

## Remember the "Two Tree-Length Rule"

A 55-year-old worker was seriously injured when struck by a section of a falling tree.

### What happened

The worker was assisting in the breaking out phase of the logging operation. Edge trees were being felled by pushing them with a skidder after they were scarfed and back-cut.

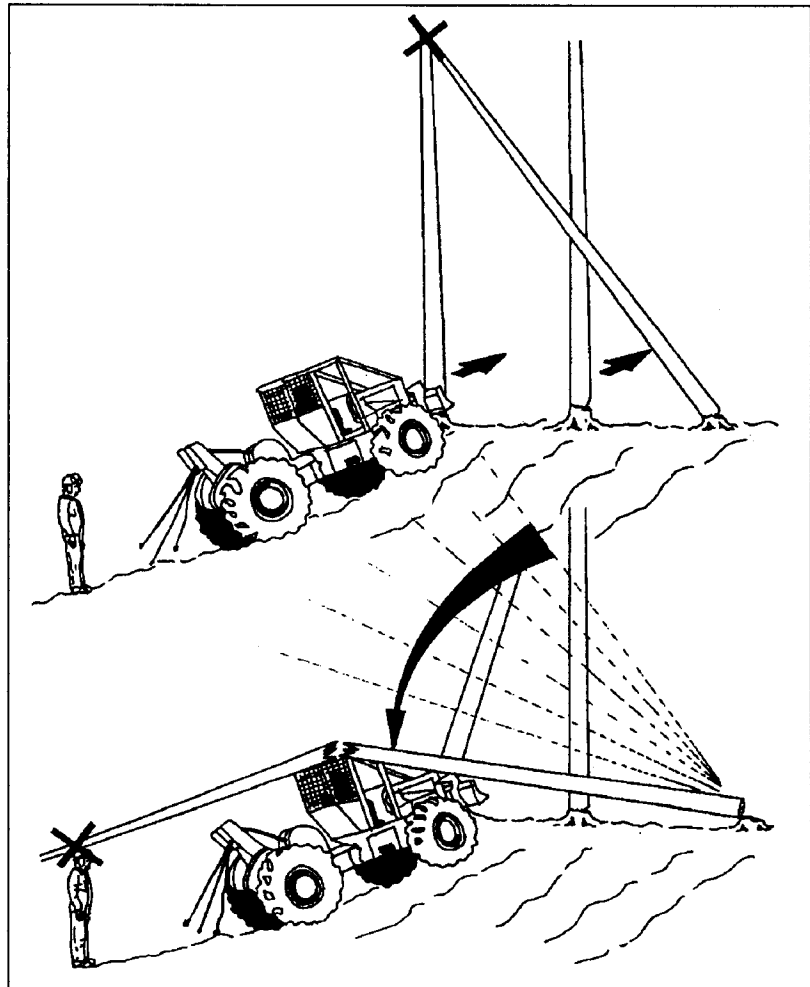
Thinking he would be safe, the worker stood to the rear of the skidder.

As the skidder operator pushed the trees, one small tree fell away from the intended direction of fall back over the skidder canopy. The top section broke on impact and struck the worker.

### Accident cause

By the operator: failing to ensure that other workers were in a safe position — at least two tree lengths away — before pushing the trees.

By the worker: positioning himself in a dangerous position within two tree lengths of trees being felled.



### Prevention

Remain at a safe distance of at least twice the length of the tallest tree being felled. Simple isn't it? Section 18.9 of the logging code refers.

On the reverse side we look at a Court decision regarding the two tree-length rule.

# Recent Court decision concerning the “two tree-length rule”

A logging company was charged under the Health and Safety in Employment Act 1992 following a felling accident in which a tree went to the side at a 90 degree angle from the intended direction of fall and struck a fellow employee working within two tree lengths. The fellers were using the “tree-for-tree” method.

## **The Crown Solicitor’s notes on the judgement**

The Judge took into consideration the health and safety guide of the company in charge of operations and the Department of Labour’s *Safety Code for Forest Operations — Part 3: Logging*, section 18.9, concerning the two tree-length rule. He stated that there was no doubt that the “two tree-length rule” was clearly defined in both.

In the case of tree-for-tree felling, the Judge, after considering the evidence, stated, “I find that there is a clear understanding or guideline in the industry that in the use of the “tree-for-tree” method, workers should be as close as possible, at least no more than five metres apart and in sight of each other. This is no doubt a rule of common sense and of a logging practice”.

The company was convicted of an offence under section 50(a) and (d) of the Health and Safety in Employment Act 1992. After considering various factors relevant to the case, the Judge fined the company \$3,000, a solicitor’s fee of \$400 and costs of \$95. The maximum fine under section (d) is \$50,000.

## **Occupational Safety and Health attitude**

Leon McIsaac, Chief Advisor (Forest Operations) is adamant that when “tree-for-tree” or “tank-for-tank” face felling is being practised, one feller is the observer while the other fells.

Leon would prefer the observer to be closer than the five metres quoted in the Judge’s ruling. However, there is no doubt about his attitude if the second saw is started in such a situation — “Start the second saw and you are breaking the two-tree rule and prosecution should follow”.

## **Logging and Forestry Training Board’s stance**

General Manager, Mike Newbold says the Board’s interpretation is as follows:

“We believe “tree-for-tree” or “tank-for-tank” felling face situations should have the following limitations applied:

1. The felling of trees shall be carried out by only one person at a time on any felling face. Any other chainsaw within two tree lengths (or further if circumstances dictate) shall not have the motor running while felling is in progress.
2. The person not felling (or any other observer within two tree lengths) must:
  - Be back to the rear of the tree being felled.
  - Be in a position to see what is happening to the tree being felled.
  - Be watching and concentrating solely on the tree being felled.
3. Prescarfing, clearing around another tree, trimming or any other activity within two tree lengths of a tree being felled contravenes the LFITB standard for tree felling.”