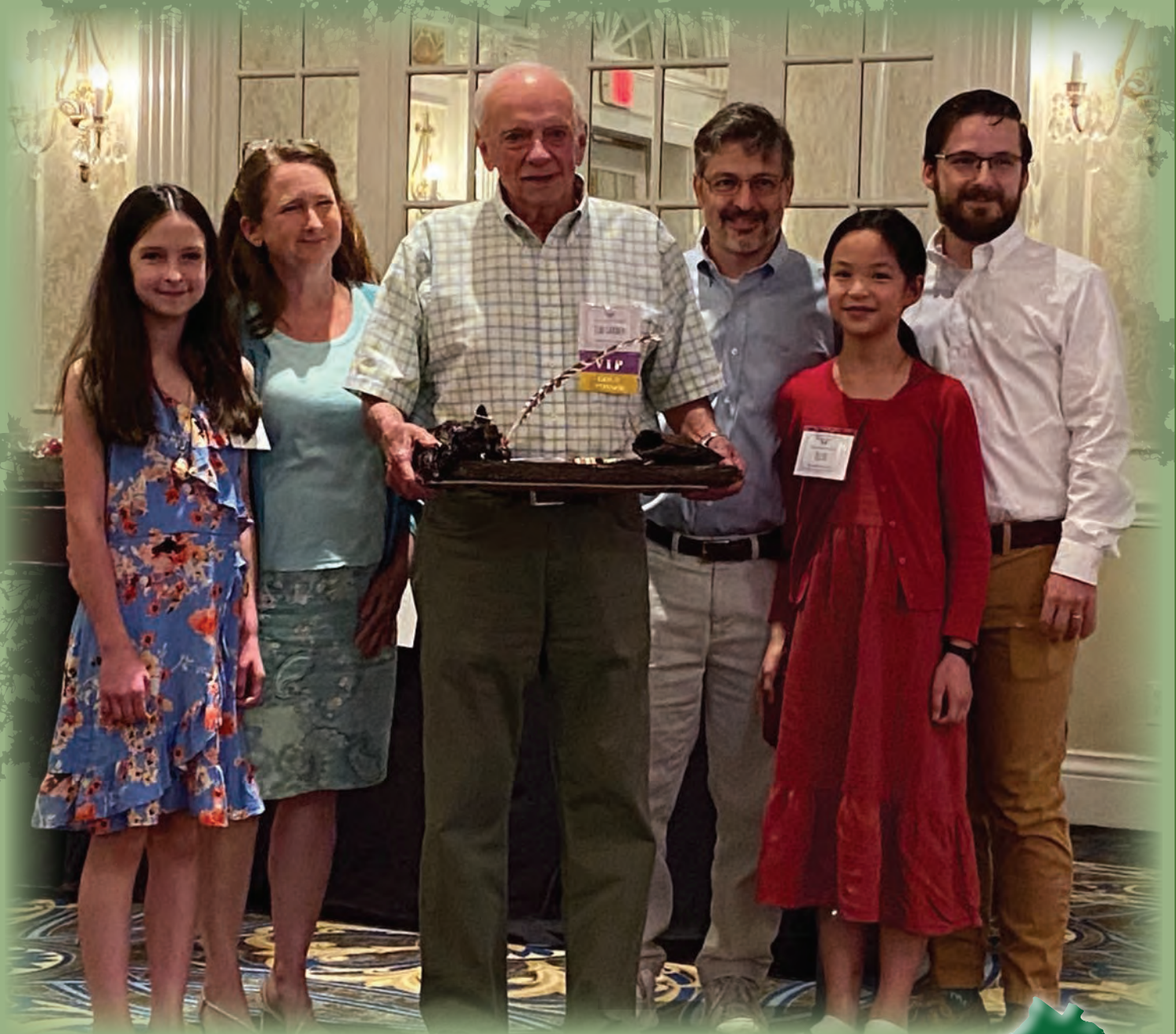


SEPTEMBER **2021** ISSUE
VA Loggers Association
NEWS & UPDATES



CELEBRATING JIM GARNER
VLA'S FIRST EVER AWARDED SUPPORTER OF
THE YEAR AT OUR ANNUAL MEETING

VLA



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for Bringing our New members!*

Recruitment supports the heart & soul of our future!
Bring a new member today!

CALENDAR OF EVENTS

September 28 - October 1, 2021 Virginia Forestry Association Annual Meeting

October 7 - 9, 2021 American Loggers Council Annual Meeting

October 15, 2021 Deadline to Apply for PATHH (Logger/Hauler Relief)

November 5, 2021 - Legal/Safety Workshop at
Keystone Antique Truck & Tractor Museum

March 11-13, 2022 CLA Annual Meeting

April 29 - 30, 2022 Mid-Atlantic Logging & Biomass EXPO

May 20 -21, 2022 Richmond Logging EXPO

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2021

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FROM THE PRESIDENT'S DESK

Frank Myers

I have a good friend who seems to always have a saying for whatever happens. One of his favorites is "it's a poor frog that doesn't praise

his own pond." I heard him say this last week and I immediately thought about our annual meeting. It was one of the most successful meetings we have ever had and there are so many people that need to be recognized for their part.

Ron's agenda and group of speakers were great. The speakers' topics were interesting and well delivered and our sponsors stepped up again and supported the VLA. As I said during our meeting, we cannot hold this quality of meeting at enjoyable venues without our sponsors. Ron and Nannette's volunteer team that spent the entire weekend with us were, again, great. By the time the meeting was over, I think they knew more and answered more questions than the staff at Hotel Roanoke.

I also need to thank you, our members. A growing association needs great members and you were on full display in Roanoke. The interaction with our speakers, vendors, and sponsors was a pleasure to watch.

We also started a new award this year for someone who is not a logger, but who had helped the VLA be successful. I couldn't think of a better recipient than Mr. Jim Garner. When Jim was State Forester, and even after retiring, he often attended our Board Meetings. His advice then, and still today, was and is respected by the Board. Much of the success of Virginia's Voluntary BMPS was because of Jim's relationships with the Loggers of Virginia. All of us with the VLA wish Jim the best as he continues to be involved in the industry with us, while at the same time enjoying his retirement.

Switching gears now, this may be my last contact with you before the elections this fall. One of the main purposes of the VLA is to lobby on behalf of the Loggers doing business in the state of Virginia. The better educated these candidates are on the forest products industry, the better our chances of success in our lobbying efforts. I urge each of you to get to know these candidates and help educate them on our industry. Then go vote for the ones you believe will assist our country, state and industry in being successful.

Safe Logging,

Frank



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EXECUTIVE DIRECTOR'S CORNER

GONE, BUT NOT FORGOTTEN!

Ron Jenkins



VLA held its 18th annual conference meeting at the Hotel Roanoke & Conference Center on August 6 & 7. By almost every account this was a great event and possibly even VLA's very best annual gathering of people from all walks of life.

More loggers joined in, as did wood products mill representatives, equipment reps, attorneys, businesspeople, services, insurance, banking, legislators, persons running for office, and so many more came to enjoy the festivities.

Twenty exhibitors graced our meetings with the coolest and latest in products, services, and technology. Forty-eight sponsors gave generously to ensure the event would be huge success and it was!

Many generously gave items to the auction which raised record level funds for Log A Load for Kids and the VLA. Bidders left Saturday evening with some great items like hand-made wooden captain chairs, a rocking chair, a paid stay at the OMNI Homestead, a bird hunt at Orapax, a real white oak bourbon barrel, and more. Nicely's Auction conducted an amazing live auction that brought excitement and laughter.

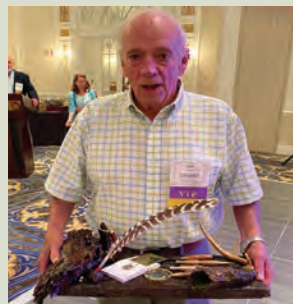
Brian Hambrick and Amanda Church rocked out the house to midnight with awesome music while dancers let go and made it a great time. Thanks for being so patient with us to get the fun started!

We recognized several with birthdays during the event. Mazie & Kenny Rowe and Ronnie Wright led off the tune wishing Christina, Chad, and Scott a very happy birthday!



This year marked some very important events two of which were a first. Forestry Mutual Insurance and Keith Biggs were recognized for fifty years of continuous superior service the forest industry. VLA handed Keith a hand-made plaque with engravings on red cedar to recognize the milestone. The plaque was engraved with the many symbols that represented forest harvesting and the things insured by Forestry Mutual Insurance.

Ed Zimmer, Deputy State Forester, recognized VLA for its support to Virginia's Reforestation of Timberlands (RT) program and its fifty years of providing reforestation incentives to Virginia's landowners. The RT program was created in Virginia legislation and supported by the forest industry and Virginia lawmakers to provide financial incentives to private forest landowners to reforest their forest sites following harvesting and thus ensuring sustainable forest resources for future generations.



VLA recognized the first recipient of the VLA Supporter of the Year Award in 2021. Former State Forester and VLA Honorary Member James Garner was awarded a hand-made wooden plaque to honor his lifetime achievements and solid dedicated support to VLA. This award will be given a non-logger who has demonstrated extraordinary support to VLA. Jim's family also attended to help make the evening a very special one.

Frank Myers, VLA President, recognized Chad Shelton as the recipient of the President's Award. This award is given by VLA to a logger who has demonstrated extraordinary efforts to support the entire logging sector and the forest products industry. Chad led the way to achieve a state law that recognized forest harvesting equipment as farm machinery, adding it to Virginia Tax Code as an option for local jurisdictions to completely exempt from personal property and machinery & tools taxes. Congratulations Chad!

Finally, we are very happy to thank everyone who attended any event, or helped us in anyway, sponsored the meeting, exhibited, and spoke a kind word about the meeting to us. You can truly make a difference in future meetings by letting us know about any specific areas to stick with or improve. Don't hesitate to send an email, text, or call with your ideas.



Please enjoy the collage of pictures to follow showing the wonderful time spent together.



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JIM GARNER

BUILDING A FOUNDATION TO GROW STRONG!

Virginia State Forester (1983-2004)

Reflections by Jim Bowen, John Carroll, Jim Cook, Rob Farrell, Stewart Depret-Guillaume, Ron Jenkins, Buck Morris, Frank Myers, Bettina Ring, & Ronnie Wright

James (Jim) W. Garner joined the Virginia Division of Forestry in 1958! Jim dedicated his 46- year career to forestry, the Department of Forestry, loggers, and helped many of us along the way!

Some, like me might not have ever seen the trees for the forest were it not for Jim Garner!

How many of us could imagine an article written about us that includes House Joint Resolution by the General Assembly honoring a lifetime of our achievement? “WHEREAS, James W. Garner, the highly respected State Forester of the Commonwealth since 1983, retired on October 1, 2004;...[2005 Session Introduced Reprint 058390200 House Joint Resolution No 838.](#)”

Since Jim’s retirement from the Department of Forestry, he has enjoyed his family and possibly caught up on some things at home but stayed vigilant with his admiration and respect for Virginia loggers.

When I began my new career with the Virginia Loggers Association on April 1, 2015, I did not realize what a guiding force Jim would continue to be in my life. Nor did I realize his dedication and support to Virginia’s logging workforce. Jim still guides me and now sits as an angel on my shoulders as I try to navigate each future moment for Virginia Loggers Association. For his commitment to VLA (and me) I will be humbly grateful forever.

This article is written with the greatest admiration, and fondest reflections of Jim who asked that we not embellish his story. Well, the truth is his story does not need embellishment. Jim created his own story, and it stands as a great testament to real service and dedication to our industry.

My first VLA board meeting was an unofficial introduction to the board members. It seemed to me that Binky’s conference room was filled with people (including Jim) and that made a few uneasy nerves for me. Jim was among his logging family who cared for him and had officially given him honorary membership status years ago.

Totally unaware of Jim’s deep connection with loggers before that day, I started to imagine that my new journey with VLA would be a little different and Jim would be close by “watching and guiding”.

Without hesitation, Jim’s former employees and others agreed to share their experiences and stories! We are grateful to Jim Bowen, John Carroll, Jim Cook, Rob Farrell, Buck Morris, Frank Myers, Bettina Ring, Ronnie Wright and Stewart Ann for their thoughts and reflections.

You may not know Jim, but that is alright. Just think about someone in your organization who has made a positive impression and always stayed true to principles. This story is about such a person who always set a high bar for his staff and gave his all to serve.

Over the last six years since my first day with VLA, many of our members have shown me the reasons Jim now has the honorary membership status in VLA. This is a distinction that VLA has only given twice.

For logging in particular, Jim was the chief navigator for establishing a voluntary water quality silvicultural law in Virginia. While some states were moving towards regulations, Virginia partners clearly got behind Jim and lined up to make the legislation unfold so loggers and others could make choices about creating a positive impact on water quality from logging.

And as you may know, Virginia ranks high in the nation for having the highest water quality from logging. Volun-

tary best management practices and a non-regulatory way worked for Virginia partners. We give all the credit to Virginia loggers and the Department of Forestry for making it work!

VLA members and some of Jim's closest friends in the Department of Forestry will help elaborate. We hope and pray the story paints an accurate picture of a life well-lived and unparalleled dedication to an industry and its people.

Let us never forget those who built the foundation we stand on and filled us with a love of what we do and supported our industry to help so many. Thank you, Jim!



Figure 1 Jim with Delegate Watkins Abbitt & Friend Creating a Ramp for Float Fishing Folks

John Carroll, Former Deputy State Forester

When I came to work for the Virginia Division of Forestry in Charlottesville Jim was mid-career as the Assistant Research Chief. I was a recent Virginia Tech forestry grad and lucky to have a job in my field.

Jim showed a genuine interest in VDF newest employees, making them feel welcome, respected, and needed as they joined the organization. He always has been a good listener and gave good advice which was appreciated. I remember him saying those days would be the best of my life, and, of course, he was right. Well, enough about me!

As Jim moved up in the organization to Deputy State Forester and then to State Forester, there were many innovative initiatives that elevated the Virginia Division of Forestry, Virginia Department of Forestry, and the larger forestry community to new heights. Pine release programs, Department status for VDF, Legisla-

tive Studies, Water Quality Legislation, Land Conservation, Riparian Buffer Tax Credits are just a few of the accomplishments of his tenure. We all wondered when he slept and it was obvious he spent more time thinking on his lawn mower than he did resting!

Jim was a complicated man, aren't we all! Admittedly, there were lots of times we did not understand him, nor he us. All of our staff did a good deal of writing from time to time for his review and acceptance. Jim always welcomed editing opportunities, and with pen in hand, he was a master of sending documents back to our group of hard-working staff. Strategic planning was particularly difficult and it usually took numerous attempts at getting an end product, which was usually pretty good when it was finished!

Jim was a believer in the value of building relationships. The groups he worked with both in our state and outside were numerous and diverse. Many people within and outside the agency questioned the value of some of these relationships, but that value became apparent over time. He also never missed a chance to network and assist with worthy causes such as Log a Load for Kids and other initiatives in the forestry community.

Jim truly loved the Department of Forestry and I think often of the times that he protected the agency from personnel and budget cuts, and other destructive initiatives. He dealt with all this while suffering through a personal tragedy with the loss of his son. The Department had some very good years, but it was obvious that when a certain new administration came into office, we would come under scrutiny as never before. Of course, this wasn't just DOF, but most state agencies. We thought those years were pretty hard, but I witnessed how Jim bore the brunt of most of the difficulties we experienced at that time. The Department survived and he did too. Thank God!

I could not write this without thanking Jim for his years of leadership for not just the Department, but also for his contribution to the Forestry Community both in Virginia and nationally. He has been a true mentor and lifelong friend. Thank you, Jim!

Jim Bowen, Former Deputy State Forester

Jim was an excellent teacher and trainer for all new Foresters. We spent many days in the field training on all aspects of Forestry. Jim would always let us do whatever project we were there to do. Then, he would ask many questions to make us justify our conclusions and from this we learned many things.

For the first year or so, Jim had to review all reports and correspondence prior to sending out the documents. As you can imagine, when we got the report back from

Jim, it appeared with a lot of RED ink. This taught each of us so much about how to write a technical report and correspondence using correct grammar and all that went with it.

He would often call me to his office to defend my decisions on a Timberland Exam by asking questions based on my report as to how I could arrive at my recommendations. On many rainy days, Jim would bring all the new Foresters to his office for a day of training. I am so thankful for all that Jim taught me on what was required to make a good decision and for all that I was able to learn from him.

For many years to come, Jim continued to be an excellent trainer and leader for the agency. Jim was always a very caring and thoughtful individual for not only the employee but their families as well.

Jim was a production driven individual and he always expected professional production from all his staff. While in the region, he set expectations for each of his Foresters and he expected you to meet or exceed his expectations. He loved to see pine trees planted and pushed each of us to do our best. Thank you, Jim.

As Jim moved up in the agency, he never forgot about where he started and always tried to stay connected to the field. While he was Assistance Research Chief, it was always a learning experience to spend the day with Jim measuring or installing research plots.

As State Forester, Jim had the ability to look far into the future and try to determine the major issues the agency and the Industry would be facing. One example was the enactment of the Water Quality Law. This law had the support of industry and other agencies due to Jim's insistence to include many agencies in the development of the law. Jim spent many sleepless nights thinking about the best way to write the law to have the least impact while still maintaining clean water.

Jim was very effective in the General Assembly and was liked by most agencies. He impressed upon everyone to always tell the truth and be honest at all times. He had the support of many of the cabinet members from time to time, but I have never known Jim to not tell the truth, as he knew it, just to get what he wanted.

One last thing, as State Forester, there were certain days you DID NOT WANT to go into Jim's office to get his support for something you wanted to do or for some idea. If Jim's office door was closed, it meant it was not the right day to talk to Jim about something you wanted to try or to do.



Jim with Delegate Mark Sickles 2015 VLA Annual Meeting

I owe much to Jim Garner. I cannot think of anyone I would have rather worked with and for than Jim Garner. As State Forester, Jim was a visionary in Forestry in his ability to look into the future for the growth and continuation of good forestry practices allowing him to position the Department of Forestry to continue to provide excellent services to the landowners of the Commonwealth.

Again, Jim, thank you for all you did for the Virginia Department of Forestry and for all of us who had the pleasure of learning under you and serving with you.

Jim Cook, Former Deputy State Forester

Jim was a teacher! As the Forest Management Chief for the Farmville District, he was responsible for training new foresters. Jim himself had been trained by District Forester Roland Geddies in Tappahannock District, and Roland was a technically proficient forester. Jim took good advantage of Roland's knowledge.

When I was a young forester though not much younger than Jim, I remember four or more trainees loading into his old black Ford sedan and heading to the field for the day.

He was a field forester! Regardless of weather or time of year Jim was going out if that was what had been scheduled. Cold, rain, winter weather; regardless, we were going out.

I would be remiss if I didn't mention his ability to fall asleep in a corner of the rear seat in his old Ford! Even with hard charging young trainees driving I only remember once when he jolted awake. That was when our driver went through a tunnel under a railroad just

as a truck was coming from the opposite end! Had our car had another coat of paint we would have scraped the other vehicle!

Let me add, he could eat his sandwich faster than anyone and be asleep lying on a tool box of a green pickup for 35 of a 45 minute lunch period.

A number of trainees left service in their first (training) year with the Division. They discovered that working in a heavy work-load District in the southern Piedmont of Virginia wasn't a "walk in the woods". Jim worked hard and expected his employees to do so as well. It wasn't all work; when we got caught up we were expected to enjoy ourselves.

Jim helped Tom Dierauf turn the Research Branch into one of the best in the country, increasing the projects and improving our technology significantly. Tom had a reputation of being "frugal" with an equipment dollar but not Garner! If it was needed Jim purchased it--to Tom's occasional dismay. Again, Jim's concern was getting the job done as accurately and efficiently as possible. Jim served Tom Dierauf and the Division of Forestry well.

As Jim advanced in positions in the DOF he gradually put his stamp on the organization. Jim continued to build up staffing in the Counties, and most importantly convinced the State Legislature to fund us for proper equipment to fight fires and do management work. Prior to Jim's efforts we still had some WWII dump trucks, transports and tractors that went back to the

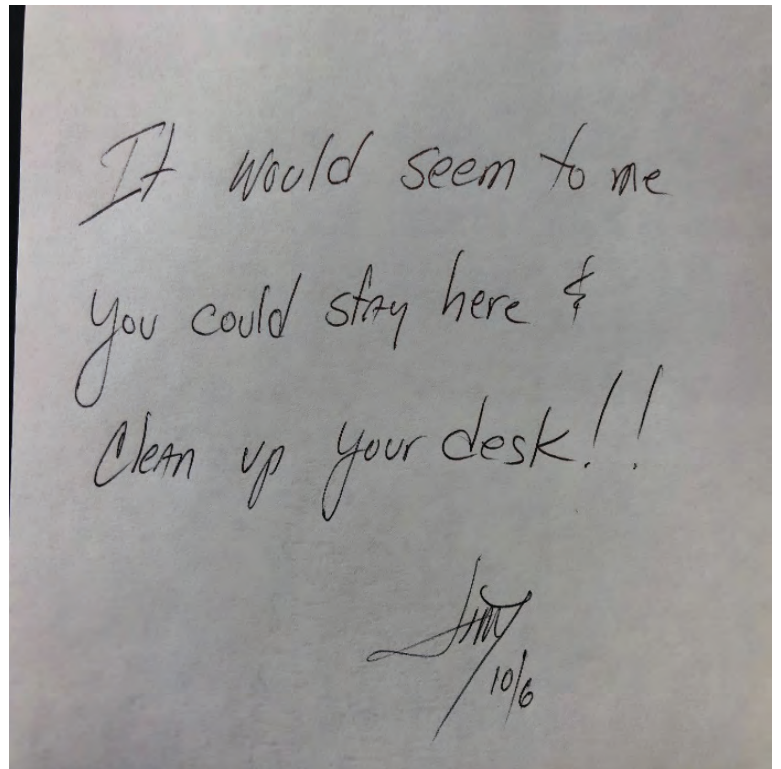
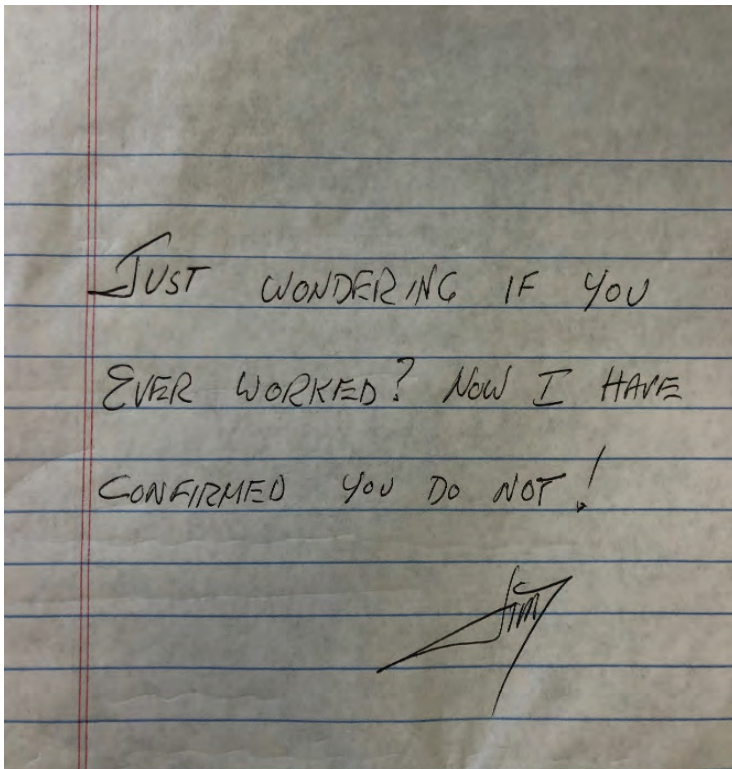
late 40's ad 50's! Jim turned us into a modern Forestry organization, the State Department of Forestry. He re-organized the "outfit", made training a high priority and upgraded his people according to their responsibilities.

What else? Jim is a natural introvert, but you would never know it. He "worked the Legislature", took canoe trips with Reps, wine and dined them on the State Forest and sold them on conservation. It was fun, but quite exhausting. He gave his Regional Foresters (another of his reorganization projects) the authority to sell conservation too and required them to begin working with people, not just forests. In short, Jim was a good Forester, a competent Leader, good visionary, and was loyal to his folks. He had a lot of successes, few failures, but was a damned good State Forester!

I was never Jim's close friend; it wasn't my style to be a close friend of my supervisor, but I was a good friend. He absolutely protected his assistants from the politics of the job. He gave them the opportunity to learn, do important stuff and have a rewarding career while advancing Conservation in the Commonwealth!

Rob Farrell, State Forester

There is a management style called 'Management By Walking Around' where the boss randomly visits with employees and performs in-person checks on operations in order to get a feel for how things are going and to stay connected to frontline employees. The Jim Garner version of this was 'Management By Driving Around' in which Jim would routinely stop in to VDOF field offices unannounced during his travels around the state. If the local VDOF staff were not in the office when he visited



Jim would often leave a note letting them know that he had stopped by. I have heard that these notes usually included suggestions as to how the upkeep or cleanliness of the office or grounds could be improved. I never received one of these notes while I worked as an area forester in the Gloucester County office, but I know that they do happen. Since I have served as state forester, I have apparently missed two visits by Mr. Garner to my office. Some guys never know when to quit, and fortunately for us they never stop caring.

Rob was very impressed by Jim's visitation. How many of us have kept these "love" notes from a former boss? Thanks for sharing such personal information, Rob!

Bettina Ring, Secretary of Agriculture & Forestry

It is hard to be concise when speaking about Jim's career and legacy. He has done so much for the Virginia Department of Forestry (VDOF) and to advance forestry in Virginia, the South, and the nation.

Jim began his career with the Virginia Department of Forestry in 1958. He held a number of increasingly responsible positions during his 46-year career, and close to half of these were serving as the agency director. He served six governors (Democratic and Republican) during his 21-year tenure as State Forester. He was appointed State Forester by Gov. Charles Robb in 1983 and continued to be reappointed to the position by Governors Baliles, Wilder, Allen, Gilmore, and Warner.

Jim's accomplishments are something to behold. He was



Recognizing Urban Forests

a visionary leader who could foresee things happening far into the future. He would position the agency to take advantage of opportunities on the horizon and be proactive in addressing challenges yet to arrive. There are countless examples, including establishing the Water Quality Task Force with the forest products industry, which led to one of the best water quality programs in the nation – one that is mostly non-regulatory yet has

resulted in Virginia exceeding our goals in the Chesapeake Bay watershed and statewide.

The VDOF Headquarters, which is named after Jim, is a small part of his legacy but a great example of what can be achieved when you build partnerships, are strategic, and advocate for your agency. The 32.5-acre tract on which the building sits has a long connection to forestry in Virginia as it was the site of the agency's first large-scale seedling nursery operation 100 years ago. It is now the envy of all in state government as well as agency stakeholders. The James W. Garner Building houses a number of state agencies and serves as a central hub for meetings for those in forestry, natural resources, and beyond.

Jim expected us to lead at all times, but he also formed strategic alliances with nontraditional partners that increased the agency's visibility and overall success and effectiveness. Jim had extremely high standards and worked 24/7, even when he was mowing his lawn, which was his most productive "thinking" time.

Jim was proactive in land conservation, recognizing that if the agency was unable to prevent the conversion of forestland it would not be able to protect and manage Virginia's forest resources. This leadership has now resulted in close to 200 working forestry easements being held by the agency and 26 state forests. Jim loves Virginia's loggers and has been a long-time supporter of the Virginia Loggers Association (VLA). He recognizes that the loggers are the closest to the for-



Jim & Mary Stewart, with family at dedication!

est and the forest landowner and are shaping our future forest every day. More importantly, he recognizes their hard work and dedication, their genuineness, and the fact they care deeply about their families and each other. Jim is also extremely proud of all the loggers and VLA have accomplished, and he is their biggest champion.

I had the pleasure of working under Jim's leadership as

an area forester, Urban and Community Forestry Coordinator, Regional Forester, and Deputy State Forester. I witnessed him serve as a leader in Virginia and among his counterparts – pushing them to be visionary and to do more. He led the nation in recognizing the importance of water quality protection and addressing wild-land urban interface issues. Jim was engaged in the Sustainable Forestry Initiative from its inception, which later led to international certification of forests.

Jim understood the importance of providing credible information and worked hard to ensure that the VDOF was recognized as a “trusted intermediary” by all. He was non-partisan and had a great relationship with Virginia’s Congressional Delegation as well as state legislators. He pushed the envelope and expected VDOF to lead with a “touch of class” and a focus on customers, especially private landowners who owned the largest percentage of Virginia’s forests.

We are all better foresters and leaders thanks to Jim’s expectations of us and his attention to detail, hard work, and vision, and Virginia’s forests are healthier and more sustainable.

I am grateful to have been able to call Jim my boss, mentor, and friend.

While Jim has now been retired and three other individuals have filled the position of Virginia State Forester, his legacy would not be forgotten. Jim was further honored when the Department of Forestry Headquarters’ office building was named in his honor.

Naming of Department of Forestry Headquarters

The Virginia Department of Forestry (VDOF) recognized alumnus and retired state forester **James W. “Jim” Garner (’54 B.S.)** by naming its headquarters office building in Charlottesville in his honor. Garner served the department for more than four decades, including 21 years as state forester, until his retirement in 2004.

“Jim’s vision, wisdom, and guidance directly influenced VDOF’s current position as a leader within the forestry sector and a vital partner among other natural resource agencies and organizations,” said current State Forester Rob Farrell, a fellow alum.

Frank Myers, President VLA

Jim was the most effective leader in the water quality effort that one could ever imagine. He brought people of every interest and background connected with issues and led them to an amazing outcome. People who wanted regulations sit down with people who opposed them and somehow Jim considered everyone’s ideas

and crafted a workable solution. The result was considered a non-regulatory means of ensuring sediment never left a logging site. Everyone bought in and signed off.



Legislation was crafted on the ideas that came out of this work group. As a result, loggers would have the opportunity to make the best management decisions on each tract. DOF would inspect each tract and the compiled data would make the unbiased call on each tract and each BMP decision.

**Buck Morris,
Co-Owner of Glen
Morris & Sons, Inc.**

Buck remembers the time Jim sat down with him following one of those working group meetings. As they sipped on a cold beverage, Buck recalled how Jim commended the VLA for standing their ground for non-regulatory best management practices in Virginia.

It worked out! Jim and Virginia legislators placed their faith in Virginia loggers to do the right thing. DOF reports that loggers make great decisions on their operations and choose effective best management practices. For years, the data from independent audits have shown that logging can be done without any water quality degradation.

Ronnie Wright, Owner Ronald E. Wright Logging, Inc.

Ronnie Wright, owner of Ronald E. Wright’s Logging told VLA about his impression of Jim. “I was always impressed how he stood with and encouraged the VLA when we first started. He was a man I had a tremendous amount of respect for. After I was given the Forestry Mutual and VLA President’s award, I received a note from him that I still have and treasure. This state and nation need more like him.”

Reflections of Jim’s Daughter Stewart

None of these anecdotes expressed in this article surprised Jim’s daughter. “I can see my dad in all of them! Whatever other people observe about us, our family sees, just more of it.

He was apt to leave notes for me and his perfectionism permeated the way he managed his personal life

as well. (And, by the way, the only people who routinely seem to get off the hook are the grandchildren...)

But here are a few thoughts of mine, not really a good story that I could think of that would be appropriate, my mind doesn't process life that way, I love how other people can remember funny times and all, that is just not the things I tend to remember. If you want to use any of it, that is fine. I realize it reads more like a speech, but oh well, it is also ok if you do not use it!!

Thinking about all of the contributions that people had, maybe you will want to share them with him, even if they get edited out of your final product for the magazine. There were some neat stories I know he would enjoy.

A number of my memories involving my dad took place in a canoe on a river in Virginia. Canoeing on rivers requires knowing when and where and at exactly what angle to place your oar to stay upright and in the boat.

Most of my childhood complaints about my dad involved his corrections over small details that my young mind could not fathom the importance of. Does it really matter which way I put the hammer back on the peg board, or how I folded up the netting from the strawberry patch? No!

And, yes...

Paying attention to details is a habit, or not.

Details are important to him. They are what made him the dependable soul that we all know him to be. They tell a lot about who you are and what is important to you, as an organization, as a family and as a person. And it was the details of the placement of the rocks in the river that told him where to put the oar, when to drive it in hard on the right or to just lift and coast over a rapid.

Of all the things he tried to teach me, none has proved more worthy than, to pay attention.

To look, to see...

I think a large part of his wisdom has been simply observation. When we would hike, he was always stopping me, calling me back to show me some little jack-in-the-pulpit flower I missed or an orange newt resting on a rock. When we were together working in the garage, or frying fish and hush puppies, or doing some thoroughly unnecessary (in my opinion) chore, there was often a running commentary about life, a noting of how things

did or did not work out for a person or a project and maybe why that was. Hardly ever a lick of judgment in his voice, just an observation of the Laws of Nature and the Laws of Life.

If you look well while on the river; you can see the placement of the rocks, and thus how to navigate the rapids.

If you look well at your life, you can see the difficult decisions that need to be made on behalf of your organization or your family. You can see the writing on the wall politically. You can see when it is time to retire a program or retire yourself. When it is time to sell the camping equipment, when it is time to move closer to the children.

That he not only saw these things, but also acted on them is what has made his life as successful as his canoe trips. It was in the details after all."

Virginia loggers and our forest products industry were provided a great gift in Jim Garner. He still reads every VLA magazine story and keeps us on track for excellence and selfless service. We are grateful to have the opportunity to share some great stories and remind us all of the things it takes reach the summits of achievement.

Your Friends at VLA thank you!



During the 2021 VLA annual conference meeting, Mr. Garner was honored as the first recipient of VLA's first Sup-
porter of the Year Award. This award will only be given to a person who is not a logger and who unselfishly gave
their support to the VLA. Mr. Garner went above and beyond all expectations to meet this high standard.



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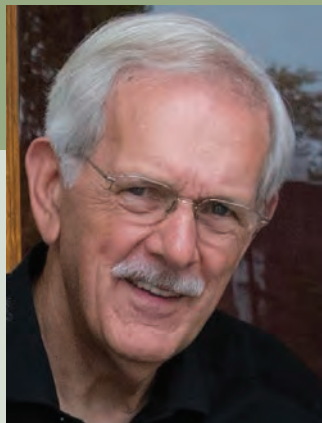
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GLIMPSE OF A LONG-GONE ERA

By Al Martin • Author – “Sharecroppers Son”

Preface: Did you ever wonder what life was like in the early 1900s? Al Martin did and he wrote a book about life growing up in rural Amelia County, VA. The following is a short background from the “The Sharecroppers Son”.

Born in 1892 on his father's tobacco farm in the foothills of

the Blue Ridge Mountains of Virginia, the sharecropper was the ninth of sixteen children. He moved to Amelia County, Virginia in 1920 and started his own tobacco farm, along with his new bride. In addition to farming the old-fashioned way, using horses, he raised six sons. Strongly independent, he struggled to keep his farm, especially during the Great Depression.

He bought a small farm in Amelia along with a log house. He was determined to make a go of it, if for no other reason to impress his dad back in Patrick. Their first child, George William, came along in 1921, after their 1920 marriage. “Ruff” was raising tobacco, just like his dad has always done. The 1920's were hard times and money was scarce. After a few years there, he came to the decision that this farm was not to be. He just didn't have the \$500 he needed to pay the mortgage, so he had to move on. He put his dream of owning his own farm on hold and became a sharecropper.

At the time, sharecropping was common in the South, and many former slaves, as well as others who didn't have the money to purchase their own land, were sharecroppers. Sharecropping was a way for the tenant farmer to make a living using someone else's land with an agreement that the harvest would be shared by the landowner and the farmer/sharecropper. There were many different

agreements between the sharecropper and the landowner. Some required the landowner to provide the fertilizer and seed and in exchange would receive the larger share of the harvest; others agreed that the sharecropper would take care of those things and would receive a larger share of the harvest. Sometimes the landowner may have been unable to work the land, and this would be a good way of getting a return without working the land himself. The sharecropper was able to work the land but didn't own land to work, so this was a good deal for both parties to the agreement.

In 1943 he was able to buy the old Eggleston farm, long abandoned, it needed a family to move in and make it an active farm again. The sharecropper was so excited he could hardly wait for his crops to ripen and be harvested at his current farm where he was sharecropping. He believed with all his heart that God had looked on him favourably. The old Eggleston farmhouse was grown over with vines and the fields were covered with pine saplings that would need to be cleared. Some might have looked at it and thought “what a mess!” The sharecropper looked at it and saw fields of tobacco, wheat and corn and a garden all ripening and ready for harvest. He felt he had hit pay dirt. The sharecropper's long journey had ended. Although he would be working hard, the pay day would be his. He had bought his farm and would never be a sharecropper again.

The farm was purchased in 1943 from Mabel M. Eggleston, a widow who had lived there several years earlier with her husband, Dr. Eggleston. Much of its 160 acres was covered with timber, which would help pay off the mortgage of \$2800. He had six years to pay off the mortgage; however, due to some good tobacco crops and selling his timber, he managed to pay it off in three years. He was blessed to have his own farm, free and clear of debt.



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SURVEY SHOWS CHANGES IN VIRGINIA LOGGING OPERATIONS OVER THE COURSE OF A DECADE



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

I am thankful that I had the opportunity to see many of you at the annual meeting in Roanoke. If you were able to make it to my presentation you saw some of the data from our most recent SHARP Logger survey which was completed in 2019. We had planned on presenting this last year, but like so many other things, those plans got changed. I had several people tell me that they were interested in seeing the data so I thought I would share some of the highlights here and can also share the presentation as well.

We have conducted this survey of our SHARP Logger program participants three times now at five-year intervals (2009, 2014, 2019) and this lets us show changes in Virginia's logging industry over the course of a decade. This survey gives us feedback on our SHARP Logger program but also shows the characteristics of Virginia's loggers and with three surveys now we can show changes over time. The survey results represent over 250 logging business owners in each of the survey years. During the period of time 2009-2019, the average age of logging business owners increased from 48.7 to 52.9 years. This average age is still not close to typical retirement age, but it does show an increasing age of owners and this may become more of an issue in the future as many of these owners get closer to retirement.

A few of the changes in the general operational characteristics of logging businesses over this ten-year period include a slight decrease in the number of workers per crew while their total production level either held steady, or increased over time. Production levels for loggers in the Mountains generally held steady while there was a moderate increase in the Piedmont and a more substantial increase from loggers in the Coastal Plain. Across all three regions in Virginia we saw an increase in the number of businesses that use contract trucking to deliver wood

to mills. We also saw an increase in the number of loggers harvesting biomass across all three regions. In addition, we also saw an increase in the amount of contract logging by logging businesses as opposed to logging of stumpage that they purchased themselves.

The survey also provides an opportunity for loggers to share their attitudes and opinions about different topics. Most business owners agreed that there is a shortage of truck drivers or contract truckers needed to deliver their product to the mill and the percentage of owners that agree with this has increased since we first asked this question in 2014. This was true across all three regions but was highest in the Coastal Plain where 85% of business owners agreed there was a truck driver/contractor shortage. As you all know, logging can be a challenging industry and we also noted that there were fewer logging business owners that agreed the outlook was positive for the logging industry than when we first asked the question five years ago. However, the survey also noted that most logging businesses intend to still be in business in five years. Across all regions, over 80% of owners indicated they planned to be in business in five years, and of those, over 25% said they expected their production levels would be higher than they currently are. So, while there are plenty of challenges, most logging business owners are also planning to stay in business and many are actually planning to expand in the future.

These are only a few of the highlights from the survey. There is much more data that I plan to share in the future as we publish the results and am always glad to share what we have produced so far. I appreciate everyone that took the time to complete these surveys in the past. Without you providing us information we wouldn't have any data and wouldn't be able to help tell your story.

DID THAT LOAD MAKE A PROFIT?



Joe Conrad

Assistant Professor of
Forest Operations

This article was inspired by a meeting with a person that owns multiple logging crews and 20–30 log trucks. He is a sophisticated businessman. He was trying to determine which loads were profitable and asked me for a second opinion. The results were eye-opening for me and so I decided to expand on the analysis.

There are many variables that affect the profitability of timber transportation such as haul distance, haul rates, percent-loaded miles, payload, turn-times, driver wages, and fuel costs. I conducted a simulation analysis of 909,000 timber deliveries. The simulation was based on actual haul distances and travel times from 909 timber deliveries in the South. I simulated variables such as percent-loaded miles, payload, and turn-times. Key assumptions are listed at the end of the article. The goal of the analysis was to answer four questions, which are answered one-by-one below.

Results

1. Can log truck owners pay wages competitive with other trucking industries and still make a profit?

No. Eighty-six percent of timber deliveries lost money when drivers were paid \$30.60/hr, including benefits. The average loss was \$62.65 per load. This confirms what most log truck owners know: at current market haul rates, log truck owners cannot pay as much as other industries. Log truck owners must sell quality-of-life (i.e., being home every night) rather than wages.

When the driver was paid 30% of the gross revenue generated by the truck, profitability improved, but many deliveries remained unprofitable. When the driver was paid 30% of gross revenue, 58% of deliveries were profitable and the average loss was \$5.37 per load, essentially a break-even situation. Because log truck owners cannot afford to pay competitive wages with other industries, and most don't, the remainder of the analysis will assume drivers are paid 30% of gross revenue.

2. Do typical hauling compensation arrangements (i.e., minimum haul 40 mi + incremental rate beyond this distance) in the South disadvantage certain timber deliveries?

Yes. Most timber deliveries between 31 and 70 miles were unprofitable (Fig. 1). Short hauls and long hauls were much more likely to be profitable. This is because log truck owners are paid for tons and miles. On short hauls, log trucks can deliver many tons by delivering 4+ loads per day. On long hauls, they generate many miles, although they may be limited to 2 loads per day. At intermediate haul distances

(e.g., 40 mi), log trucks do not generate enough tons or miles to be profitable.

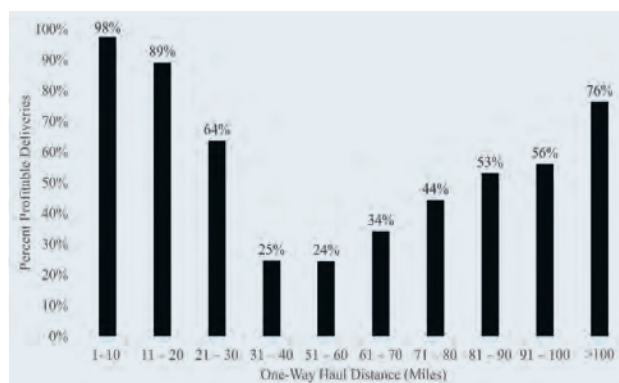


Fig. 1: Profitability by haul distance.

3. To what extent do payload and turn-times affect the profitability of timber deliveries?

Obviously, higher payload translated into more profitable timber deliveries. When payload was less than 30 tons, most loads were unprofitable. The more timber is loaded on each truck, the lower the hauling costs and the greater the profits. Of course, overloading is dangerous, damages roads, and can result in costly tickets. It is worth noting that, even after weight reform in several states including Virginia, log truck weight limits in the South remain far below the weight limits in other US regions, Canada, Mexico, Europe, and South America. However, these other areas all require six or more axles on tractor-trailers to allow for safe transportation of the higher weights.

Turn-time had a major impact on profitability. When harvest site turn-time was under 20 minutes, 70% of loads were profitable (fig. 2). On the other hand, when turn-time was longer than an hour, fewer than 40% of loads were profitable. The same relationship exists between profitability and mill turn-time.

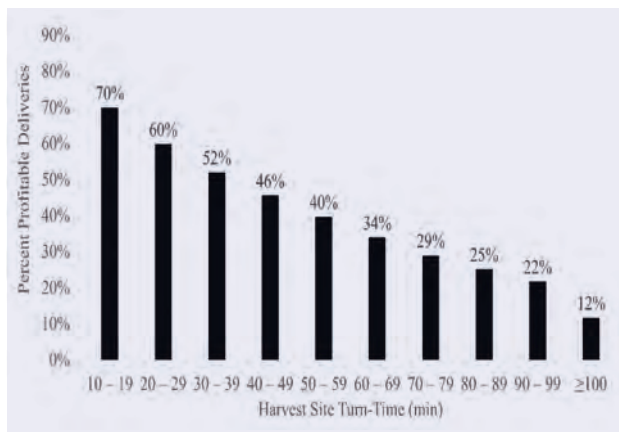


Fig. 2: Profitability by harvest site turn-time.

Harley Langdale Jr.
Center for Forest
Business
Warnell School of
Forestry & Natural
Resources
University of Georgia,
Athens, GA
jlconrad@uga.edu

4. Where is the low-hanging fruit to improve the profitability of timber transportation?

The two areas that jump out to me are payload (within legal limits) and harvest site turn-time. Both of these variables are under the control of log truck owners – they do not require mill cooperation, legislation, initiatives, public relations, lawyers, etc.

Payload consistency is critical to minimizing hauling costs. When payload varies, there tend to be a lot of underloads. Unlike overweight tickets, underloads cost money every trip. A possible goal is for 75% of loads to be within 1 ton of the target. If payload is consistently more than 1 ton off-target, consider in-woods scales. In-woods scales have been demonstrated to reduce payload variability, increase average

payload, reduce costly tickets, and pay for themselves in less than one year.

I am amazed at the short turn-times that I observe on logging jobs that I visit. Unfortunately, I occasionally visit operations that have 3+ trucks lined up and waiting for over an hour to be loaded. Staggering truck arrival times, ensuring there is always enough wood on the deck to quickly load trucks, and using set-out trailers can all reduce harvest site turn-times. Set-out trailers seem to work best for large companies harvesting large tracts. Set-out trailers can be problematic when there are small landings, unstable ground, etc. It seems to me that the most important factor is focus. Loggers that prioritize short turn-times develop solutions that work for their operations.

Take-Home Messages

- Log truck owners cannot pay wages competitive with other trucking sectors given the current combination of haul rates, turn-times, percent-loaded miles, etc.
- The standard hauling compensation model disadvantages deliveries at intermediate distances (e.g., 40 mi).
- Maximizing payload and minimizing turn-times are prime targets to increase the profitability of timber transportation.
- While this analysis focused on hauling costs, competitive haul rates are essential for efficient fleets to be profitable.

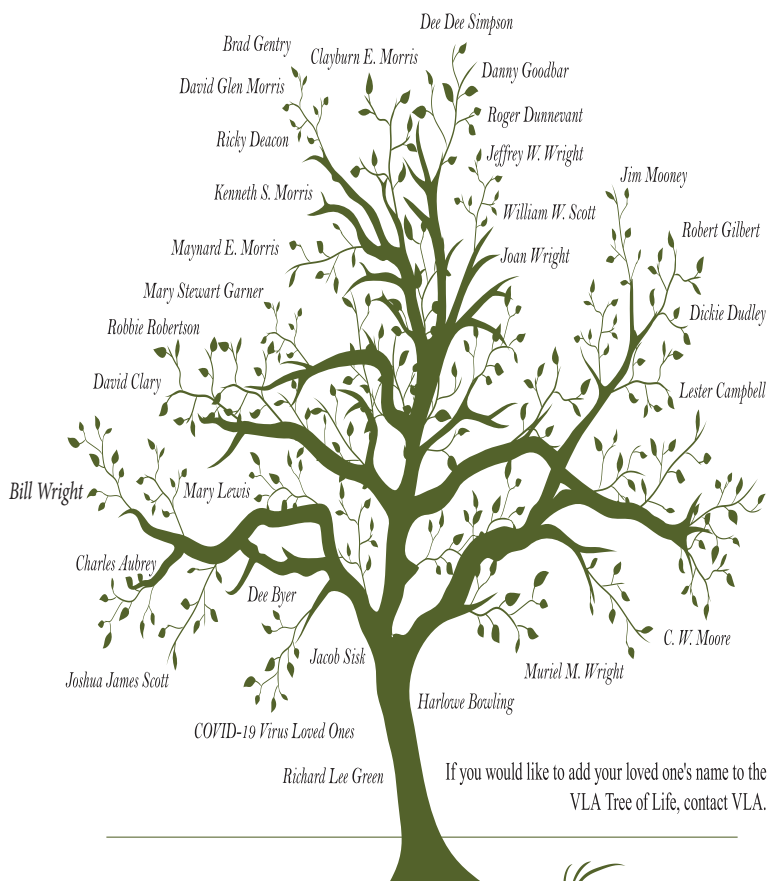
Cost Assumptions for the Analysis

- Fuel cost: \$2.92/gallon
- Log truck fuel economy: 5 mpg
- Hourly cost for log truck payments, maintenance, insurance, etc.: \$21.99/hr based on American Transportation Research Institute's annual trucking cost survey
- Driver wages: \$30.60/hr, including benefits, or 30% of gross revenue generated by truck
- Haul rate: \$0.13/ton-mile minimum (40 miles) and incremental rate of \$0.15/ton-mile based on averages reported by TimberMart-South

Additional details are available here:

Conrad, J.L., IV. 2021. Evaluating profitability of individual timber deliveries in the US South. Forests 12:437. <https://doi.org/10.3390/2040437>.
Joe Conrad, Assistant Professor of Forest Operations • Harley Langdale Jr. Center for Forest Business
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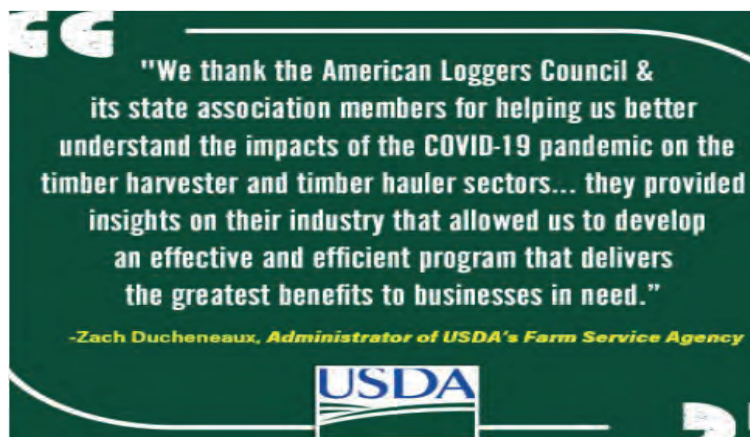
HERE ARE 4 EXAMPLES OVER THE PAST MONTH ALONE DEMONSTRATE WHY THE AMERICAN LOGGERS COUNCIL IS THE NATIONAL VOICE FOR LOGGERS!



In the last month the American Loggers Council with our state association members has represented the American Logging Industry at the White House round table meetings, participated in the Pandemic Assistance for Timber Harvesters and Haulers (PATHH) announcement Press

Conference, was a witness and a Congressional Hearing, and received national media coverage of our opposition to the nomination of the Director of the Bureau of Land Management.

First after many months of working with the USDA, USFS and FSA as they develop the Pandemic Assistance for Timber Harvesters and Haulers program was unveiled. The American Logger's Council was the primary organization that participated and provided input to ensure the program that met objectives of target group. American Logger's Council was trusted to respect confidentiality of the program development and was the timber industry primary stakeholder at numerous meetings. In fact, upon the public announcement the Administration of the Farm Service Agency (FSA) said :



The American Loggers Council was invited to be one of 20 participants at the virtual White House Summit meeting with Commerce Secretary Raimondo and other Cabinet Members and Administration Officials to discuss the Homebuilding Supply Chain. The American Loggers Council was the only participant representing the American logging industry. The American Loggers Council took advantage of the opportunity to provide comments that the logging industry end of the supply chain has not received any benefit from record lumber prices and explained the need to maintain the Canadian Softwood duties.



The American Loggers Council Government Relations Chair, Henry Shienebeck and Great Lakes Timber Professionals Association Executive Director, was a witness in the House Agricultural Subcommittees on Conservation and Forestry Congressional Hearings on the U.S. Wood Products Industry, facilitating the post COVID-19 Recovery. As one of four Congressional Hearing witnesses, Henry represented the American Loggers Council. Again, Henry touched upon the fact that the loggers and truckers have not realized any benefits from the record lumber prices. In closing he provided recommendations that would facilitate the wood products industry recovery such as Future Careers in Logging and Safer Routes legislation that the American Loggers Council has been advocating. He also encouraged the development of new forest products such as Cross Laminated Timber (Mass Timber) and biomass products derived from forest based feedstock.



The American Loggers Council Board of Directors voted at the Summer Board Meeting in Minneapolis to oppose the nomination and confirmation of Tracy Stone-Manning as Director of the Bureau of Land Management due to her documented involvement and echo-terrorist tree spiking incidents. The American Loggers Council opposition and request to Senate to vote no on her confirmation was picked up by national news service across the country.

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A BIG CHALLENGE FOR THE WOOD PRODUCTS INDUSTRY: RECRUITMENT OF TALENTED PEOPLE



Last week Professor Bob Smith and I visited a few key members of our Center for Forest Products Business. In five days, we drove over 2400 miles and visited nine different states. We were looking for insights into the main issues impacting the wood products industry, specifically the hardwood industry. The industry in general feels positive and most businesses seem to be doing pretty well. Lumber prices are still up and there is hope that the situation will remain the same for a few more months. New construction and remodelling seem to be the main drivers impacting demand for wood products. However, we found that recruiting of talented people continues to be a critical issue for the industry.

Mills are having real difficulties in attracting not just production workers, but also middle and top management positions. The industry is overextending and trying to provide as many benefits as they can to lure prospective employees. Attracting production workers is perhaps the most problematic aspect. Without production workers, the mill cannot run. We stopped at a mill where one of the two production lines was idle because not enough people showed up to work that morning. Something that is just too hard to believe. In some cases, mills are offering start up rates up to \$15/hour for a beginner position on the production floor. Mills also indicated that after a few days, some new production workers realized that the work at the mill is just too hard and quit. Other mills indicated that they are considering how to increase the level of automation in some of their processes to avoid idle time. This seems like a logical solution but the mills also realize that not every process or activity in the mill can be automated. In addition, the cost of automation is high, and the payback time might take too long.

The case with middle and top management positions is different. Usually at this level, potential candidates are required to have at least an associate or a bachelor's degree in wood science or a related field. However, the industry is having problems finding candidates with this requirement and in general the industry ends up hiring employees with degrees in business, engineering, or technology. The caveat is that employees with this general education need plenty of training to understand the properties and manufacturing processes of wood products. In the end, employers need to make huge investments to bring new hires up to date in regard to wood science and wood products knowledge.

Community colleges and higher education universities are having problems attracting and recruiting high school graduates to their programs. High School juniors and seniors do not know about these degree programs and very rarely they directly apply for admission. In general, senior high school students are, for the most part, able to connect and understand general college degrees such as business, engineering, technology, medical, arts or law. Nevertheless, high school graduates do not really know or have not heard much about careers in natural resources, specifically in wood science or related fields. However, the opportunity for wood science and related programs to connect with and attract new generations is significant as the youth of today are very sensitive to issues such as climate change, pollution, and environmental impact.

The connection of sustainability with wood science and related degrees is not the only benefit. Careers in these degrees have been traditionally very rewarding and well paid. Our new graduates in the Department of Sustainable Biomaterial at Virginia Tech usually get three to four job offers with starting salaries at around \$60,000 per year. We monitor very closely the progression of our graduates in the industry where we have seen a quick upward trajectory in most cases. Retention of talented middle and top managers in the industry wasn't mentioned as a problem for the industry. Except for a few cases, most graduates in wood science and related programs have stayed in the industry their entire careers. This attests to the fact that college graduates in these careers found their jobs satisfying and very rewarding.

If you are interested in learning more about the issues impacting recruiting and retention of talented people in the wood products industry, make sure to attend the labor panel that will be here on September 18, 2021 during the Annual Virginia Forest Products Association meeting in Roanoke, VA. This will be a great opportunity to learn more and ask your questions.

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.



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CHAINSAW VS THE HUMAN FOOT

FORESTRY MUTUAL INSURANCE
BRYAN WAGNER

The modern power saw is an engineering marvel. Technology and design has allowed engine speed to exceed 15,000 RPM's on some production saws. Coupled with a razor sharp saw chain, the chainsaw is a very effective tool. The chainsaw has been the work horse in the logging woods for years. In spite of an ever growing mechanical presence in the woods, the chainsaw remains one of our go-to tools when it is needed.

Recently, we have seen a rising occurrence of saw cuts to the feet. Education and training are designed to reduce the chance of injury, or turn around a trend. The first step in this process is to study the animal, the chainsaw. As earlier stated, the modern chainsaw is a very effective cutting tool. To be effective, the saw engine and saw chain must be finely tuned and maintained. A chilling fact is the cutting tooth of the saw chain is designed to REMOVE! Saw chain doesn't cut like a filet or hunting knife. If we are running a 3/8 pitch chain, the cutter is 3/8 of an inch wide. Upon contact with the human body, there is 3/8 of an inch of skin; muscle; tendon and bone that are gone! Add to the fact that a lot of foreign material, (Bar oil, dirt, pieces of shoe leather, etc.) is introduced to the wound area. This injury becomes quite serious.

The first part in the loss control process is to AVOID CONTACT with the moving saw chain. Chainsaw kick-back is the culprit in the majority of all laceration incidents. Chainsaw kick-back happens seven times quicker than our brain. By the time a human can move a foot or shield

a face, the cut has happened! Kick-back injuries can be reduced by understanding the reactionary forces of the bar and chain unit of the saw. Proper bracing and the use of the "thumb-wrap" grip counteracts the reactionary forces of the moving saw chain. The chain brake on the power saw should be treated like a safety on a firearm. When not cutting, the chain brake should be engaged to avoid unexpected chain movement. Above all, proper body placement greatly reduces the risk of a serious chainsaw laceration. If the foot is not in-line with the saw chain, it won't be injured there!

Personal Protective Equipment, (PPE) in the form of cut-resistant foot wear is federally mandated for saw hands. Chainsaw cut-resistant foot wear can prevent or greatly reduce the seriousness of a cut situation. Protective foot wear comes in many forms and styles and is quite comfortable to wear. It just makes good sense; it's like having extra insurance should a situation arise. As with any PPE, catastrophic injury can be prevented or reduced by its use. My angle on the subject is to train and educate to avoid having to rely upon the PPE for protection.

The recent trend of chainsaw foot lacerations has been severe. Many of the cuts have dealt with contact to the bone, which often requires bone-graft surgery. To avoid this possible crippling injury training and education reduce the risk of incident. Good work habits and the use of proper PPE reduce the chance of injury. Try as they may, the chainsaw will always have a place in the logging woods.

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Speyside Bourbon Cooperage, Inc



By Maggie Anderson



Photo Courtesy: Speyside Bourbon Cooperage, Inc.

Part I:

SPEYSIDE ROLLS OUT THE BARREL: THE STORY OF BARRELS AND BOURBON

Speyside Bourbon Cooperage Inc. is an offspring of Speyside Cooperage Ltd., founded in Scotland in 1947. It is the US subsidiary of the parent company TFF Group, a global cooperage company based in St. Romain, France. The TFF group currently has businesses in 85 countries around the world and are specialists in every aspect of the cooperage industry since 1906.

Speyside Bourbon Cooperage made its debut in Jackson, Ohio in 2015 when the company transformed a former Merillat building into the first of two state-of-the-art cooperages. From that auspicious beginning

6 years ago, the company has grown quickly adding another cooperage in Atkins, VA (also a former Merillat facility) as well as 5 staves mills in three states.

Speyside Bourbon Cooperage in Jackson, Ohio serves as the company headquarters and was the first Speyside facility to focus solely on the production of new, charred, white oak barrels for the bourbon industry.

The Commonwealth of Virginia is home to three of Speyside's operations. These are all new state-of-the-art Speyside facilities. The first, a stave mill built in Millboro (Bath County) Virginia in 2016 was closely followed by a new cooperage in Atkins, Virginia as well as a new stave mill in Glade Spring, Virginia in 2019.

"All our skill goes into making top quality barrels to meet the expectations and requirements of spirit-makers all over the world," explained Darren Whitmer, General Manager of Speyside. "We do this by combining age-old craftsmanship and state-of-the-art techniques with equipment developed by our research and development department." Whitmer continues, "All of our machinery is new to the barrel making industry and is custom designed and built for each facility. We utilize modern manufacturing principles to ensure quality control and the safety of our employees. We are able to program our machinery to produce a consistent barrel".

But making barrels is not a new craft. We know coopering has its origins in antiquity but the true origin of the barrel is lost in the mists of time. Because wood deteriorates historians disagree on when and where barrels were first used; however, wooden barrels have been found as far back as 2600 BC, when ancient Egyptians used wooden barrels to carry seed. And for centuries these practical wooden vessels have been used to store wine, olive oil, grains, and other goods.

According to "Wood Advocate" it was not until the refinement of iron technology that crafting barrels could be reliable. The Celt's are credited with the development of the barrel as we know it today around the beginning of the first millennium. It was quickly understood that wooden barrels were both durable and easy to handle; better than ceramic vessels which were fragile and subject to breaking. Barrels were also practical because they could be placed on their side and easily rolled in a variety of directions and could be stacked to utilize space effectively.

Traders soon learned that barrels used to transport liquids on long voyages took on the flavors of the cask in which they were stored. It was generally agreed that roughly 60-80% of the taste of wines and spirits was derived from the cask itself, ensuring the use of the wooden barrel even today, by spirit makers from around the world.

At Speyside, we produce bourbon barrels, made of the finest white oak. By law (and we will talk a bit about this



*The floor of the Speyside Cooperage KY, Inc. where used barrels are refurbished.
Photo Courtesy: Speyside Cooperage KY, Inc.*

later) the barrels made of white oak must be new, charred, and used only once. Other types of spirits utilize other types of wood. The good news is our bourbon barrels can be re-used for the aging of other products once the bourbon process is complete.

Barrels are very expensive to manufacture. Hence, there is a huge market for used barrels. Depending upon the condition of the barrel, it will undergo a process of rejuvenation. Sometimes the charcoal will stop working and the cask must be re-treated again, or staves have been broken and must be replaced. Within the industry, it is said that a good oak cask can last up to 100 years. And while a bourbon barrel can only be used once, a used barrel can be refilled up to three times before the cask will need to be re-shaved to expose new wood, re-toasted, and re-charred before they can be re-used for storing other spirits (not bourbon).

Wine, whisky, rum, Scotch, Sherry, Port craft beers, coffee, maple syrup; even some kinds of tequila take advantage of previously used bourbon barrels to enhance and inform their flavors. Whether they are stored a few days, a few months or a few years in a previously used bourbon barrel the flavor of the beverage is improved and enhanced. “Aged in Bourbon Barrels” is a marketing phrase, that increases the value proposition for many products on the market today.

BOURBON

“All bourbon is whiskey but not every whiskey is bourbon.”

Bourbon is a truly unique American spirit. While roughly 95% of all bourbon is made in Kentucky, the fact of the matter is, bourbon does not have to be made in Kentucky to be identified as a bourbon, but it must be made in the United States to carry that name. On May 4, 1964, the United States House of Representatives passed a resolution designating bourbon as a “distinctive product” of the United States. Both chambers passed the Senate’s version of the concurrent resolution which ensured that bourbon was made in the United States and offered trade protection against foreign competitors. The federal standards governed the use of the word bourbon by saying the word “bourbon” shall not be used to describe any whiskey or whiskey-based distilled spirits that are not produced in the United States.

- According to the American Bourbon Association, in order for a whiskey to be classified as bourbon it must be distilled from a mixture of grains, or mash, that is at least 51% per corn.
- Bourbon must be aged in new, charred white oak barrels and cannot include any additives or colorings. While most people believe that there is a minimum-aging requirement—there is not. However, bourbon aged less than four years must have an age statement on its label, and to be defined as “straight bourbon” it must have been aged for a minimum of two years.
- When bourbon is barreled it must be a certain proof. The mash must be distilled at 160 proof (80% alcohol by volume) and aged in barrels until it is no more than 125 proof (62.5% alcohol by volume or less).
- Before bottling, bourbon is filtered and diluted down to no less than 80 proof (40% alcohol).

Not all the whiskey that goes into the barrel comes out of the barrel when it is finally matured. The “Angel’s Share” is the amount of distilled spirits lost to evaporation from the barrel into the air. From 4-5” of the liquid is lost (per year of maturation) to the Angels who take their portion in evaporated spirits from every barrel of distilled liquid. The Devil also gets his due, with the “Devil’s Cut” which refers to the percentage of distilled spirits absorbed by the wood. This product is often extracted from the wood once the spirits have been removed from the barrels and the devil’s cut is then blended with other liquids to create or enhance the flavor of other products such as beer, wine, whiskey, and even syrups. Jim Beam has trademarked this expression for one of its brands that extracts that extra whiskey to produce a spirit which they have aptly named “Devils Cut”.

Each barrel holds about 53 gallons of liquid. Accounting for both the Angel’s share and Devil’s cut, that one barrel will yield anywhere from 150-200 (750ml) bottles.

WHISKEY or is it WHISKY?

You may have noticed that we use the word “whiskey” when talking about the bourbon process. And yes, that is whiskey spelled with an “e”. You will also see whisky spelled without the “e” This is not a mistake. According to most dictionaries, whiskey with an “e” is made in the United States and Ireland while whisky without one is made everywhere else. Scotch is an example of whisky without the “e”. However, if you peruse the shelves in many liquor stores today, you will see that both forms of spelling appear on spirits from both sides of the pond!

HISTORY OF BOURBON

Just like the barrel in which it is aged, the history of the bourbon is a bit hazy. Early German, Irish and Scottish immigrants to America brought whisky recipes from their homeland. Taking advantage of the abundant corn crops, water, and different climatic conditions they developed new techniques for producing the brew that was to become known as bourbon. While there is no real historical proof, it is widely believed that Elijah Craig is the father of bourbon. It is said that he aged corn whisky (aka moonshine) in newly charred oak barrels which resulted in the new taste sensation. How the barrels came to be charred is hazy—some say an accidental fire, others claim the barrels were burned in an effort to sterilize reused barrels before refilling them. While the true facts remain vague, it is a fact that in 1789 Elijah Craig, a Baptist preacher, opened a distillery in Georgetown, KY, the first to produce bourbon.

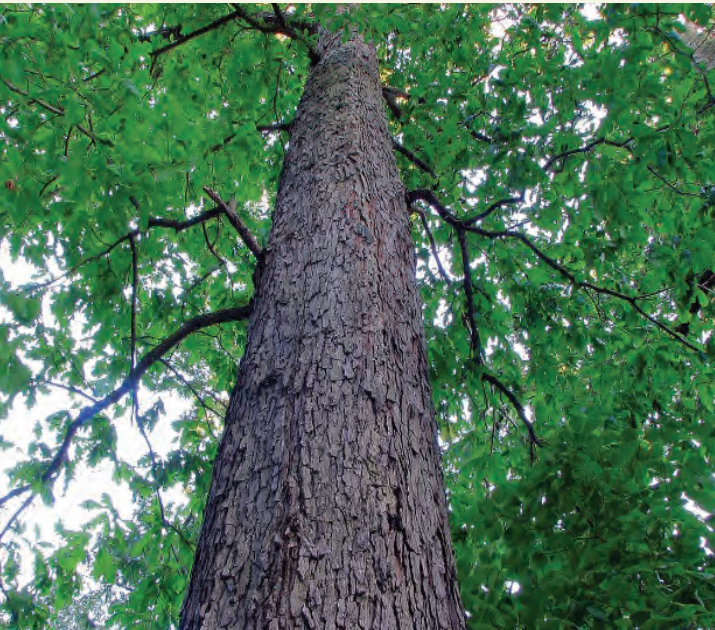


YOUR BOURBON, OUR BARREL: SPEYSIDE BOURBON COOPERAGE AND STAVE MILLS

At Speyside Bourbon Cooperage, Inc., we have created a world-class bourbon barrel by applying state-of-the-art technology and modern manufacturing principles to the age-old craft of barrel making.

When we began operations in the United States we capitalized on our long history of coopering and decided to make our barrels with new technology. We partnered with machine makers from the US and Europe to find the best way to design and fabricate our cooperage equipment with the result being equipment that provides better ergonomics, safer for the environment while using less energy.

Our five stave mills produce all the staves and heading we use in the manufacture of our barrels at our two cooperage locations. By producing our own staves and heading we are able to follow strict protocols for processing the raw materials we use, and more importantly, control inventory for production.



Quercus Alba (White oak). Source: Wikipedia

Why White Oak?

By law, barrel makers in the bourbon barrel business are required to use white oak. But what makes white oak the perfect wood for bourbon?

Quercus Alba or white oak is one of the most preeminent hardwoods of eastern and central North America. It is called white oak (not because the bark is white) but because newly cut wood appears light in color and is nearly white, and the name most accurately describes the color of the wood when it is finished.

Cultivated as an ornamental tree, these slow-growing trees provide the acorns and shoots that deer, turkeys, ducks, pheasants, and other small forest creatures use for food and cover.

White oak has “tyloses” that give the wood a closed cellular structure that resists leaking, making it water and rot-resistant thus making it very, very popular with not only barrel makers but shipbuilders as well. It is also used for flooring, cabinetry, interior trim, furniture, veneers, and even musical instruments. Its bark is used to make medicine and teas for arthritis, colds fever cough, and bronchitis.



Cross-section of oak log showing growth rings. Source: Wikiwand

White oak is also a pure wood. It does not have resin canals like those of pine or rubber trees which could leach those harsh flavors into the whiskey, but it does offer specific flavor notes that add to the taste and aroma of the whiskey stored within. These include vanillin, oak lactone (similar to coconut), wood sugars, and color—all of which are enhanced during the charring and toasting processes used in making bourbon barrels.

White oak has a much tighter cell structure than other types of oak, allowing for the barrel to hold up over time. Barrels made of white oak do not leak, and the structure of the wood allows for a slow, gentle interaction between the bourbon and the wood.

White oak’s cell structure allows for small amounts of oxygen to permeate the barrel stave. This creates a chemical reaction softening the tannins from the wood and stabilizing the color. While maturing in white oak casks the bourbon will develop an aroma of soft caramel with a taste of faint sweet corn and vanilla as well as notes of herbal grass.

Other types of oak are used for aging wine and whisky around the world. While those whisky’s can never be called bourbon, the effects of storing whisky in oak species from Spain, Scotland or Japan have a decided effect on the flavor of the whisky produced therein.

White oak, is white oak is white oak, right? Well yes, and no. A white oak tree is a white oak tree wherever you find it, but that is where the similarities end. Where a tree is grown “terroir” has a major effect on the characteristics of that tree. For ex-

ample, the tightness of the grain of the tree depends mainly on soil moisture retention, soil nutrients, and the density of the forest in which the tree grew. This factor in turn affects how much the wood will influence the flavor of the whiskey stored within the barrel.

The Making of a Speyside Bourbon Barrel: From Acorn to Cask

We produce 53-ASB (American Standard Barrels), which is a 53-gallon airtight barrel, made of approximately 30 staves, and two ends called heads. Like all bourbon barrels, our barrels are made of white oak and held together by six steel hoops and twelve rivets. Barrels are toasted and charred to order based on closely held recipes, unique to each distillery we serve.

Procurement

Most American white oak used in bourbon barrels comes from the Appalachian regions of Kentucky, Ohio, Tennessee, West VA, and Virginia, as well as other portions of the eastern US from Missouri up into Canada. Wood is procured by Log Buyers and Foresters from a mix of sawmills, log yards, loggers, and landowners.



Log Yard Millboro Stave Mill. Photo courtesy of Speyside Bourbon Cooperage, Inc.

Although a variety of grades and quality of white oak logs are used for building a barrel, the definition of the “perfect” white oak log would be one with tight growth rings, straight-grained, and little to no internal or external defect. A stave log falls in the quality category between a veneer log and a typical sawlog.



Aerial view, Speyside Stave Mill Millboro. Photo courtesy of Speyside Bourbon Cooperage, Inc.

Upon purchasing a log, the logs will first be scaled (measuring the length and diameter of the log) to determine the number of board feet that the log will provide. It will also be graded for the quality of the wood available in the log to be used in the manufacturing of the barrels, with attention paid to things such as natural internal and external defects which may or may not affect the suitability of the log for the purpose of making barrels. After doing the aforementioned process the log is priced for purchase.



Logs waiting to be scaled (L) Paul Henderson, Regional Procurement Supervisor, Grading Logs. Photo's courtesy of Speyside Bourbon Cooperage, Inc.

Logs are then tagged with a bar code for inventory purposes and stored in the log yard until they are ready to be cut into staves. The logs will remain in the log yard for approximately 2 months before being processed.



Tagged Logs. Photo courtesy of Speyside Bourbon Cooperage, Inc.

Making Staves

In general, a stave mill will take high-quality white oak logs and cut them into rough staves utilizing only the heart of the log. The by-products such as bar, chips, mulch, and sawdust are sold to paper mills, furniture manufacturers, even landscapers. Dust is sold to biomass operations and converted for fuel in many facilities.



Dust Collection System, Atkins Dust Collection System, Glade Spring Photo's courtesy of Speyside Bourbon Cooperage, Inc.

The Rough Stave

The log is first cut, on the log deck, into large pieces called “bolts” which are usually less than 8 feet in length. The bark is then removed by the debarker machine.



Log Deck, Speyside Stave Mill, Millboro

Photo Courtesy of Speyside Bourbon Cooperage, Inc.

The bolt is then cut into quarters (quarter saw) and the quarters are then cut into rough staves. During this process, special attention is paid to the orientation of the growth rings making sure they are facing the right direction. This ensures that the barrel is both leakproof and stable. The quarter cut divides the boards into wide and narrow pieces.



The Quarter Saw (Glade Spring Stave Mill) Photo courtesy of Speyside Bourbon Cooperage, Inc.

Each stave is inspected by hand and stacked according to size.



Rough staves are hand sorted at sorting tables and then stacked. (Millboro) Photo courtesy of Speyside Bourbon Cooperage, Inc.

Since freshly cut trees have a moisture content of roughly 50%, which is too high for barrel production the wood will go through several stages of drying (both air and kiln) to reach the correct amount of moisture (roughly 12-15%.) The process can take anywhere from six to 36 months depending on the process and the customer's requirements.



Staves must be stacked in just the right way to allow both air and moisture to circulate. Photo courtesy of Speyside Bourbon Cooperage, Inc.

For wood drying to be effective, the staves must be stacked in just the right way to allow both air and moisture to circulate. While counter-intuitive, the goal is for the wood to dry out while still maintaining a certain amount of moisture; so, that beneficial fungus needed to break down both the structure and compounds within the oak is able to grow and do their work.

From Stave to Barrel

Once at the cooperage, the staves are once again either set to dry out-of-doors or in large interior warehouse spaces to air dry for up to a year. The staves are then kiln dried in enormous kilns where humidity and temperature are controlled by using steam and fans.



Staves drying outside. Photo courtesy of Speyside Bourbon Cooperage, Inc.

Once ready to be assembled the staves run through an equalizer saw which cuts them to the desired length, 3' for staves and 2' for heading. Then the stave passes through the planer which actually shapes the stave to conform to the convex and concave surface of the barrel. The final step in preparing the stave is the jointer which sets the correct bilge size and angles. This guarantees that the stave will fit tightly and not leak.

Raising the Barrel

The first step in creating the actual barrel takes place by hand and is called “raising the barrel”. The barrel raiser assembles approximately 30 wide and narrow staves into a barrel-raising ring that holds the staves in place. There are no patterns. The barrel raiser must select wide and narrow staves and distribute them evenly around the ring by eyeing the pieces and fitting them accordingly. The staves must fit evenly or the barrel will leak. And the barrel must be made watertight by the correct placement of the staves, as there are no nails, or glue, or any mechanical method used to maintain the interior seal. Temporary hoops are placed around the belly of the barrel to keep the staves secured as the barrel moves through the rest of the manufacturing process.



Here is Donald Isaac is demonstrating how to “raise a barrel”. Photo courtesy of Speyside Bourbon Cooperage, Inc.

Steaming the Barrel

Next up is steaming. Because the staves are straight, and barrels are convex, the wooden staves must be gently bent to conform to the shape of the barrel. This is done by steaming the barrels to make the staves flexible.



Barrels are steamed in order to make the wood pliable and easier to be shaped. Photo courtesy of Speyside Bourbon Cooperage, Inc.

Once the barrel has gone through the steamer the barrel moves to the Windlass Machine in which the operator is able to gently bend the staves into their customary shape, the temporary top and bottom hoops are once again applied. The barrel is surfaced or made smooth by a machine to en-

sure the surface of the barrel is uniformly smooth. The Croze (the groove at each end of the barrel in which the head of the barrel will be fitted) is done by machine at this time.



Here the barrel surface has been made smooth and uniform. Photo courtesy of Speyside Bourbon Cooperage, Inc.

Toasting

Before any liquid is put inside, the barrel goes through a heating process called, toasting. Toasting a white oak barrel caramelizes the wood sugars that bring out the vanilla and caramel notes. Barrels can be toasted and then charred. Doing so allows the barrel maker a chance to better control the vanillin and color of the final product. As you can imagine you can only char a barrel so long before it is incinerated, toasting the wood beforehand seals the wood, and thus sets the vanilla and the color which is then enhanced by charring. There is a variety of toasting recipes, just like there are varieties of char. Each degree of toast creates a different flavor profile and each distillery has its own, closely-guarded recipe for toasting and charring their barrels.



An example of barrels being toasted by hand. Photo courtesy of Speyside Bourbon Cooperage, Inc.

Charring

Charring opens up the wood, creating a catalyst for chemical changes needed to transform whiskey into bourbon. Charring warms the lignin contained in the wood which produces that characteristic vanilla flavor that is part of the bourbon profile. Bourbon barrels are typically charred from 30-40 seconds. The charcoal surface that is created as the result of charring helps mellow the sharp flavors of the distilled whiskey product that ages.



Barrels being charred. Photo courtesy of Speyside Bourbon Cooperage, Inc.

Hoops

Before you can continue production, you have to cool the barrel down. During the cooling, the barrel shrinks. After cooling the temporary hoops are replaced by real hoops.



Hoops are pressed down by the Hoop Driver Machine. Photo courtesy of Speyside Bourbon Cooperage, Inc.

The Hoop is secured with rivets, many of which may carry either the distillers (or barrel makers) initials.



The rivet tells us this barrel was made at the Speyside Cooperage in Jackson.. An "SA" would indicate the barrel was made at the Atkins Cooperage. Distillers sometimes request use of their own initials. Photo courtesy of Speyside Bourbon Cooperage, Inc.

Heading

The 2' stave pieces are pressed together into a square.



The 2' stave pieces are pressed into a square and then cut into the circular shape that is the heading by Operator Dawn Potter. Photo courtesy of Speyside Bourbon Cooperage, Inc.

This piece is then cut into the round pizza-like shape that is the top and bottom of the barrel. These pieces are called Heading. The heading is charred before it is installed onto the barrel.

The heads are put on the top and bottom of the barrel by hand, with a little assist from technology. Machines lift and turn the barrel from one side to the other so that the heading can be placed in the Croze.



An engraved heading. Photo courtesy of Speyside Bourbon Cooperage, Inc.

The Bunghole

The bunghole is the way liquid actually enters into and is extracted from the barrel and is literally a hole drilled in the middle of the barrel, through one of the wider staves, to prevent that stave from cracking or splitting when drilled.



Making the bunghole. Photo courtesy of Speyside Bourbon Cooperage, Inc.

Checking the Barrel

Once the bunghole has been drilled, the barrel is placed on its side and filled with a gallon or so of water. The bunghole is plugged with a temporary plastic plug to prevent the liquid from spilling out. The barrel is then rotated until the water has covered each of the staves and the interior of the barrel has been thoroughly saturated. The barrel is then filled with air in order to determine if that barrel has any leaks. Leaks will appear as bubbles forming at the source of the leak. The barrel must remain wet until it is finally filled with the whiskey product. If the barrel dries out, the wood will shrink endangering the barrels' stability and ability to hold liquid, and the hoops will slip down. The barrel will be transported with



just enough liquid to maintain the integrity of the barrel until final use.

Checking the barrel for leaks. Photo courtesy of Speyside Bourbon Cooperage, Inc.

Cooper

In Latin, the word “cupa” means barrel and is suggested as the source for the word. Yet, it is the Middle Dutch or Middle Low German word “Kuper” from the word “Kupe” for cask that is generally credited as the true source of the word cooper as it is used to define the profession of barrel maker.

So, what is a cooper? A cooper is a craftsman who makes wooden barrels using wooden slats called “staves”. They are secured together with metal hoops (originally wood piec-



es called “withies”) with a top and bottom (heading). The modern barrel is convex in shape, with a bulge at the center called a “bilge”.

Coopers in colonial America. Source: Revolutionary War Journal

And Still Today, There Really Is a Cooper

No matter how modern the technology has become, the Cooper is still an important figure in any cooperage. It is the Cooper, using hand tools that have been part of the craft and trade for hundreds of years, who will repair broken barrels, replace a cracked stave, repair leaks or do whatever might be needed to salvage the barrel that has not passed inspection.

Storing the Barrels

The process of creating quality spirits does not end when the liquid goes

into the barrel. The barrel must be warehoused so that the liquor can mature. Barrels are usually stored in warehouses known as a “Rickhouse” or “Rackhouse”. Rickhouses have



Cooper Robbie Sexton repairing a barrel. Photo courtesy of Speyside Bourbon Cooperage, Inc.



barrels stored horizontally on racks (known as Ricks), usually stacked three high, with plenty of room for air circulation around the sides and ends. The average capacity of a Rickhouse is 20,000-60,000 barrels.

A Heaven Hill Distillery Rickhouse. Photo Courtesy of Heaven Hill Distillery, Bardstown, KY.

Future

American White oak is in huge demand.

The bourbon industry alone uses 3 million barrels a year (on average 1- 1 ½ barrels per log). While we know there are enough white oak trees to meet current demand, we must work actively to manage our forests to improve the health and encourage the natural regeneration of white oak. The Virginia Loggers, the VA Hardwood Initiative, the American Forest Foundation, the White oak Initiative, the U.S. Forest Service, our state agencies, and white oak reliant industries are working together to develop long-term plans to ensure white oak remains abundant for years to come.

Virginia is 62% forested and 75% of that is hardwood, of which white oak is 4th in relation to the overall volume. The growth to drain ratio in 2019 was 1.89, down from 2.17 in 2018 which also raises the concern for current and future

management.

In order to ensure that our most needed resource, American white oak is there for future generations, our business practices must reflect the very highest standards of integrity and sustainability.

Speyside has been awarded the Certified legal and Sustainable designation from the Appalachian Hardwood Manufacturers Inc., for our sustainable log buying practices and we are active members of the White oak Initiative. Our mill by-products such as chips and dust are sold to local papers mills for the manufacture of paper and bio-mass energy, as well as furniture manufacturers and landscapers. What dust we do not sell, we use to fuel our boilers that heat our buildings and dry our wood.

For information regarding procurement please contact Michael Harold, Raw Materials Procurement Manager (mharold@speysidebci.com). For a list of log buyers in your area or more information about Speyside, please visit our website at www.speysidebci.com.

Sidebar

Speyside Bourbon Cooperage (Atkins, VA)

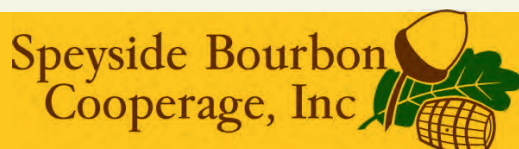
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CHAD SHELTON APPOINTED TO GOVERNOR NORTHAM'S BOARD OF FORESTRY

Governor Ralph Northam announced Friday September 17 that Chad Shelton, Vice President of Virginia Loggers Association, was appointed to the Board of Forestry (BOF). Chad will serve as advisor on the BOF to the Virginia Department of Forestry and Governor's office, representing the forest harvesting sector of the forest products industry.



Chad Shelton grew up in a logging family. His parents, Howard & Lana Shelton and owners of H. J. Shelton Logging, Inc. welcomed Chad's interest in the business. Chad is an important part of the business now and helps his parents with operations, marketing, contracts and more.

While Chad is active in the family business, he is also adding on a new specialty sawmill, and serving as an active leader in his community and VLA. He is an active board member who serves the industry at large with conviction and dedication for the industry.

Chad works closely with Pittsylvania County Farm Bureau and other committees dedicated to forestry, agriculture, and the businesses who make it up.

Chad had long envisioned that forest harvesting and agriculture were too similar to be treated differently under the law.

In 2019, Chad led VLA on a legislative journey to change the Virginia tax code and sought the Virginia General Assembly's approval for an amendment that would treat forest harvesting equipment just like farm machinery. He ultimately sought an exemption from all personal property and machinery taxes in all Virginia Counties.

Through Chad's efforts and close county leadership connections, he was able to secure Pittsylvania County Farm Bureau's commitment to put forth a local resolution that would accomplish his goal. Chad also worked closely with Pittsylvania County Board of Supervisors and Commissioner of Revenue winning their support for this change.

Chad joined his local Farm Bureau representatives to their annual Resolutions committee in Charlottesville and together won the overall Farm Bureau support. The resolution was adopted by the full voting body of the VA Farm Bureau.

Mr. Shelton continues to support Virginia logging businesses and mills by maintaining a visible profile in the forest products industry. He is working to ensure that forest biomass is included in Farm Bureau's official policy. Chad represents the principles of keeping Virginia pro-business environment and helping all businesses grow.



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WHAT YOU NEED TO KNOW ABOUT HARVESTING TIMBER ON CONSERVATION EASEMENTS

Open space conservation easements are a long-established tool for Virginia landowners to help protect their property from development in perpetuity. Conservation easements can also be a great way to ensure that Virginia's forestlands are kept as forests and maintained as an economic resource for current and future generations of landowners. All conservation easements in Virginia are voluntary. Landowners who decided to protect their land with an easement often receive tax deductions, tax credits, or direct payments through grant programs to compensate them for protecting their land.

There are over 17 accredited land trusts in Virginia as well as state agencies who hold conservation easements. The Virginia Outdoors Foundation (VOF) is the largest holder of easements in Virginia, having protected more than 850,000 acres. The Virginia Department of Forestry (VDOF) also has a conservation easement program that has protected more than 86,000 acres. Other easement-holding entities include the Virginia Department of Historical Resources, the Piedmont Environmental Council, and The Nature Conservancy.

Forest management, including timber harvesting is allowed on most conservation easements and all those held by VDOF. However, there are few common requirements that you should be aware of before you harvest timber on a conservation easement:

1) Many conservation easements that allow harvesting require landowners (or their representatives) to file a pre-harvest plan with the easement holder a minimum of 30 days prior to the start of the timber harvest for review and approval. VDOF easements additionally require that all harvesting be at the recommendation of an approved forest stewardship management plan written by a qualified forester.

2) Conservation easements that allow harvesting will require that the easement holder be notified prior to the start and finish of a timber harvest, to ensure the harvest complies with the requirements of the easement.

3) Virginia Best Management Practices (BMPs) including Streamside Management Zones (SMZs), are required by most easements, and are mandatory on all VDOF easements.

4) Some easements may include additional restrictions if there is a rare animal, plant, or habitat present, and may also have restrictions to protect historic or scenic resources, such as battlefields, scenic rivers and roads, and local aesthetics. It is important to be aware of a property's conservation status before harvesting. Conservation easements receive a high degree of scrutiny from the easement holder, the

neighbours, environmental groups, the media, and the IRS. Conservation easements are usually taxed at a lower rate than unprotected properties, and failure to properly protect the conservation resources of the property can have serious financial implications for the landowner and potentially for the harvester if they knowingly violate contract terms. For example, if easement terms are violated, the landowner can be liable for paying back previously claimed tax credits and deductions.

Here are some simple steps you can take to avoid complications:

- Verify a property's conservation status before signing a contract or beginning a harvest. Easement landowners should be aware of their land's status, but you can also find this information in the county tax map records or refer to the Virginia Department of Conservation and Recreation map of Virginia's Managed Conservation Lands (see <https://www.dcr.virginia.gov/natural-heritage/clinfo>).
- If the property is under easement, make sure that it is noted in the timber sale or contract.
- Verify with the landowner that there is a current and approved pre-harvest plan for each harvest. VDOF water quality staff can write pre-harvest plans free of charge but this is time sensitive, so do not wait until the last minute to get this easy step completed.
- Work with VDOF Water Quality Staff to make sure that all required BMPs have been followed before moving off-site. VDOF conducts water quality audits on all VDOF easement harvests and failure to comply can have serious implications for the logger and landowner.

Contact the easement holder's stewardship personnel if you are unclear about what is and is not allowed on a property. They will be the most qualified to answer questions concerning a specific easement. We would much rather work with someone to prevent a problem than have to negotiate fixing a problem that could have been avoided. These easements are meant to protect the best of Virginia and harvest operations that showcase the benefits of active forest management are critical to ensuring that timber harvesting will be allowed on these properties in the future.

Sarah Parmelee
Forestland Conservation Coordinator
Virginia Department of Forestry
(540)290-7153
Sarah.parmelee@dof.virginia.gov

TASTE BUD TEASERS

Enjoy a taste of summer with Virginia-grown tomatoes?

There's nothing like a fresh, juicy tomato plucked right from the garden. In season July through October, Virginia tomatoes are ripe and ready to be sliced for sandwiches, turned into condiments or enjoyed in any number of dishes.

Tomatoes are a big business in Virginia. According to the Virginia Department of Agriculture and Consumer Services, the state ranked 10th for fresh market tomatoes in the U.S. And while Central Virginia is famous for Hanover County tomatoes, most tomatoes in the state are grown on the Eastern Shore.

Chock full of health benefits and low in calories, tomatoes are a great source of antioxidants. They contain lycopene, which helps reduce the risk of heart disease and cancer, and provide plenty of vitamins C and K, potassium and folate.

Botanically, tomatoes are a fruit, but they are used as a vegetable in the culinary world. A staple in most kitchens, they come in countless varieties of colors, shapes and sizes.

BLT Club Sandwiches

½ cup mayonnaise
12 slices of whole wheat bread
4 lettuce leaves
2 large tomatoes, cored and cut into 6 slices
12 strips of cooked bacon

Spread ½ tablespoon of mayonnaise on one slice of bread, and top with a lettuce leaf. On another slice of bread, spread ½ tablespoon of mayonnaise on each side, and place on top of the lettuce. Top with three slices of tomato and three strips of bacon. Spread a third slice of bread with ½ tablespoon of mayonnaise. Place on top of the bacon, and press down gently. Repeat with remaining ingredients. Cut sandwiches in half or in quarters, and serve.

Source: Recipe adapted from Kansas Pork Association

Tomato Relish

1 tablespoon olive oil
1¾ cup chopped onions
1 teaspoon minced garlic
3 tablespoons balsamic vinegar
2 tablespoons packed brown sugar
1 tablespoon minced ginger
¼ teaspoon crushed red pepper
2¼ cups chopped, seeded tomatoes (about 4 medium tomatoes)
½ teaspoon salt

In a large nonstick skillet, heat oil over medium heat until hot. Add onions and garlic; cook and stir 5 minutes or until onion is tender. Stir in vinegar, brown sugar, ginger and red pepper; cook and stir 2-4 minutes or until sugar is dissolved. Stir in tomatoes; cook 8-10 minutes or until sauce is thickened, stirring occasionally.

Remove from heat; stir in salt. Cool. Serve at room temperature. This relish makes a great addition to any burger, sandwich or steak.

Source: National Cattlemen's Beef Association



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WHY BELONG TO VIRGINIA LOGGERS ASSOCIATION



Ever asked yourself why you should belong to a trade association like the Virginia Loggers Association. If you are a member of the VLA, we know you have given this question some thought and figured out that VLA has a lot to offer you. So much happens in today's world of local, state & federal regulations and politics. It all happens quick and is difficult for business owner to keep track!

VLA is a trade association designed to keep up on the events happening in government and ensure the interests of our business owners and members are always put forth to the right people in a measured manner delivered in a single, **unified**, clear, and robust **voice**.

VLA also exists to keep members informed about issues on the horizon and to support our members when these issues may bring about impacts on the member. Some of the things VLA has accomplished and sees as a clear advantage are cited below. You can also deduct most of your membership dues from your taxes. In fact Thomas & Thomas, PC have determined that 98% of your membership dues are tax deductible.

We hope you agree with our assessment of the benefits of membership. If you have some thoughts on this subject or have a concern that needs our attention, please contact VLA immediately. You can always reach us.

VLA Accomplishments:

- 2020: Logger/Hauling Relief Act Payment to Loggers/Haulers who suffered loss due COVID19
- 2020: Virginia tax code amended giving localities the option to exempt personal property taxes on logging equipment. So far thirteen counties have amended their localities' tax ordinance and exempted personal property taxes on forest harvesting equipment.
- 2019: Flashing amber lights installation on log trucks.
- 2017: Defeated water quality inspection fee requested by Governor of Virginia.
- 2015: Hauling weights on highways increased to 90,000 pounds (non-interstate highways).
- 2014/2016: City of Emporia amended ordinance allowing log trucks through City of Emporia

VLA Membership Benefits:

- Voice in the Virginia General Assembly via VLA Political Action Committee
- Voice in U. S. Congress: annual visits to Virginia representatives in Congress
- General Counsel Services by Setliff Law
- Assistance with Local, State & Federal agencies
- Communications: 5 newsletters, website, and Facebook
- Professional Voice everywhere
- Training on legal, business, safety, and other topics
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SETLIFF'S

FOLLOWING THE RULES: CLARIFICATION ON THE SAFETY RULE DEFENSE TO WORKER'S COMP CLAIMS

In general, employees in Virginia are eligible for workers' compensation benefits regardless of who is to blame for the accident. That means, with few exceptions, the negligence of any party involved in a workers' compensation case is irrelevant to the award of benefits. Common sense, however, would dictate that if employees aren't following "the rules" when the accident occurs, then they should not be awarded benefits. Virginia codified this commonsense rule in Virginia Code Section 65.2-306, which provides that compensation will not be awarded to a claimant if the injury is caused by, "The employee's wilful breach of any reasonable rule or regulation adopted by the employer and brought, prior to the accident, to the knowledge of the employee." This rule, while it may seem straightforward, causes a lot of confusion and frustration for employers all over Virginia. In order to successfully utilize the "safety rule" defence, an employer must establish: (1) the rule is reasonable; (2) the rule was known to the employee prior to the accident; (3) the rule was for the benefit of the employee; and (4) the employee was injured while intentionally undertaking the act forbidden by the rule. *Spruill v. C.W. Wright Constr. Co.*, 8 Va. App. 330, 381 S.E.2d 359 (1989). More plainly, in order to use the safety rule defense, the rule must be reasonable, it must be known by the employee, it must be for the purpose of protecting the employee, and the employee's injury must have been caused by an intentional failure to follow the rule. Additionally, it is paramount that the rule is actually enforced by the employer. It cannot be the case that the rule exists but is never abided by or enforced. To utilize the safety rule defence, the employer must create consequences for employees who have failed to follow the rule. This can be as simple as forced compliance or a written warning. If you do not care about your rule, the Virginia Workers' Compensation Commission won't care about it either. In *Mouhssine v. Crystal City Laundry*, a claimant brought a workers' compensation claim following a back injury that occurred while lifting. The employer defended the claim on the grounds that the claimant failed to comply with its rule which mandated that employees engaged in lifting activities are required to wear a back brace. It was found that the rule was communicated several times per month and that if supervisors saw employees in violation of the rule, the employees were reminded. As the claimant was found to be in violation of a known safety rule, that is regularly enforced, his claim was barred. *Mouhssine v. Crystal City Laundry*, 62 VA. App. 65 (2013).

What should you do?

1. Publish all safety rules in a rule book or employee handbook. —Have a source where the rules are written down. Make sure those publications are distributed to employees. Keep a record of each employees' receipt of such rule books.
2. Train employees on all safety rules. —Regularly communicate the rules to your employees. Emphasize the important of safety rules.
3. Have regular reminders of safety rules. —Put up signs where possible.
4. Create an enforcement system. —Whether it be a simple verbal reminder, a written warning, or more severe (sent home for the day, suspension, etc.), make sure you have a system to handle violations of the rules. Make sure violations are communicated to employees and then documented in their personnel files.

If you have any questions about this article, or about workers' compensation in general, contact Sean Mackin (smackin@setlifflaw.com) at 804-377-1268 or Steve Setliff (ssetliff@setlifflaw.com) at 804-377-1261.

BIFURCATION AND THE REPTILE

Like the dinosaurs, the Reptile Theory seems to freely roam the earth for years and years. Also like the dinosaurs, it is a favorite topic of articles and debate. For the cave people who are scratching their heads grunting, "Huh? What?", the Reptile Theory is a legal strategy popularized by David Ball and Don C. Keenan in "Reptile: The 2009 Manual of the Plaintiff's Revolution." It is a how-to for obtaining large jury verdicts based on neurological principals based on the "reptilian brain" which triggers the primitive part of the mind and defies logic and instead encourages jurors to react to fear and the harm suffered by the plaintiffs. The path to utilizing this theory focuses on demonstrating a threat to safety and well-being and has proven successful in trucking cases. There are many different theories as to how the dinosaurs became extinct. Likewise, individuals associated with the trucking industry have worked with diligence to overcome the Reptile Theory and its impact on nuclear verdicts.

The best way to neutralize the Reptile Theory is to 1) realize when it is being used; and 2) counteract its effect. This can be done in a number of ways and has been studied at length by individuals in the trucking industry. One of the most obvious examples of counteracting the Reptile theory is ensuring corporate representatives and experts are prepared for reptilian questioning. For instance, corporate representatives need to be prepared to answer pointed questions about safety, profits over people, training, and threats to the motoring public. Even more specifically, company representatives need to anticipate "soundbite questions" - those questions that everybody and their brother would answer "Yes" to: "Would you agree with me that a safe driver looks before making a lane change?" Duh. However, if the simple answer is yes, without any further explanation, the plaintiff's attorney now has a soundbite for the jury:

"Ladies and gentlemen of the jury, today, the evidence will show that this 80,000-pound cage of death that killed my client was driven by an unsafe driver. In fact, you will hear from the very lips of the safety director that a safe driver looks before making a lane change. That did not happen here. Because he didn't look back on his right side before changing lanes, my client is dead, unable to walk his daughter down the aisle."

Other efforts to neutralize the reptile can occur in the litigation process itself. For instance, the Texas state legislature passed a law, effective September 1, that requires a jury to find a trucking company or truck driver liable for a crash before exemplary or punitive damages can be sought in a civil case. This new law allows defense counsel to request a two-phase trial. For more information: https://www.ccjdigital.com/regulations/article/15066435/new-texas-law-aims-to-mitigate-nuclear-verdicts?utm_term=VersionB&utm_medium=email&utm_content=07-09-2021&utm_campaign=CM_NL_CCJ+Daily&utm_source=CM_NL_CCJ+Daily&ust_id=0e27c2262aa989666d582c7dd9a941f12de27ae4&oly_enc_id=5467B6070134G5Z. Other

states with bifurcation laws include Connecticut, South Carolina, Utah, Alaska, and Nebraska, though this list is not all-inclusive. See, e.g., "Bifurcation of Civil Trials," by John P. Rowley III and Richard G. Moore, 45 U. Rich. L. Rev. 1, Nov. 2010; McGuire Woods study, <https://cdn.ymaws.com/www.vba.org/resource/resmgr/imported/7.pdf>.

This is a similar practice that I have personally utilized while practicing in Arkansas based on Ark. R. Civ. P. 42, which allows the bifurcation of punitive damages claims from liability determinations. Ark. R. Civ. P. 42(b)(2) provides "The jury shall first determine the liability of the defendant or defendants for compensatory damages, the amount of compensatory damages to be awarded, and, at the discretion of the circuit court, the liability of the defendant or defendants for punitive damages. Should it be necessary, the jury will then determine in a separate proceeding, the liability of the defendant or defendants for punitive damages, if that issue was not decided previously, and the amount of punitive damages to be awarded. Evidence of a defendant's financial condition shall not be admitted in the first proceeding unless relevant to an issue other than the amount of punitive damages." Similar practice occurs in New York, and New Jersey, as well as is permitted by Fed. R. Civ. P. 42. See, e.g., "Bifurcation of Civil Trials," by John P. Rowley III and Richard G. Moore, 45 U. Rich. L. Rev. 1, Nov. 2010.

In Virginia, in 1994 the legislature attempted to require bifurcation of punitive damages at the defendant's request, however the effort failed. In 2004, a Virginia Circuit Court denied a defendant insurance company's request to bifurcate the issue of punitive damages. See, e.g., "Bifurcation of Civil Trials," by John P. Rowley III and Richard G. Moore, 45 U. Rich. L. Rev. 1, Nov. 2010, citing McLean v. Owens-Illinois, Inc., No. 31799V-04, 2004 WL 2813474, at 2 (Va. Cir. Ct. Aug. 25, 2004) (Newport News City). Alternatively, Virginia judges have the discretion to bifurcate civil trials, pursuant to Allstate Insurance Co. v. Wade, 265 Va. 383, 393 (2003), ("a determination in a civil trial regarding the bifurcation of a jury's consideration of issues is a matter for the trial court's discretion.")

If punitive damages have been pled, consider bifurcation as a strategy option to neutralize the reptile, or a punitive damage claim in general.



For questions, comments, or assistance with trucking litigation, please feel free to contact Amy Tracy (atracy@setlifflaw.com) at 804-377-1264 or Steve Setliff (ssetliff@setlifflaw.com) at 804-377-1261.

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