



# WASHINGTON STATE LOGGER SAFETY INITIATIVE

Keeping Washington loggers safe.

## LSI Safety Review Panel

**Purpose and process document**

*Effective July 1, 2015*

## PURPOSE

The Logger Safety Initiative (LSI) promotes a “safety first” culture by focusing on ways to decrease the frequency and severity of injuries and prevent deaths in the logging industry. In an effort to support these goals, an LSI Safety Review Panel has been established to review and help develop corrective action plans when triggering events occur (see “Triggering Events” section). This policy applies to employers who have signed the Tier 3 Memorandum of Participation.

The panel members are focused on continuous improvements, both for the individual logging companies and the overall program. The LSI Safety Review Panel will support the overall goals of LSI and protect the integrity of the LSI program by helping logging companies build high-performing safety programs.

## PROCESS

When a triggering event occurs (see section below “Triggering Events”), the employer must develop and implement a corrective action plan. Additionally, the employer’s workers’ compensation premium discount will be reduced at a minimum of one quarter, starting the quarter following the triggering event, or (\*see Premium Discount section for further clarification of all discount reductions) until the corrective action plan is implemented and verification occurs that the plan was successfully completed<sup>1</sup>. The LSI Safety Review Panel is tasked with reviewing the LSI employer’s corrective action plan, and if needed, make changes or adjustments. Once the corrective action plan is implemented and verified, the department will make the final decision regarding reinstating the employer’s Tier 3 level premium discount.

Whenever possible, the employer and worker identifying information will be unknown to the panel members; however, there may be times in which the panel will request to meet face-to-face with the employer to further develop the corrective action (see “Conflict of Interest” section).

If an employer chooses not to develop a corrective action plan or does not participate with the panel to develop a corrective action plan, they will be terminated from the program.

*NOTE: The panel members do not make any decisions or recommendations regarding the premium discount. Labor & Industries reserves the right to make decisions regarding changes to the premium discount and / or changes to the corrective action plans.*

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<sup>1</sup> If the employer memorandum of participation expires while the employer is still working through their corrective action plan, a limited duration extension may be granted if the employer can demonstrate good faith effort in moving forward with meeting the requirements.

## TRIGGERING EVENTS

The items below have been identified as triggering events that, if occur, would require an employer to develop a corrective action plan for review and approval by the LSI Safety Review Panel and result in a discount reduction (\*see Premium Discount section for all discount reductions). The triggering events identified are those associated with the most serious of safety issues. These triggering events only apply to manual logging (risk class 5001) situations.

- Work related fatality<sup>2</sup> or catastrophic injury<sup>3</sup>
- Traumatic injuries\* that result in an in-patient hospitalization.
- LSI Annual Consultation Check-in<sup>4</sup>:
  - In the clear violations (see section title “In the clear violations” for more details).
  - Inadequate LSI required safety training.
    - Serious hazard associated with lack of training
    - New employee training not completed
- DOSH Compliance Violations that are a closed and final order
  - In the clear.
  - Willful.
  - Failure to abate.
  - Repeat serious hazard with a gravity of 6 or higher.
- State Fund Compensable Claims where the injury mechanism is being ‘struck-by’ an object as a result of the worker not being ‘in-the-clear’.
- Landowner referral.
  - Landowner referrals do not result in an automatic one-quarter suspension of the premium discount. The panel will review the landowner referral and may recommend an action plan be developed and implemented.
  - Labor & Industries reserves the right to make a different decision regarding changes to the premium discount and / or changes to the corrective action plans.

*\*Traumatic injuries are defined as injuries due to contact, struck by, caught in, abrasions or falls from elevation.*

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<sup>2</sup> The panel recognizes there is often significant time between when a triggering event occurs and a final DOSH citation is issued; therefore, if an employer appears before the panel regarding a triggering event, and later receives a DOSH citation in response to the triggering event, the citation will not act as a new triggering event. However, if there is new or significantly different information regarding the incident based on the investigation, the panel may request the employer appear before the taskforce for follow-up.

<sup>3</sup> Catastrophic injuries are defined as the loss of a major limb, paraplegia, quadriplegia or the total loss of eyesight.

<sup>4</sup> This applies only to the LSI Annual Consultation check-ins visits. Other consultation visit information would not be considered or discussed in this process.

## PREMIUM DISCOUNT REDUCTIONS

The employer's workers' compensation premium discount will be reduced from 20 percent to 10 percent for a minimum of one-quarter (starting the quarter following the triggering event) until the corrective action plan is implemented and verified.

If a company experiences a second triggering event within one year, a two quarter discount reduction will be applied at the applicable discounted rate.

A two quarter discount reduction at the Tier 1 5 percent rate will be applied for a fatality or catastrophic injury incident.

If a third triggering event incident occurs within two years, a four quarter discount reduction at the Tier 1 5 percent rate will be applied.

## IN THE CLEAR VIOLATIONS

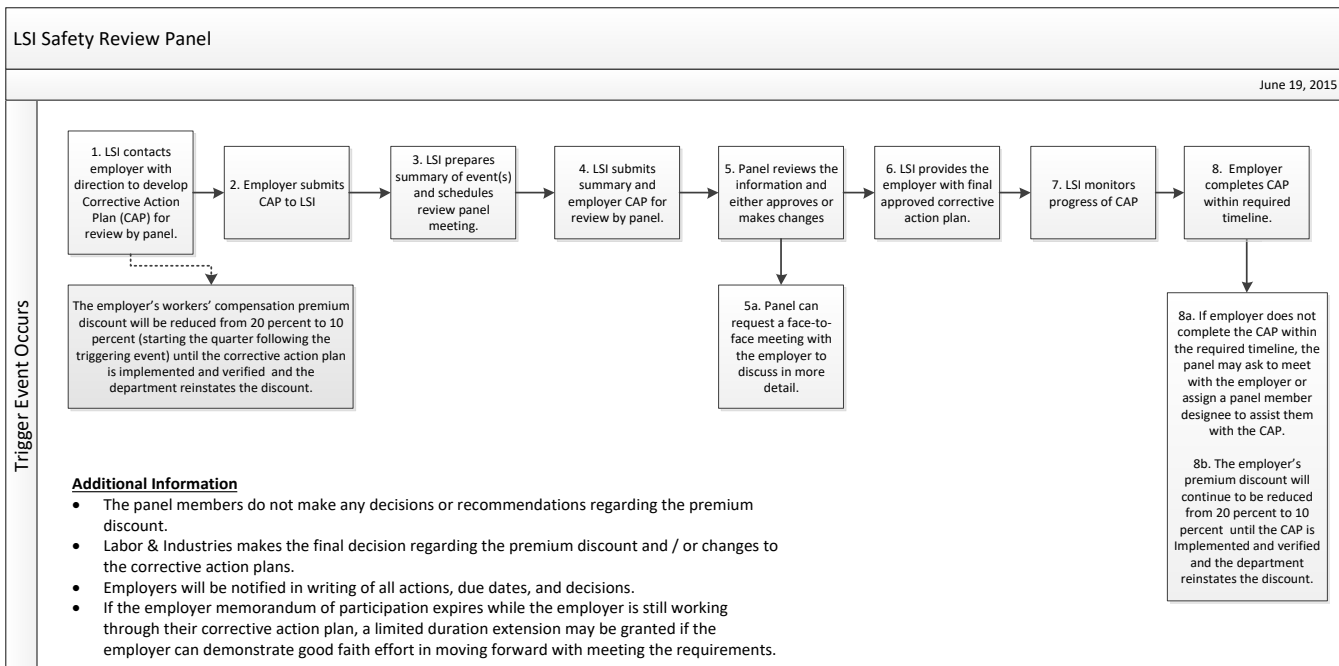
Failing to be "in the clear" causes most of the serious logging injuries. "In the clear" is a matter of knowing what hazards to expect, how unexpected hazards can trigger other hazards and putting enough space or barriers between you and the likely hazard.

In the clear violations include, but are not limited to the following regulations:

- WAC 296-54- 513 (1)
- WAC 296-54-513 (2) (a – d)
- WAC 296-54- 539 (1) (a - d)
- WAC 296-54- 539 (5)
- WAC 296-54- 539 (6) (b) (ii)
- WAC 296-54- 53910 (17) (d)
- WAC 296-54- 577 (4)
- WAC 296-54- 577 (5)
- WAC 296-54- 577 (8)
- WAC 296-54- 601 (10)

## PROCEDURES

Below is the process the LSI Safety Review Panel will follow:



A staff person from the Dept. of Labor & Industries will provide administrative support by coordinating and scheduling meetings, preparing materials, providing facilitation, and documenting the final recommendation of the panel. LSI logging companies will be notified in writing regarding final decisions and additional actions.

The Dept. of Labor & Industries LSI Program Office will be responsible to track and verify the implementation of the corrective action plan.

All parties involved in the LSI Safety Review process recognize that there is a commitment to a double-information-firewall. The employer (or representative), the panel members, and Dept. of Labor & Industries will not use any information discussed/provided as part of the LSI Safety Review Panel meeting to support or defend a Department citation or appeal.

The panel will not discuss DOSH safety and health minimum requirements, or any ongoing DOSH investigations, violations, or citations. In addition, the panel will not make recommendations regarding DOSH code violations or make recommendations on DOSH citations.

## PANEL MEMBERS

Three (3) representatives from the Washington Contract Loggers Association (WCLA) and three (3) representatives from the Washington Forest Protection Association (WFPA) will serve as members of the review panel. See appendix for the names of the members serving on the LSI Safety Review Panel.

The members are appointed by the LSI Taskforce. The LSI Taskforce may remove any member who is not fulfilling their duties. In case of a vacancy or extended lack of attendance, the department will ask for replacements from the appropriate association.

The review panel members will act in good faith to reach consensus when working to develop the recommendation for consideration by Labor & Industries.

## CONFLICT OF INTEREST

A conflict of interest occurs when a member has a private interest that may benefit from that member's actions or when a private interest could interfere with the duties of a committee member. Such interests do not have to be financial. Members must not make decisions in order to gain financial or other benefits for themselves, their family, or their friends.

Members will avoid and disclose any actual or potential conflict of interest in advance of a topic review. Members will recuse themselves and should leave the room for any discussion where there may be an actual or perception of a conflict of interest. In cases where a conflict of interest has been identified, a temporary replacement will be selected from a pre-identified "pool" of industry experts. This will help mitigate the conflict of interest concerns and ensure equal participation from the WCLA and WFPA.

Prior to each review session, each member will sign a confidentiality agreement and a conflict of interest clause.

## APPENDIX

### LSI Review Panel Members:

Name	Association	Term End Date
1. Robert MacMillan	WA Contract Loggers Association	July 1, 2023
2. John Evans	WA Contract Loggers Association	July 1, 2023
3. Roger Smith	WA Contract Loggers Association	July 1, 2023
4. Marc Cannon	WA Forest Protection Association	July 1, 2023
5. Jerry Bailey	WA Forest Protection Association	July 1, 2023
6. Brandon Metcalf	WA Forest Protection Association	July 1, 2023

### Conflict of Interest "Pool"

Name	Association	Term End Date
1. Bruce Valentine	WA Contract Loggers Association	July 1, 2023
2. Shawn Hadaller	WA Contract Loggers Association	July 1, 2023
3. Brad Lyons	WA Contract Loggers Association	July 1, 2023
4. Thomas Heller, DNR	WA Forest Protection Association	July 1, 2023
5. Bryan Huber	WA Forest Protection Association	July 1, 2023
6. Brandon Larson	WA Forest Protection Association	July 1, 2023

# LSI Safety Review Panel Conflict of Interest Determination Worksheet

A conflict of interest occurs when a member has a private interest that may benefit from that member's actions or when a private interest could interfere with the duties of a committee member. Such interests do not have to be financial. Members must not make decisions in order to gain financial or other benefits for themselves, their family, or their friends.

The following determination sheet is intended to help review for conflicts of interest and perceived conflicts of interest. Any material conflict of interest that could be reasonably expected to impair the rendering of unbiased or objective recommendations should be disclosed.

	Yes	No	Don't Know
1. Is there a current contractual relationship?			
2. Is there a past employment relationship that may be a real or perceived conflict of interest?			
3. Is there a past contractual relationship that may be a real or perceived conflict of interest?			
4. Do you have first-hand knowledge of events under review?			
5. Do you have considerable knowledge about the events or the employer under review through personal interactions (paid or unpaid), company relationships, family, or friends?			
6. Do you know of any reason why there might be a real or perceived conflict with this review?			

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Print Name

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Signature

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Date