



# OSHA REGIONAL NOTICE

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

**DIRECTIVE NUMBER:** CPL 04-00 (LEP 026) **EFFECTIVE DATE:** October 1, 2014

**SUBJECT:** Local Emphasis Program for Tree Trimming Operations

**REGIONAL IDENTIFIER:** Region V

## ABSTRACT

**Purpose:** The purpose of this Notice is to establish a Local Emphasis Program to reduce workplace fatalities in the tree trimming industry (NAICS code 561730).

- References:**
- A) U.S. Department of Labor, Occupational Safety and Health Administration: Region V Occupational Fatality Study FY 2007-FY 2011, August 24, 2012
  - B) OSHA Instruction CPL 02-01-038, Enforcement of the Electrical Power Generation, Transmission and Distribution Standard, June 18, 2003
  - C) OSHA Instruction CPL 02-01-045, Citation Guidance Related to Tree Care and Tree Removal Operations, August 21, 2008
  - D) OSHA Instruction CPL 02-02-069, Enforcement of the Occupational Exposure to Bloodborne Pathogens, November 17, 2001
  - E) OSHA Instruction CPL 02-01-022, Logging Operations, Inspection Procedures and Interpretive Guidelines Including Twelve Previously Stayed Provisions, September 27, 1996
  - F) Enforcement Policy Regarding Arborists, SIC 0783 (Ornamental Shrub and Tree Services) memorandum, July1, 1998
  - G) OSHA Instruction CSP 01-01-028, Electric Power Generation, Transmission and Distribution: Electrical Protective Equipment: Final Rule, April 15, 1994
  - H) OSHA Instruction STD 01-16-007, Electrical Safety- Related Work Practices—Inspection Procedures and Interpretation

Guidelines, July 1, 1991

I) OSHA's Industry Profile for Industry Group 078, Landscape and Horticultural Services

J) OSHA Instruction CPL 02-00-051, Enforcement Exemptions and Limitations Under the Appropriations Act, May 27, 2014

K) OSHA Instruction CPL 04-00-001, Procedures for Approval of Local Emphasis Programs(LEPs), November 10, 1999

L) OSHA Instruction CPL 02-00-150, Field Operations Manual (FOM), April 22, 2011

M) OSHA Instruction CPL 02-00-111, Citation Policy for Paperwork and Written Requirement Violations, November 27, 1995

N) OSHA Instruction CPL 02-00-155, Inspection Scheduling for Construction, September 6, 2013

O) OSHA Fact Sheet- Tree Trimming Safety

P) OSHA Safety and Health Topics – Tree Care Industry

**Action Offices:** Ohio and Illinois Area Offices

**Originating Office:** Cleveland OSHA Office

**Contact:** U.S. Department of Labor-OSHA  
Enforcement Programs  
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**By and Under the Authority of:**

  
Nick A. Walters  
Regional Administrator

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- I. **Purpose.** The purpose of this Notice is to continue a Local Emphasis Program to reduce the fatal accident rate for the Tree Trimming Industry
- II. **Scope.** Ohio and Illinois Area Offices
- III. **References.**
  1. U. S. Department of Labor, Occupational Safety and Health Administration: Region V Occupational Fatality Study FY 2007-FY2011, August 24, 2012
  2. OSHA Instruction CPL 02-01-038, Enforcement of the Electric Power Generation, Transmission and Distribution Standard, June 18, 2003
  3. OSHA Instruction CPL 02-01-045, August 21, 2011, Citation Guidance Related to Tree Care and Tree Removal Operations, August 21, 2011
  4. OSHA Instruction CPL 02-02-069, Enforcement of the Occupational Exposure to Bloodborne Pathogens, November 17, 2001
  5. OSHA Instruction CPL 02-01-022, Logging Operations, Inspection Procedures and Interpretive Guidance Including Twelve Previously Stayed Provisions, September 27, 1996
  6. Enforcement Policy Regarding Arborists, SIC 0783 (Ornamental Shrub and Tree Services) memorandum, July 1, 1998
  7. OSHA Instruction CSP 01-01-028, Electric Power Generation, Transmission and Distribution; Electrical Protective Equipment; Final Rule, April 15, 1994
  8. OSHA Instruction STD 01-16-007, Electrical Safety-Related Work Practices -- Inspection Procedures and Interpretation Guidelines, July 1, 1991
  9. OSHA's Industry Profile for Industry Group 078, Landscape and Horticultural Services
  10. OSHA Instruction CPL 02-00-051, Enforcement Exemptions and Limitations Under the Appropriations Act, May 27, 2014
  11. OSHA Instruction CPL 04-00-001, Procedures for Approval of Local Emphasis Programs (LEPs), November 10, 1999
  12. OSHA Instruction CPL 02-00-150, Field Operations Manual (FOM), April 22, 2011
  13. OSHA Instruction CPL 02-00-155, Inspection Scheduling for Construction, September 6, 2013

14. OSHA Fact Sheet-Tree Trimming Safety

15. Safety and Health Topics-Tree Care Industry

IV. **Expiration Date.** This Notice expires September 30, 2015.

V. **Action.** OSHA compliance personnel shall follow the procedures contained in this Notice when conducting outreach and enforcement activities.

VI. **Background.** The NAICS code 561730, Landscape and Horticultural Services, has been identified as a focus industry for reducing the workplace fatality rate based on statistics from the U. S. Department of Labor, Occupational Safety and Health Administration-Region V Occupational Fatality Study of Fiscal Years (FY) 2007 through 2011. Based on this analysis, there were 22 fatalities related to tree trimming operations, including 11 in Ohio and nine in Illinois during this five year period. There has been a 43% increase in fatalities in Region V in this industry from 2007 to 2011 with Ohio and Illinois accounting for 91 percent of all these fatal accidents.

In FY-2011, there were eight workplace fatalities in this NAICS code, with five occurring in Ohio and three in Illinois. The four leading causes of these accidents were listed as struck-by (45%), falls from elevations (32%), caught-in or between (10%), and electrical shock (5%). These accidents involved workers being struck by falling trees and limbs in addition to motorized equipment; falls from trees and ladders; caught in chippers; and electrical shock while working in the vicinity of overhead power lines. This data shows that landscaping, specifically tree trimming operations, is a dangerous occupation with several hazards identified in OSHA's focus four (i.e., Falls, Caught-in or Between, Struck-by, and Electrocution).

Based on this inspection data, there is a need for Region V to continue its inspections at landscaping operations, specifically tree trimming operations, to reduce the fatal accident rate in this industry.

VII. **Program Procedures.**

A. An inspection targeting system which encompasses identification of sites at the beginning of the quarter and the random selection of sites is not practical. Hazards related to fatalities at sites are normally transient and of limited duration. The Area Director shall determine, as part of the annual plan, the projected number of inspections to be conducted under this LEP during the Fiscal Year. Compliance Safety and Health Officers (CSHOs) shall, while traveling during the course of their work-day, be watchful for work activities where employees may be exposed to hazardous conditions while performing tree trimming operations. The CSHO seeing such work activity shall notify the Area Office to obtain authorization from the Area Director or Team Leader to begin an immediate inspection. Approval to start an inspection will normally be granted to the CSHO, provided that this activity does not conflict with higher priority inspection activity.

- B. If the CSHO has no readily available means to contact the Area Office, or is otherwise unable to reach Area Office personnel who can authorize the inspection, the CSHO will initiate a limited scope inspection, provided this activity will not interfere with higher priority inspections or assignments. The CSHO will give highest priority to preventing further employee exposure to the hazards observed. The CSHO shall notify the Area Office management of the inspection as soon as possible.
- C. Whenever an inspection is begun under this LEP, the CSHO will include in the case file narrative a description of the circumstances which resulted in discovery of the work activity that was the basis of the inspection. In cases where authorization was not obtained, an explanation shall be included as to the circumstances.

VIII. **Compliance Officer Protection.**

- A. Prior to conducting the inspection, the Area Director shall ensure the Compliance Safety and Health Officer (CSHO) has the necessary safety and health expertise to evaluate safety and health hazards which they may potentially be exposed to during their inspections. Compliance Officers should review the OSHA fact sheet for Tree Trimming Safety to familiarize themselves with the common hazards associated with this industry.
- B. The Area Director will also ensure the Compliance Officer has the necessary personal protective equipment (PPE) to conduct the inspection, including but not limited to: hard hat, safety glasses, hearing protection, safety footwear and reflective vest.
- C. Prior to initiating the walk around, the Compliance Officer will ask the employer about any unusual hazards or special circumstances that would require specific personal protective equipment (PPE) beyond that addressed in the OSHA fact sheet for Tree Trimming Safety.
- D. The CSHO will not place themselves in potentially hazardous situations or perform any activities which would require the CSHO to perform lockout/tagout for protection. **Under no circumstances is a CSHO to enter the area immediately below active line clearance tree trimming activities.** In cases where such conditions are encountered, all necessary information should be sought in other manners, including private employee interviews, witness statements, engineering drawings, manufacturing specifications/manuals, video, photo, etc.

## **IX. Recording in OIS.**

Instructions for completing the appropriate inspection classification on the OIS inspection form (formerly the OSHA 1) shall be applied when recording inspections conducted under the LEP as follows:

- A. Under the OIS Inspection tab: Initiating Type shall be marked as "Programmed Planned" in the pull down menu.
- B. Under the OIS Inspection tab: Local Emphasis Program shall be marked as "LANDSCPE" in the pull down menu.
- C. Compliance Officer referrals are to be recorded as "Programmed Planned" inspections. Complaints, referrals from sources such as police departments or fire departments, fatality/catastrophe, and follow-up inspections shall be appropriately recorded as "Unprogrammed Activity" and marked as "LANDSCPE" in the Local Emphasis Program pull down menu.

## **X. Outreach.**

All covered Area Offices will discuss this LEP during outreach activities, such as speeches and training sessions. The outreach will inform stakeholders of the existence, purpose and objectives of this Local Emphasis Program as well as to promote employer and employee awareness of hazards associated with tree trimming operations.

## **XI. Evaluation Procedures.**

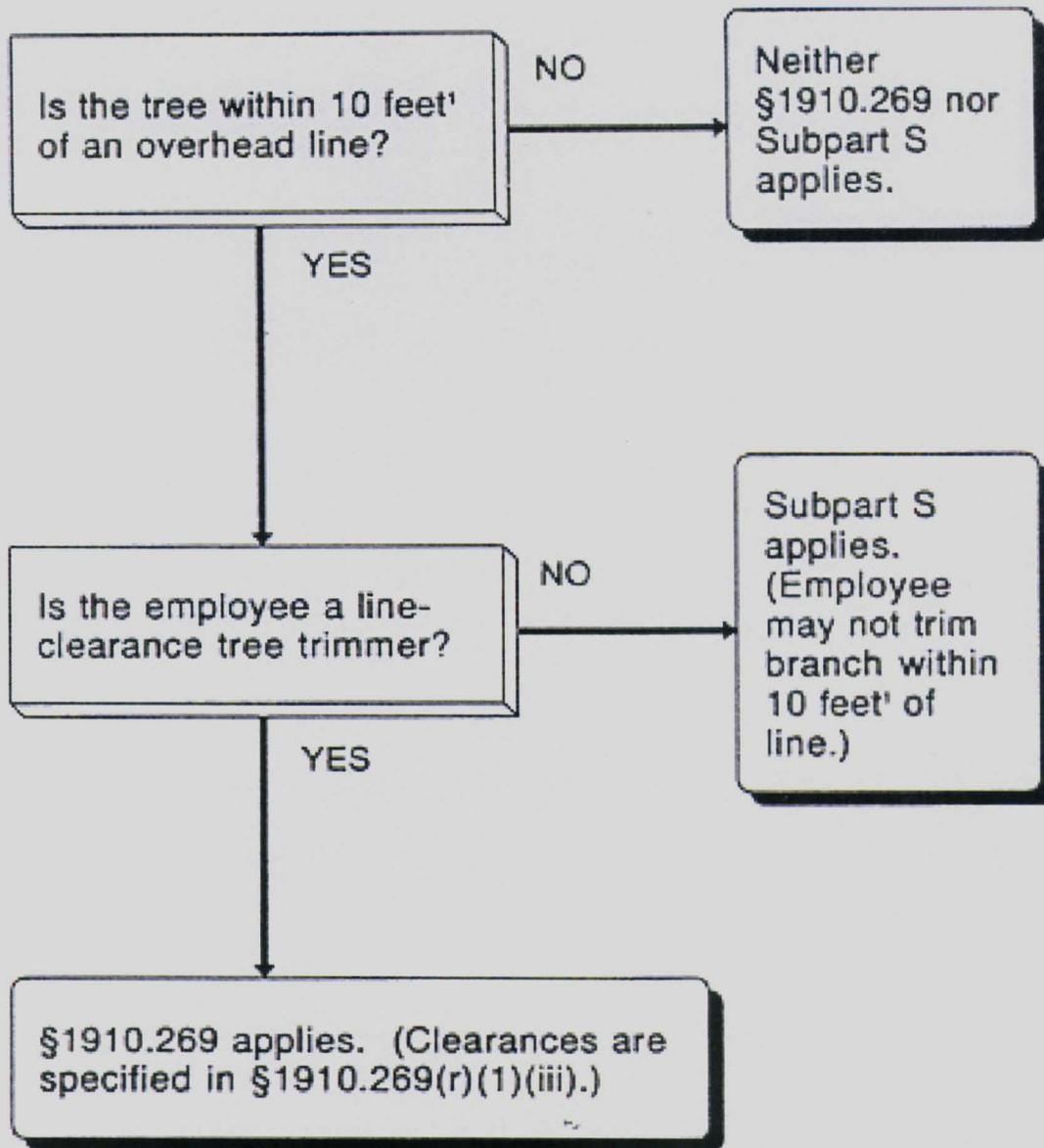
It is important that this program be evaluated in a timely manner in order to assess its potential future value and to make any necessary modifications. The Area Director of each Area Office covered by this LEP will prepare a brief description of the inspections, interventions conducted, a summary of results of the inspections and interventions, and an evaluation of the entire program, based in part on OSHA Instruction CPL 04-00-001, Appendix A. The Cleveland Area Office will collect the evaluations from the Ohio and Illinois Area Offices and prepare a final evaluation. The final evaluation must be submitted to the Regional Administrator by September 8 of each year. The evaluation must address the LEP's role in meeting goals of OSHA's Strategic Plan, such as:

- Change in the number of fatalities related to landscaping/tree trimming operations on a Fiscal Year basis
- The number of outreach sessions conducted by OSHA concerning landscaping/tree trimming operations hazards
- The number of Partnerships and/or Alliances established dealing with landscaping/tree trimming operations hazards
- The number of outreach sessions conducted by Partnered Employers concerning landscaping/tree trimming operations hazards

**Other enforcement statistics will include the following:**

- Number of LEP inspections
- Number of LEP interventions
- Number of LEP in-compliance inspections
- Number of violations related to specific LEP targeted hazards
- Percent of total violations cited serious, repeat, and willful during LEP inspections
- Total penalties assessed during LEP inspections
- Percent of LEP inspections that were contested
- Number of significant LEP cases
- Average violations per LEP inspection

**APPENDIX A – Standard Applicability Flow Chart**



\* 10 feet plus 4 inches for every 10 kilovolts over 50 kilovolts.

**APPENDIX B - Minimum Approach Distances (MADs) for Qualified Workers**

1910.269(r)(1)(iii) Line-clearance tree trimmers shall maintain the minimum approach distances from energized conductors given in Table R-6, Table R-9, and Table R-10.

*Table R-6 Minimum Approach Distance*

<i>Nominal voltage in kilovolts phase to phase</i>	<i>Distance Phase to Ground exposure</i>		<i>Distance Phase to Phase exposure</i>	
	<i>Ft-in</i>	<i>m</i>	<i>Ft-in</i>	<i>m</i>
<i>0.05 to 1</i>	<i>Avoid contact</i>	<i>Avoid contact</i>	<i>Avoid contact</i>	<i>Avoid contact</i>
<i>1.1 to 15</i>	<i>2-1</i>	<i>0.64</i>	<i>2-7</i>	<i>0.66</i>
<i>15.1 to 36</i>	<i>2-4</i>	<i>0.72</i>	<i>2-7</i>	<i>0.77</i>
<i>36.1 to 46</i>	<i>2-7</i>	<i>0.77</i>	<i>2-10</i>	<i>0.85</i>
<i>46.1 to 72.5</i>	<i>3-0</i>	<i>0.90</i>	<i>3-6</i>	<i>1.05</i>
<i>72.6 to 121</i>	<i>3-2</i>	<i>0.95</i>	<i>4-3</i>	<i>1.29</i>
<i>138 to 145</i>	<i>3-7</i>	<i>1.09</i>	<i>4-11</i>	<i>1.50</i>
<i>161 to 169</i>	<i>4-0</i>	<i>1.22</i>	<i>5-8</i>	<i>1.71</i>
<i>230 to 242</i>	<i>5-3</i>	<i>1.59</i>	<i>7-6</i>	<i>2.27</i>
<i>345 to 362</i>	<i>8-6</i>	<i>2.59</i>	<i>12-6</i>	<i>3.80</i>
<i>500 to 550</i>	<i>11-3</i>	<i>3.42</i>	<i>18-1</i>	<i>5.50</i>
<i>765 to 800</i>	<i>14-11</i>	<i>4.53</i>	<i>26-0</i>	<i>7.91</i>

*Footnote(1) These distances take into consideration the highest switching surge an employee will be exposed to on any system with air as the insulating medium and the maximum voltages shown. Footnote(2) The clear live-line tool distance shall equal or exceed the values for the indicated voltage ranges. Footnote(3) See Appendix B to this section for information on how the minimum approach distances listed in the tables were derived.*

## APPENDIX C – Live Line Tool Testing Job Aid

Live line tools are address in CFR 1910.269(j).

