

TCIA Policy Committee Update: NERC Wildfire Report, Farm Bill Passes, OSHA ACCSH Briefing on Tree Care

NERC Outlines Recommendations to Mitigate Wildfire Risk, Ensure Grid Reliability

On May 1, NERC filed with FERC its final report, [Reducing the Risk of Wildfire Ignition by the Bulk Power System](#), developed in response to FERC's Wildfire Order pursuant to Executive Order 14308, Empowering Commonsense Wildfire Prevention and Response. The filing also includes an updated Wildfire Mitigation Reference Guide, included as Appendix F to the report, and evaluates current practices and recommendations to reduce wildfire ignition risk from Bulk Power System facilities, including vegetation management, system operations, equipment maintenance, protection systems, technology deployment, data sharing, and intergovernmental coordination. Of particular relevance, NERC recommends pursuing targeted modifications to Reliability Standard FAC-003 — Transmission Vegetation Management so that it applies to more transmission facilities between 100 kV and 200 kV, with implementation considerations potentially accounting for regional differences and high fire risk areas. NERC's filing notes that it received more than 750 comments from industry stakeholders and policymakers, and that the final report avoids using the term "best practices" because commenters raised concerns that the term could inadvertently trigger legal obligations or create issues in cost-allocation proceedings or litigation. NERC and the Regional Entities are expected to conduct outreach and engagement with industry stakeholders and policymakers as the report's recommendations are considered.

Farm Bill Update

On April 30, the House passed its [Farm Bill](#) after adopting an amendment offered by Rep. Anna Paulina Luna (R-FL) to strike several pesticide provisions from the bill. The amendment, which was strongly supported by MAHA-aligned advocates, passed [280-142](#), with 73 Republicans voting in favor. It removed several pesticide-related provisions, including Section 10206, which would have prevented local governments from regulating pesticides where the EPA or the state already regulates use. The size and bipartisan nature of the vote underscore how much political momentum MAHA-aligned opposition has gained around pesticide policy, particularly where preemption and labeling issues are framed as limiting state authority or litigation avenues. Aside from the pesticide provisions, several wildfire-related provisions were retained, including Section 8406, creating a NEPA categorical exclusion for electric utility vegetation management plans submitted under FLPMA Section 512, and Section 8417, allowing utilities to cut and remove trees or other vegetation near distribution and transmission lines on National Forest System lands to reduce fire risk without requiring separate timber sales. The process now shifts to the Senate, where Agriculture Committee Chair John Boozman has indicated he expects to release legislative text in the coming weeks, creating a potential reset point for coalition engagement.

OSHA Schedules ACCSH Briefing on Tree Care Rulemaking

On April 30, OSHA [issued](#) a notice announcing that the Advisory Committee on Construction Safety and Health (ACCSH) will meet virtually on May 19–20. The agenda includes a “Briefing on a Notice of Proposed Rulemaking regarding Tree Care,” as well as committee recommendations to the Secretary. ACCSH is OSHA’s statutory advisory committee for construction safety and health matters, and OSHA requires its consultation when formulating construction safety and health standards and related regulations. The tree care agenda item appears related to construction-related issues that have been part of the rulemaking record, including how the standard should treat construction site-clearing activity and whether certain construction-standard provisions may overlap with tree care operations. OSHA’s 2020 PIRFA addressed site-clearance-related scope questions, and the final SBREFA Panel report recommended that OSHA evaluate “how and whether” OSHA’s Cranes and Derricks in Construction standard, 29 CFR part 1926 subpart CC, should apply to tree care operations. Accordingly, the ACCSH meeting appears to be a procedural step to ensure OSHA has consulted the construction advisory committee to the extent construction-related issues remain implicated in the tree care NPRM.

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