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May 13, 2026

Mr. Jose Herrera
Directorate of Construction
Occupational Safety and Health Administration
200 Constitution Avenue NW
Washington, D.C. 20210

Re: Advisory Committee on Construction Safety and Health (ACCSH): Notice of Meetings Docket No. OSHA-2025-0001.

Dear Mr. Herrera:

Thank you for the opportunity to submit comments regarding the upcoming meeting of the Advisory Committee on Construction Safety and Health (ACCSH) and the agenda item titled “Briefing on a Notice of Proposed Rulemaking regarding Tree Care.” On behalf of the Tree Care Industry Association (TCIA), we appreciate OSHA’s continued work on this long-awaited rulemaking and respectfully encourage the agency to move forward expeditiously with publication of a proposed Tree Care Operations Standard.

TCIA represents 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 has long supported development of a dedicated standard for tree care operations. This rulemaking, which our industry first petitioned for in 2006, would replace OSHA’s current method of regulating our industry through multiple ill-fitting rules and guidance from other industries with a clear, consistent standard tailored to our industry’s unique hazards. If crafted properly, such a standard would provide clear, practical, and enforceable safety requirements that directly address the leading causes of injury and death in our high-hazard profession. This new standard would consolidate and improve upon existing regulation of our industry by creating a clear, consistent standard tailored to our industry’s unique hazards, one that directly addresses the leading causes of serious injury and fatality in tree care operations. For a workforce performing inherently high-risk work in dynamic environments, clarity and consistency are essential to protecting lives and ensuring safe outcomes

OSHA’s recent final rule regarding ACCSH procedures explained that ACCSH may advise the Secretary on construction safety and health standards and other regulations, including policy matters involving consistency between construction standards promulgated under the Construction Safety Act and standards promulgated under the OSH Act.¹ The public rulemaking record developed during the Small Business Regulatory Enforcement Fairness Act (SBREFA) process for OSHA’s potential Tree Care Operations Standard addressed several construction-related issues that may be relevant to the Committee’s briefing, including construction-related site clearing and the relationship between tree care crane operations and existing OSHA crane standards.

¹ Construction Standards—Advisory Committee on Construction Safety and Health, 90 Fed. Reg. 27996, 27997–98 (July 1, 2025).

To assist ACCSH in understanding that record, TCIA respectfully directs the Committee to TCIA's June 5, 2020 SBREFA comments, Document ID OSHA-2008-0012-0105, and the Report of the Small Business Advocacy Review Panel on OSHA's Potential Tree Care Operations Standard, Document ID OSHA-2008-0012-0112. TCIA's participation in the SBREFA process reflects our broader commitment to constructive, good-faith engagement with OSHA to ensure that any proposed standard meaningfully improves safety while remaining workable for employers and employees alike. In that spirit, TCIA briefly highlights two topics addressed in those materials that may be relevant to the Committee's briefing.

On construction-related site clearing, TCIA's SBREFA comments emphasized that OSHA should clearly distinguish tree care operations from mechanical site-clearing activities governed elsewhere. TCIA stated that "site clearing operations described by 29 CFR §1926.604; i.e., mechanical operations carried out using heavy equipment that affords protection to the operator, should be excluded if the scope of the operation is confined to mechanical tree removal."²The SBREFA Panel similarly recommended that OSHA "clarify exactly where and under what circumstances a potential standard would apply" and do so in a way that eliminates low-hazard, low-risk activities from the scope of the standard.³

TCIA also directs the Committee to the crane-related issues discussed in the SBREFA record. OSHA's SBREFA materials raised questions regarding the relationship between a potential tree care standard, existing crane standards, and 29 CFR part 1926, subpart CC. TCIA's comments responded to those questions and explained that the use of cranes to hoist arborists into position to perform tree care work is, in many circumstances, the safest and most practical means of access. TCIA explained that arborists rely on several methods to access trees for pruning, trimming, and removal, including climbing, aerial lifts, compact lifts, and crane-assisted access, and that the appropriate method depends on the condition and type of tree, the surrounding worksite, and the hazards presented by the job. As TCIA stated in its SBREFA comments, "[w]hat should matter to OSHA is that a crane is at least as safe as the alternative and in many cases is the safest way to put a climber into a tree to set slings and make cuts." TCIA also explained that tree care operations are currently exempt from 29 CFR part 1926, subpart CC, and that direct application of certain construction crane requirements to arboricultural work could create operational and compliance challenges. The SBREFA Panel likewise recognized the importance of this issue and recommended that OSHA permit employers to follow the industry practice of hoisting personnel in connection with tree care work if OSHA determines that the practice provides sufficient protection for workers.

TCIA appreciates OSHA moving this rulemaking forward and welcomes the Committee's briefing as an important step toward publication of a proposed Tree Care Operations Standard. Given the significant hazards faced by workers in the tree care industry and the many years this rulemaking has been under development, TCIA believes continued progress toward a dedicated standard remains critically important. TCIA looks forward to reviewing and commenting on the NPRM when published.

Sincerely,

A handwritten signature in black ink, appearing to read "David White". The signature is fluid and cursive, with a large initial "D" and "W".

David White, CAE
President & CEO, TCIA

² Comments of the Tree Care Industry Association, Potential Tree Care Operations Standard, Document ID OSHA-2008-0012-0105.

³ Report of the Small Business Advocacy Review Panel on OSHA's Potential Tree Care Operations Standard, Document ID OSHA-2008-0012-0112.