

Discipline Case: 2012-06

Subject Members: Registered Professional Forester

Referred to: Complaints Resolution Committee

Date of Decision: March 2013

Allegations

This case resulted from a complaint dated November 19, 2012 from an ABCFP member about the conduct of another ABCFP member. The complainant alleges that the member conducted open burning of logging debris without following the requirements of the Open Burning Smoke Control Regulation (OBSCR) and, specifically, the ventilation index. A ticket was issued for violation of the OBSCR.

Decision

The subject member admitted that he ignited and burned logging slash under conditions that did not meet the ventilation index requirements of the OBSCR. He indicated that he was aware of the requirements of OBSCR and that he initiated burning even though the regulatory requirements were not met. He submits that he had been monitoring the venting indices for several days and felt that he could apply professional reliance in this instance since the venting conditions were improving. He submits that he had watched the venting index steadily improving all week and on the day of the offence the forecast was very close to “good.” This situation was combined with a very good marine weather forecast of north westerly winds of 20-30 knots which suggested that he should assess the situation on site. He submits that the smoke rose immediately and appeared to vent well from the test piles (the member video recorded these test piles to indicate conditions and outcomes).

After discussions between the registrar, the complainant and the subject member, it was agreed that an appropriately worded letter of apology from the subject member would settle this complaint. The subject member has written this letter of apology and it has been accepted by the complainant.

In his letter the subject member made it clear that he made an error in not following the venting index requirements of the OBSCR. He stated that both he and his employer “take the matter of debris burning and smoke management seriously and have been dealing with this issue for over 15 years ... often in locations where there may in fact be a concern for those living in rural areas due to smoke.” He and his employer have “taken steps to reduce this possibility in various ways, one example is the chipping of all residues for hog fuel in a block last year which had many houses close by.” In October 2012 they took the same chipping contractor up to the block in question in the hope he could again chip the residue but, unfortunately the contractor felt the block layout was not conducive to his machinery. The subject member admits that his error in this

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incident was in thinking there was some room for professional judgment. He indicated that he takes his responsibilities seriously. He also acknowledged that the use of professional reliance was not acceptable for determining venting conditions on a site and that in future he will adhere solely to the venting index forecast.

The complainant and the subject member have agreed on the settlement of the complaint and the registrar is of the opinion that they have resolved the matter on a reasonable and appropriate basis.

This case is now closed.