

Technical Bulletin No: 37-2017




Title:	Chainsaw Hire Procedure
Priority	Green – Opportunity to Improve
Legislation:	HASWA 74 S6, PUWER
Brief Description:	Chainsaws are an efficient tool in the right hands and the right application. Hire companies who offer chainsaws to hire should review this bulletin. Where possible a lower risk alternative should also be considered
Equipment Affected:	Chainsaws / Alligator type saws / Reciprocating Saws

The following guidance document supersedes previous guidance from HAE and should be reviewed. Key points for provision of chainsaws are:

- Competent staff – at point of hire and to service and maintain the equipment – page 3
- Correct chainsaws in fleet – e.g. maximum 13” bar length for cash customers - page 4
- Distinguishing between cash customers e.g. DIY and Account Customers e.g. businesses – page 4
- Advising warning on need for trained operators – page 6
- Provision of proper instructions including demonstration and PPE – offer as a kit - page 7
- If chainsaws are offered as a sale item, ensure safety kit is included as a hire / sale offer by sales staff

Where any of the steps cannot be satisfied e.g. the customer wants to cut out roots or are unlikely to be capable of safely using a chainsaw then consider offering lower risk alternatives. Points to consider:

- Greenwood blades are available for reciprocating saws
- Alligator type saws are very capable for pruning and cutting shrubs and tree limbs
- Offer chainsaw safety kits to clients who are hiring chippers, log splitters or similar as they may already have purchased or arranged to borrow a chainsaw elsewhere
- Offer stump-grinders as a lower risk / effort alternative to digging / cutting out old roots

1 – Chainsaw Safety Kit Create as a hire kit	2 – Greenwood / Lopping Blade Available for all recip saws	3 – Alligator Type Saws Lower risk alternative
		
Recommended Actions:	<ul style="list-style-type: none"> • Review existing procedures to ensure they meet the requirements of this bulletin at the minimum • Communicate updated procedure to team • Ensure procedure is maintained – self-audit 	
Circulation:	Hire Counter / Management / Workshops	

1. Format of guidance

The guidance in this document has been written for members of Hire Association Europe, based on qualified advice and industry practice. It contains information on your explicit legal duties, as enacted in the United Kingdom, as well as recommendations on best practice.

- Explicit legal duties are indicated in the guidance as instructions: “*you must....*”.
- Where a recommendation is being made as to the most appropriate method of discharging that duty, it is given as advice: for example “*you should.....*”.

This document supersedes HAE guidance

- Safe hiring of chainsaws: 4210.1 November 1991;
- Chainsaws – Trading Standards activity, supply of top handled saws: April 1998

The guidance is intended to reinforce, augment and bring up to date existing company procedures for hire of chainsaws.

The recommendations follow industry best practice, and correspond with the expectations of health and safety authorities. If you do not follow the recommendations, you may find that you have to demonstrate that you are discharging your legal obligations by some other method.

The guidance as a whole is intended to assist members to comply with the law. It cannot be taken as an authoritative, definitive or exhaustive statement of the law. Only the courts can make such a statement.

Throughout this document Account Customers has been used to refer to Professional users and Cash Customers has been used to refer to DIY users

2. Steps when hiring chainsaws

There is no reason why hire companies should not supply chainsaws to Account customers’, and to Cash Customers, provided proper steps are taken to ensure that safeguards are in place, including and not limited to:

- a) Have competent staff (see 3)
- b) Have the correct chainsaws on your fleet (see 4).
- c) Distinguish between Account Customers and Cash Customers (see 5)
- d) Cash customers only - check that a chainsaw is the correct tool for the job (see 6).
- e) Cash customers only - check that the customer is capable of doing the job safely (see 7).
- f) Warn the customer about the need for competent operators (for DIY consumers see 8, for at-work customers see 9).
- g) Provide proper instructions (see 11).
- h) Provide PPE (see 12).

In addition, although it will not help you discharge your criminal or civil duties, you would be advised to have appropriate insurance to cover potential liabilities: see Insurance – 13.

3. Competent staff

There are 3 areas of competence that are necessary for counter staff dealing with DIY consumers.

- a) **Safe use of chainsaw.**
- b) **Work with trees and timber.**
- c) **Company procedures.**

For counter staff hiring to at-work professionals, only item c) is required.

a) **Safe use of chainsaws.**

Hire counter staff must understand, and be able to demonstrate to and instruct the customer in the following elements.

- the location of the controls and their function
- the hazardous areas on the saw
- a simulation of kick back and the cutting actions which may lead to kick back
- the action of the chain brake
- the correct stance when using the saw, and cutting action
- how to start the saw
- PPE for chainsaw users, and its correct usage

In addition, they should be able to recognise and correct any inappropriate actions on the part of the customer.

b) **Work with trees and timber.**

Hire counter staff must understand the range of work that can be carried out by a DIY consumer. They should have sufficient understanding of the hazards arising from this work, and from more complex jobs, so as to be able to instruct the customer about the limits they should work within.

c) **Company procedures.**

Hire Counter staff should understand and be able to adhere to company procedures, including as appropriate procedures based on guidance in this document.

Training may be available from your chainsaw supplier or the manufacturer. Alternatively, you may wish to consider having hire counter staff trained to a level of competence that enables them to obtain a recognised Certificate of Competence (see Appendix). This may help you ensure that customers are properly advised of current correct practice. In all cases it would be advisable to keep a proper record of training and competence of hire counter staff.

Service staff also need to be competent to carry out adequate servicing and safety examinations of chainsaws. In addition to those aspects of a chainsaw that are common to other hand-held petrol-engined tools, the staff must understand and have access to the manufacturer's servicing and setting instructions for:

- chain brake
- sharpening and setting the chain

Sharpening and setting the chain should only be carried out using a manufacturer's sharpening gauge, or a properly set up chain grinder. It must always be done in accordance with the manufacturer's instructions.

4. Correct chainsaws

European and British standards

Petrol chainsaws on hire fleets should comply with the. Electric chainsaws should comply with the general for hand held electric motor operated tools. At the time of writing, the section dealing with chainsaws has not been published (EN50144-2-13). It would therefore be advisable to ensure that chainsaws at least.

Top handled saws

Some chainsaws have the rear control handle over the engine. These ‘top handled’ saws should comply with ISO 11681.2, Chainsaws for tree service. These saws must only be supplied to trained competent professionals for particular tasks when working in trees. For this reason, they should not be in a general hire company fleet. They should only be available for hire from companies with appropriate systems in place to ensure that they are only supplied for the specialist jobs as described above. More information on top handled saws is given in 10 – “restrictions on supply of top handled saws”.

Guidebars

Chainsaws with long guidebars may be supplied. However, the account customer should be competent to carry out the tasks that require a long guidebar. A cash customer should not be able to hire a saw with a long guidebar.

A practical implementation of this in a hire company would be to limit the supply of saws to Cash customers to a maximum guidebar length of 13”.

Chain

Chainsaws should be fitted with a chain recommended by the manufacturer for general purpose or all-round use. The manufacturer may recommend low kick-back chain and attachments suitable for DIY or occasional users. The chain should always be supplied sharp and must be properly set.

5. Distinguish between customers

Customers who are at work have duties themselves under health and safety law to take responsibility for their own actions. The DIY consumer has no such duty, and you therefore need to go further as a supplier to ensure that the hire is safe.

It is therefore important to distinguish between the two classes of customer.

A simple way to do this is to only allow account customers to be considered at work. All cash customers would therefore be treated as DIY consumers.

There should be no difference in the level of care applied to each transaction. However, hire to a DIY consumer should involve the hire company in extra procedures, as indicated in 6 and 7 below.

No harm will come if you apply these extra procedures to at-work customers – however, you may find your customers resistant and unwilling to go through what they may consider unnecessary precautions.

The chainsaws available for supply (see 4 above) and the method of warning the customer about the need for competent users also vary between the two classes of user (see 8 and 9).

6. Check that a chainsaw is the correct tool for the job – Cash Customers

Ensure that the person that you are speaking with will be actually using the chainsaw. You must discuss with the cash customer the job they plan to do, so that you can advise them about the correct tool to do the job with.

Some jobs that your cash customers plan to undertake may be too complex or hazardous for a person with little or no experience of tree work. They include:

- felling any tree over about 4m, or with a trunk diameter greater than 150mm.
- cutting up a fallen tree over these sizes.
- dealing with windblown or hung-up trees.
- any work off ground
- Any work involving cutting above shoulder height
- Cutting shrubs or small trees without solid wood
- Work on roots
- Cutting timber that may have nails or other foreign bodies in it

You should recommend your cash customer has these jobs done by a competent and insured professional company.

The Arboricultural Association can provide an annually revised Directory of Approved Contractors: telephone 01242 522152, email: admin@trees.org.uk web: <http://www.trees.org.uk> and their Approved Contractor Directory <https://www.trees.org.uk/ARB-Approved-Contractor-Directory>

There are other jobs which your customer may carry out, but for which a chainsaw is not the correct tool. These include:

- any work off ground.
- Any work involving cutting above shoulder height.
- Cutting shrubs or small trees without solid wood.
- Work on roots or close to the ground.
- Cutting timber that may have nails or other foreign bodies in it.

For these jobs, you should consider supplying a more appropriate machine

Remember that a cash customer must not be supplied with a top-handled saw, and should not be supplied with a saw with a guidebar longer than 13”.

7. Training and Competence

Training and competence are often confused or dealt with as the same thing. They are significantly different and Training is the first step towards Competence.

Training is defined as: *“the action of teaching a person or animal a particular skill or type of behaviour”*
Training can be delivered in-house, through briefings, toolbox talks or formal structured training.

Competence is defined as: *“A competent person is not someone who simply has the competence to carry out a particular task safely. In general terms, the definition of a competent person is someone who has the necessary skills, experience and knowledge to manage health and safety.”*

To be deemed competent sufficient experience is required. You cannot gain experience without practicing that skill, task or operation. On that basis to operate machinery or equipment you should be **trained** as you will never be able to be deemed competent without sufficient experience.

Competence is assessed by employers and formal qualification providers by looking at a range of evidence which may include CV's, training histories and examples of work or tasks completed.

8. Warn the customer about the need for training and / or competence - DIY users

Make sure that your customer understands that only he or she should use the saw. Use by any other person could be viewed as a breach of contract, as well as causing a potential hazard.

It would be advisable to get your customer to sign to this effect.

9. Trained operators – customers at work

Customers who are 'at work' fall under the scope of the Health and Safety at Work etc. Act 1974, and the Provision and Use of Work Equipment Regulations (“PUWER”). This legislation requires that operators of work equipment, including chainsaws, must be trained and those who select and plan works should be competent.

Further, the Approved Code of Practice on PUWER effectively requires that persons using chainsaws for work on a tree, or in a tree, must have had training and have obtained a recognised Certificate of Training or Competence. If they are using a chainsaw at work they have to be trained.

It is your customer's responsibility, as either employer, employee, or self-employed person, to ensure that only competent operators use the saw, and that they have a recognised Certificate of Training or Competence when carrying out work which requires the use of a chainsaw.

Your duty as a hire company does not extend to control over who uses the chain saw when on hire to account customers. You should not attempt to assess individuals as competent. It is not necessary to attempt to restrict supply to Account customers with Certificates of Training or Competence.

What you must do is make sure that your customer fully understands their duty to control the use of the saw, as outlined above.

If you or your customer are unable to follow the procedures and complete the certificate, this indicates that your customer is unlikely to have competent users of chainsaws. In these circumstances, you would be advised not to supply a chainsaw. You may wish to supply an alternative saw which requires a lower level of training or familiarisation on the part of the user, for example an 'alligator' saw.

If you are not using the handover certificate, you should exercise great caution when preparing to supply a chainsaw to a company that does not have obviously competent operators. If you are in any doubt, it would be advisable not to supply the saw.

In all cases when you supply a chainsaw you must make sure that the customer understands the need for competent operators.

10. Restrictions on supply of top handled saws

It is strongly recommended that top-handled chainsaws are not held in a general hire company fleet. They should only be available for hire from companies with appropriate systems to control and restrict their supply.

The BIS and other industry bodies consider it essential to prevent 'leakage' of top handled chainsaws from the professional market to non-competent users. Chainsaw manufacturers and distributors in the UK are voluntarily imposing strict restrictions on the supply of top handled chainsaws, in order to control the risk of inappropriate use and to avoid general action by enforcing authorities

You are strongly advised **not** to make top handled chainsaws generally available. The view held by the Health and Safety Executive and others is that top handled chainsaws are only to be used by competent persons carrying out special tasks when working up in trees. There are therefore two criteria for legitimate supply in addition to normal chainsaw supply criteria:

1. User is competent to use saw for special work in trees
2. Saw will only be used for this work.

Only fully trained professional users would be considered competent to use top handled chainsaws.

A suitable system to restrict supply of top-handled saws to this class of user and usage should therefore be in place. A suitable system would require the customer to demonstrate that they do hold an appropriate Certificate of Competence e.g. LANTRA Awards, NVQ / QCF Formal Qualifications.

11. Provide proper instructions

You must provide adequate instruction in the safe use of the chainsaw. As a minimum, this should be an HAE generic safety instruction leaflet or equivalent. Instructions relating to the job to be carried out should also be supplied when appropriate, for example a relevant HAE safety leaflet.

12. Handover procedure for Cash Customers

Using a saw that is not running, a Cash Customer should be shown:

- the location of the controls and their function
- the hazardous areas on the saw
- a simulation of kick back and the cutting actions which may lead to kick back
- the action of the chain brake
- the correct stance when using the saw, and cutting action
- how to start the saw
- how to stop the saw
- how to avoid blunting the chain
- what to do if the chain becomes blunt

13. Personal protective equipment for chainsaws

A system must be in place so that both Account and cash customers are made aware of the need for appropriate personal protective equipment (PPE). Appropriate PPE should be provided under normal circumstances whenever a chainsaw is hired.

A record of the PPE supplied should be made on the contract. The minimum PPE which should be offered is:

- a) Helmet EN 397.
- b) Face shield EN 166 or chainsaw mesh visor EN1731.
- c) Ear defenders EN 352 ; SNR =25 minimum.
- d) Chainsaw safety mitts EN 381.7
- e) Chainsaw leg protectors giving all-round leg protection EN 381.5.
- f) Chainsaw protective gaiters EN 381.9.

Kits comprising all these items are available from chainsaw manufacturers, we suggest you create a hire code for the kit.

Customers must be advised that they should wear industrial steel toe-capped boots EN 345, in conjunction with the chainsaw protective gaiters.

Customers should be advised that chainsaw protective gaiters are only appropriate where ground conditions present little risk of tripping or snagging on under growth or small stumps. Where such hazards exists, the site needs to be prepared and maintained to reduce tripping risks during the work. Alternatively, they may wear chainsaw protective boots (complying with BS EN 20345) in place of the gaiters and industrial steel toe cap boots.

14. Insurance

There is a serious obligation in law for insured parties to tell their insurers all material facts which may have a bearing on the insurance. If you do not let your insurer know about a particular business activity, you may find that there is no insurance cover provided for it. This means that you would carry the risk yourself, and could find yourself liable for damages to any party suffering loss or injury as a result of the activity.

Hiring chainsaws may be considered by your insurance company to be a special category of risk that requires specific notification to them. It would be advisable to confirm that the procedures you
