporting Members Page 4

President's Corner

Page 7

FRA's National Outstanding Logger Page 8

Don't Take Voting For Granted

Page 10

Director's Corner

Page 12

Virginia Department of Forestry Page 15

> SHARP Logger Page 17

> > ALC Update Page 18

Virginia Department of Labor and Industry Page 20

Setliff's Law

Page 22

Tree of Life

Page 29

Log-A-Load for Kids Events Page 31

WELCOME NEW MEMBERS

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IMPORTANT 2021 DATES

DEC 24 Christmas Eve
DEC 25 Christmas Day
DEC 31 New Year's Eve
JAN 1, 2021 New Year's Day

JAN 13 Virginia General Assembly begins

JAN 18 Martin Luther King Jr. Day

FEB 14 Valentine's Day

FEB 25-27 Annual Oregon Logging Conference

APR 30 & MAY 1 Mid - Atlant
MAY 21-22 Richmond L
AUG 5-8 VLA Annual
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Mid - Atlantic Logging Expo Richmond Logging Expo VLA Annual Conference Morning Legal Training Legal and Safety Training

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FROM THE PRESIDENT'S DESK | Frank Myers

It should not be of any surprise to any of us that 2020 is going out with a roar. The record rainfall we have been experiencing has caused many of us to lose production and scramble for better ground. I know everyone is extremely busy, so I will try to keep this short.

As we proceed into 2021, I would like to use my space in this edition to praise the hard work of Ron Jenkins, our Executive Director. We have discussed many things in our board meetings over the years, but three topics seemed to keep coming up: interstate highway use, markets, and personal property tax on logging equipment. As most of you know by now, I hope, the General Assembly passed the code section last year that gave the counties the option of exempting our logging equipment. Ever since this went into law, Ron has tirelessly been writing letters and attending Board of Supervisors meetings all over the state.

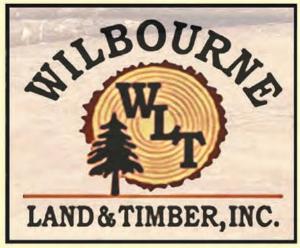
The initial reception, as you can expect, is not always positive, but he has been persistent. We knew this was going to be a long process and it has proven to be just that. We are making progress, and we soon hope to have ten counties that have taken some kind of positive action. Ron and the Virginia Loggers Association have spent a lot of time and effort on this. If any of you have interest in your property taxes, and the desire to save some serious expense, give Ron a call. When your county meets to discuss this, your presence in the board room or contacting your local supervisor or county administrator, will help Ron tremendously. Thanks to all of you in advance.

As we start 2021, hopefully this new vaccine will work and we can all meet again at our annual meeting. Thanks again Ron!!

Frank Myers

VLA's Christmas Message - Let us bring joy to others and hold hope hostage in our hearts!





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COME TOGETHER

David Abbott, Managing Editor, Southern Loggin' Times



At the time I am writing this, the election was held a little under two weeks ago. As it stands right now, it looks as though it didn't go the way a great many of us would have preferred. Or maybe it actually did; I know a lot of folks think that Trump actually did win and the Democrats cheated somehow. I don't know about all that...I don't know if that's even

really possible to do, let alone get away with, on the scale it would take to pull off something of that magnitude, in multiple districts, multiple states...and I have to wonder: if they could do that, why not go ahead and give themselves the extra House and Senate seats while they're at it? It seems unlikely to me, BUT, I also don't see the harm in double and triple checking, recounting, investigating any allegations of impropriety, just to let us all feel confident we got the accurate results. And, if such a crime did occur, I certainly hope and believe that it will come to light and be prosecuted. The will of the people, whichever way it goes, is sacred and must be safeguarded and honored, whatever the results...even when we don't like the results.

There might be something to those fraud allegations; there are some things going on in a few states that sound a little funny, at least. Maybe there's something to it. At the time of this writing nothing has been proved yet but by the time you read it, maybe more will have come out. Myself, I am all for investigating and even recounting, not because I necessarily expect a different result, but because I want all of us to be confident that the results are in fact the true results, to be confident that the system is honest. If it isn't, we need to know that, whatever result it yields.

As a lifelong student and observer of politics myself, I did my own research and analysis on Monday, November 2, the day before the election. My gut instinct was that Trump would win, but I tried to remain as unbiased and objective as I could. To my surprise, in every hypothetical situation I ran, the numbers favored Biden. That certainly didn't mean he would win...no one can know what will happen till it happens...but the numbers indicated a Biden win would be likely, or at least more likely than I had expected. It was one of the few times that my gut and my head were not on the same page. The end result was very similar to my simulations—except I never, ever thought Biden had a

chance of winning Georgia. I thought Arizona was likely and Pennsylvania possible, and I was very certain Biden would get Wisconsin and Michigan...but Georgia shocked me.

Alabama, where I live, gave its 9 electoral votes to President Trump. For a minute I thought Virginia would too, but it turned out Biden won the state's 13 votes by taking the heavily populated areas around DC, Richmond and Norfolk.

I know a lot of us find it hard to believe that roughly half the country voted for Biden. For me, traveling and talking to folks from all over as I do, I don't find it hard to believe. I know that there's an awful lot of Americans out there who, right or wrong, really do not like President Trump—just about as many, overall, as there are who love him. It's a funny thing; I've often observed that he seems to be simultaneously the most popular and the least popular President of my lifetime, and people feel passionately about him on both extreme ends of the spectrum. And on both sides, they have their reasons, some perhaps valid and others perhaps less so, but regardless, it's their prerogative and they have a right to it—love him or hate him. I know that as popular as the still-current President is with so many people, he's just as unpopular with about the same number on the other side.

And that's kind of the problem, as I see it. Unfortunately our country is still so divided—we the people are so divided. And to me it appears that the divide is not primarily geographic, not northern states versus southern, but rather, big city versus rural/small town within each state. We tend to have different values and different priorities, indeed, different needs and interests, depending on where we live and make our living. But the fact is, in the city or in the country, in the north or in the south, the electoral numbers indicate and my own experience persuades me that the USA is about half and half, more or less equally divided between those who wanted to grant President Trump another term and those who did not. Therefore, it's no surprise to me that this was a close election, nor that it could tip one way or the other. Every vote truly matters.

The divide isn't even just Republican/conservative versus Democrat/liberal either. The division now seems to be Trump and anti-Trump. I personally know several lifelong conservative Republicans who just couldn't get on board with Mr. Trump, for various reasons. And it seems that both sides can't understand how the other side could ever think as they do.

We're split in two and I don't think I've ever seen the animosity run this deep or this personal for many of us. I hate it. I truly wish we could all be on board with and behind the same guy, but that's not been our lot of late. Still, I wish we'd quit seeing each other as enemies; I long for the day when we're not 50% one way and 50% the other, but 100% Americans. We're all on the same team, we all love our country, and we all basically want the same things; we just disagree on how best to get there. We can have differences of opinion but still recognize that we have more in common, more that binds us, than what divides us. As President Lincoln said after the Civil War—we are not enemies but friends.

Seems like if you're a Republican, or worse, a Trump supporter, liberals will assume you're a homophobic racist bigot or a fascist. And if you're a liberal (which is basically a cuss word where I come from; you'd almost rather someone call you a dirty lying SOB than a liberal, it would be less insulting), or even if you're a conservative who just isn't a Trump fan, your friends and neighbors may have called you an un-American socialist/communist who hates God and country, a pedophile who wants to kill babies. Both sides demonize the other, unfairly and inaccurately, instead of respecting the fact that reasonable people—well informed people of good character and intelligence, patriotic people—can disagree about politics. That's what I wish; not that we'd all see things the same way but that we'd respect each other, and respect each other's right to see things differently.

We're all on the same side here, ultimately: the side of America. We just sometimes disagree on what's best for it or how best to get there. Is the result of this election really what's best for us? Only time will tell, but come what may, we are all in this together and we will, as a nation, survive and thrive.

So that's what message I want to get across. If your fellow Americans picked a President who wasn't your preference, it's going to be ok. They're still your friends and neighbors, still your brothers and sisters. We're still America, we're still great, and there will always be another election. And who knows? If the courts don't rule in his favor this time, maybe President Trump can run again in 2024.

EXECUTIVE DIRECTOR'S CORNERRon Jenkins

Goodbye 2020 and Welcome 2021!

Looking forward is much more fun even when you cannot predict the future.

Perhaps the best we can look forward to is always bring our best "A game". Doing our best and what is right has a unique place that really helps overcome steep challenges.

From my perspective as Virginia Loggers Association's executive director, I have been given the opportunity to make a positive force for logging and our industry in general. It is one responsibility I feel proud and humbled to carry out at the same time.

Despite how you feel about 2020, VLA is still standing strong. We accomplished a lot and helped many of our members and friends along the way.

- In 2020, VLA stayed on track and regained membership strength as the end of 2020 approached. We are very grateful to Forestry Mutual and for all members who continue to support VLA.
- Representative Spanberger spent over two hours attending our January Board meeting! She was re-elected to Congress and we believe she will continue to support our industry.
- Progress on the Loggers Relief bill, Safe Routes Act, and Youth in Logging gained support in Congress.
- Setliff Law provided pro bono its excellent legal training by Zoom and a great safety seminar (along with many other fine contributors) for our membership. Many business owners and their managers attended. We recommend this training for every company.
- Vance Wright passed the gavel to Frank Myers. Frank will now lead the organization in 2021 serving as President. Chad Shelton will continue to serve as Vice-President of VLA.
- Three members received recognition for their excellent business management and service to the industry. Buck Morris received his recognition earning the President's Award. Binky and Guke Tapscott were recognized by FRA as the 2020 National Loggers.

VLA is lining up its work plan in 2021 with a few solid commitments. While not known whether any of these events will come true, we will remain flexible and ready to adjust and seize the opportunities available to us.

We plan to be visible at two upcoming logging expos in 2021. VLA will have booths at the Richmond Logging Expo and the Mid-Atlantic Logging Expo in North Carolina. Dates are set for both and can be found in our events calendar.

VLA annual conference will take place at Hotel Roanoke Conference Center on August 5-8, 2021. We will plan an awesome top-notch agenda for the entire family. All we need is you!



VIRGINIA DEPARTMENT OF FORESTRY COMMUNICATION, PLANNING AND COOPERATION BUILD STRONG BRIDGES

By Michelle Stoll, Director of Public Information, Virginia Department of Forestry

Remember those old cartoons with the coyote and the sheep dog clocking in to work, the coyote set on eating the sheep and the sheepdog determined to stop the coyote? These two were always at odds and that was just the nature of their jobs. Well, some people may assume the same is true for Virginia Department of Forestry (VDOF) water quality personnel and loggers, but they would be wrong! "We're really on the same side and when we work together and keep each other informed, everyone wins," explains VDOF Water Quality Specialist Kevin Dawson.

Kevin, forestry consultant Todd Goode and logging company owner Donnie Reaves have been working together on a job that proves partnership and communication are more than just words. As a result of pre-planning, intentional and open communication, and a sound relationship built on mutual interests, one harvest in Lynchburg City has proven to be stress-free and a success for all involved.

Todd and Donnie contacted Kevin in June of this year about a potentially complicated timber harvest in Lynchburg. The site crossed a stream and was in a particularly visible location. The location had all the elements of a difficult job fraught with water quality problems and public scrutiny. Donnie and Todd recognized this and reached out to Kevin to request a pre-harvest plan and assistance with installing a temporary bridge.

"Donnie and Todd foresaw the potential issues and reached out for help from VDOF," said Kevin. "This kind of communication and trust goes a long way to make a positive harvest that everyone walks away happy with."

The site posed two significant challenges: the need to cross Dreaming Creek as well as a city sewer line running adjacent to the creek. Kevin wrote the pre-harvest plan on June 18, 2020 and submitted it to Todd, Donnie, and Lynchburg City. The plan involved a double bridge crossing at Dreaming Creek, one set of bridges to traverse the sewer line and the second set to cross the stream. Lynchburg City was more than willing to mark the sewer line.

Donnie was able to take advantage of VDOF's Logger BMP Cost Share Program that takes advantage of funding provided by the Commonwealth's Water Quality Improvement Fund. This program helps log-

ging contractors cover the cost of implementing Best Management Practices (BMPs) on stream crossing sites across the state. The program covers 50 percent of the cost of BMP installation up to \$2,500, or \$5,000 if the project includes the purchase of a portable bridge. Kevin submitted the cost share paperwork at the same time to secure funding to help Donnie with this project.

Donnie knew he needed a bridge that would adequately support his tracked sawhead, and he contacted Binky Tapscott of Forest Pro, Inc. to perform the construction. They settled on a 35-foot steel bridge with extra I-beams under the outer panels for added strength. The plan also called for logs under the ends of each bridge to make the crossing level and the transition from bridge-one to bridge-two "seamless".

"I was very impressed with Donnie's ability to listen and suggest alternative ways to stabilize the crossing during use," recalls Kevin. "Donnie used the existing brush on both sides of the crossing to create a corduroy pad that would keep the equipment from rutting the approaches and prevent any potential erosion or sedimentation. He also suggested using two main bladed trails, which was an idea that I had not previously considered, but after listening to his reasoning I thought it was worth a respectable try."



The job began in August of 2020 and as of Thanksgiving this year was approximately 75 percent complete. The Lynchburg area has received separate rain events of four inches, four inches, five inches, and 10+ inches during this harvest and the bridges as well as the approaches have held up better than ever expected. Donnie used a combination of temporary diversions and brush matting to prevent soil compaction, soil rutting, erosion, and sedimentation. Kevin explained that each week he has responded to many phone calls questioning the project and has conducted weekly inspections of the property because he knows that there are many eyes that view this harvest daily. He has yet to find any erosion or sediment entering the stream channel. Once the project is completed the bridge will be removed and VDOF will close out paperwork for the Logger BMP cost-share project and process the payment.

"I've seen pictures of the bridge with a bulldozer setting on it after heavy rains, the creek swollen, an incredible amount of fast-moving water, all while the stream banks look undisturbed by the logging," said Virginia Loggers Association Executive Director Ron Jenkins. "This project was truly a successful collaboration of the owner, Virginia Department of Forestry and its great people, and bridge-builder Binky Tapscott."

Donnie's willingness to listen and take the time to install the necessary control measures during the harvest made this endeavor successful. In addition to Donnie's efforts to enlist VDOF's expertise and involvement prior to beginning the harvest, the City of Lynchburg has also been an important stakeholder. "They have been great to work with, and I keep them informed on a regular basis with any developments I observe while conducting my harvest inspections," said Kevin.

This job is a perfect example of what happens when the communication between parties is open and honest. All parties have been willing to listen to one another, and that makes things simple when it comes to complicated harvests. "I think the entire process has proven that when pre-harvest planning is involved along with patience and determination that complicated projects are not as complicated as they may seem," Kevin concluded.

Secretary of Agriculture & Forestry Bettina Ring and Forester Kevin Dawson review logging site

"We Done Did Doesses This Together"

By Donnie Reaves

This was a wonderful project created by some great people coming together. It was the WE factor that made it happen and not just one person. Kevin Dawson of the Virginia Department of Forestry got it all started off on the right foot by helping me understand our options. Me done did dosses went and found me a goodess water quality man.

When it came to crossing this creek, I counted heavily on Uncle Binky Tapscott to build one that would allow my heavy equipment to cross and keep the water clean. Both men were so important to helping me. Also, I am thankful to Rob Farrell for making the funding available to build the bridge. I sure hope Mr. Farrell didn't have to give up a paycheck!

Finally, I give the Lord above all the credit for helping to move everyone in the right direction for a successful outcome. Amen!





NEWS AND UPDATES FROM VIRGINIA TECH FOREST OPERATIONS EXTENSION

Scott Barrett, PhD, Extension Specialist, Forest Operations

Coordinator for the VA SHARP Logger Program

VA Tech Department of Forest Resources & Environmental Conservation

VA TECH FOREST OPERATIONS RESEARCH UPDATE

One of the more interesting parts of working at VA Tech is that I get to be involved in a number of different research projects. Even though COVID-19 restrictions have changed many things, we still have several active Forest Operations research projects. I often get asked about the projects we are involved in, so I thought I would update you on some of the ones that are relevant to your work.

I currently have a graduate student working on one part of a larger project where we are trying to quantify the benefits of BMPs for reducing sedimentation on logging jobs in the Southeast. One of the primary goals of forest harvesting BMPs is preventing sediment from entering streams. We know that BMPs work to reduce erosion and erosion is relatively easy to estimate on harvesting sites. However, very few studies have actually quantified how much of that erosion actually makes its way to the stream where it results in sedimentation. There are two phases to this project, one that estimates erosion and the general site characteristics on 111 harvest sites in 11 southeastern states. The other part of the project uses silt fences installed along the edge of streams on harvesting sites in Virginia and North Carolina to actually trap sediment right before it reaches the stream. This will allow us to develop a sediment delivery ratio to quantify how much of the erosion that occurs on a harvest site actually makes it to the stream. This study will help us to better quantify the benefits from BMPs that loggers are working hard to implement on their harvest sites.

Another project that we are working on relates to logging machine value retention as well as logger's decisions related to buying new versus used equipment. This project is led by Chad Bolding who has a graduate student currently working on analyzing data on used equipment values. Part of the project involves collecting prices and other information for logging equipment on used equipment sites. The student collected data from across the country for over 900 pieces of used equipment. The objective of the study is to evaluate the decline in equipment value over time and evaluate the factors related to that decrease in value. In addition to the machine values collected from used equipment sites this project will also involve getting additional input from equipment dealers related to other factors that impact used equipment value. This project also plans to get input from loggers related to their decisions on whether to buy used versus new equipment. If you are interested in helping out with this part of the study, we plan to have a brief survey for loggers where you could provide input on your ideas related to equipment purchasing decisions. We plan for that to be available as an online survey in early 2021 and will distribute the link to the survey once it is ready.

And of course, another project that was completed last year was the third comprehensive survey of SHARP Loggers. I had planned on presenting those results at the VLA annual meeting this year, but COVID-19 had other plans for 2020. I still plan to share the results of that comprehensive logger survey in more detail at the VLA Meeting in August 2021 as well as some updates from the other projects I mentioned. I always try to be optimistic, even when 2020 makes it hard to be an optimist! But I am optimistic that by August we'll have the worst of this COVID-19 situation behind us and we'll be meeting in person and talking face to face about how glad we are that those times are behind us! I hope to see you face to face in 2021.



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Rebate is set up for dealer to apply rebate to final price of unit at time of delivery (provided membership is validated).

Members that buy an HX, will get a Carhartt Jacket with new HX Logo. Mark Netzly and Bob Mann will be the point of contact for the program for Navistar.

*Email americanlogger@aol.com for verification or additional information or contact Ron Jenkins at info@valoggers.org.



GOOD RIDDANCE 2020!

Danny Dructor - Executive Vice President

As we look back on the year 2020, the majority of us can probably say it can't happen fast enough! With the COVID-19 pandemic, catastrophic wildfires, hurricanes, mill explosions, the downturn in hardwood markets resulting from tariffs, extremely wet operating conditions and shuttered paper and sawmills in many parts of the country, 2020 has been without a doubt, one of the roughest and toughest years for professional loggers and log truckers to keep their businesses afloat, no pun intended.



It started with the tariffs and ended with the extended wildfire and hurricane season, and somewhere in between the issues that surrounded the COVID-19 pandemic. While loggers remained an essential service provider, many of the mills that we produced to could not maintain enough personnel to run their facilities due to the illness.

At a time when paper products in the US such as toilet paper were flying off of store shelves, loggers supplying the raw fiber need to produce those products were seeing their delivered prices drop. As do it yourself projects picked up because of the stay at home mandates, lumber prices soared due to the shortage of lumber caused, in part, by lack of mill capacity due to employee shortages.

We asked both Congress and the Administration for some type of relief package to help those businesses that are struggling stay afloat long enough to reorganize their business plans in order to do just that, stay in business. While we had some help from both sides of the aisle in both the House and the Senate, the ability of Congress to pass legislation of any form was curtailed by the partisan politics that seem to be the new norm in Washington, DC.

Meanwhile, we found that the United States Department of Agriculture failed to see the similarities between agricultural producers and loggers and our attempts at getting assistance by way of the CFAP program were rejected, perhaps because the advisors to the Secretary do not understand our industry or perhaps the Secretary himself was not interested enough in the issue. We provided them with the data generated by Forest2Market showing the impact that the COVID-19 pandemic on the logging and log trucking industry, but to no avail. Meanwhile, commercial Christmas Tree growers are eligible for the program even as they are set to have a banner year as social distancing and stay at home policies are still in effect in many states across the US. Go figure?

Loggers are survivors as well as adaptors. Once again the majority of you have risen to the occasion and figured out a way to make a go of it, but there have been casualties, many that could have been avoided with an assistance program from the federal government.

Besides legislation that we have worked on for many years such as the Safe Routes Act and the Future Logging Careers Act, it has become evident that one important recognition needs to be made and that is to create parity between logging and the rest of the agricultural commodity producers. We aren't going to cry for assistance every time the ground gets too wet to work or another mill goes down due to market fluctuations, but logging and log trucking businesses should have the opportunity, the same as the other agricultural producers, to at least qualify for low interest loans or even small forgivable loans when pandemics that are totally out of our control shut down the businesses and markets that we rely on to deliver our product to.

2020 can't get out of here fast enough, but we will have our work cut out for us in 2021.

Wishing each and every one of you a safe, happy and blessed Christmas season and a prosperous 2021!

The American Loggers Council is an 501(c)(6) not for profit trade association representing professional timber harvesters throughout the United States. For more information please contact the American Loggers Council at 409-625-0206, or americanlogger@aol.com, or visit our website at www.amloggers.com



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2021 will be an important year. You will have the opportunity to vote for your representative in the Virginia House of Delegates and Governor. Your personal life and your business can be impacted by those we elect to represent us. Virginia Loggers Association uses the VLA Political Action Committee to find candidates who support businesses and our industry. Will you choose to support the VLAPAC by contributing today and let us help you?

Virginia Loggers Association Political Action Committee

Please support the Virginia Loggers Association Political Action Committee. No contribution is too small! VLA wisely uses funds to support Virginia legislators in the House of Delegates, Virginia Senate and Gubernatorial races who support the forest industry.

We are grateful to you because your financial contributions make the difference for VLA members receiving recognition by legislators. Without the PAC, our industry and businesses have less power to impact political agendas good for our business.

Make the decision today to complete the form below and send a contribution today to join others who've decided to strengthen our political voice in Virginia.

Thank you!

Virginia Loggers Association Political Action Committee Solicitation Form Please Complete & Return With Donation Virginia Loggers PAC 5251 Tavern Lane Goochland, VA 23063

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"Virginia law requires all candidate campaign committees to maintain a record of the name, mailing address, occupation information (includes type of work, employer and principal place of business) for each individual who contributes to our committee. Your information will not be made public if your contribution is \$100 or less for this calendar year."



VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY

Logging Sector –Education vs Training



Virginia Department of Labor and Industry

William Groce CHST Lead Safety and Health Consultant

VOSH – OSHA State Plan 1570 E Parham Road Richmond, VA 23228 Phone: (540) 248-9280

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www.doli.virginia.gov

https://www.doli.virginia.gov/vosh-programs/consultation/

Are we providing the proper training and education to our employees? Many employers provide educational information to employees without providing the employees training. This happens due to misunderstanding the difference between education and training.

As we work together to reduce injuries and deaths, we need to look at training provided to each employee and the task or equipment they operate. Reevaluating each employee is essential either yearly or after a close call, near miss, accident, or any unsafe operation that is observed.

What is Training: By definition, training is the action of teaching persons a particular skill or type of behavior.

Three types of training in the work place consist of Induction, on-the job and off the job.

What is Education: By definition, the process of receiving systematic instruction.

Each part of Training for employees should consist of an Educational part (instruction) and a Training part (hands on).

Simple example of education and training- No one would ever let someone drive without providing them classroom instruction, the education part, and then have that person drive on streets and highways, the training part. (Even if you did this as a child on the farm or backcountry roads)

The most likely cause of employee performance problems and accidents can be pointed to the deficiency of skills and knowledge. The corrective action is education and training.

29 CFR 1910.266 (i) Training

- 1. The employer *shall* provide training for each employee, including supervisors, at no cost to the employee.
- 2. **Frequency.** Training shall be provided as follows:
 - i. As soon as possible, but no later than the effective date of the section for initial training for each current and new employees; <u>(effective date for training was September 8, 1995)</u> Everyone now gets training upon hire.
 - ii. Prior to initial assignment for each *new* employee; (This includes employees with stated knowledge, or past experience)

- iii. Whenever the employee is assigned new work tasks, tools, equipment, machines or vehicles and,
- iv. Whenever the employee demonstrates unsafe job performance.
- 3. Content. At minimum, training shall consist of the following:
 - i) Safe performance of assigned work task
 - ii) Safe use, operation and maintenance of tools, machines and vehicles the employee uses or operates, including emphasis on understanding and follow the manufactures operating and maintenance instructions, warnings and precautions
 - iii) Recognition of safety and health hazards, associated with the employee's specific work task, including the use of measures and work practices to prevent or control those hazards.
 - iv) Recognition, prevention and control of other safety and health hazards in the logging industry.
 - v) Procedures, practices and requirements of the employer's work site and,
 - vi) The requirements of this standard.

Portability of Training - Each current employee who has received training in the particular elements (task or equipment) does not have to be retrained in those elements. 1910.266(i)(5)(i)

The employer *shall* train, each current and new employee in those elements for which the employee has not received training. 1910.266(i)(5)(iii)

The employer is responsible for ensuring that *each* employee who is required to be trained as specified in paragraph (i)(2) of 1910.266 *shall* work under the close supervision of a designated person until the employee demonstrates to the employer the ability to safely perform their duties independently.

One of the challenging tasks for the employer now is, providing training in a manner that the employees understand. The employer *shall* assure that all training material used is appropriate in content and vocabulary to the educational level, literacy and language skills for the employees being trained. The challenge for many is the language as more none English speaking workers entering the logging industry.

https://www.osha.gov/SLTC/etools/logging/index.html

- o Other additional training that may be required that is not part of the 1910.266 standard, include Emergency Action Plan 1910.38
- o Occupational noise exposure 1910.95
- o Portable fire extinguisher training and education 1910.157
- o Welding and cutting fire prevention 1910.252
- o Hazard Communication 1910.1200
- o Infectious Disease Prevention COVID-19, State standard 16VAC25-220

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Additional assistance please contact William Groce at william.groce@doli.virginia.gov

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SETLIFF'S LAW TI

Up a Highway Without a Pedal

Under the Virginia Bureau of Insurance's latest guidance, can insurers (or their insured) challenge the reasonableness of police-initiated towing bills?

The Virginia State Corporation Commission recently passed Administrative Letter 2020-06 (https://www.scc.virginia.gov/getattachment/35193336-78b1-4012-88c2- b34a0eba81e1/2020-06. pdf) which notes that, once insurers have made a liability determination that the insured is at fault for an accident, insurers are responsible to reimburse towing companies for "clean up and recovery costs," which include "certain towing expenses."

In many cases, this is a relatively insignificant point. After all, when compared to the property damage and medical bills that can result from an accident, a small tow charge is a relatively minor addition. However, in circumstances where an accident leaves a vehicle disabled on the side of the road, Virginia police are permitted by Virginia law (Virginia Code § 46.2-1209) to call a towing company to recover the vehicle and, depending on the city or county's local code, these fees may be automatically charged to the owner of the disabled vehicle.

In some cases, neither the insured nor the insurer has an opportunity to meaningfully negotiate the tow rates charged. Although some localities have set rates that the company may charge, in many localities within Virginia, there are no set tow rates (or caps), which can result in bills for tens of thousands of dollars being forwarded to trucking companies and insurance companies that were never negotiated and are incredibly excessive compared to the time and cost expended by the towing company.

Virginia Code § 46.2-118(11) prohibits any towing and recovery operator from "[k]nowingly charg[ing] excessive fees for towing, storage, or administrative services or charg[ing] fees for services not rendered." However, Virginia Code § 46.2-118 does not have an associated private right of action or embedded right of refusal provision. Instead, parties must rely on petitioning the Office of the Attorney General for a consumer protection complaint, which has no guarantee of being pursued and provides no immediate relief from the outstanding debt.

Drivers, transportation companies, and insurance companies should all be prepared and ready to handle situations when a vehicle they are responsible for becomes disabled. First, as always,

drivers should take care to contact their towing company and/ or attorney immediately so that they can get ahead of the situation. Second, many (if not most) police officers will permit the vehicle's owner to select a nearby towing company – and drivers or company representatives should be ready and prepared with a list of reputable companies. This can allow negotiation of rates up front. Third, if a police- recommended towing company is to be used, the driver or company representative should take care to get an estimate in writing prior to work being performed. Fourth, recipients of towing bills called in by emergency services should take care to review those bills to ensure that they represent a reasonable rate for work actually performed. Moreover, different localities may have procedures in place for how these bills are to be handled. If you receive an excessive towing bill as a driver, transportation company, or insurance company, it may be prudent to contact an attorney before payment is made to weigh potential options – it's typically much more difficult to undo a wrongful payment then it is to address the situation up front.





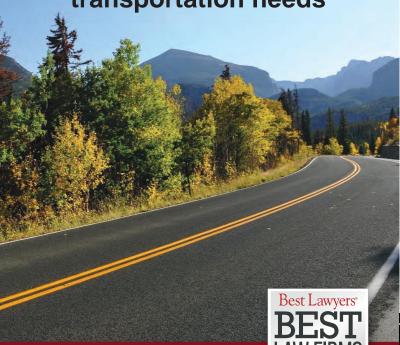


Mr. Setliff

If you have questions about this article, please contact Matthias Kaseorg (mkaseorg@setlifflaw.com) at 804-377-1273, or Steve Setliff(ssetliffl@setlifflaw.com) at 804-377-1261.

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FOREST PRODUCTS AND **MARKETS** VIRGINIA WOOD **PRODUCTS** UPDATE

Henry Quesada

Associate Professor and Extension Specialist

Department of Sustainable Biomaterials, Virginia Tech

If you have any questions about this topic, please contact Dr. Henry Quesada at quesada@vt.edu.

MARKET ASSESSMENT OF THERMALLY-MODIFIED WOOD: PART II

Virginia Tech professors Henry Quesada and Briand Bond, faculty in the Department of Sustainable Biomaterials, surveyed architects in the eastern U.S. to determine their perceptions regarding TM wood. The survey included questions related to the performance and characteristics of TM wood such as mechanical performance, water relationships, durability, and visual aspects.



- Strength Perfomance
- Stability
- Durability
- Eco-Friendly
- Technical Support
- Specie availability
- Visual aspects
- None, I specify its use

Figure 1 shows the familiarity of architects with TM wood. The results show that the respondents overall have a lack of familiarity with the technical and marketing aspects of TM wood.

The most known factors for architects are dimensional stability, strength, and the non-toxicity aspect of the material. On the contrary, factors such as product pricing and availability of species are the factors least familiar to the respondents as shown in Figure 2.

Results in Figure 3 display aspects regarding the intended applications that the architect's customers



Customer's technical aspect Interest

are planning for when they choose TM wood products. Results show that the intended applications are decking (32%),

siding (30%), outdoor furniture (11%), and flooring (9%). The applications that they specified on the "Other" option (9%) were towards sheds, pergolas, fencing, framing, and exterior trim.



TM wood. For example, 53% of respondents were "Not familiar" with the "non-toxic aspect" of TM wood. This result is an indication that the non-toxicity aspect could be used as a strong marketing driver to capture consumers' interest.

Another aspect that respondents were not familiar with was the pricing of TM wood. Product pricing should be a good marketing driver since it is relatively low compared with tropical hardwoods, wood-plastic composites, and pressure treated wood.

If you have any questions about this topic, please contact Dr. Henry Quesada at quesada@vt.edu.

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Figure 1.

TM wood factors

familiarity.



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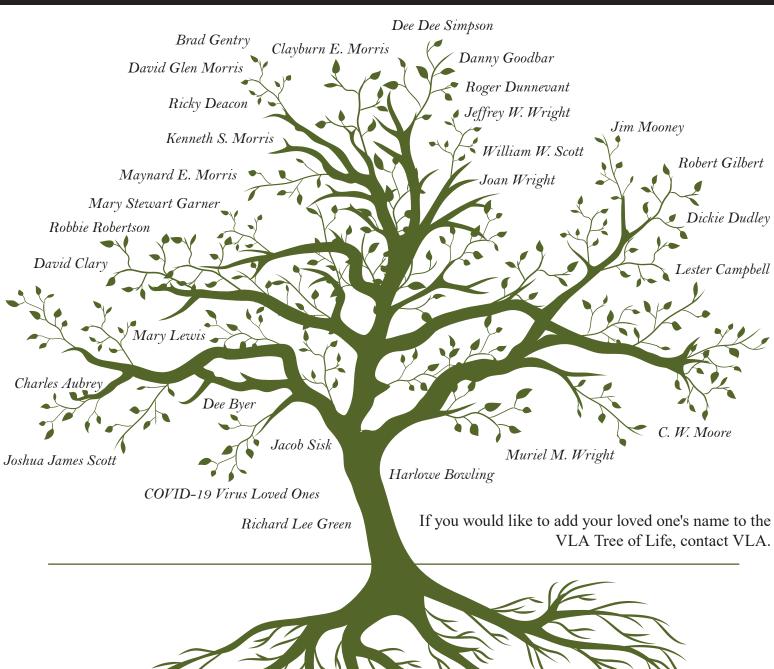


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ONE OF YOUR OWN?

Jim Garner & Matt Poirot

I suspect some remember Richard Lee Green (R. L. Green Logging, Inc.) in Caroline County. Along with his three sons, he ran his successful business for over 50 years. Richard was friendly to all. He always had a smile and never rude or aggressive to DOF checking – many times had a joke or story for them. He could mess up royally, but always did a great job of doing whatever we recommended. But on the next trip there was always another issue. I met once with Richard and was well received and welcomed to the job. You just couldn't help but like him. He was "old school" – cut the tree, drag it out and get it to the mill (a little mud here and there was just part of the day).

Richard had a job near the high school in Chesterfield County which caught the attention of a Richmond TV station and, like a lot of the media in those days – it was not a pretty picture presented to the public. Richard took it all in stride – he may have enjoyed a little public advertisement. The industry changed – but Richard didn't quite make the full turn around. He was never bitter or bad mouthed the change, he just kept logging and actually made some improvements. Ironically, that same area turned into a sub-division, probably causing more water problems than Richard had ever thought about.

Like us all, Richard had his trademarks. He loved El Producto cigars and Lincoln Continentals – new one every year. The story goes that one day he hit a limb and broke the side mirror off his car. The next day he showed up with a brand new Lincoln and in the trunk was a brand new chain saw.

Richard Green also had another side.

He was a veteran of WW II and a lifetime member of VFW Post in King William County. Richard was a founding member of the Frog Level Volunteer Fire Department and he bought their first fire engine. He was a great supporter of the churches in his community as well as anyone else in need. He was described as strong, honest and hardworking. His word was his bond and he loved to tell jokes and stories. He broke barriers in his industry and began his own business. And, he and Mildred spent 71 loving years together, raised a well-educated and thoughtful family. In his 99 years he truly left his mark on our state and country.

Richard was not a member of VLA. However, he belonged to a fraternity that I have come to know – God, family and community comes first.

Is Richard one of our own? No doubt – he is!



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LOG-A-LOAD FOR KIDS RADIOTHON

Log-A-Load for Kids participated in the 36 hours For Kids Radiothon in support of the Children's Hospital at VCU.

The event was broadcast Wednesday, December 2nd Thursday, December 3rd. On the following stations Mix 98.1, Q94. Big 98.5, 1140 WRVA/96.1 FM and 106.7 The Beat. We were on December 3rd from 8-9 am and we were the big finish of the telethon from 5-7 pm across all 5 stations. We matched all donations for those time slots and in the last hour we were joined by a heating & air company to triple the money. It was a big ending. The announcer kept thanking Log-A-Load for Kids and the loggers, sawmills, paper mills, foresters and tree farmers that make up Log-A-Load for Kids. There was even a big thank you for the paper towels and toilet paper.

Our golf tournament got rained out this year, but the good participants said give the money to the hospital for the kids. The following companies were the reason we were able to raise the money for the kids and give forestry a thank you on the radio.

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In a time of so much sadness and worry, forestry has shined a light that is making people smile and children better. Forestry is a wonderful family to be in.

Merry Christmas to you all!



NIKKI ROBERTSON | State Chairman | Log-A-Load Foundation 9318 W. Oak River Drive | South Chesterfield, VA 23803 | 804-586-5413

Support your state's Log-A-Load for Kids Campaign! To find your state's Log-A-Load organization and contact person, visit www.logaload.org/pages/Participating_Hospitals.html

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