



Amends Fire Prevention Rules & Requirements for Industrial Operations

Comment by Rex Storm, Associated Oregon Loggers, Inc.

before the Rulemaking Hearing; Oregon Dept. of Forestry – April 17, 2017

My name is Rex Storm, Certified Forester and Forest Policy Manager for Associated Oregon Loggers (AOL). I make these comments on behalf of the 1,000+ AOL member companies, representing Oregon logging and allied forest management businesses—all of whom are subject to the Oregon's industrial forest fire prevention regulations when conducting their operations during summer months.

Your consideration for the proposed prevention rule and industrial regulation reforms is important to modernize this costly regulation program. We share with the Board of Forestry and Department the common goal of effective forest fire prevention that minimizes resource losses, keeps firefighting costs low, and affords the least burdensome regulation to operators and landowners.

SUMMARY

We support the Department's proposed updates to industrial fire protection program—including the Oregon Administrative Rule rulemaking proposed today. Furthermore, AOL emphasizes that these Rules are just one of three industrial fire regulation updates to be engaged by the Department this year. The other two updates are: IFPL shutdown reforms; and ODF industrial prevention administration upgrades.

A. Industrial Fire Prevention Contribution by Operators-Landowners

Industrial prevention is often the unheralded "most valuable player" of Oregon's complete & coordinated forest fire prevention program. Oregon's forest sector provides the greatest private investment in forest fire protection amongst all the Western US.

Oregon's forest fire prevention program continues to be the West's strongest, because of the unparalleled private industrial contributions—including those ODF-administered industrial regulations, which you are considering today.

B. Industrial Operations are a Minor Portion of Oregon Forest Fires

Oregon's effective industrial fire prevention program over the past decade had limited forest landowner operation-caused fires to less than 5% of annual wildfire acreage and numbers on ODF-protected forestlands. The top causes of Oregon forest fires in recent years are: 1) lightning; and 2) public causes (human-causes; non-landowner).

The industrial prevention program has been enormously successful at preventing fires—yet, there remains an imperative that the program cooperators administer the program with a vigilant eye toward continuous improvement to keep operation shutdown and regulatory costs the least burdensome possible to the cooperators.

C. AOL Supports Comprehensive Updates to Industrial Fire Regulation Program

We support the Department's proposed updates to industrial fire protection program—based on Industrial Fire Rule Review Committee (IFRC) proposals—which over the next year includes three change components:

- 1) Today's Oregon Administrative Rule rulemaking;
- 2) Industrial Fire Precaution Level (IFPL) shutdown reforms; and
- 3) ODF industrial prevention administration upgrades.

D. AOL Recommendations to Implement Program Updates

While AOL supports the Department's proposed updates to industrial fire protection program—we urge the following recommendations to implement the comprehensive three components:

1. Conduct OAR rulemaking to update proposed industrial fire prevention rules for the 2017 fire season.
2. Approve, publish, and implement proposed IFPL shutdown regulation changes in Oregon's ODF-protected forests for the 2017 fire season. ODF-protected forests comprise 90% of industrial operations in OR; begin coordinating IFPL changes with the federal Pacific NW Coordinating Group; but, implement in Oregon in 2017.
3. Initiate negotiations about proposed IFPL changes with the federal Pacific NW Coordinating Group; seeking NW region-wide proposed IFPL changes for the 2018 fire season.
4. Implement ODF field administration proposed upgrades, publish, and apply changes to the field operations in Oregon's ODF-protected forests for the 2017 fire season.

In conclusion, I make the above recommendations in respect for the Department's decades-long commitment to Oregon's complete & coordinated fire protection program, which evolved in the spirit of cooperative stewardship with the Department's and Board's advisory committees and forest cooperators. An effective industrial fire prevention program can be assured where sound practices are willingly employed by Oregon's forest operators and landowners.

Thank you for considering our support and suggestions toward the Department's 2017 industrial fire prevention program. I look forward to participating in implementing the updates proposed by the Industrial Fire Rule Committee, to be enacted and implement in the field during 2017 and 2018 by ODF and the forest cooperators.

SUPPORTING DISCUSSION

A. Industrial Fire Prevention Contribution by Operators-Landowners

Industrial prevention is often the unheralded “most valuable player” of Oregon’s complete & coordinated forest fire prevention program. Oregon’s forest sector provides the greatest private investment in forest fire protection amongst all the Western US. Oregon’s forest fire prevention program continues to be the West’s strongest, because of the unparalleled private industrial contributions—including those ODF-administered industrial regulations, which you are considering today.

Forest contract operations are annually impacted by the industrial fire prevention regulation program, typically for 130 days/year during declared fire season. During these days, every industrial operator is required by regulation to provide robust fire prevention and firefighting capabilities on every forest jobsite—at a significant daily expense. These regulated capabilities include labor, training, equipment, mobility, technology, communications, preparedness, and yes, required initial firefighting response. Additionally, at great expense industrial operators are subject to regulated mandatory daily shutdowns of all or partial operations, as prescribed by ODF.

Additionally, each forest landowner has the liberty to require additional more stringent industrial fire prevention measures and land management practices to reduce their fire exposure. And, many industrial landowners do implement and require more extensive landowner and contracted-operator prevention measures, capability and shutdowns.

Furthermore, each contract forest operator often evaluates daily jobsite fire hazards, fire risks, and firefighting capacity to reduce their fire exposure. At times, these forest operators voluntarily exercise additional operator prevention tactics and shutdowns.

Moreover, each forest landowner employs and at times deploys auxiliary firefighting and prevention dimensions to reduce their fire exposure and speed fire response. Mobilized equipment, crews, aircraft, technology and communication are valued auxiliary dimensions employed by many forest landowners.

Respectively, most forest landowners elect to invest in thoughtful extra fuel reduction practices and forest management strategies that reduce harvest slash and minimize fire risk, which reduces their fire exposure and affords easier future fire containment.

Plus, each forest landowner directly pays for a hefty share of the Department’s firefighting and large fire suppression costs (OFLPF)—through property tax special fire assessment and a portion of the forest products harvest tax.

Notwithstanding the above-mentioned industrial fire prevention efforts, operators and landowners daily during their operations provide capacity in fire reporting, initial attack, and regulation required every reasonable effort in firefighting. It is noteworthy that the majority of fire observations, fire reports, and initial attack firefighting done by these operator/landowner resources is due to non-industrial fire causes—commonly ignitions by lightning, negligent recreationists, public road vehicles, careless forest visitors, unwitting non-forest neighbors,

utilities, and arson. Operators and landowner foresters are ODF’s MVP of fire reporting and initial attack.

The *combined industrial contribution* to forest fire prevention—by ODF industrial regulations, landowner added measures, operator voluntary tactics, auxiliary dimensions employed, extra fuel reduction practices, paid share of fire suppression, and operator/landowner fire reporting with initial attack—creates a monumental industrial investment in Oregon’s “complete & coordinated” forest fire prevention program. This mammoth non-regulated component of this combined industrial contribution is often referred to as the forest sector’s “in-kind contribution” to forest fire prevention.

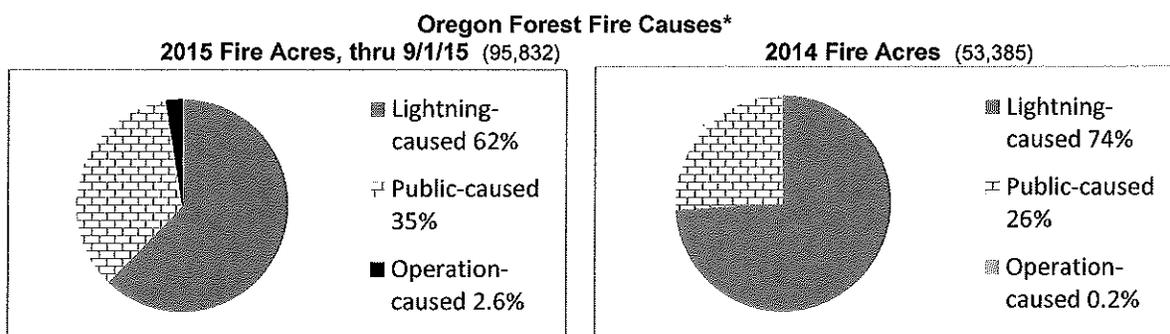
Industrial prevention is often the unheralded “most valuable player” of Oregon’s complete & coordinated forest fire prevention program. Whether we call it “in-kind contribution” or “combined industrial contribution,” Oregon’s forest sector provides the greatest private investment in forest fire protection amongst all the Western US.

Oregon’s “complete & coordinated” forest fire prevention program continues to be the West’s strongest, because of the unparalleled private industrial contributions—including those ODF-administered industrial regulations, which you are considering today.

B. Industrial Operations are a Minor Portion of Oregon Forest Fires

Industrial operations cause few forest fires. The industrial prevention program has been enormously successful at preventing fires—yet, there remains an imperative that the program cooperators administer the program with a vigilant eye toward continuous improvement to keep operation shutdown and regulatory costs the least burdensome possible to the cooperators.

Oregon’s effective industrial fire prevention program over the past decade had limited forest landowner operation-caused fires to less than 5% of annual wildfire acreage and numbers on ODF-protected forestlands. The top causes of Oregon forest fires in recent years are: 1) lightning; and 2) public causes (human-causes; non-landowner).



* Data for ODF-protected forestland

It is important that policymakers understand that Oregon’s forest industrial prevention regulations involve forestry production loss from regulated season shutdowns. Oregon’s complete and coordinated forest fire prevention program includes the regulated industrial operation shutdown of forestry work during dry conditions—determined daily for each local zone by OR Dept. of Forestry and US Forest Service (Industrial Fire Precaution Level). Oregon’s fire shutdowns are

the most rigorous and costly in the West. During one of our hottest fire seasons, in 2015 Oregon prevention regulations had the following production impacts:

- ✓ Harvest volume production loss due to 2015 fire shutdowns = 181 million bdf loss (36,200 truckloads of logs not harvested or delivered)
- ✓ Volume loss percent of total statewide annual timber harvest in 2015 = 4.39% production loss to Oregon timber supply (irreplaceable production lost from Oregon's economy)

In an average year, approximately 1% production loss would occur statewide, due to regulated fire shutdowns of logging and allied harvest operations.

C. AOL Supports Comprehensive Updates to Industrial Fire Regulation Program

We support the Department's proposed updates to industrial fire protection program—which over the next year includes three change components:

- 1) Today's Oregon Administrative Rule rulemaking;
- 2) Industrial Fire Precaution Level (IFPL) shutdown reforms; and
- 3) ODF industrial prevention administration upgrades.

AOL emphasizes that the comprehensive update includes all three change components.

These three proposed changes are the outcome of an ODF-commissioned advisory committee that worked for three years to recommend ways to modernize Oregon's industrial fire rules. The 13-person *Industrial Fire Rule Review Committee (IFRC)* included cooperators representing logging operators, industrial landowners, small forest landowners, associations, and the ODF fire agencies.

The three proposed change components intend to improve cost-effective industrial prevention, extend fire-safe operation, clarify language, and improve agency fire rule administration—while rebalancing the competing goals of fire prevention versus the operational cost of preparedness and operation shutdowns. The proposed upgrades would reform fire prevention regulations to accommodate ever-changing technology, timber types, and industry fire prevention expertise.

Over the years, aspects of the 1980s-era fire regulations have become outdated due to changing technology, timber types, and industrial prevention improvements. AOL sought comprehensive review of the industrial forest fire prevention program for a decade, with the goal of updating operation regulation.

The proposed updates recommended by the IFRC committee must still be vetted further among cooperators, and approved by Oregon's State Forester, Board of Forestry, and the federal Pacific NW Coordinating Group. The following is a condensed abstract of the IFRC recommendations:

1. Rule refinement for practicality:
 - ✓ Same water supply volume; added hose available at pump to reach day's operations
 - ✓ Clarify 115 psi pump equivalent
 - ✓ 5# extinguisher, same as OR-OSHA
 - ✓ Water supply clarify required 1st-day
 - ✓ Reduce fire tools for small crews
 - ✓ Firewatch clarify when firefight alone; same as OR-OSHA firefight single person

2. IFPL shutdown reforms:
 - ✓ IFPL 2 Change: Rotary saw operate only before 1pm
 - ✓ IFPL 3 Change: Cable/motorized carriage operate before 1pm
 - ✓ IFPL 3 Change: Feller bunchers (non-rotary) operate only before 1pm, with added fireline-capable machine available on-site
 - ✓ IFPL 3 Change: Rotary saws operate only before 1pm, with added observer and fireline-capable machine available on-site
 - ✓ IFPL 3 Change: Power saws operate before 1pm on ground-based operations with added fireline-capable machine
 - ✓ Eastside IFPL applicable to federal only (as current)

3. ODF field administration upgrades:
 - ✓ Waiver administration standardized & bolstered
 - ✓ Small landowner/operator interaction bettered
 - ✓ Pocket-size rule booklet to be published
 - ✓ Clarify & communicate industrial vs. public rules
 - ✓ Electronic information enhanced
 - ✓ Fire cause reporting improved

D. AOL Recommendations to Implement Program Updates

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