

# Tree Care Industry Seeks Workplace Safety Standard



*Industry seeks a clear and consistent OSHA standard to replace existing regulatory patchwork of ill-fitting rules and guidance for other industries*

The Tree Care Industry Association (TCIA) represents approximately 1,400 businesses nationwide that engage in commercial tree care, providing services to residential communities, state and local governments, commercial businesses, and utilities. Collectively, TCIA members employ more than 150,000 people, representing an estimated 75% of all tree care workers in the country.

## **TCIA's Focus on Safety**

Tree care is dangerous work, and TCIA is committed to lowering accident rates and improving worker safety in the industry. In fact, improving industry safety is one of the association's top priorities in its long-term strategic plan and an integral part of the ethics pledge required of all members. To enhance safety in the industry, TCIA launched the Certified Treecare Safety Professional (CTSP) program in 2006. The program is the only safety-credentialing program in the tree care industry and has helped create an industry-wide culture of safety. The program has certified nearly 3,000 safety trainers across the nation. Additionally, TCIA started the Model Company Safety Program in 2001, the precursor to the present-day TCIA Illness and Injury Prevention Program, which provides even the smallest employer with the means to implement a thorough and robust safety and compliance program. Finally, TCIA also launched the Arborist Safety Training Institute (ASTI), which provides grants to fund job and safety training to tree care workers who otherwise may not have access to proper, regular training or workshops.

## **Why We Need a Standard**

TCIA's efforts are unfortunately not enough. Sadly, tree care workers experience fatalities at an annual rate [30 times the all-industry average](#), with at least 56 serious or fatal recorded in the past 12 months alone. Federal and state agencies have also recognized the dangers of tree care work. In fact, the Occupational Safety and Health Administration (OSHA) and the Center for Disease Control and Prevention's National Institute for Occupational Safety and Health have identified the tree care industry as one of the most hazardous in the country. Moreover, OSHA maintains an enforcement memorandum specifically for the tree care industry, and OSHA's Boston, New York City, Philadelphia, Atlanta, and San Francisco Regions have Regional Emphasis Programs (REPs) specifically for tree work.

Despite the widespread recognition of the inherent dangers of tree care work, OSHA largely regulates tree care through a patchwork of standards for industries and workplaces whose operations differ significantly from tree care, including logging and landscaping. Equipped with standards that only peripherally address tree care issues, OSHA inspectors, small businesses, and tree care workers run the risk of overlooking serious work site hazards, which fails to improve worker safety. This dysfunctional approach to compliance and enforcement also wastes government and industry resources and leads to unnecessary litigation against employers in our industry.

OSHA must abandon its ad hoc regulation of the industry and provide a clear, consistent, targeted and effective standard. Fortunately, those working in the industry have created the ideal template of safety

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standards for tree care operations: the ANSI Z133 standard, which was first established in 1972 and routinely updated. Developed through a consensus process by an accredited standards committee representing employers, employees, organized labor, equipment manufacturers, academia, and other relevant stakeholders, ANSI Z133 captures the collective wisdom and experience of the entire profession, translating that body of knowledge into standards of safe practice.

### **A Twenty-Year Bipartisan Effort to Secure a Standard**

TCIA began meeting with OSHA in the late 1990s to discuss the agency's enforcement approach and urged OSHA to focus on hazards specific to our industry. In 1998, the Chairman of the Subcommittee on Workforce Protections sent a letter urging OSHA to "work with the industry to adopt a standard, such as the ANSI standard, which is specific to tree care operations." Over the next decade, OSHA continued to apply inappropriate standards to the tree care industry, so in 2006, TCIA formally petitioned OSHA for a tree care-specific standard. In 2008, OSHA included in the Fall Regulatory Agenda an Advanced Notice of Proposed Rulemaking (ANPRM) for Tree Care Operations. TCIA filed comments on this ANPRM asking the agency to proceed with a proposed rule. Unfortunately, however, no further action was taken by OSHA for over a decade.

After years of inaction, meaningful progress was made during the first Trump Administration when OSHA convened a Small Business Regulatory Enforcement Fairness Act (SBREFA) panel in May 2020.<sup>1</sup> TCIA [filed comments](#) in response to the documents OSHA provided small businesses to review, emphasizing the need for a standard that addresses the unique hazards of tree care work and providing detailed recommendations on scope, application, employee training, and safety procedures. The SBREFA panel concluded with strong recommendations for OSHA to move forward with the tree care operations standard and provided a clear path for OSHA to develop a proposed rule based on industry feedback.

Despite this clear directive and industry support, OSHA has repeatedly delayed issuing a proposed rule. Since first appearing on the Fall 2020 Unified Agenda, the target date for issuing a proposed rule has been postponed eight times, resulting in a **39-month delay** in issuance of the proposed rule. Instead of moving forward with rulemaking specifically addressing the hazards unique to tree care work, OSHA has continued to rely on enforcement guidance to regulate tree care operations that are unfair, ineffective, uninformed, and irresponsible.

### **OSHA Needs Your Encouragement**

TCIA's petition has consistently received bipartisan and bicameral support from Congress. In 2007, 2008, 2009, 2011, and 2024, various Republican and Democratic Senators and Representatives, including those that led the relevant oversight committees at the time, wrote letters to the Secretary of Labor supporting the petition and urging the Department of Labor to move forward with a rulemaking. In [2011](#), [2018](#), and [2024](#), TCIA participated in hearings before the House Education and the Workforce Subcommittee on Workforce Protections to advocate for a separate tree care standard.

TCIA needs Congress' support to ensure OSHA completes the rulemaking process. With a consensus standard to serve as a template and clear recommendations from the SBREFA panel, OSHA is in a position to finalize a rule that will bring regulatory clarity to an industry that has been subject to decades of improper regulation and create safer work practices for our industry's workers. TCIA strongly urges Congress to ensure OSHA prioritizes the prompt issuance of the proposed rule for the tree care industry.

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<sup>1</sup> Small Business Regulatory Enforcement Fairness Act (SBREFA) Panel for the Occupational Safety and Health Administration, Docket No. OSHA-2008-0012, Report Date: June 11, 2020.  
<https://www.regulations.gov/document/OSHA-2008-0012-0112>