

# Congress of the United States

Washington, DC 20515

April 9, 2024

Assistant Secretary Douglas Parker  
200 Constitution Avenue, NW  
Room Number N3626  
Washington, D.C. 20210

Dear Assistant Secretary Parker,

We write urging the Occupational Safety and Health Administration (OSHA) to promptly issue a proposed federal workplace safety standard for tree care operations (arboriculture).

Tree care workers and industry representatives agree that our tree care industry needs a workplace safety standard: analysis of data from the Bureau of Labor Statistics' Injuries, Illnesses, and Fatalities (IIF) program reveals that tree care workers are 30 times more likely to have a fatal injury than workers in other industries.<sup>1</sup> There is also bipartisan and bicameral support for a new standard and yet the petition for a tree care safety standard has been pending at OSHA since 2006. Rarely do we see such widespread agreement and yet so little action.

OSHA has completed three regulatory initiatives to gather stakeholder feedback in the wake of this petition: an Advance Notice of Proposed Rulemaking in 2008; stakeholders' meetings in 2016; and a Small Business Advocacy Review Panel in 2020. In all three instances, stakeholders across labor and industry have overwhelmingly supported an OSHA rule. The development of a proposed rule for tree care operations, initially scheduled for release in the Spring 2021 Regulatory Agenda, has been subjected to a nearly 2-year delay. Repeatedly, OSHA has set and then missed its own deadlines for issuing this standard, including the most recent deadline outlined in the Fall 2023 regulatory agenda. In light of this, we urge the agency to prioritize the prompt issuance of the proposed rule for tree care operations, and request that by May 3, 2024 you provide a definitive timeline for completing this important rule.

The federal government has recognized that tree care work is inherently dangerous. Recognizing these risks, Federal OSHA maintains an enforcement memorandum specifically for the tree care industry, and OSHA Regions 1, 2, 3, 4, and 9 have Local Emphasis Programs (LEPs) specifically for tree work. Despite federal government awareness of the dangers of tree care work, OSHA

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<sup>1</sup> Ball, J. (2023, April 1). Tree-Work Safety by the Numbers. TCI Magazine. Retrieved from <https://tcimag.tcia.org/tree-care/safety/tree-work-safety-by-the-numbers/>

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currently regulates the industry through a patchwork of policies and standards not calibrated to industry best practices. This leaves workers exposed to potential hazards and results in businesses and OSHA wasting valuable resources on enforcement efforts that may not sufficiently protect the workforce. A crucial example is the current ambiguity around the use of cranes, particularly the practice of elevating and securing an arborist into a tree via the crane access method. Despite the proven safety and long-standing recognition of this method, along with its allowance under four separate state OSHA plan rules, Federal OSHA's guidance fails to explicitly permit using this method.

The lack of clear federal standards contrasts starkly with the more explicit, safety-focused provisions seen in some state plans and industry practices. Therefore, as OSHA works towards a comprehensive standard, it is essential that updated and clear guidelines on crane usage, reflecting the current best practices and safety data, are included.

OSHA has an opportunity to protect workers in a high-hazard industry and has the support of industry workers and employers alike. We urge the Department to move forward as quickly as possible.

Sincerely,



Senator John Hickenlooper  
Chairman  
Subcommittee on Employment and Workplace  
Safety  
Senate Committee on Health, Education, Labor and  
Pensions



Senator Mike Braun  
Ranking Member  
Subcommittee on Employment and Workplace  
Safety  
Senate Committee on Health, Education, Labor and  
Pensions

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Representative Kevin Kiley  
Chairman  
Subcommittee on Workforce Protections  
House Committee on Education and the Workforce



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Representative Alma S. Adams, Ph.D.  
Ranking Member  
Subcommittee on Workforce Protections  
House Committee on Education and the Workforce