

Choosing the Right Forestry Services Contractor: Practical, Ethical and Environmental Considerations

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Forestry services contractors provide many vegetation management services. These typically include thinning, clearing brush, creating fuel breaks, tree planting and weed control. Some contractors offer herbicide application services to control weeds, and others specialize in the manual removal of weedy plants. These contractors may offer riparian restoration, wildlife habitat improvement, installation of erosion-control structures, prescribed burning and fence building. Some forestry service contractors operate as sole proprietors. Many, especially tree planting and thinning contractors, operate with crews.

How do you find a forestry services contractor who can meet your needs? How do you determine whether they will do good work on your land *and* treat their workers fairly? This guide helps you pose key questions, understand the answers and find the right contractor to achieve your goals.

Questions to ask potential forestry services contractors

What services do you provide?

Most contractors offer two or more of the services described above, but not all contractors offer all of them. To identify a company to achieve your goals, ask what services they offer. Be sure the contractor understands your preferences and goals.

What are your qualifications?

Speak directly with contractors about their experience providing forestry services and how they maintain a skilled workforce. Questions you may want to ask include:

- How long have you been contracting? What kind of training have you had?
- Can you describe your experience providing the services I am interested in?
- How experienced are your crews?
- What kind of skill-based training do your crews get? Do you provide refresher training?
- Do you maintain all required local and state contracting licenses?
- Do you hire locally or use temporary workers on guest worker visas?

The latter question is important because H-2B temporary nonagricultural workers may be new to forestry and to working in the United States. They may need training in forestry skills, working safely and understanding their rights as workers under state and federal law.

What are your safety procedures and practices?

Felling trees, handling chainsaws and working on steep slopes in various conditions are dangerous. Workers can be struck by a falling tree or branch, cut with a chainsaw, overcome with heat stroke or develop musculoskeletal disorders. The injury, illness and fatality rate of workers in this industry exceed the Oregon average. Some questions you could ask about safety and working conditions include:

- What safety training, including refresher courses, do you offer your crews?
- What emergency plans do you employ for accidents? Are your crews trained to implement those plans?
- Do your crews get a 10-minute break every four hours and a half-hour lunch break as required by law?
- Are workers provided with clean, cool water and encouraged to stay well hydrated?
- What restroom facilities are provided to crews?
- Do you inspect your vehicles regularly and maintain them in safe condition?

General considerations for working with forestry services contractors

Understanding how your contractors treat their employees can help you ensure the work on your land is done ethically and according to federal and state labor laws. Some contractors offer low bids to be competitive, then reduce labor costs by deferring equipment maintenance, reducing safety training and failing to provide employees with clean water, restroom facilities and required breaks. These practices lead to unsafe and unhealthy working environments.

What wages do you offer?

Federal law requires that forest workers earn time-and-half for any hours over 40 that they work in a week. State law requires they receive all tools and safety equipment (except boots) at no cost and that they are paid for carrying tools to the worksite. Some contractors pay for travel time between the shop and the work site, but not all do. Consider these factors when evaluating a bid or estimate. They affect project costs, work-day length, worker safety and performance. Forest workers often have a two-hour or longer commute to the worksite. When travel time is added to an eight-hour workday, crew members sometimes put in a 12-hour day. Over several days, this could lead to worker fatigue and increased accident risk.

Do you have adequate insurance coverage?

The contractor should have coverage for property damage, workers' compensation, vehicles, and liability. Some coverage provides for basics, while broad form coverage is more extensive to include less likely but high-risk events. Ask what types of insurance they carry, the amounts and their liability limits. Ask the contractor to include you as an "additional insured party" on their policy. Ask for an insurance certificate before signing a contract.

Do you use a standard written contract?

Have a written contract to avoid costly misunderstandings and disputes. A contract is legally binding and should clearly describe the work. You and the contractor should agree on and document the contractor's work.

Do you do all the work yourself or subcontract some of it?

Forestry services contractors often contract out portions of a project. Learn who will be doing what work when, and who is in charge of each part if you need to talk with someone. Ensure the contractor hires well-trained, experienced subcontractors who fairly treat their workers. This applies to subcontractors who hire H-2B guest workers and those who don't.

Do you have references that I could contact?

Get the names and contact information of your contractor's former clients, particularly those whose projects were similar to yours. Ask those clients about their experience with the contractor. Were they satisfied with the contractor's work? Did any problems arise? Were they concerned about worker safety, wages or other aspects of the work?

Are we clear on the plan for the work?

Consider doing a pre-bid tour for potential contractors. Clarify expectations and invite them to ask questions.

Once you choose a contractor, write a work plan and ensure the contractor understands your goals. The contract should include a clear description of the work. Review and discuss the plan, so both parties clearly understand the scope of work.

In complex situations, the landowner may want a vegetation-management prescription prepared by an experienced forest ecologist and/or silviculturist. This could be the contractor, a consulting forester or a certified ecologist. Ask about the forest-management qualifications and training of the person writing the prescription. With thinning and fuel-reduction projects, the scope of work or prescription should specify cut-and-leave trees and slash treatments. Once the project begins, closely monitor the work and address issues as they arise.

Where to look for a forestry services contractor

- Ask other forest landowners who they recommend. Contact the [Oregon Small Woodlands Association \(https://www.oswa.org/\)](https://www.oswa.org/) for landowner names.
- Consult the [Oregon Bureau of Labor and Industries'](https://www.oregon.gov/boli/employers/Pages/labor-contractor-licensing.aspx) (<https://www.oregon.gov/boli/employers/Pages/labor-contractor-licensing.aspx>) list of registered reforestation contractors.
- Check the Oregon State University [Oregon Forest Industry Directory \(https://www.orforestdirectory.com/\)](https://www.orforestdirectory.com/) for contractors specializing in forestry work.
- Ask the [Oregon State University Extension Service \(https://extension.oregonstate.edu/\)](https://extension.oregonstate.edu/). The OSU Extension Service has offices in every county. Your county agent may direct you to local forestry contractors.
- Ask local non-profit organizations involved in forest habitat restoration.

What you can do if you have concerns

You can report unsafe practices to the Oregon Occupational Safety and Health Administration if you observe them. OSHA will work with the contractor to correct safety issues it finds. OSHA also offers a searchable database of its inspections and actions.

If you have concerns about worker pay, you can contact the Oregon Bureau of Labor and Industries to let them know your concerns.

Further resources

- [Occupational Safety and Health Administration \(https://osha.oregon.gov/workers/Pages/index.aspx\)](https://osha.oregon.gov/workers/Pages/index.aspx)
- Occupational Safety and Health Administration [database of inspections \(https://www.osha.gov/pls/imis/establishment.html\)](https://www.osha.gov/pls/imis/establishment.html)
- [Oregon Bureau of Labor and Industries \(https://www.oregon.gov/boli/workers/pages/default.aspx\)](https://www.oregon.gov/boli/workers/pages/default.aspx)
- [Oregon Forest Resources Institute \(https://knowyourforest.org/\)](https://knowyourforest.org/)
- [Association of Consulting Foresters \(https://www.acf-foresters.org/\)](https://www.acf-foresters.org/)
- [The Ecological Society of America \(https://www.esa.org/membership/directory-of-certified-ecologists/\)](https://www.esa.org/membership/directory-of-certified-ecologists/)
- [Oregon Watershed Enhancement Board \(https://www.oregon.gov/oweb/grants/small-grants/Pages/small-grants.aspx\)](https://www.oregon.gov/oweb/grants/small-grants/Pages/small-grants.aspx)
- [Oregon Department of Forestry \(https://www.oregon.gov/odf/Pages/index.aspx\)](https://www.oregon.gov/odf/Pages/index.aspx)
- [Society of American Foresters \(https://www.eforester.org/\)](https://www.eforester.org/)
- U.S. Department of Labor [searchable database on inspections and actions taken by labor department agencies \(https://enforcedata.dol.gov/views/searchChooser.php\)](https://enforcedata.dol.gov/views/searchChooser.php), including the Wage and Hour Division

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