



September 26, 2023

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The Honorable Kevin Kiley
Chair
Subcommittee on Workforce
Protections
House Education and the
Workforce Committee
2176 Rayburn House Office
Building
Washington, DC 20515

The Honorable Alma Adams
Ranking Member
Subcommittee on Workforce
Protections
House Education and the
Workforce Committee
2436 Rayburn House Office
Building
Washington, DC 20515

Dear Chair Kiley and Ranking Member Adams:

On behalf of the Tree Care Industry Association (TCIA), I write to express gratitude for the Subcommittee's commitment to evaluating the policies and priorities of the Occupational Safety and Health Administration (OSHA). As the Subcommittee prepares for its forthcoming oversight hearing, I would like to note a pressing concern for our members – the continued delay of OSHA's tree care operations rulemaking. Previously, both Republican and Democrat lawmakers have weighed in on the issue, and we ask for your support to ensure this safety standard continues to be a priority of the agency, as any further delay threatens the safety of arborists nationwide.

The Tree Care Industry Association (TCIA) represents approximately 1,600 businesses nationwide that engage in commercial tree care and provide services to residential communities, state and local governments, commercial businesses, and utilities. Collectively, TCIA members employ more than 150,000 people, an estimated 75% of all tree care workers in the country. They work tirelessly across the United States, safeguarding homeowners, businesses, and communities from hazards that threaten critical infrastructure, such as powerlines and roadways. Our members are essential first responders to natural disasters—hurricanes, winter storms, tornados—that impact communities and play a pivotal role in preserving the beauty and health of our natural spaces.

However, tree care is a high-hazard industry. An analysis of data from the Bureau of Labor Statistics' (BLS) Injuries, Illnesses, and Fatalities (IIF) program reveals a fatality rate of 110 per 100,000 tree trimmers and pruners, approximately 30 times higher than the all-industry average, placing our industry among the most hazardous occupations in the country. As a result, improving worker 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.

Central to improving workplace safety has been the development of a safety standard for tree care operations: the ANSI Z133 standard. 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.

Unfortunately, despite widespread recognition of inherent dangers, OSHA still regulates our industry through a patchwork of standards intended for other industries whose operations differ significantly from tree care. As a result of this haphazard approach, OSHA inspectors, employers, and tree care workers risk overlooking serious work site hazards or misidentifying practices and procedures that best mitigate the risk of work-related injuries.

In order to rectify this situation and better protect tree care workers, TCIA and its members have met with OSHA since the late 1990s to urge the agency to establish a workplace safety standard focused on hazards specific to the tree care industry. TCIA formally petitioned OSHA for such a tree-care-specific standard in 2006, and the agency published an Advance Notice of Proposed Rulemaking in 2008. While TCIA pushed relentlessly for OSHA to move forward with the rulemaking process, progress stalled until the summer of 2016, when OSHA held a stakeholder meeting to gather additional input on a proposed standard.

Since then, OSHA has moved the needle forward—convening and completing a Small Business Advocacy Review panel in Spring 2020—but issuance of a proposed standard keeps getting pushed for other priorities. While a proposed tree care standard has appeared on the Unified Agenda and Regulatory Plan since the Fall 2020 edition, the target date for its issuance has been delayed in five subsequent editions from October 2021 to December 2023 (26 months). These delays are not without consequences to workers in our industry. To put the impact of these delays in perspective, TCIA documented 59 severe or fatal tree-care occupational incidents in CY 2022, and my professional experience suggests that 40 of those 59 incidents are not specifically addressed by existing OSHA rules but would be addressed by a specific tree care standard.

To avoid further delays, the tree care industry needs your help encouraging OSHA to meet its target date and move forward with the rulemaking process. Congress has weighed in on the issue in the past with bicameral and bipartisan [letters](#) supporting TCIA's rulemaking petition and urging OSHA to move forward with a rulemaking.

We strongly urge you to help ensure OSHA continues its forward progress.

Sincerely,

A handwritten signature in black ink that reads "Peter Gerstenberger". The signature is written in a cursive, flowing style.

Peter Gerstenberger
Senior Vice President | Industry Support
TCIA