

Dear Senators PATRICK, Guthrie, Ward-Engelking, and
Representatives BARBIERI, Clow, Smith:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the
Division of Building Safety:

IDAPA 07.08.17 - Idaho Minimum Safety Standards and Practices for Logging – Cable-Assisted
Logging Systems (New Chapter) - Temporary and Proposed Rule (Docket No.
07-0817-1701).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the
cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research
and Legislation no later than fourteen (14) days after receipt of the rules' analysis from Legislative
Services. The final date to call a meeting on the enclosed rules is no later than 06/28/2017. If a meeting is
called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules' analysis
from Legislative Services. The final date to hold a meeting on the enclosed rules is 07/27/2017.

The germane joint subcommittee may request a statement of economic impact with respect to a
proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement,
and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has
been held.

To notify Research and Legislation, call 334-4834, or send a written request to the address on the
memorandum attached below.



Eric Milstead
Director

Legislative Services Office

Idaho State Legislature

Serving Idaho's Citizen Legislature

MEMORANDUM

TO: Rules Review Subcommittee of the Senate Commerce & Human Resources Committee and the House Business Committee

FROM: Principal Legislative Research Analyst - Ryan Bush

DATE: June 9, 2017

SUBJECT: Division of Building Safety

IDAPA 07.08.17 - Idaho Minimum Safety Standards and Practices for Logging -- Cable-Assisted Logging Systems (New Chapter) - Temporary and Proposed Rule (Docket No. 07-0817-1701)

The Division of Building Safety submits notice of temporary and proposed rulemaking at IDAPA 07.08.17 - Idaho Minimum Safety Standards and Practices for Logging -- Cable-Assisted Logging Systems (New Chapter). The Division states that this rulemaking is to ensure the safety of those involved in cable-assisted logging operations and to ensure that equipment meets accepted industry safety standards. Specifically, this new chapter defines cable-assisted logging systems and competent and qualified persons; provides machine safety requirements; provides tethered line safety requirements that include inspection of tethered lines, line tension and line components; and provides operation and safety requirements that include items to consider when planning operations, operator qualifications, components of on-site written operating plans, dealing with unsafe conditions and required warning signs.

The Division states that negotiated rulemaking was conducted and that Notice of Intent to Promulgate Rules was published in the March edition of the Idaho Administrative Bulletin, vol. 17-3, pages 18-19. The Division further states that temporary rulemaking is justified to ensure the safety of those practicing cable-assisted logging which began in spring of 2017. There is no fiscal impact associated with this rulemaking.

The temporary and proposed rule appears to be within the statutory authority granted to the Division in Section 67-2601A, Idaho Code.

cc: Division of Building Safety
Steve Keys

Mike Nugent, Manager
Research & Legislation

Cathy Holland-Smith, Manager
Budget & Policy Analysis

April Renfro, Manager
Legislative Audits

Glenn Harris, Manager
Information Technology

IDAPA 07 – DIVISION OF BUILDING SAFETY

07.08.17 – IDAHO MINIMUM SAFETY STANDARDS AND PRACTICES FOR LOGGING – CABLE-ASSISTED LOGGING SYSTEMS

DOCKET NO. 07-0817-1701 (NEW CHAPTER)

NOTICE OF RULEMAKING – TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is May 1, 2017.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Section 67-2601A, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than June 21, 2017.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The Associated Logging Contractors, in collaboration with major forest land owners, requested the implementation of these rules for the primary purpose of ensuring the safety of those involved in logging operations. Entities within the industry are expected to be conducting cable-assisted (tethered) logging operations beginning in spring 2017. Conducting these operations safely requires specialized equipment. The safety provisions contained in these rules are intended to ensure industry participants understand best practices and deploy equipment that meets accepted industry safety standards. This will help ensure the safety of loggers, encourage investment in appropriate equipment, and maintain high standards of care and credibility within the industry.

Pursuant to Section 67-2601A, Idaho Code, the Administrator of the Idaho Division of Building Safety has the authority to promulgate rules adopting minimum logging safety standards and procedures for conducting logging inspections and safety training. The Division desires to establish a new chapter of rules related to cable-assisted (or tethered) logging systems, through the negotiated rulemaking process. Specifically, the Division seeks to establish machine and equipment, tether line, and planning and operational safety standards applicable to the practice of cable-assisted logging in Idaho.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(a), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

The Idaho logging community, including loggers and landowners, has indicated their intent to engage in the relatively new practice of cable-assisted (tethered) logging operations in the spring of 2017. Typically, the commencement of busy logging operations in Idaho occurs in May each year. A temporary rule will establish important safety requirements related to the use of certain logging machinery and tether lines, as well as various planning and operational practices. Temporary rules will help ensure the safety of those operating logging equipment, as well as offer more certainty about the required safety practices for those who seek to invest in specialized equipment.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:

This rulemaking is not expected to impact the General Fund, and is not expected to have any significant effect on the funding for the program or the logging industry. The positive effect on the logging industry will be to enable those acquiring equipment for this type of logging operation the predictability they need to make informed investments in equipment that will likely meet industry standards into the future.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the March 1, 2017 Idaho Administrative Bulletin, **Vol. 17-3, pages 18 through 19.**

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Larry Jeffres at (208) 332-4014 or by email at larry.jeffres@dbs.idaho.gov.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before June 28, 2017.

DATED this 16th day of May, 2017.

Larry Jeffres, Deputy Administrator – Operations
Division of Building Safety
1090 E. Watertower St., Ste. 150
P. O. Box 83720
Meridian, ID 83642
Phone: (208) 332-4014
Fax: (877) 810-2840

**THE FOLLOWING IS THE TEMPORARY RULE AND THE PROPOSED TEXT
OF DOCKET NO. 07-0817-1701 (NEW CHAPTER)**

**IDAPA 07
TITLE 08
CHAPTER 17**

**07.08.17 – IDAHO MINIMUM SAFETY STANDARDS AND PRACTICES FOR LOGGING –
CABLE-ASSISTED LOGGING SYSTEMS**

000. LEGAL AUTHORITY.

Pursuant to the provisions of Section 67-2601A, Idaho Code, the Division of Building Safety has the authority to promulgate and adopt rules for affecting the purposes therein. (5-1-17)T

001. TITLE AND SCOPE.

These rules shall be cited as IDAPA 07.08.17, “Idaho Minimum Safety Standards and Practices for Logging – Cable-Assisted Logging Systems,” and shall be applicable to the logging industry in the state of Idaho. (5-1-17)T

002. WRITTEN INTERPRETATIONS.

There are no written statements which pertain to the interpretation of these rules. (5-1-17)T

003. ADMINISTRATIVE APPEALS.

The procedure for appeals in logging safety matters is prescribed by IDAPA 07.08.16, "Idaho Minimum Safety Standards and Practices for Logging – Recommended Safety Program," and Title 67, Chapter 52, Idaho Code. (5-1-17)T

004. INCORPORATION BY REFERENCE.

There are no documents that have been incorporated by reference into these rules. (5-1-17)T

005. OFFICE – OFFICE HOURS – MAILING ADDRESS AND STREET ADDRESS.

The principal place of business of the Division of Building Safety, Logging Safety Program, is at the Division office located at 1090 E. Watertower Street, Suite 150, Meridian, Idaho 83642. The Logging Safety Program may also be contacted at 1250 Ironwood Drive, Suite 220, Coeur d'Alene, Idaho 83814, and at 2055 Garrett Way, Suite 4, Pocatello, Idaho 83201. All locations are open from 8:00 a.m. to 5:00 p.m., except Saturday, Sunday and legal holidays. The telephone number of the office is (208) 334-3950. The facsimile number of the office is 1-877-810-2840. The Department website is <http://dbs.idaho.gov>. (5-1-17)T

006. PUBLIC RECORDS ACT COMPLIANCE.

The rules contained herein have been promulgated according to the provisions of Title 67, Chapter 52, Idaho Code, and are public records. (5-1-17)T

007. -- 008. (RESERVED)

009. DEFINITIONS.

For additional definitions to those contained herein, this chapter may refer to IDAPA 07.08.01, "Idaho Minimum Safety Standards and Practices for Logging -- General Provisions," Section 007, and IDAPA 07.08.15 "Idaho Minimum Safety Standards and Practices for Logging – Commonly Used Logging Terms." (5-1-17)T

01. Cable-Assisted Logging Systems. Logging systems, including but not limited to, winch-assisted, cable-assisted, tethered and traction-assisted systems, that enable ground-based timber harvesting machines including but not limited to feller bunchers, harvesters, loaders and shovels to be operated on slopes. (5-1-17)T

02. Competent Person. An individual who is capable of identifying existing and predictable hazards in the work site surroundings or working conditions which are unsanitary, hazardous or dangerous to employees, and who has authorization to take prompt corrective measures to eliminate such. (5-1-17)T

03. Qualified Person. An individual who, by possession of a recognized degree, certificate or professional standing, or who by extensive knowledge, training and experience, has successfully demonstrated the ability to solve or resolve problems relating to the subject matter, the work or the project. (5-1-17)T

010. MACHINE SAFETY REQUIREMENTS.

01. Harvesting Machines. Harvesting machines for cable-assisted logging operations shall comply with each of the following: (5-1-17)T

- a.** Meet the protective structure requirements set forth in IDAPA 07.08.10.010; (5-1-17)T
- b.** Be equipped with a certified roll-over protective structure (ROPS); and (5-1-17)T
- c.** Be equipped with at least a four (4)-point restraint system approved by the machine's manufacturer or a qualified person. (5-1-17)T

02. System Approval. The cable-assisted logging system shall be designed and constructed for cable-assisted logging applications by the original equipment manufacturer, or approved for cable-assisted logging applications in writing by the original equipment manufacturer or a registered professional engineer. (5-1-17)T

03. Operation of System. The cable-assisted logging system shall be operated, inspected and

maintained in accordance with the manufacturer's recommendations, specifications and limitations, or if no manufacturer's recommendations exist, then by the recommendations of a registered professional engineer. Cable-assisted logging systems not in safe operating condition shall be removed from service until repaired by a qualified person. (5-1-17)T

011. TETHERED LINE SAFETY REQUIREMENTS.

01. Inspection of Tethered Lines. Tether lines shall be new wire rope and have a rated breaking load according to the cable-assisted logging system manufacturer's recommendations and specifications. At a minimum, a competent person shall inspect the entire length of each tether line and drum connection prior to the startup of each cable-assisted logging operation, and thereafter on a monthly basis. A competent person shall also inspect the first fifty (50) feet of each tether line daily prior to use. These inspections shall be documented in writing. Tether lines must not be spliced and shall be replaced if there is evidence of chafing, sawing, crushing, kinking, crystallization, bird-caging, significant corrosion, heat damage, other damage that has weakened the tether line, or if the tether line reaches two thousand (2,000) hours of use. (5-1-17)T

02. Line Tension. The tether line tension and machine travel shall be synchronized to ensure tether line tension is continuously provided and does not exceed thirty-three percent (33%) of the rope's rated breaking load. The operator shall have an immediate and self-reliant or automated method to identify tether line tension, winch rotation and speed, amount of line on and off the drum, and anchor movement. (5-1-17)T

03. Tether Line Components. All tether line assembly components shall be rated with a greater safe working load than the wire rope. Tether line attachment points and hitches shall be engineered and certified to maintain a safety factor equal to or greater than the recommendations and specifications of the cable-assisted logging system manufacturer. Inspections of tether line assembly components (except drum connection as specified in Subsection 011.01 of these rules), hitches, winches, machines, and anchors shall be performed daily by a competent person prior to use. (5-1-17)T

012. OPERATION AND SAFETY REQUIREMENTS.

01. General. Cable-assisted logging systems shall be operated, inspected and maintained in accordance with the manufacturer's recommendations and specifications. Inspections shall be documented in writing. (5-1-17)T

02. Planning. All cable-assisted logging operations shall be planned by the operator and a competent person who has the knowledge, training or experience to identify existing and predictable hazards in the work site surroundings or working conditions, which could be hazardous to employees, and has been authorized by the employer or employer representative to eliminate the hazard or take corrective action therefrom. Items to consider during site-specific planning must include, but are not limited to, the following: (5-1-17)T

- a. Experience of the operator; (5-1-17)T
- b. Limitations of the equipment; (5-1-17)T
- c. Soil and terrain conditions; (5-1-17)T
- d. Environmental conditions; (5-1-17)T
- e. Poor visibility and lighting conditions; (5-1-17)T
- f. Weather conditions; (5-1-17)T
- g. Direction of travel; (5-1-17)T
- h. Requirements for turning the machine on slopes; (5-1-17)T
- i. Load sizes; (5-1-17)T

- j. Method and adequacy of anchorage; and (5-1-17)T
 - k. Any other condition that may adversely affect operations. (5-1-17)T
- 03. Operator Qualifications.** Cable-assisted logging operators shall have documented training or adequate experience to safely operate the equipment on slopes. (5-1-17)T
- 04. Operating Plans.** A cable-assisted logging system operator shall have a written operating plan on site detailing the following: (5-1-17)T
- a. Tether line replacement criteria; (5-1-17)T
 - b. Cable size, type and breaking strength, and method of assurance that tensions do not exceed one-third (1/3) of breaking strength to maintain a 3:1 safety factor or greater; (5-1-17)T
 - c. Inspection and maintenance to be performed on tether lines, end connectors, machines and winches; (5-1-17)T
 - d. How the operator will use tension limiting controls to maintain desired tension; (5-1-17)T
 - e. How the winch cable tension and machine travel are synchronized; (5-1-17)T
 - f. How the operator will monitor machine slope, anchor movement, winch tension, amount of line on and off drum, and winch function; (5-1-17)T
 - g. How the tether line attachment points to the harvesting machine are engineered to withstand potential loads; (5-1-17)T
 - h. All harvesting machine modifications that allow it to operate on steep slopes, including operator harness or restraint system; (5-1-17)T
 - i. How pre-operations planning and daily assessments will identify hazards for soil and terrain conditions; (5-1-17)T
 - j. How the operator will determine if soil and terrain conditions are unsafe during operations; (5-1-17)T
 - k. How operators will report new hazards identified during operations; (5-1-17)T
 - l. Operating guidance given to the operator; and (5-1-17)T
 - m. How emergencies are handled by the system, including line failure, machine failure, winch failure, anchor failure, winch machine movement or anchor movement, and whether there is an emergency stop for the operator or at the anchor. (5-1-17)T
- 05. Unsafe Conditions.** The employer shall establish and use procedures for operators to report unsafe conditions to a supervisor or qualified person. Such conditions must be corrected prior to resuming cable-assisted logging operations. Procedures shall also include steps to take in the event of equipment breakdown and for upset conditions. (5-1-17)T
- 06. Warning Signs.** Effective signage shall be affixed to all remotely operated equipment warning employees and others that lines and machines may start, stop, or move without warning. All employees working in close proximity of cable-assisted logging operations must receive training that enables them to recognize the potential hazards involved and to maintain safe distances. (5-1-17)T

013. -- 999. (RESERVED)