

**North Carolina Department of Labor
Division of Occupational Safety and Health**

Raleigh, North Carolina

Field Information System

Operational Procedure Notice 88H

Subject: Special Emphasis Program for Logging and Arboriculture

A. Purpose and Scope.

This Operational Procedure Notice (OPN) establishes a Special Emphasis Program (SEP) to address the hazards associated with logging, tree harvesting, tree removal operations and arboricultural operations. This effort will include consultation efforts, education/training activities and safety inspections.

Industries covered by this OPN include, but are not limited to industries in Standard Industrial Classification (SIC) Codes 0783 – Ornamental Shrub and Tree Services, 1500-1799 – Construction, 2411 - Logging, and codes representing the public sector. Corresponding NAICS codes are listed in Appendix A.

B. Action.

This OPN provides for special emphasis inspections in accordance with GS 95-136.1(b)(2) due to a high rate of work-related deaths. Compliance Safety and Health Officers (CSHOs) will use this OPN when conducting logging or arboriculture inspections related to tree felling and other related activity. This SEP is in effect throughout North Carolina.

C. Background.

The North Carolina Department of Labor, Occupational Safety and Health Division (OSH) initiated the state's first SEP 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/training and compliance activity, the SEP had a significant impact on reducing the number of fatalities relating to tree felling. Statistical data for the years 2009-2013 indicate a continued need for this SEP. During this time, there were 16 total fatalities with 11 fatalities related to arboricultural activities and five fatalities in the logging industry.

D. Consultative and Training Activity.

The Consultative Services Bureau and Education, Training and Technical Assistance Bureau will provide consultative and training efforts in support of this SEP, consistent with the specific tasks included in OSH's Strategic Management Plan. The Consultative Services Bureau will evaluate both equipment and procedures to establish a worksite safety program. If the Consultative Services Bureau is performing a full-service safety and health survey, the employer will be granted a temporary deferral from general schedule compliance inspections.

If the worksite is a Safety and Health Achievement and Recognition Programs (SHARP) logging site, a banner will be displayed at the worksite. This site will also have a temporary deferral as described above. Logging companies and sites that are working with the Consultative Services Bureau can be confirmed by contacting Consultative Services at: 919-807-2899 and asking an

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office administrator to confirm the working relationship.

E. Compliance Inspection Activity.

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

1. Inspection Activity.

- a. In consideration of the high injury and fatality rate and the mobile and fleeting nature of tree felling operations, any serious hazards observed should normally be investigated immediately by the CSHO 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. Many tree felling operations are located in remote locations where the observation of hazards from public areas would not be possible. Whenever a CSHO observes or receives information regarding a site where tree felling may be taking place, but no violation is observed, the CSHO and the district supervisor should determine if the site should be immediately inspected. 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 and the prior history of the operator, if known.
- 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.

F. OE/OIS Coding.

The OSHA-1 form for all inspections conducted as a result of this SEP shall be coded in the Emphasis/Initiatives tab within OSHA Express as local emphasis program (LEP) inspections and marked “LOGGING”. In addition, CSHOs will enter “TREE FELLING” in the strategic plan activity description field.

G. Citation Guidance.

Tree removal operations may be completed by employees in a variety of industries including, but not limited to, logging, arboriculture, and construction. As a result, CSHOs must evaluate the type of work being performed before determining which standards apply. Once the activity has been classified, CSHOs should reference the table at the end of this section for guidance on applicable standards related to logging, tree trimming, chain saws and personal protective equipment (PPE). Clarification about what constitutes activities in logging, arboriculture, and construction can be found in a brief overview below and in more detail in the following guidance documents. CSHOs must also review the guidance documents when determining the applicable standards.

- CPL 02-01-045: Citation Guidance Related to Tree Care and Tree Removal Operations
- OPN 147: Logging Operations, Inspection Procedures and Interpretive Guidance

1. Logging Operations.

Logging operations, as covered by 29 CFR 1910.266, are defined within the scope and definitions of the standard and further clarified through the guidance documents listed above. Excerpts from these sources include the following descriptions of what constitutes

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logging.

From 29 CFR 1910.266(b)(1): "This standard establishes safety practices, means, methods and operations for all types of logging, regardless of the end use of the wood. These types of logging include, but are not limited to pulpwood and timber harvesting and the logging of sawlogs, veneer bolts, poles, pilings and other forest products. This standard does not cover the construction or use of cable yarding systems."

From OPN 147, Scope and Application: "Logging operations include, but are not limited to, the operations of marking (i.e., marking danger trees in areas being harvested and marking felled trees to be cut to length), debarking, yarding, chipping, felling, limbing, bucking, loading and unloading equipment and personnel to, from and between logging sites and other operations associated with felling trees and moving logs from the stump to the point of delivery. The standard does not cover the construction or use of cable yarding systems or the construction of roads or trails to logging sites."

2. Arboricultural Operations.

Arboriculture operations include, but are not limited to, pruning, repairing, maintaining, and removing trees; cutting brush; and for using equipment in such operations. Significant discussion on whether certain tree-removal activities fall under the scope of the logging standard or other general industry standards can be found in CPL 02-01-045. CSHOs should review this directive when determining if the activities fall under arboriculture or logging operations.

A major portion of the arboriculture industry is involved in utility line-clearance tree-trimming operations, whereby employees are using arboricultural 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 standard 29 CFR 1910.269 - Electric Power Generation, Transmission, and Distribution, provides definitions related to line clearance tree trimming, line clearance tree trimmers and lists requirements for line-clearance tree-trimming operations and for equipment used in these operations.

Citation guidance for arboriculture operations can be found in Appendix B.

3. Construction Operations:

Construction companies also perform activities related to tree removal, including site clearing and the incidental use of chainsaws. Significant discussion on whether certain site clearing activities fall under the scope of the logging standard or other construction industry standards can be found in CPL 02-01-045. CSHOs should review this directive when determining if the activities fall under construction or logging operations.

H. Evaluation of Program.

Bureau chiefs affected by this SEP will submit to the OSH Director monthly, 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

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- 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 Education Training and Technical Assistance:

- 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

I. **Effective Date.**

OPN 88G is canceled. This OPN is effective on the date of signature. It will remain in effect until revised or canceled by the director.

Signed on Original

Eric Smith
SEP Team Co-Leader

Signed on Original

Allen McNeely
Director

3/23/16

Date of Signature

Appendix A: NAICS Table and Industry Type

NAICS	Industry Type
113310	Cutting and transporting timber
113310	Cutting timber
113310	Log harvesting
113310	Logging
113310	Pulpwood logging camps
113310	Rails, rough wood, manufacturing
113310	Stump removing in the field
113310	Timber piling
113310	Timber pole cutting
113310	Tree chipping in the field
113310	Wood chipping in the field
238910	Land clearing
561730	Arborist services
561730	Pruning services, ornamental tree and shrub
561730	Tree and brush trimming, overhead utility line
561730	Tree pruning services
561730	Tree removal services
561730	Tree services (e.g., bracing, planting, pruning, removal, spraying, surgery, trimming)
561730	Tree surgery services
561730	Tree trimming services

<http://www.census.gov/cgi-bin/sssd/naics/naicsrch?code=561730&search=2012%20NAICS%20Search>

Appendix B: Recommended Standards for Arboriculture Operations

Selected Hazards	Applicable Standards
Line Clearance Tree Trimming	1910.269
Chainsaw Safety (in a bucket, on the ground, in a tree)	General Duty (ANSI B 175.1)
PPE with Chainsaw (in a bucket, on the ground, in a tree)	1910 Subpart I
General PPE on the ground	1910 Subpart I
General PPE in a bucket	1910.67 or 1910 Subpart I
General PPE in a tree	General Duty or 1910 Subpart I