



VLA

Summer 2018 Issue

VA Loggers Association Newsletter

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VIRGINIA LOGGERS ASSOCIATION CONFERENCE AUGUST 24 - 26, 2018

A GREAT CONFERENCE AWAITS YOU!

The 16th annual conference of the Virginia Loggers Association awaits you and your attendance will make it complete! Uncover the latest trends on important topics, the best speakers to present them, great networking of friends and businesses, and just plain fun. Registration will be found on pages 2 & 3. Reserve your lodging and register today! We can't wait to see you in August.

Lodging Information

Where: Williamsburg Lodge, 310 South England St., Williamsburg, VA 23185

You may reserve your lodging now via telephone or online. Great room rates will also be honored 2 days before and after the event!

**MUST RESERVE LODGING BY July 24, 2018
TO RECEIVE DISCOUNTED ROOM RATES!
For Call in Reservations:**

Call toll – free number 800-261-9530 to make reservations. Please use group name VL4 when calling.

The conference reservations office is open Monday – Friday, 8:30 AM – 5:00 PM

For Online Reservations:

<https://aws.passkey.com/go/VL4>

Our program is excellent! Exhibitors will be easy to find. Colonial Williamsburg offers both fun and educational things for the whole family. You'll enjoy your stay with other great people – I promise!

Ron Jenkins
Executive Director, VLA

REGISTRATION 16TH ANNUAL CONFERENCE OF THE VIRGINIA LOGGERS ASSOCIATION

Complete & Return by August 4 One Registration Form Per Person or Family

Company: _____

Name: _____

(Spouse): _____

Children's Name (12 and under are free): _____

Address: _____

Work Phone: _____ Cell Phone: _____ Email: _____

Please (circle) your Attendance Preferences

Full Attendance Package

(includes all meeting sessions, reception, banquet, beverages & food)

☐ Friday & Saturday all meetings & events Member \$185 _____

☐ Friday & Saturday all meetings & events Member's Spouse \$155 _____

TOTAL _____

OR Pick Individual Events to Attend

☐ Friday Afternoon Presentations \$65 _____

☐ Friday Evening Legislative Reception \$110 _____

☐ Saturday Morning Breakfast & Presentations \$75 _____

☐ Saturday Evening Social, Dinner, Awards & Entertainment \$125 _____

TOTAL _____

Plus - Optional*

☐ Picnic on the Bay, Saturday afternoon August 25 Cost \$25/person

See "Picnic" for Details

Plus – Sponsorship

☐ Platinum (\$2,000 +) _____

☐ Gold (\$1000 - \$1,999) _____

☐ Silver (\$500 - \$999) _____

☐ Bronze (\$250 - \$499) _____

☐ Supporter (\$249 or less) _____

ENCLOSED FOR REGISTRATION, OPTIONS AND SPONSORSHIP: GRAND TOTAL \$ _____

(Exhibitors must sponsor at Bronze or Higher Level)

Do you wish to exhibit? Yes _____ No _____

Return to: Virginia Loggers Association, 5251 Tavern Lane, Goochland, VA 23063

Questions – Call 804 677 – 4290 or email at info@valoggers.org

Option - Picnic on the Bay!

Enjoy your Saturday afternoon on a beautiful site along the Chesapeake Bay. Picnic lunch on gorgeous bay setting, plus an oyster growing & processing demonstration, swimming, sunbathe or relax by the pool, fish in the York River, wade the shoreline, walk along the beach and enjoy games on the lawn.

Lunch includes hotdogs on the grill, pulled pork BBQ sandwich, baked beans, potato salad, slaw, desserts and of course oysters!

Price is only \$25 per person and children under 12 years of age are free.

List all names who will attend Picnic and Identify Children under 12: _____

SHARP Logger Continuing Education Credits:

Attending all of the conference sessions will earn you 7 CE's.

If you are interested in the extra 3 hours of face-to-face Required SHARP Logger training please complete below.

SHARP Logger Required Training 3 Hrs. Free Friday 8:30 am – 11:30 am August 24

Name of Person(s) Who Will Attend Required Training from your organization: _____

If You Signed up for Full Attendance Please complete the following Information:

Will you attend the Friday technical Session ?	You	Y_____	N_____	Spouse	Y_____	N_____
Will you attend the Friday Reception?	You	Y_____	N_____	Spouse	Y_____	N_____
Will you attend Saturday morning session?	You	Y_____	N_____	Spouse	Y_____	N_____
Will you attend Saturday banquet?	You	Y_____	N_____	Spouse	Y_____	N_____

Please Complete Below if You Want to Contribute to our Silent & Live Auction

We would like to contribute Item(s) Description _____

Estimated Value of Item \$ _____

July						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

August						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

September						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

- JULY 4** Independence Day
JULY 19-21 ALC Summer Board of Directors
 NC & VA Forest Landowner Conference
AUG 23 VLA BOD and BOF Dinner
AUG 24-26 VLA Annual Conference
SEPT 11 Kapstone Driver Appreciation Day
SEPT 28-30 VLA at State Fair of Virginia

- OCT 11-13** ALC Annual Meeting
OCT 18 Training: Legal Challenges in Your Business, Lynchburg, VA

EXECUTIVE DIRECTOR'S CORNER | Ron Jenkins

"2018 Richmond Logging Expo"

Many Virginia Loggers Association members turned out for the 2018 Logging Expo in May.

Thank you to the many volunteers who helped at our VLA booth and to many others who visited with us. We raised \$705 for Log

– A – Load for Kids and additional funds to help our Association!

Next time we hope to photograph each of you, especially when we are all laughing at each other!



The Richmond Logging Expo provided opportunities to meet many loggers who are members of the Virginia Loggers Association and some who are not. We sold the hottest new T-Shirts for kids with the theme lines "My Daddy is a Logger" and "My Granddaddy is a Logger".

Miss Belle, Daughter of Dee Dee Simpson and Granddaughter of Judd & Carmen Smith, draws Winning Raffle for another Log – A – Load Drawing. She has a promising career ahead!



VLA is larger by two members who signed up at the Expo. Thanks to Mitchell Logging, Inc. and Lilley International, Inc. Welcome to our family!

Thanks for your Support!

We're Looking Forward to 2020

CENTRAL VIRGINIA'S TRAILER HEADQUARTERS



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NEWS AND UPDATES FROM VIRGINIA TECH FOREST OPERATIONS EXTENSION SPECIALIST

Scott Barrett, PhD,
Assistant Professor
and Extension Specialist,
Forest Operations

Coordinator for the VA
SHARP Logger
Program

Department of Forest
Resources & Environ-
mental Conservation

DASH CAMERAS FOR YOUR TRUCKS

Some people have already been using dash cameras in their trucks for quite a while. As the cost of this technology has come down and the quality has improved, they are being used in a lot of vehicles. Their use is not just limited to commercial vehicles. Many individuals have installed them on their personal vehicles. Dash cameras simply record what happens as you are driving down the road and then you can download and replay parts of it if you need to. With the number of dash cameras that are being used on the road, you don't have to look too long on the internet in social media or video sharing sites such as YouTube and you can find a lot of videos of some pretty wild things that are recorded on dash cameras. The great thing about dash cameras is that they allow you to show what happened. You don't have to try to remember what happened and then explain exactly what happened, you can show the video of what happened. While they aren't perfect and don't record everything, in many cases dash cams can provide valuable evidence of what happened in the unfortunate event that there is a crash or other incident on the road.

Large commercial vehicles are often the target of lawsuits in the event of a crash. Many lawyers even have billboards advertising their services to those that may have been injured by a large truck. This is not just singling out log trucks, they are often going after all commercial trucks. In many cases it almost seems as though people assume a crash must have been the fault of the big trucks. However that's not necessarily the case. A recent research project that we just completed looked at log truck crashes across the US. While it is hard to assign a specific cause of an accident, the database we used did assign a "critical pre-crash event". In over half of the cases where they as-

signed a critical pre-crash event, it was assigned to the other vehicle or to something unrelated to a decision that the log truck driver made.

Some people may not like the idea of a video recording of everything that happens while they are on the road and could have a concern that the camera would show if they made a bad decision or caused a crash. However, a lot of times people are going to jump to the conclusion that it was the large truck's fault anyways. If you have a video of what happened, you can at least show what actually happened. According to the data, in over half of the crashes involving a log truck, actions of another vehicle were cited as a critical event. A dash camera could provide valuable evidence of what actually happened in those crashes. The data seems to show that more often than not, dash camera footage may be able to help out the truck drivers.

If you aren't already using dash cameras in your trucks, it might be something worth considering. You can find a lot of different camera options at a relatively low cost. There are many versions out there for under a couple hundred dollars and some are less than a hundred dollars. If you have a fleet of trucks, then several options out there also allow you to incorporate fleet management and GPS tracking functions in addition to the dash camera features.

Dash cameras are likely to become much more common in trucks in the future. If you are already using dash cameras and would like to share your experiences with them, either good or bad, I'd like to hear more about your experience. If you are able to join us at the annual meeting, I'll be presenting more details about the log truck crash study that I mentioned and would be glad to talk with you at the meeting.

WELCOME NEW MEMBERS

Thank you for recently joining THE VIRGINIA LOGGERS ASSOCIATION

Putting our members first and proudly serving the interests of Virginia loggers!

MITCHELL'S LOGGING, INC. — AYLETT, VA

LILLEY INTERNATIONAL, INC. — ROCKY MOUNT, NC

Please encourage someone to Join the Virginia Loggers Association!



VIRGINIA DEPARTMENT OF FORESTRY BMP'S

THE EVOLUTION OF A WATER QUALITY PROTECTION PROGRAM

Most of us in the business of forestry think of BMPs or Best Management Practices in terms of water quality protection and of those practices, when put in place, that reduce soil erosion and prevent water pollution. While all of this is hugely important and the most critical reason for implementing BMPs is to protect water quality from excessive sedimentation, there are many other reasons for incorporating BMPs into forestry operations.

The Federal Water Pollution Control Act of 1948 was the first major U. S. law to address water pollution. Growing public awareness and concern for controlling water pollution led to sweeping amendments in 1972. As amended in 1972, the law became commonly known as the Clean Water Act (CWA). The 1972 amendments established the basic structure for regulating pollutant discharges into the waters of the United States of which, sediment is considered a pollutant. The CWA also required states to develop Best Management Practices (BMPs) to address water quality concerns and the first set of BMPs were developed in Virginia for forestry practices in 1972. Many of today's BMPs were developed through scientific research over many years at Forest Service Research Stations in places like Coweeta Hydrologic Laboratory in western North Carolina, the Fernow Experimental Forest in West Virginia and at Hubbard Brook Experimental Forest in New Hampshire. In addition, much research in the development of forestry BMPs and the improvement of those BMPs has occurred at the university level with support from forest industry through groups like the National Council for Air and Stream Improvement (NCASI).



In Virginia in the 1970's, the then Virginia Division of Forestry began by working to educate logging contractors on the importance of BMPs to protect water quality. In those early days, the emphasis in the timber industry was in supplying the mills with raw material in an efficient manner with water quality protection considered as an additional cost.

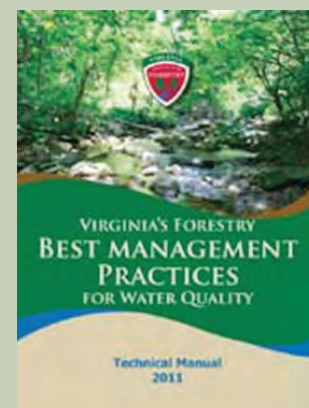
The late '70s and early '80s found the agency promoting the second edition of more updated BMPs and working toward really pushing harvest planning and the incorporation of BMPs into the harvest plan. A study from Virginia Tech also provided information that the use of BMPs during the course of the harvesting operation provided significant additional working days for the operation over the course of a year. The Department of Forestry began an aggressive harvest inspection program during the late '80s to promote the use of BMPs and to work with logging contractors on-site, one-on-one, to educate



the loggers on BMPs and water quality protection. In the early '90s, the Environmental Protection Agency (EPA) was looking hard at voluntary BMP programs and their ability to protect water quality. EPA began to push hard for "enforceable measures" to make sure that the state BMP programs were positioned to protect water quality from the impacts of forest harvesting operations. The forest industry, the Department of Forestry and various members of the forestry community proposed a water quality protection law that passed in Virginia's General Assembly in 1992. This law is a civil law that requires the Department of Forestry to protect water quality on forestry operations from the impacts of sediment deposition. This law, today, is still the only law of its type in the country that allows the State Forestry Agency enforcement authority to protect water quality. The use of forestry BMPs will protect water quality and will keep loggers from being impacted by this law.

Today, in Virginia, the Department of Forestry is working from the fifth edition of the BMP Manual for forestry operations.

Since the '90s, the Department of Forestry has been monitoring BMPs on a subset of timber harvests across the state. This information has been collected utilizing a standard protocol that was developed by the 13 states throughout the south that follow the same methodology for monitoring. Virginia monitors 240 sites each year and compares the BMPs that the logger installs on the ground to those that are recommended in the BMP Manual. There are 177 questions involved in the monitoring in 10 different categories ranging from haul roads and skid trails to stream crossings and Streamside Management Zones for a total of 28,080 questions on all sites. Significant risks to water quality as well as active sedimentation are also captured during the monitoring effort. The results of the 2017 BMP monitoring show that across the state, the median tract score for BMPs installed by the logging contractor is 95% with only 2 sites out of 240 (0.83%) showing a potential for a water quality issue to develop (a significant risk) and none of the sites showing any



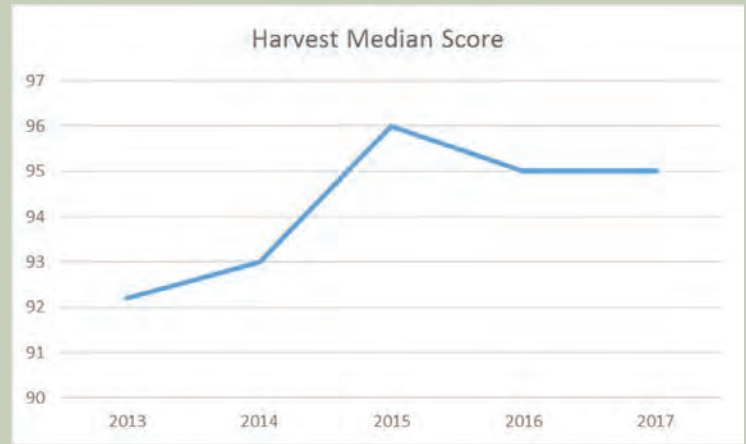
signs of active sedimentation. This is a real testimonial to the good work and effort put forth by the logging contractors during the 2017 program year. These numbers have continued to trend upward since 2009 when the tract median score was at 88%.

In February of 2018, the Department of Forestry had a 5-year review of the Water Quality Program by the U. S. Forest Service. The following comments from that review follow:

- “The VDOF Water Quality program is among the best in the country and has the ability to continue delivering a consistent service to its customer base”
- “The program appears to be trending positively, based on previous review observations and actions taken since the 2003 and 2007 reviews.”
- “The Department has high standards for landowner/operator performance, aggressive oversight and assistance efforts, knowledgeable personnel and a clear commitment to the water program”
- “Virginia is likely the only state in the country that visits every active harvest which is a remarkable statistic and the agency’s commitment to water quality is admirable”

All of this effort and commitment by the logging workforce, forest industry and the forestry community has paid dividends in more ways than just water quality protection. Because of the BMP rates that the VDOF has been tracking over the years, the logging workforce has been put in a defensible position to stave off additional regulations from EPA and others. The information gathered through the VDOF BMP monitoring effort has supported forest industry certification programs, the Chesapeake Bay Cleanup initiative and has been used to show foreign markets that the forest resources in Virginia are being responsibly harvested in a sustainable way. The forestry sector can be proud of the progress it has made over the past 45 years. Keep up the good work and we will be seeing you in the woods!

Matt Poirot, Water Quality Program Manager
Virginia Department of Forestry



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LOGGER SURVEY: IS LOGGING AN AGRICULTURAL ACTIVITY?

WE WANT YOUR FEEDBACK

For years the Agriculture sector has enjoyed various Acts passed in Congress which have helped to bring some semblance of stability to their industry. While there are many inferences to the timber harvesting community in many of these Acts, there is no explicit support for the timber harvesting industry as a whole. We have a valid argument that timber harvesting and logging activities are already recognized in many statutes on a comparative basis with Agriculture, as well as our classification in the North American Industrial Classification System (NAICS) Code 1133 which falls under agriculture. This code recognizes the industry as being an agricultural crop producer, and the exemptions and the benefits that the agricultural community currently receives should be extended to the logging industry as well.

A few of the Bills where there could be potential benefit for the industry if clarification as to logging being an agricultural industry include:

1. The Agricultural Marketing Act of June 15, 1929. This Act established a Federal Farm Board to promote the effective merchandising of agricultural commodities in interstate and foreign commerce, and to place agriculture on a basis of economic equality with other industries. The Act encouraged the organization of producers into effective associations and corporations under their own control for greater unity in effort in marketing and by promoting the establishment of producer-owned and producer-controlled cooperative associations and other agencies. Section 15(a) states: "As used in this Act the term "cooperative association" means any association in which farmers act together in collectively processing, preparing for market, handling and/or marketing the farm products of persons so engaged and also means any association in which farmers act together in collectively purchasing, testing, grading, and/or processing their farm supplies..."

2. The Agricultural Marketing Act of 1946. Section 207. "When used in this title, the term "agricultural products" includes agricultural, horticultural, viticultural, and dairy products, livestock, and poultry, bees, **forest products**, fish and shellfish, and any product thereof, including processed and manufactured products, and any and all products raised or produced on farms and any processed or manufactured products thereof."

3. Agricultural Fair Practices Act of 1967. "An Act to prohibit unfair trade practices affecting producers of agricultural products and for other purposes." "Because agricultural products are produced by numerous individual farmers, the marketing and bargaining position of individual farmers will be adversely affected unless they are free to join together voluntarily in cooperative organizations as authorized by law. Interference with this right is contrary to the public interest and adversely affects the free and orderly flow of goods in interstate and foreign commerce. It is, therefore, declared to be policy of Congress and the purpose of this Act, to establish standards of fair practices required of handlers in their dealings in agricultural products."

The Act prohibits the following activities by the "handler":

- To coerce any producer in the exercise of his right to join and belong to or to refrain from joining or belonging to an association of producers, or to refuse to deal with any producer because of the exercise of his rights to join and belong to such an association."
- "To discriminate against any producer with respect to price, quantity, quality, or other terms of purchase, acquisition, or other handling of agricultural products because of his membership in or contact with an association of producers or a contract with a handler."
- "To coerce or intimidate any producer to enter into, maintain, breach, cancel, or terminate a membership agreement or marketing contract with an association of producers or a contract with a handler."
- "To pay or loan money, give anything of value, or offer any other inducement or reward to a producer for refusing to or ceasing to belong to an association of producers."
- "To make false reports about the finances, management, or activities of associations of producers or handlers."
- "To conspire, combine, agree, or arrange with any person to do, or aid or abet the doing of, any act made unlawful by this Act."

Many lawmakers in Washington, DC are surprised to find out that the logging industry is not always considered a part of Agriculture in many of the statutes that exist today. While several states have made it quite clear that logging is considered an agricultural activity and offered up many of same exemptions and exceptions that our friends in agriculture currently enjoy at the State level, **we are behind the curve in making our case at the national level.**

We would like to hear back from you on whether or not the American Loggers Council should actively pursue this issue, and of course we would welcome any comments or concerns that you might have as we move forward. Please visit <https://www.surveymonkey.com/r/CVGBH5W> to vote in our online poll.

You can also feel free to contact us at 409-625-0206, e-mail at americanlogger@aol.com (please include "logging as ag" in the subject line), write comments on our Facebook page (American Loggers Council), or mail us at ALC, PO Box 966, Hemphill, TX 75948. We look forward to hearing from you.

Danny Ductor is the Executive Vice President for the American Loggers Council with offices near Hemphill, Texas. The American Loggers Council is a 501 (c)(6) not for profit trade organization representing professional timber harvesters in 32 states across the United States. If you would like to learn more about the ALC, please visit their web site at www.amloggers.com, or contact their office at 409-625-0206.



WHY LOGGER OWNED AND LOGGER CONTROLLED CERTIFICATION PRODUCES RESULTS

by Ted Wright, Executive Director, Trust to Conserve Northeast Forestlands and Jennifer Hartsig, Coordinator, American Master Logger Certification© Program

The American Master Logger Certification© (AMLC), a project of The American Loggers Council (ALC) kicked off its revitalized program just over two months ago at the ALC Fly-In in Washington, DC. One of the most exciting components of this project is to spread the 'logger owned and logger controlled' Master Logger Certification© program across the United States to help loggers earn respect and improve their image through branding.

The American Master Logger Certification© program seeks to unite professional loggers under a common cause of promoting the advancement of the timber harvesting companies that meet or exceed high performance standards, and to gain recognition and respect for these highly professional timber harvesting companies by the American public. Over the past two months, we have had the chance to see first hand how the AMLC program is gaining momentum as a vehicle for like-minded, high quality timber harvesters to share ideas and work together to effect positive change for the industry. This program has active participation by logger representatives from over 18 states and is growing.

During the recent AMLC committee meeting, a new chairman for the program was selected by the group. Logger Richard Schwab, Vice President of M.A. Rigoni, Inc. in Perry, Florida was chosen by his peers to take over as Chair of the AMLC Committee. Schwab is well known nationally and in the southeast for his past leadership roles in the ALC, Southeast Wood Producers Association and many civic endeavors. Richard's reputation demonstrates the greatest level of commitment to the 'Seven Areas of Responsibility' and the 'Logger Owned Logger Controlled' philosophy that is central to the American Master Logger Certification program.

Under Schwab's guidance, the American Master Logger Certification© program is poised to take off across the nation, expanding the numbers of Certified Logging companies and promoting better understanding of modern, responsible timber harvesting to the public. "I am passionate about taking the American Master Logger Certification© program to the next level and to additional states across the U.S.," says Schwab.

Another example of the commitment to American Master Logger Certification©'s 'logger run, logger controlled' set of standards was expressed by Mark Turner, current president of American Loggers Council and owner of Turner Logging in Oregon. Mark traveled from

Oregon to speak to the Professional Logging Contractors of Maine on May 4, 2018 during their recent annual meeting. In this excerpt of Turner's remarks, he highlights one of the overarching components of the AMLC program:

"In Oregon, as in many other parts of the country, the largest logger training programs have been essentially forced on us by the mills and timber companies we work for. This has never sat very well with me and it is my hope that the American Master Logger Certification© Program can be something that we, the loggers of the United States, can take ownership of. Something that we do not because someone else has told us we have to, but rather something that we do because it is good for business, and more importantly, because it is the right thing to do."

Pride in doing the right thing and recognition for good work is certainly one of the most commonly cited reasons we hear about for going through the Master Logger Certification© process, and something we are hearing coast-to-coast and north-to-south. In many areas, earning Master Logger Certification© also brings a variety of tangible incentives that can add up financially.

In Missouri, Master Logger Certified companies are recognized with preferential status when bidding on state land jobs. Jason Jensen, a Supervisor of the Missouri Department of Conservation has this to say: "One way of rewarding Master Loggers is by a point system. And the bottom line is that a Master Logger can bid ... less on a timber sale and still be awarded that sale. What we expect to gain is a little better job of managing our forest resource and less time by our timber sale".

Shannon Jarvis, owner Master Logger Certified© Jarvis Timber Company, LLC states "Some mills will give a bonus for a Master Logger. My insurance company has discounted my rate on equipment insurance for being a Master Logger. And, I find it easier purchasing timber from landowners when they realize they are getting a Master Logger and getting a top quality job".

In Maine, Master Logger Certified companies have earned preferential interest rates on environmentally friendly equipment through the Direct Link Loan program. Brian Souers, owner of Treeline, Inc. says "It has been a big help by lowering finance costs on low ground pressure, environmentally friendly, equipment. There is normally a premium on this type of equipment, so this program helps to mitigate that cost." An interest rate subsidy is available to qualified borrowers for equipment loans through the Direct Link program.

Matt Jensen, past ALC president and owner of Whitetail Logging in Crandon, WI also reports similar benefits for being a Master Logger Certified© company, including insurance breaks, bidding on state jobs, and some preferential mill contracts and access to market share. In Michigan and Wisconsin, Secura Insurance offers a substantial premium reduction to Master Loggers on liability insurance. A Lake States consulting forester stated working with Master Logger Certified companies “dramatically decreased administrative and field costs because of the quality of the work”.

The reason behind earned incentives like these is the fact that Master Logger Certified© companies ARE safer, more productive and more adherent to best practices for environmental concerns. Master Logger Certified© companies have proven they are innovative business owners with solid track records, fair employers and excellent stewards of the land they are entrusted to harvest. Richard Schwab, Mark Turner, Shannon Jarvis, Brian Souers, Matt Jensen and other Master Logger Certified© companies across the country are leading by example in the work they do, the products they send to market and image they project to the public.

As a group, Master Logger Certified© Companies make top customers for insurance products, equipment loans and make the jobs of state agencies easier. As the number of Master Logger Certified companies grows across the US, the greater the expansion of these tangible incentives. We plan to highlight benefits of the Master Logger Certification© program in more depth during future articles.

For more information about American Master Logger Certification©, please visit our website at www.americanmasterlogger.com and find us on Facebook www.facebook.com/AmericanMasterLogger/.



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TAX TALK: QUARTERLY NEWSLETTER

By Denise C. Williams, CPA, CSEP, CGMA



Hello, I am Denise Williams, a Certified Public Accountant and the Tax Partner from Creedle, Jones & Alga, PC, a regional CPA firm from Southside Virginia. I have been invited to write this tax column in order to inform, educate and captivate those of you who may or may not be “stumped” by the new and/or old tax laws. You

can find out more about me at www.cja-cpa.com, but for now, let's get down to business.

IT SEEMS LATELY WE HAVE BEEN HAVING A LOT OF QUESTIONS AND DISCUSSIONS RELATING TO LIMITED LIABILITY COMPANIES AND THE BENEFITS OF HAVING THEM VS S-CORPORATIONS, SO I THOUGHT I WOULD TAKE THIS OPPORTUNITY TO DISCUSS THIS TOPIC.

**Unfortunately, there is no good common rule for making the decision between LLC and S corporation status. Instead, the following advantages and disadvantages of an LLC versus an S corporation must be deliberated on a case-by-case basis.

Ownership—An S corporation can have up to 100 owners who must be individuals (none of which may be nonresident aliens), estates, or certain trusts. Family members can elect to be treated as one shareholder. There are no restrictions on the number or type of LLC owners.

Multiple Classes of Ownership Interest—S corporations can only have one class of stock, although differences in voting rights are allowed. LLCs can have multiple classes of interests, with different rights and apportionments.

Annual Distributions—The rules for both S corporations and LLCs allow tax-free distributions to the degree of an owner's basis. However, if an S corporation has C corporation earnings and profits, a shareholder may be forced to recognize dividend income, even though the shareholder has basis in the corporation. In addition, it is easier for an LLC member to receive basis from debt than it is for an S corporation shareholder.

Protection from Liability—State statutes generally provide the same liability protection for S corporation and LLC owners.

Fringe Benefits—LLC members and more-than-2% S corporation shareholders are generally subject to the same limits on receiving nontaxable fringe benefits.

Self-employment Tax—S corporation shareholders are not subject to the self-employment (SE) tax on their share of corporate earnings. LLC members who meet the definition of a *limited partner* (for SE tax purposes) are not subject to SE tax on their share of the LLC's earnings. While there are no final regulations on this matter, several court cases have held that LLC members who actively participate in a LLC's business did not qualify as *limited partners* and consequently were subject to SE tax on their share of the LLC's earnings.

Effect of Owner's Death—The death of an S corporation shareholder does not affect the existence of the corporation. Further, there is no change in the basis of the corporation's assets because of a shareholder's death. In some states, the death or dissolution of an owner (in the case of a business entity) causes an LLC to dissolve, absent consent of the members to continue the LLC. Likewise, a sale or exchange of 50% or more of the interests in the LLC results in a termination of the LLC for tax purposes. Also, if a Section 754 election is made, a new member entering the LLC after acquiring the interest of a deceased member, can step up his equivalent share of the LLC's assets to FMV. There are no similar step-up rules for S corporations.

Income Allocation—Income from an S corporation normally is allocated on a per share, per day basis, with no opportunity for special allocations. In contrast, because LLCs are taxed as partnerships, special allocations of income can be made if the allocations have economic reality.

Transferability of Interests or Withdrawals—Generally, state statutes permit free transferability of S corporation stock. Shareholder agreements can restrict the ability of a shareholder to sell or gift shares of stock. While LLC statutes generally permit an economic interest in the LLC to be freely assigned, they prohibit the admission of an assignee to membership without the consent of at least a majority of the remaining interests. Additionally, many state statutes provide no right of withdrawal for an LLC member unless the LLC's articles of organization or operating agreement permit such withdrawals.

Planning Tip: Starting in 2018, the tax rate on C corporations is reduced to a flat 21%. This, along with the availability of the QBI deduction for income generated by pass-through entities and sole proprietorships may affect a client's choice of entity. We do have a tool for analyzing the effects of these new provisions available, or you may want to consult with your own CPA for this type of tax planning.

Hopefully, this helps you understand some of the advantages and disadvantages of operating your business as an LLC or an S corporation

If there are certain laws that are of specific concern to you, please e-mail me at denise@cja-cpa.com with those topics and I will certainly try to include them in our future articles. Until next time, keep your profits up and your taxes down!

Disclaimer: The information contained in this article may change as a result of new tax legislation, Treasury Department regulations, Internal Revenue Service interpretations, or Judicial interpretations of existing tax law. This material is not intended to provide legal, accounting, or other professional services, and is provided with the understanding that the writer is not rendering their professional services or opinion.

SAFETY SPOT: DECK LOCATIONS

No matter what you call them, a Deck, a Landing, or a Dock, improper placement can cause crowding and congestion as well as create hazards for truck drivers, ground personnel and vehicle traffic.



Recently, we received complaints about decks set up so close to the main road with logs trucks lined up along the public road awaiting their turn to be loaded. Oncoming traffic in both directions were affected by the bad decision to set up the deck so close to the road. Other reports were about crowded decks with no room for the trucks to turn around. Since many accidents occur on and near the log deck, you should carefully consider where you place your deck.

Careful consideration is required to select and set up a deck. To this end, loggers, land owners and dealers should work together to properly place the deck/landing in a location best suited to reduce hazards. Consider the following:

- Use signs to warn the oncoming traffic of log trucks entering highway.
- Move the deck back far enough off a public road/highway.
 - o It should be backed up enough so trucks do not impede traffic.
 - o If it is too close, it is a public nuisance and creates extreme safety hazards.
- Make sure drivers do not have to back off the highway or trim/strap loads in the highway.
- Nearby residents and state DOT folks will get upset with excessive mud on the highways at entry points. Take steps to reduce the problem with trailer set outs, bridging, mats or gravel.
- Space at the deck is crowded. When you plan, include space for the service truck, fuel truck, and visitor vehicles.
- **DO NOT** locate your logging deck in the powerline Right of Way.

- o Logging Deck needs to be located 300 feet from edge of the Powerline Right of Way due to the boom length of up to 30 feet and the stem being up to 100 feet.
- o This extra distance gives you a safe operating distance.
- Good communications are key to a successful and safe log deck. CB Radios, walkie-talkies, or cell phones let the loader operator have direct contact with folks entering or exiting the deck.
- Require hand signals and direct eye-to-eye contact to keep visitors from walking into a danger zone with moving equipment.
- Workers on the log deck should watch for moving equipment and their blind spots.
 - o Ground personnel must be aware that they need to move out of the way.
 - o High visibility clothing is a must for ground personnel to be seen.
 - o Drivers/ground personnel must not be around the loader as the truck is being loaded.
- Equipment operators must be aware of ground personnel as well as their line of site problems with their equipment due to size and attachments.
- Visitors, announced or unannounced, create problems for equipment operators.
 - o Have a check-in point and never allow visitors to freely roam around the logging job.
 - o Visitors are required to wear PPE just like you do to avoid injury or citations from OSHA or the company auditors.

Safety starts with you! Careless decisions can cost you time, money, and possible loss of life. Think about hazards present for each part of the job and take actions to eliminate them. The goal is for everyone to go home safely each night.

JOHN J. LEMIRE (JJ), *Director, Loss Control*
Forestry Mutual Insurance Company





SAFETY SPOT: LOG TRUCK OWNER'S RESPONSIBILITIES

Examining The What, Why, What If

As a former logger in another era, and in more recent years one who has made a living in the insurance industry, I am keenly aware of the many issues confronting the log-chip-residue transportation segment of the forest industry. I have worked in the insurance side for 27 years, along the way joining others to form a group to help reduce logging equipment fire incidents.

More recently I assisted in forming TEAM Safe Trucking, a non-profit that seeks to stabilize and improve the challenging transportation side by emphasizing driver selection and training and adherence to federal regulations. I have traveled to 18 states since 2015, addressing some 50 forest-related associations and groups on the troubling condition of log-chip trucking from a safety standpoint.

Over time I have become intently focused on the serious responsibilities that fall to the log truck owner. I see the driver and owner sharing the responsibilities for the safe, sustainable transportation of logs, chips and other residues. During the actual transportation process the driver is responsible for driving the truck in a safe and efficient manner and ensuring the truck is in a safe operating condition. The owner's responsibilities—driver selection, truck-trailer mechanical condition, and compliance with government and insurance carrier requirements—begin earlier.

Let me share a real-life story to emphasize the importance of following Federal Motor Carrier Administration (FMCA) requirements and insurance guidelines.

Real Life Story—Why

ABC Timber Co. owned three tractor-trailer log trucks and, like many loggers and log trucks, found it hard to hire and keep qualified, dependable drivers. Only two of its trucks were used because the owner could not find another suitable driver.

The demand for logs began to increase, and ABC's owner began thinking a lot about pulling in additional income with that third truck. He was approached by a man seeking a part-time job. The owner, who was somewhat selective in hiring, questioned the potential driver about his experience and driving record and was told by the man that he had many years of experience driving log trucks and had a relatively clean MVR.

The owner contacted his insurance company about adding the driver and was waiting for a return call. Trusting the man's answers to be truthful, the owner decided to let the man get behind the wheel, fully expecting the insurance company to accept the driver. On the second day of employment the driver was headed to the mill with a load, traveling on a road he was not familiar with. He approached a slight curve with dip in the pavement. The speed he was traveling and the undetected dip caused the trailer to lean significantly to the right, and the driver over corrected and lost control. The rig crossed the center line and rolled over on the driver's side, spilling logs and trapping the driver.

Unfortunately, the driver later died because from his injuries. The truck and trailer were destroyed as well. A brief time later the owner was notified that his insurance coverages were being cancelled due to his failure to follow FMCA's strict rules and insurance carrier guidelines. The owner faced a situation that could shut down his business.



Failure To Comply—What

Here is a brief outline of a few actions that must be taken by any log truck owner prior to allowing a new hire to begin driving.

Concerning FMCA/Insurance Carrier Requirements:

—You must have a written application/copy of license on file for every CDL driver that you hire. —You must request, review and keep a copy of a Motor Vehicle Record for every CDL driver.

—FMCSA requires truck owners to contact previous employers of CDL drivers.

—Make sure that your insurance carrier approves a driver's MVR before letting he or she drive.

—All CDL drivers must be drug tested prior to employment, then placed in a consortium.

—New hire drivers must pass a road test/ride along and it must be documented.

The Facts—What If

Pay special attention to this part of the story. This accident should have never happened and here are just a few reasons why:

1. If the owner had either required the driver to bring his MVR report or waited for the insurance company to approve the driver after it reviewed the MVR, the owner would have realized the driver's license was "invalid" due to the expiration of his health card.
2. The driver's MVR revealed he would not be an acceptable driver based on most insurance company driving record guidelines.
3. The health card was not valid due to several medications the driver was taking for various conditions. Most of these medications carried the warnings, "may cause dizziness" or "drowsiness" as well as "do not drive a motor vehicle." Several prescription containers with the driver's name on them were found in the cab of the truck at the accident.
4. Blood samples taken at the hospital showed the driver tested positive for several of these drugs.

The number of times this type of scenario has played out would be shocking to many, and it is far too common. Unfortunately, many of us in the insurance industry are not surprised. Time and time again we see claims forms come across our desks for accidents that could have easily been prevented.

I have many concerns about loggers and truckers finding good drivers, and I have experienced these concerns personally. Finding good, dependable drivers, paying good, dependable drivers and keeping good, dependable drivers will continue to be a major problem. The diligent hiring truck drivers is one of the most important responsibilities for loggers and log truckers.

Innocent Lives

On any weekday around mid-afternoon there could have been a school bus meeting this log truck. Other times it could have been another truck or your family or my family. Please take driver selection serious and follow all FMCA and Insurance Carrier requirements. I hope now you better understand What, Why, and What If.



FOREST PRODUCTS AND MARKETS

VIRGINIA WOOD PRODUCTS UPDATE

Opportunities

- Export markets
- Cross-laminated timber
- Bio-energy markets in Western Europe

Threats

- New TSCA regulation
- Driver availability
- Aging loggers in Appalachian region
- Labor shortage
- Increasing price of fuels
- Farm Bill voting delays

2018 cumulated VA Exports (Jan-March)

- \$99.5 million
- 56.1% is sawn wood
- 24.6% corresponds to logs
- 8.2% is wood chips
- Largest importers in millions are China (\$49), Vietnam (\$9), Canada (\$7) and UK (\$7)

Mapping of VA Forest Products Industries

Recently, the Department of Sustainable Biomaterials at Virginia Tech partnered with the VA Department of Forestry to map primary and secondary industries in Virginia. The project was able to identify and map over 1400 industries, see Fig. 1.

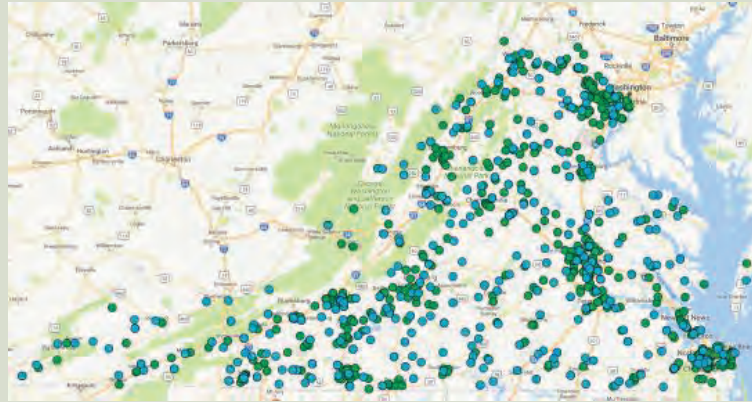


Fig. 1. Distribution of primary and secondary industries in Virginia.

This project is important because it helps the industry to identify potential customers and suppliers in their region. As expected most of secondary industries are located in highly populated areas such as Northern Virginia, Richmond, and Virginia Beach, while primary industries tend to be more dispersed and closer to their source of raw material. If you are interested in accessing this mapping tool, please contact Dr. Henry Quesada at quesada@vt.edu.



Henry Quesada

Department of Sustainable Biomaterials

Top news from around the Industry

- [EPA holds informational meeting on formaldehyde standard](#)
- [Textured wood panels](#)
- [USDA Forest Service Awards 2018 Wood Innovation Grants](#)
- [The US Department Of Agriculture Announces Upcoming Rulemakings Relating To Its Enforcement Of The Lacey Act](#)
- [Nominate a Project for the 2019 U.S. Wood Design Awards](#)
- [US Construction Activity Rebounds: 5 Hot Choices](#)

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*Above: Cary & Iva Dean Deffenbaugh
selling raffle tickets*

Left: Margaret Deffenbaugh's friend Pikachu with kids



NIKKI ROBERTSON | State Chairman | Log-A-Load Foundation
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