

**General guidance to the respondent:**

1. Don't feel compelled to try and answer every question that OSHA has asked. Peruse this list and select those topics that you feel are most important to you or your company.
2. You do not need to include the text of the questions in your response but you are free to do so if you feel it adds clarity for the reader.
3. Pay particular attention to any information in [brackets] below. This is intended as guidance for drafting a response and must not remain in your letter.
4. Make the responses your own by changing words and embellishing with your company's unique experiences and practices.
5. Documents must be sent to OSHA (emailed, faxed or postmarked) no later than Wednesday, December 17, 2008.
6. If time permits, we will be happy to review and comment on your draft correspondence. Please send drafts via e-mail to [peter@tcia.org](mailto:peter@tcia.org) on or before 5 pm EST on Monday, December 15. You will receive an e-mail response.

**Portable Powered Hand Tools, Ladders, and Other Tools and Equipment**

1. Q: What portable powered hand tools (for example, chain saws, and powered pole-mounted tools), ladders, and other tools (for example, cant hooks, chisels, chopping tools, and tongs) and equipment (for example, rope, climbing equipment, and wedges) does your company or industry use to perform tree care operations? What workplace safety practices has your company or industry implemented to protect employees who use or work near portable powered hand tools, chains saws, ladders, and other tools and equipment? What type of training does your company or industry provide to employees before they are permitted to operate portable powered hand tools, and other tools and equipment? Which employees receive training and how frequently? What provisions and requirements should a standard specific to tree care operations include to protect employees operating portable powered hand tools, and other tools and equipment?

A: Our company certainly uses a wide array of hand tools, ladders, ropes, etc. The arborist's climbing system and its safe use merits separate attention. ANSI Z133.1-2006, Sections 6 and 7, adequately defines and discusses the portable power tools and the portable hand tools that our employees use. We use mostly on-the-job, hands-on training with the tool in question until the employee demonstrates proficiency with that tool. We will coach and/or re-train when we see unsafe behavior in connection with the use of a particular piece of equipment.

2. Q: What types of chain saws does your company or industry use to cut tree branches and trunks? What controls and safety mechanisms do these tools and equipment have to protect employees from accidents, injuries, and fatalities? What type of kickback protections or other safety mechanisms do the chain saws have to protect employees from being cut or otherwise injured? What do these controls and safety mechanisms cost?

A: Our company uses chain saws for three basic tasks, and this guides the bar length and the power the saw requires. Workers aloft, i.e., in aerial lifts or climbing, will typically use a small, lightweight “top-handled” saw to either prune or remove limbs. Top-handled refers to the fact that the rear handle and throttle trigger are mounted directly over the power plant, giving the saw a different center of balance. This so-called “climbing saw” typically has a 14 or 16-inch guide bar.

Our saw operators on the ground typically use a mid-size saw with a 16 to 20-inch guide bar for cutting up tree sections on the ground and/or to remove smaller trees. Occasionally the mid-size saws get used by the worker aloft on a big removal.

Once in awhile, the crews have to use a really big saw, with a guide bar longer than 20 inches, to make the final cut on a big tree or to flush a stump.

One protection that all these saws have is an inertial chain brake. This is a device that is automatically and instantaneously actuated when the saw kicks back, stopping the cutters immediately. It can also be activated by the operator, as it typically is when the saw is being started or being carried short distances with the motor running.

Most of the saws we operate, especially the smaller saws, are equipped with at least one other feature to reduce kickback. Common examples include reduced kickback saw chain or small-radius bar tips.

We do not consider the cost of these features when we buy a saw, nor do we even know what these costs are. These are standard features on the saws we use.

3. Q: What PPE (for example, cut-resistant leg protection, head protection, and eye and face protection, etc.) does your company or industry provide to protect employees who use or work near portable powered hand tools, and other tools and equipment? While operating or working near vehicles or mobile equipment, or chipper operations? Which employees receive PPE, what PPE do you pay for, and what does it cost? Which employees receive PPE, what PPE do you pay for, and what does it cost? What fall protection or other personal protective equipment (PPE) does your company provide to protect employees performing or working near tree trimming and/or removal operations, including performing tree operations from aerial lifts? Which employees receive PPE, what PPE do you pay for, and what does it cost?

A: Our company has a long-standing practice of training employees about the specific operations that require PPE, providing that PPE at no cost to the employee, training the employee on how to care for and use the PPE and finally, enforcing our PPE policy.

As a general rule, we don't provide or pay for certain items that some might consider PPE but that are personal in nature. Examples include work clothing and boots.

[Responder may wish to insert a comment about their specific policy on work boots, on clothing allowances, etc.].

Our industry's standard calls for hard hats and eye protection to be worn for all "arboricultural operations" and that is our policy as well. Likewise, our industry standard requires chain saw operators on the ground to wear leg protection, so we provide and require the use of chain saw chaps. Finally, our workers are exposed to potentially harmful levels of noise when running brush chippers and chain saws, so we provide different styles of hearing protection and require our employees to pick their favorite and use it.

For employees exposed to the hazards of vehicular traffic we provide and require the use of Class 2 (or Class 3) reflective vests or the equivalent protection.

Employees operating aerial lifts must wear fall protection at all times. [Describe what form of fall protection you provide for aerial lift operators; i.e., full body harness and fall arrest lanyard, or body belt and lanyard, or both]

Our arborists' climbing gear should be considered to be personal protective equipment. Our company provides ropes, climbing saddles and personal lanyards that are specifically designed for the requirements of tree work. We experience a lot of personal preferences for certain pieces of gear and so [we provide a gear "allowance" and] allow our climbers to purchase and/or use their own personal climbing gear, so long as it meets all criteria for climbing gear and it is in serviceable condition.

[Respondent may wish to add information about what the PPE and climbing gear costs]

## **Vehicles & Mobile Equipment**

1. Q: What types of controls and safety mechanisms do vehicles and mobile equipment have to protect employees operating these vehicles or mobile equipment? For example, does your company or industry use vehicles and mobile equipment that are equipped with safety equipment such as seat belts and falling object protective systems (FOPS)? What do these controls and safety mechanisms cost?

A: All our over-the-road vehicles are equipped with seat belts and have been for some time. We require employees to use their seat belts when the vehicle is in operation, consistent with ANSI Z133.1 paragraph 5.1.8 [Seat belt use is required by State law anyway.] Our aerial lifts come equipped from the manufacturer with cab guards (headache racks) that protects any occupants from falling limbs. [Describe any other equipment that has Falling Object Protective Systems, or FOPS].

2. Q: What workplace safety practices (for example, traffic cones and signs and traffic direction) has your company or industry implemented to protect employees operating or working near vehicles or mobile equipment? What safety work practices and

procedures has your company or industry implemented at jobsites to protect employees from on-road vehicular traffic in the area?

Our company follows the guidance in [the federal/our State's] DOT Manual on Uniform Traffic Control Devices, or MUTCD, as prescribed in ANSI Z133.1, Section 3.2.

3. Q: What training does your company or industry provide for employees who operate vehicles or mobile equipment for tree care operations? Which employees receive training and how frequently?

A: Our training regimen on vehicle/mobile equipment operation can vary quite a bit, depending on the individual employee's aptitude and previous experiences. The bottom line for us is that the employee can demonstrate proficiency operating the equipment and that they have the appropriate licenses, permits or certification to operate it, depending upon the equipment in question.

4. Q: What provisions and requirements should a standard specific to tree care operations include to protect employees operating or working near vehicles and mobile equipment? For example, should a standard require that employers use mobile equipment that is equipped with FOPS and seat belts?

A: We feel it would be arbitrary for the standard that OSHA proposes to prescribe seat belts, FOPS and/or ROPS for all mobile equipment, as this question from OSHA implies. We prefer to see this standard remain largely performance-based and to emphasize safe behaviors. So it would be appropriate for the standard to require seat belt use when they have been provided in the vehicle, or to admonish the user to maintain ROPS/FOPS in serviceable condition and to not allow the equipment to be placed in service if the protection has been rendered unserviceable or removed, if protection is provided on the equipment.

5. Q: What types of safety mechanisms (for example, safety control bar and hood locks or latches) do chippers have to prevent employees from being pulled into the machine or otherwise injured? What types of safety mechanisms do your chippers have and what do they cost? What types of controls (for example, wooden push sticks) and workplace safety practices has your company or industry implemented to protect employees operating or working near chippers? What training does your company or industry provide for employees who perform or work near chipper operations? Which employees receive training and how frequently? What requirements should a standard include to protect employees operating or working near chippers? For example, should a standard require that employers use chippers equipped with safety control bars?

A: In our experience, there are two basic types of brush chipper. Some have powered feed wheels that pull the brush into the cutting head, and some require that the brush be thrown directly into the cutting mechanism. All self-feeding chippers have to have

some mechanism to stop or to reverse the feed wheels, and all non-self-feeding chippers need some sort of shroud to protect the operator from small pieces of wood kicked out of the chipper blades. All chippers have an infeed chute (or feed bed) that is sufficiently long to prevent the operator from contacting any nip point. Beyond these basics, different manufacturers offer a variety of proprietary safety devices and frankly, we don't have the experience to tell OSHA whether any one of them works better than another. The chipper operator or owner should be obligated to keep the chipper, including its safety devices and guards, in serviceable condition and to not alter or remove the devices/guards. The chipper operator must NEVER place his hands or feet into the infeed chute while the machine is in operation. The operator or other workers must never open or remove any guards or access panels unless all moving parts of the chipper have come to a complete stop. Section 5.3 of ANSI Z133 – 2006 provides appropriate guidance for chipper operation.

### **General Workplace Safety Practices and Procedures**

1. Q: What controls and work safety practices has your company or industry implemented to protect employees performing or working near tree trimming and/or tree removal operations? What provisions and requirements should a standard include to protect employees from hazards in tree trimming and/or removal operations?

A: In our estimation, general workplace safety requirements are addressed very well in ANSI Z133.1-2006 Section 3 – GENERAL SAFETY REQUIREMENTS

2. Q: What workplace safety practices and procedures has your company or industry implemented to address environmental conditions (for example, thunderstorms, high winds, snow, and ice) that may pose a risk to employees?

A: Our company policy is that work is suspended when weather conditions make the work unduly hazardous. Employees receive training to recognize and avoid the unusual hazards that may exist in the aftermath of a storm; such as downed electrical conductors, trees lying on conductors, trees that have been rendered hazardous by storm damage, etc.

3. Q: What type of accident, near-miss, injury, and fatality records does your company or industry keep and analyze and to what extent does your company use these records to improve workplace safety and health practices or programs?

Our company [is/is not] large enough to be required to maintain an OSHA Log and Summary of occupational illnesses and injuries. We have a policy for reporting and investigation of close-calls as well as accidents, and these incidents become the topic of our regularly scheduled safety meetings and tailgate (toolbox) trainings.

### **Training**

1. Q: What training does your company or industry provide to employees about safe performance of tree care operations? Which employees receive training and how frequently? What does the training cost? What is the content of that training? Please

describe in detail and submit a copy of training materials. What training, if any, does your company provide for temporary employees, including day laborers? What is the content of that training and in what language is it provided? Please describe in detail and submit a copy of training materials. To what extent does your company or companies in your industry hold regular safety meetings (for example, toolbox talks)? What do those safety meetings cover and how frequently are they held? What training requirements should a standard include to protect employees performing tree care operations? Should a standard require that employers train all employees, including temporary employees and day laborers, before permitting them to perform tree care operations or related tasks?

A: It is difficult to make generalizations about our training. Most of it occurs on the job, and the goal of our training is to have the employee be able to demonstrate proficiency in accepted, safe work practices for the task in question. [Respondents should respond with more detail on their respective training programs if they choose.]

### **Medical Services and First Aid**

1. Q: What procedures has your company or industry implemented to ensure that injured employees receive timely and effective first aid and cardiopulmonary resuscitation (CPR) if they are injured? What first aid and CPR training does your company or industry provide to employees? Which employees receive training and how frequently? How much does the training cost? If training is not provided, what alternatives are in place to ensure that employees receive timely first aid and CPR?

A: [The respondent needs to keep in mind that for general industry (most of us), the current OSHA requirement is to have at least one first aid-trained individual per crew, in the absence of medical facilities in “near proximity” to the workplace. For line clearance contractors, the requirement is at least two trained individuals on a crew of two or more.]

2. Q: Does your company or industry have first aid kits at the workplace in the event an employee is injured? How many kits do you provide, where are they located, and what types of supplies do they contain? What do the first aid kits and supplies cost?

A: We maintain first aid kits with contents appropriate for our work environment on all our work vehicles. [Provide detail on contents and cost]

3. Q: What requirements should a standard contain to address medical services, including first aid and CPR, to help employees who are injured during tree care operations? For example, should a standard include provisions requiring the employees have CPR training or that employers have an automated external defibrillator at the workplace?

A: The existing OSHA standards, 29 CFR §1910.151 or §1910.269, provide adequate guidance on medical services. OSHA should give strong consideration to the

guidance of ANSI Z133.1-2006, Section 3.3 as well as Annex F in regard to emergency response and aerial rescue readiness.

### **National Consensus Standards**

1. Q: To what extent has your company or industry implemented the provisions and requirements in the ANSI Z133.1 standard and what were the costs? Please explain in detail. What provisions or requirements in ANSI Z133.1 have been most effective in reducing injuries and fatalities at your company or in the industry? What provisions in the ANSI Z133.1 standard, if any, have been difficult to implement at your company or in the industry?

A: We believe that our operations are fully compliant with ANSI Z133. [Responders can enumerate what they think the costs of compliance are; or another way to respond is to assert that the company has never considered the cost because non-compliance is an unacceptable alternative.]

2. Q: What provisions or requirements in ANSI Z133.1 should OSHA include or not include in a standard on tree care operations? Please explain.

A: It is all important, as our industry has spent years working together to articulate in writing how our industry can proceed to be safest in a variety of working circumstances.

3. Q: What provisions or requirements in other national consensus standards should OSHA include in a standard on tree care operations?

A: We are not aware of other standards that OSHA should study.

### **Economic Impacts**

1. Q: What are the potential economic impacts associated with the promulgation of a standard to control hazards and reduce injuries and fatalities in tree care operations? Describe those impacts in terms of benefits from reduction in the number or severity of injuries and from changes in the costs of controls, medical costs, and training; effects on revenue and profit; and any other relevant impact measure. To the extent possible, quantify or provide examples of costs (for example, dollar estimates for controls). What changes, if any, in market conditions would reasonably be expected to result from the promulgation of a standard on tree care operations? Describe any changes in market structure or concentration, and any effects on services that would reasonably be expected.

A: We operate out of a moral imperative to have all our workers return from work every day in the same – or better – physical condition as when they left. [Respondent is going to have to embellish with details of how much safety can save them on insurance costs, or with increased productivity, morale, etc.]