

North Carolina Department of Labor
Division of Occupational Safety and Health
Raleigh, North Carolina

Field Information System

Operational Procedure Notice 88D

Subject: North Carolina Special Emphasis Program, Tree Felling and Related Activity

A. Purpose.

This notice reestablishes a North Carolina Special Emphasis Program (SEP) to address the hazards associated with logging, tree harvesting, and other tree care/trimming, or tree removal operations. This effort will include safety inspections and specific consultation and education and training activities.

B. Scope.

Logging activity includes limbing, bucking, marking, and cutting logs to length as well as tree felling. Other operations covered by this Operational Procedure Notice (OPN) include, but are not limited to tree trimming, felling of trees in preparation for the construction of roads or structures, clearing for agricultural activity, saw milling, and storm debris cleanup and removal. Industries covered by this OPN include, but are not limited to Standard Industrial Classification (SIC) Codes 0783, 1500-1799, 2411, 2421, and codes representing the public sector. This SEP is in effect throughout North Carolina.

C. Action.

This Operational Procedure Notice provides for special emphasis inspections in accordance with GS 95-136.1(b)(2) due to a high rate of work-related deaths.

D. Background.

North Carolina initiated the states first special emphasis inspection program for tree felling operations in 1994 in response to an increasing

number of fatalities and serious injuries associated with tree felling and related activity. Through consultation, education and training and compliance activity, the SEP had a significant impact on reducing the number of fatalities relating to tree felling. In 1993, the state experienced 13 fatalities in tree felling operations, while the number dropped to only three deaths in 1994. The special emphasis program was not extended beyond 1995. During 1996 and 1997, the number of tree felling fatalities increased to a level near that of 1993. In 1996, there were 12 fatalities, and 11 in 1997. In response to the increasing number of fatalities during these two years, the tree felling SEP has been resumed as of June, 1998. This SEP will also address activity associated with continuing storm cleanup projects. Part of the SEP educational process will be to make public sector employers aware that subcontractors hired for storm cleanup involving tree felling and related activity are covered under applicable OSHA standards, such as logging and utility line clearance tree trimming.

E. Expiration.

This SEP (OPN 88D) supersedes OPN 88C. OPN 88C should be removed from the FIS and destroyed. This SEP shall remain in effect until canceled by the Director.

F. Training and Consultative Activity.

The Bureaus of Training and Outreach, and Consultative Services shall provide training and consultative efforts in support of this SEP.

G. Compliance Inspection Activity.

Each district office shall conduct inspections in support of this SEP.

1. Scheduling.

a. The Division shall develop a list of establishments (work sites) likely to be covered by this special emphasis program. Inspection sites will be randomly selected for inspection from this list using a random numbers table. As new sites are added, they should be randomized for inspection. SIC codes include, but are not limited to 0783, 1500-1799, 2411, 2421 and those codes representing the public sector.

b. The randomly selected establishments designated for inspection under this special emphasis program will be included with the usual assignment list periodically distributed to safety supervisors.

2. Referrals.

a. In consideration of the mobile and fleeting nature of tree felling operations, any serious hazards observed should normally be investigated immediately by the compliance officer who observes the activity, after consulting with the District Supervisor. Serious safety hazards observed by other individuals shall be referred to the applicable compliance supervisor.

b. Because many tree felling operations are located in remote locations where the observation of hazards from public areas would not be possible, whenever a compliance officer observes or receives information regarding a site where tree felling may be taking place but no violation is observed, the compliance officer and the District Supervisor should determine if the site should be immediately inspected, or added to the list of establishments to be randomly selected for inspection. Such determination shall be based on but not limited to the following criteria: the resources available for inspecting the site, the size of the operation, the prior history of the operator if known, and/or the likelihood that the site will be abandoned before it could be randomly selected for inspection.

c. For tree felling operations associated with storm cleanup, the compliance bureau chief or supervisor may request searches be conducted to locate the cleanup sites. This could include contact with public sector organizations.

H. IMIS Coding.

The OSHA-1 form for all inspections conducted as a result of this special emphasis program shall be coded as local emphasis program inspections in block 25C and marked "TREE FELLING".

I. Applicable Standards.

In addition to the General Duty clause and other OSHA standards that may apply, there are several specific OSHA and consensus standards which are applicable to the various industries addressed in this OPN. Included in the consensus standards are ANSI Z133.1 for tree care operations, and ANSI B175.1 for chain saw safety. Additional industries

and the applicable standards are listed below:

1. Loggers.

Employers who remove trees either wholly or in part for which there is a commercial use for the wood are covered by the 29 CFR 1910.266 logging standard. Employers covered by this standard include but are not limited to loggers, arborists, and construction companies doing clearing of construction sites where there is a commercial use for the wood.

2. Utility line-clearance tree-trimming.

A major portion of the arborist industry is involved in utility line-clearance tree-trimming operations, whereby employees are using arborist techniques to clear trees and brush from utility line right-of-ways. Employers involved in this activity include but are not limited to power generation companies, companies which are under contract for the service, and municipalities which maintain their own distribution lines. The applicable standards for these employers are:

a. Utility line-clearance tree-trimming operations performed by qualified employees are covered by 1910.269 as described by 1910.269(a)(1)(i)(E)(1).

b. Utility line-clearance tree-trimming operations performed by line-clearance tree trimmers who are not qualified employees are covered by 1910.269 as described by 1910.269(a)(1)(i)(E)(2).

3. Other Industries included in the table below:

a. Arborist employers involved in tree care and removal work not associated with farm, cash crop or tree farm work. Employers involved in this work include but are not limited to storm-damage tree clearing contractors, other tree care contractors, and utility line clearance contractors.

b. Construction companies removing trees for the purpose of clearing land for construction projects where there is no commercial use for the wood.

c. Construction companies employing the incidental use of chain saws.

d. Saw mill operators employing the incidental use of chain saws.

Recommended Citation References *

Activity/ Hazard	Arborists	Construction	Sawmills	Public Sector **
Tree Harvesting ***	1910.266	1910.266	N/A	1910.266
Line Clearance Tree Trimming	1910.269	1910.269	N/A	1910.269
Chainsaw Safety on the ground	General Duty	General Duty	General Duty	General Duty
Chainsaw Safety in a bucket	General Duty	N/A	N/A	General Duty
Chainsaw Safety in a tree	General Duty	N/A	N/A	General Duty
PPE with Chainsaw on the ground	1910 Subpart I	1926.28; or 1926 Subpart E	1910 Subpart I	1910 Subpart I
PPE with Chainsaw in a bucket	1910 Subpart I	N/A	N/A	1910 Subpart I
PPE with Chainsaw in a tree	1910 Subpart I	N/A	N/A	1910 Subpart I
General PPE on the ground	1910 Subpart I	1926.28; or 1926 Subpart E	1910 Subpart I	1910 Subpart I
General PPE in a bucket	1910.67; or 1910 Subpart I	N/A	N/A	1910.67; or 1910 Subpart I
General PPE in a tree	1910 Subpart I General Duty	N/A	N/A	1910 Subpart I General Duty

* Loggers (SIC Code 2411) doing logging work fall primarily under 1910.266.

** Includes private-sector employers working under contract for public sector.

*** Has a commercial end use for the wood.

J. Evaluation of Program.

Bureau Chiefs affected by this special emphasis program shall submit to the Director by June 30 1999, an evaluation report to include at least the following:

1. Bureau Chief of Compliance:

(a) Number of inspections.

(b) Number of citations and violations issued.

(c) Impact on the number of fatalities in tree felling activities.

(d) Standards cited.

(e) Scheduling problems, such as locating work sites or establishments for this special emphasis program.

(f) Number of safety and health programs improved or implemented.

(g) Overall assessment of this special emphasis program, including the impact on other Bureau activities, and the goal of eliminating hazards associated with tree felling.

(h) Standard promulgation recommendations.

2. Bureau Chief of Consultative Services:

(a) Description of outreach efforts implemented.

(b) Assessment of the impact of outreach efforts.

(c) Number of employers and employees affected.

(d) Number of consultative visits conducted.

- (e) Types of hazards observed.
 - (f) Number of safety and health programs improved or implemented.
 - (g) Standard Promulgation recommendations.
3. Bureau Chief of Training and Outreach:
- (a) Description of outreach efforts implemented.
 - (b) Assessment of the impact of outreach efforts.
 - (c) Number of training sessions conducted.
 - (d) Number of employers and employees affected.
 - (e) Standard promulgation recommendations.
 - (f) Number of safety and health programs improved or implemented.

Signed on Original
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2/26/99
Date