



Ministry of
Labour

Ministère du
Travail

Ministry of
Natural Resources

Ministère des
Richesses naturelles

November 16, 2007

MEMORANDUM TO:

All MOL Staff
MNR Staff – Regional Offices
MNR Staff – Districts

SUBJECT: Working around Chicots and Wildlife Trees

Recently, increasing numbers of standing healthy, dead or dying trees have been left on forest harvesting sites across Ontario, to emulate natural disturbances and to create wildlife habitat. Depending on certain conditions, it is recognized that not all of these types of trees pose a danger to workers. However, given the extent to which they are now being left on a typical harvest site, employers and workers alike must be cognizant of the increased potential for hazards associated with working around wildlife trees (which may include chicots) during harvesting, as well as non-harvesting activities like tree planting.

Worker safety is paramount in all forestry planning and operational programs. Recognizing this, the attached bulletin entitled, "Joint Ministry of Labour/Ministry of Natural Resources Forest Management Bulletin – Working around Chicots and Wildlife Trees" has been developed. It provides a better understanding of both ministries' expectations when conducting forest management activities around wildlife trees and helps clarify the role of all workplace parties in order to ensure workers are adequately protected.

The bulletin does not attempt to interpret requirements of the *Occupational Health and Safety Act*, the *Crown Forest Sustainability Act* or their respective regulations, or provide solutions to every situation that may be encountered. Rather, it provides general principles, which we hope will assist workplace parties comply with these requirements and ultimately ensure the safety of all workers.

A handwritten signature in cursive script, appearing to read "C. Sackville-Duyvelshoff".

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Joint Ministry of Labour/Ministry of Natural Resources Forest Management Bulletin – Working around Chicots and Wildlife Trees		<i>Bulletin</i>	FOR 11 - 01
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Introduction: Overview of the Regulations that Apply

Because the safety of workers supersedes all forestry operations and forest management plan requirements, the Ontario ministries of Labour and Natural Resources have collaboratively prepared this bulletin to provide information on protecting workers from hazards associated with dangerous trees, including chicots, during felling and non-felling operations.

Under the *Crown Forest Sustainability Act*, forest management plans may require forest companies to leave certain healthy, dead or dying trees standing as wildlife trees on harvested areas for the purposes of emulating natural disturbances and providing wildlife habitat

The *Occupational Health and Safety Act and Regulations for Industrial Establishments*, defines chicot as “(a) a dead tree, or (b) a dead limb of a tree that might endanger a worker.” Under that Act, chicots must be lowered to the ground before felling takes place in their vicinity. In addition, the act requires that employers / licensees must take every precaution reasonable in the circumstance for the protection of a worker who works in the vicinity of dangerous trees such as chicots and certain wildlife trees during non-felling operations (e.g. surveys, planting, maintenance, monitoring).

Guidance Concerning Felling Activities

During the harvesting phase, a chicot must be safely lowered to the ground prior to felling in its vicinity. If a chicot is selected to remain standing for the purpose of a wildlife tree, then no trees can be harvested within its vicinity. “Vicinity” in this context generally means a radius equal to at least the height of the surrounding stand.

Alternatives to leaving chicots as wildlife trees, in order to maximize harvesting requirements include:

- Selecting live and healthy trees (on the basis they will likely succumb to stress in their post-harvest environment and become suitable wildlife habitat)
- Selecting live healthy trees, then killing them by girdling or herbicide spraying (for example).

- Adopting moderate clumping or grouping of chicots as wildlife trees, as opposed to having them evenly dispersed throughout the stand.
- For mechanized harvesting operations, a tree can sometimes be topped such that it becomes a “stub” that would normally no longer be dangerous to workers.

The proper selection and distribution of wildlife trees will also reduce the potential of creating a dangerous situation for workers during post-harvesting operations, such as tree planting.

Guidance Related to Non-Felling Activities

During non-felling activities employers are to ensure that workers are protected from all potential hazards including dangerous trees, which can include chicots, wildlife trees, or other trees. This includes identifying when a tree may become a potential hazard through a proper assessment, and developing and implementing appropriate measures and controls to protect workers, which could include ensuring that workers maintain a safe distance from these trees.

Assessing Whether a Tree Could be Considered Dangerous

Some things to consider in determining the stability of trees during non-harvesting operations include examining:

- Root/stem decay (e.g. fruiting bodies, conks, loose bark)
- Weakening of the tree or its branches (e.g. boring insects or animals)
- Damage resulting from mechanical equipment (e.g. resulting from logging or site preparation equipment)
- Movement (sway) of adjacent trees
- Presence of foliage (in windy conditions trees with leaves may sometimes pose greater risk to workers than trees having no leaves)
- Weather (e.g. wind speeds, snow loading, ice buildup, lightning)
- Shifting soil (e.g. erosion, spring thaw, upheaval from adjacent windblown trees)
- Chlorotic leaves and needles, although this can sometimes be a stress-related condition and rectified once the stress has subsided (e.g. drought)
- Species root systems (e.g. shallow versus deep rooted species)

Wind is likely the most significant factor on this list because it may increase the dangers that other indicators may pose. For example, while decay, mechanical or insect damage etc. may weaken a tree, the tree may not become dangerous to workers conducting non-felling operations until certain wind speeds are encountered. Employers must be prepared to make adjustments to work assignments as weather conditions change.

Where a decision has been made to remove workers from an unsafe work area, employers must ensure that the site is safe (e.g. wind has subsided or unsafe trees have been lowered to the ground) before asking workers to return to that area. In situations where an employer believes that the site is too dangerous to have workers return, the employer must discuss with appropriate MNR staff the need to amend the forest management plan to incorporate a different silvicultural treatment in that area.

While hazards associated with some dangerous trees may be eliminated by felling them, it is imperative that the wildlife trees left on site for the purposes of satisfying the requirements of a forest management plan not be felled unless previously approved by the Ministry of Natural Resources.

Measures and Controls for Working around Dangerous Trees

Workers

Workers must be able to identify the potential risks and hazards at a particular site. They must work safely, follow company policies and procedures and report the health and safety hazards they see. Workers have the right to refuse work where they believe they are likely to endanger themselves or another worker.

Employers/Licensees

Employees/licensees can help control the risks associated with working around dangerous trees by ensuring that they:

- Have ongoing, site-specific knowledge about the area in which workers are conducting non-felling operations, including monitoring weather conditions.
- Properly train, instruct, and supervise staff working around dangerous trees.
- Develop and implement local policies and procedures for working around these trees and require supervisors to ensure that workers comply with those policies and procedures.
- Provide appropriate personal protective equipment.

Note: This guidance material does not detract from the requirements of either the Occupational Health and Safety Act or the Crown Forest Sustainability Act or their respective regulations. Reference should be made to the actual legislation to ascertain legal rights and duties.