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**TESTIMONY OF THE TREE CARE INDUSTRY ASSOCIATION REGARDING
OSHA'S NEGOTIATED RULE MAKING PROCESS FOR CRANE AND
DERRICK USE
SUBMITTED BY MS. CYNTHIA MILLS AND MR. STEPHEN CHISHOLM ON
BEHALF OF THE TREE CARE INDUSTRY
ASSOCIATION**

Docket # S030

Members of the Crane & Derrick Negotiated Rulemaking Advisory Committee:

The Tree Care Industry Association is a trade organization representing over twenty-three hundred (2300) tree care firms and affiliated businesses in the tree care industry nationwide. For years, we have been studying data, helping to educate industry members and government agencies, such as OSHA, and coordinating the efforts of the tree care industry with other industries as it relates to crane use in arboriculture. It is our sincere hope is that our knowledge and experience of crane use in arboriculture can be of assistance to this Committee in the creation of these important changes to the regulations which you are working on.

First, The Tree Care Industry Association would like to state that it fully supports this Committee's efforts in creating improvements in the current regulations which will serve to enhance the safety of crane operations within the construction, as well as in other industries. The Tree Care Industry Association simply wishes to provide this Committee with important information regarding crane use in our industry.

To provide some background information, in the State of New Jersey, where the Chair of our safety committee operates a tree care business, there are approximately one thousand (1000) tree care companies. Throughout the United States there are tens of thousands.

Data from surveys of our membership suggest that over half of tree care firms throughout the United States utilize cranes in the performance of hazardous tree removal projects. As such, the Tree Care Industry Association's safety committee has been diligently working on the issue of crane safety during tree removal with many different organizations throughout the United States.

We recognize that the present Committee is involved in a negotiated rule-making process regarding crane use in the Construction Standard; however, it is important to understand that 1) there is some indication from OSHA that crane use during tree care operations on a construction site may fall under this regulation, and 2) our industry does feel that it is probable that the crane regulation within the General Industry Standard may also be revised to reflect the work which this Committee has accomplished. In either case, the work which this Committee has undertaken will have an effect on crane use in the tree care industry.

The use of cranes during tree removal operations involves two main distinctions from the use of cranes in other industries. First, there is the issue of the qualified tree worker needing to tie-in to a crane in order to protect the tree worker from the hazards of an unstable or otherwise unsafe tree. And second, there is the issue of the difference between the potentially dynamic loads of the tree versus the typically static load associated with the more traditional types of crane use. Safety professionals within the tree care industry have been studying these safety concerns for decades.

Our industry has attempted to use man-cages to enter trees under certain conditions, but at times the man-cage can actually place the tree worker in an extremely hazardous situation. Often, the lack of balance as well as the interference from the cables and metal structure while attempting to use a chainsaw creates a situation that can jeopardize the lives of the workers. It is, in part, for these reasons that our industry's safety professionals developed procedures for tying into a crane above the becket (headache ball) or on a clevis near the jib or boom tip with an arborist saddle and climbing line meeting ANSI Z133 requirements. In doing so, we recognize that the safety of the worker is the absolute priority. In addition, we recognize that all other safety precautions for both the crane industry and the tree care industry must be followed. Remember, the reason that the tree worker looks to the crane as a tie-in point is because a specific hazardous tree removal operation may not present any other safe tie-in point. Subjecting tree workers to tie-in points on hazardous trees has resulted in numerous fatalities and serious injuries in our industry. OSHA fatality data as well as information from our members clearly demonstrate this. Conversely, this same body of information demonstrates that in all of the thousands and thousands of

hazardous tree removal jobs in which arborists have used cranes, not one climber in our industry has been killed by a crane failure---NOT ONE.

With respect to the issue of dynamic loads, our safety professionals have recognized, and continue to recognize the unique hazards presented by the dynamic loading which can result from the tree removal process. We have developed accurate methods with which to estimate load weights, and we continually refine the techniques used to remove portions of hazardous trees with cranes which avoid or minimize shock loading. And, we continually stress these techniques in our training programs.

Both of these issues, as well as others, have been addressed by industry safety professionals and the ANSI Z133 Safety Standard, which is our industry consensus Standard that has been approved and followed by the entire tree care industry. And, it should be recognized that OSHA has held a seat on the Z133 Committee throughout the Standard's development.

In addition, The Tree Care Industry Association will extend any assistance that it can offer in order to develop and implement any training program that is consistent with the requirements of the ANSI Z133 Standard and OSHA law as it pertains to crane use during the tree removal process.

Members of the tree care industry recognize that they must continually strive to improve the safety within the industry. Members of the tree care industry recognize that while changes sometimes may impose financial burdens on companies, if such change improves the safety of our workers, then it must be recognized. And, members of the tree care industry also understand that the members of the ANSI B30 Committee have developed an impressive safety standard for their industry. But just as the construction industry will be required to operate under the mandates of the ANSI B30 Committee, the tree care industry should be held to the standard created in the ANSI Z133 Standard. This must be done for the safety of the thousands of workers involved in crane use during tree removal operations. Failure to do so will place tree industry workers at serious risk of injury, because they will be forced to either tie into a hazardous tree or attempt to use a chainsaw within the restricted confines of a steel man cage.

Therefore, The Tree Care Industry Association respectfully asks this Committee to make an allowance in this revised regulation for the work that so many tree care industry safety professionals have contributed to, that has improved the safety of tree workers using cranes during tree removal projects. To do so, this regulation will only require a simple insertion of language that refers to the ANSI Z-133 Standard as the authority governing crane operations in the tree care industry. Or, a note can be placed at or near the

appropriate section of this regulation clarifying that there may be times when qualified arborists, involved in the removal of hazardous trees, may need to tie-in to the crane directly in order to safely complete the removal process.

For these reasons, we respectfully request that this Committee amend the revised regulation to reference the fact that “crane operators engaged in tree care operations shall follow the guidelines set forth in the ANSI Z-133.1 Standard, Section 6.7.”

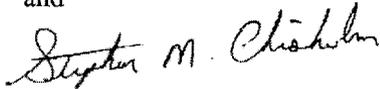
Thank you for allowing this testimony to be placed on the record.

Respectfully Submitted on Behalf of the Tree Care Industry Association by,



Ms. Cynthia Mills, CAE
President
The Tree Care Industry Association

and



Mr. Stephen M. Chisholm
Chair, Tree Care Industry Association Safety Committee
Chair, Tree Care Industry Association Crane Sub Group Committee
Chair, ANSI Z-133.1 Crane Sub Group
President, New Jersey Board of Certified Tree Experts
Vice Chair, New Jersey Community Forestry Council
Member, New Jersey State Industrial Safety Committee