Title 09
MARYLAND DEPARTMENT OF LABOR
Subtitle 12 DIVISION OF LABOR AND INDUSTRY
Chapter 28 Tree Care and Removal

Authority: Labor and Employment Article, §§2-106(b)(4), 5-104, and 5-312; Annotated Code of Maryland

.01 Purpose.

The purpose of this chapter is to provide a safe work environment for employees engaged in tree care including, but not limited to, cutting, pruning, or other work on a standing tree as well as tree removal.

.02 Scope.

A. This chapter covers safety requirements for tools and equipment and the safe work practices used in tree care and the removal of trees, including any portion thereof.

B. This chapter applies to construction, demolition, and general industry.

C. Where provisions of this chapter direct an employee to take certain actions, an employer shall establish, effectively communicate to the relevant persons, and enforce work rules to ensure compliance with such provisions.

D. This chapter does not apply to:

(1) Work covered by 29 CFR §§1910.268 and 1910.269;

(2) Logging operations; or

(3) Land clearing operations for construction when heavy equipment is used to remove the trees and no trees are manually felled.

.03 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) “Anti-two block device” means a device attached to a crane which prevents the lower load block or hook assembly from contacting the upper load block or boom point sheave assembly.

(2) “Apex” means the point at which two saw cuts meet to form a notch.

(3) "Approved" means is certified, labeled, or listed by a nationally recognized testing laboratory.

(4) “Arborist climbing line” means a line designated to support the employee while aloft in a tree or attached to a crane.

(5) “Arborist saddle” means an arrangement of straps, fittings, and buckles or other elements that form a waist belt with a low attachment element or elements and connecting support by encircling the legs suitably arranged to support the body in a sitting position.

(6) “Back cut” means the cut made in a tree limb or trunk on the side opposite of the intended direction of fall.

(7) “Carabiner” means a connector generally composed of a trapezoidal or oval-shaped body with a closed gate or similar arrangement that may be opened to receive an object and, when released, automatically closes to retain the object.

(8) “Chopping tool” means a wooden-, fiberglass-, or steel-handled tool with a sharp, single- or double-edged steel head or blade mounted to it that is used to cut or split wood such as an ax or machete.

(9) “Competent person” means an employee who is capable of identifying existing and predictable hazards and who has authorization to take prompt corrective measures.

(10) “Conventional notch” means a directional felling cut into the side of a tree, facing the intended direction of fall and consisting of a horizontal face cut and an angled cut above it, creating a notch of approximately 45 degrees.

(11) “Crotch” means a branch union where an angle is formed by two branches in the tree.

(12) “Drop zone” means the area beneath an employee working aloft where there is the potential hazard of a falling object on another employee.

(13) “Electrical conductor” means any overhead or underground electrical component capable of carrying an electric current, including communications wires and cables, power lines, and other such fixtures or apparatus.

(14) “Ferrule” means a metal ring placed around the handle to prevent splitting.

(15) “Licensed tree expert” means a person who has received from the Maryland Department of Natural Resources a license to allow their entity to perform tree care and tree removal.

(16) “Person being lifted” means an employee who has been trained in fall prevention methods and the requirements of this regulation, and is capable of identifying existing and predictable hazards related to the tree care operations.

(17) “Prusik loop” means an endless loop of rope used to fashion a Prusik knot.

(18) “Qualified line-clearance tree trimmer” means an employee who, through related training and on-the-job experience, is familiar with the equipment and hazards in line clearance and has demonstrated the ability to perform the special techniques involved.

(19) “Qualified person” means one who, by possession of a recognized degree, certificate, or professional standing, or who by extensive knowledge, training, and experience, has successfully demonstrated the person’s ability to solve or resolve problems relating to recognized and predictable hazards within the tree care industry.

(20) “Secured” means made firm, tight, or fastened or when an employee is safeguarded from unintended movement by utilizing a climbing system that is attached to the employee and connected to a tree or other stable support, or both. Examples include, but are not limited to, being tied in, using a work-positioning lanyard, being on belay, and ascending the arborist climbing line using the foot lock technique while utilizing a Prusik loop or ascenders.

(21) “Snap hook” means a connector composed of a hook-shaped member with a normally closed keeper, or similar arrangement, which may be opened to permit the hook to receive an object and, when released, automatically closes to retain the object.

(22) “Tool lanyard” means a short line or strap used to secure a tool while working aloft.

(23) “Tree care” means cutting, pruning, or other work on a standing tree.

(24) “Tree removal” means the act of tree elimination whether cut down by sectioning or felling.

(25) “Vehicle” means a car, bus, or truck that is owned, leased, or rented by the employer and is used for transportation of employees.

(26) “Wedge” means a piece of material with two sides meeting at an angle that is used to raise or split objects by applying a driving force.

(27) “Workline” means a rope used for lifting, lowering, or guiding limbs or equipment, or both, into or out of the tree.

.04 Incorporation by Reference.

A. In this chapter, the following documents are incorporated by reference.

B. Documents Incorporated.

(1) ANSI Z133.1-2006 American National Standard for Arboricultural Operations—Safety Requirements, as amended.

(2) ANSI/ASSE Z359.0-2007 Definitions and Nomenclature Used for Fall Protection and Fall Arrest, Part of the Fall Protection Code, as amended.

(3) ANSI/ASSE Z359.1-2007 Safety Requirements for Personal Fall Arrest Systems, Subsystems and Components, Part of the Fall Protection Code, as amended.

(4) ANSI/ASSE Z359.2-2007 Minimum Requirements for a Comprehensive Managed Fall Protection Program, Part of the Fall Protection Code, as amended.

(5) ANSI/ASSE Z359.3-2007 Safety Requirements for Positioning and Travel Restraint Systems, Part of the Fall Protection Code, as amended.

(6) ANSI/ASSE Z359.4-2007 Safety Requirements for Assisted-Rescue and Self-Rescue Systems, Subsystems and Components, Part of the Fall Protection Code, as amended.

(7) ANSI/ASSE Z359.6-2009 Specifications and Design Requirements for Active Fall Protection Systems, Part of the Fall Protection Code, Version 2, as amended.

(8) ANSI/ASSE Z359.12-2009 Connecting Components for Personal Fall Arrest Systems, Part of the Fall Protection Code, Version 2, as amended.

(9) ANSI/ASSE Z359.13-2009 Personal Energy Absorbers and Energy Absorbing Lanyards, Part of the Fall Protection Code, Version 2, as amended.

.05 General Requirements.

A. All work to be performed shall be consistent with the Maryland Department of Natural Resources licensing requirements for a licensed tree expert.

B. All equipment used in tree care and tree removal shall be used consistent with the manufacturer's specifications and limitations.

C. An employer shall have a workplace hazard assessment conducted for all work activities to be performed in compliance with 29 CFR §1910.132(d)(2) that includes the following:

(1) A written certification that identifies the workplace evaluated;

(2) The name of the person certifying that the evaluation has been performed;

(3) The date or dates of the hazard assessment; and

(4) A document that is identified as a certification of hazard assessment.

D. Appropriate personal protective equipment shall be provided, used, and maintained at no cost to the employee, including:

(1) Leg protection constructed with cut-resistant material, such as ballistic nylon that covers the full length of the thigh to the top of the boot on each leg, except when:

(a) The employer can demonstrate that a greater hazard is posed by wearing leg protection;

(b) The work is being performed from a vehicular-mounted elevating and rotating work platform; or

(c) An employee is aloft in the tree;

(2) Head protection that meets the requirements of 29 CFR §1910.135; and

(3) Eye protection that meets the requirements of 29 CFR §1910.133 for each affected employee.

E. The employer shall ensure that each affected employee wears foot protection that complies with 29 CFR §1910.136.

F. An employer shall maintain the necessary first-aid supplies at each work site to address the potential hazards from the work to be performed.

G. Fire Prevention.

(1) An employer shall assure that the following fire prevention measures are followed:

(a) Provide and maintain portable fire extinguishers on each vehicle in accordance with 29 CFR §1910.157;

(b) Store, handle, and dispense flammable liquids from approved containers;

(c) Prohibit smoking when handling or working in close proximity to flammable liquids;

(d) Change clothing contaminated by flammable liquids as soon as possible; and

(e) Avoid open flame and other sources of ignition.

(2) An employer shall have the following procedures in place during fueling operations:

(a) Equipment may not be operated within 10 feet of fueling operations or areas where refueling has recently taken place;

(b) Equipment shall be refueled only after the engine has stopped; and

(c) Spilled fuel shall be removed from equipment before restarting an engine.

H. An employer shall have a qualified person conduct a visual assessment of the work area prior to the start of any activity which shall include determining potential hazards, including the location of overhead wires, loose limbs, and debris.

I. Job Briefing.

(1) An employer shall have a job briefing at the start of each work shift with all employees involved in the operation in attendance.

(2) The job briefing shall communicate the following:

(a) The hazards associated with the job, the work procedures involved, special precautions, job assignments, and the proper use of personal protective equipment;

(b) The work plans for tree care and tree removal operations before commencing work;

(c) Any electrical hazards, including electrical conductors or communication lines, shall be considered energized; and

(d) The location of underground utilities if subsurface work is involved.

(3) An employer shall assure that at the job briefing the method of verbal and visual communication is established in compliance with §K of this regulation and is fully explained to all employees.

J. Traffic Control Requirements.

(1) When exposed to vehicular traffic on a public road, an effective means for controlling hazards created by vehicular traffic shall be instituted on every job site where necessary, in accordance with the U.S. Department of Transportation Manual on Uniform Traffic Control Devices.

(2) When exposed to vehicular traffic on a public road, each employee shall wear as a minimum a Class II reflective garment when the employee will be exposed to vehicular traffic.

K. Communication and Signaling.

(1) At each work site, every effort shall be made to assure that there is communication with outside emergency facilities at all times such as, but not limited to, 911 call centers.

(2) Hand signals or audible contact such as, but not limited to, whistles, horns, or radios shall be used whenever noise, distance, restricted visibility, or other factors prevent clear understanding of normal voice communication between employees.

(3) Except in an emergency, one person shall be designated to give hand signals during crane operations.

(4) Engine noise, such as from a chain saw, may not be used as a means of signaling.

L. Electrical.

(1) Except where tree care is performed adjacent to electrical power generation, transmission, and distribution lines and equipment pursuant to 29 CFR §§1910.268 and 1910.269, a distance of 10 feet shall be maintained between an employee's body and tools and an energized conductor.

(2) If it is determined that the 10-foot distance cannot be maintained prior to commencing work, the employer:

(a) Shall contact the system operator or owner, or both, of the energized conductor to de-energize the conductor; and

(b) May not perform the work if the system operator or owner of the energized conductor, or both, are unavailable.

M. All operations at the work site shall cease if weather conditions indicate or the weather forecast calls for imminent hazardous weather such as, but not limited to, electrical storms and strong winds.

N. Fall Protection.

(1) General Requirements.

(a) Prior to each use, a competent person shall inspect the climbing lines, worklines, lanyards, and other climbing equipment for damage, cuts, abrasion, or deterioration.

(b) Equipment shall be removed from service if there are signs of excessive wear or damage as provided for in the manufacturer's specifications.

(c) Except as provided in §N(1)(d) of this regulation, all equipment used to secure an employee in a tree or from an aerial lift shall be used for its intended purpose only.

(d) An arborist climbing line may be used to raise and lower tools.

(e) Rope and climbing equipment shall be stored and transported in such a manner to prevent damage through contact with sharp tools, cutting edges, gas, oil, or other environmental factors.

(f) An employee shall be secured for the duration of the work until the employee returns to the ground.

(g) While ascending the ladder to gain access to a tree, no work shall be performed until the ladder is secured.

(h) Employees shall be instructed to the extent possible that their tie-in position should be positioned to prevent the employee from being subject to a pendulum swing in the event of a slip.

(2) Arborist Saddles.

(a) Arborist saddles used for work positioning shall be identified by the manufacturer as suitable for tree climbing.

(b) An arborist saddle shall meet the hardware material, strength, and testing requirements outlined in ANSI/ASSE Z359 Fall Protection Code.

(3) Climbing Lines.

(a) Climbing lines shall meet the following requirements:

(i) Constructed from a synthetic fiber, with a minimum breaking strength of 5,400 pounds (24.02 kilonewton); and

(ii) Identified by the manufacturer as suitable for tree climbing.

(b) Climbing lines shall never be left in trees unattended.

(c) A climbing line and at least one other means of being secured while working aloft shall be made available.

(4) Climbing Equipment.

(a) Prusik loops, split-tails, and work-positioning lanyards used in a climbing system shall meet the minimum strength of 5,000 pounds (22.24 kilonewton).

(b) A snap hook used in climbing shall be self-closing and self-locking, and comply with ANSI/ASSE Z359 Fall Protection Code.

(c) Carabiners used in climbing shall be self-closing and self-locking, and comply with ANSI/ASSE Z359 Fall Protection Code.

(d) Carabiners shall be designed to release the load by requiring at least two consecutive, deliberate actions to prepare the gate for opening.

(e) The following shall be assured:

(i) An employee shall be secured while ascending a tree;

(ii) An employee shall be tied in once the work begins and shall be tied in until the work is completed and the employee is returned to the ground;

(iii) An employee shall be secured when repositioning the climbing line;

(iv) While ascending a ladder to gain access to a tree, an employee may not work from or leave the ladder until the employee is tied in or otherwise secured;

(v) To the extent possible, an employee’s tie-in position shall be located in such a manner so that the employee will not be subjected to a pendulum swing in the event of a slip; and

(vi) When an employee is working at heights greater than 1/2 the length of the employee’s climbing line, a figure-eight knot shall be tied in the end of the climbing line to prevent pulling the rope through the climbing hitch.

O. Vehicles, Tools, and Mobile Equipment.

(1) General Requirements.

(a) Prior to daily use of any vehicles and mobile equipment, a visual walk-around inspection and operational check shall be conducted in accordance with the manufacturer's and owner's instructions.

(b) Prior to operating a vehicle, an employer shall assure that an employee operating a vehicle meets the following requirements:

(i) Training and experience to perform the assigned duties; and

(ii) Licensed in accordance with federal, State, and local requirements.

(c) Step surfaces and platforms on mobile equipment shall be skid-resistant.

(d) Safety chains shall be crossed under the tongue of the mobile equipment being towed and connected to the towing vehicle.

(e) All vehicles and mobile equipment shall be chocked when unattended.

(f) When a manufacturer provides a seat belt, the seat belt shall be used.

(g) Material and equipment carried on vehicles or mobile equipment shall be properly secured to prevent movement.

(h) Vehicles with obscured rear vision shall be backed up only when necessary and when there is:

(i) A reverse signal alarm; or

(ii) Another employee who is in constant eyesight of the driver providing direction.

(i) One-person crews are exempt from §O(1)(h)(ii) of this regulation.

(2) Brush Chippers.

(a) Rotary drum or disc brush chippers not equipped with a mechanical infeed system shall be equipped with an infeed hopper not less than 85 inches (2.15 meters) measured from the blades or knives to ground level over the center line of the hopper.

(b) The side members of the infeed hopper shall have sufficient height so as to prevent employee contact with the blades or knives during operations.

(c) The rotary drum or disc brush chippers not equipped with a mechanical infeed system shall have a flexible anti-kickback device installed in the infeed hopper to reduce the risk of injury from flying chips and debris.

(d) Chippers equipped with a mechanical infeed system shall have a quick-stop and reversing device on the infeed system.

(e) The activating mechanism for the quick-stop and reversing device shall be located across the top, along each side, and close to the feed end of the infeed hopper, within easy reach.

(3) Cranes and Related Hoisting Equipment.

(a) The use of a crane to lift an employee is prohibited except as provided in this subsection.

(b) An employer shall have a qualified person assess whether there are possible alternative methods of lifting an employee other than using a crane to determine the least hazardous means of lifting.

(c) An employer shall document the alternative methods considered by the qualified person in writing and with an explanation why lifting with a crane is the least hazardous method of lifting for each project.

(d) If an employer after consultation with the qualified person determines that lifting with a crane is the least hazardous means of lifting, the following shall be complied with:

(i) Only employees trained in this regulation shall be lifted by a crane;

(ii) The crane operator performing the tree care work shall be familiar with potential hazards;

(iii) The crane operator, qualified person, person being lifted, and other employees involved in performing the work shall meet prior to commencing work to review the procedures to be followed;

(iv) Cranes with telescoping booms shall be equipped with an anti-two block device;

(v) Tree sections shall be rigged to minimize load shifting, control load lowering, and prevent shock-loading;

(vi) A green log weight chart, such as Annex E of ANSI Z133.1-2006 American National Standard for Arboricultural Operations—Safety Requirements, shall be used to estimate the load being handled; and

(vii) Side loading of the crane and free fall of the load is prohibited.

(e) The following procedures shall be followed by a person being lifted in a crane:

(i) The person being lifted shall use a second point of attachment to the crane hoist line or lifting line;

(ii) The person being lifted shall secure the climbing line to the tree and disconnect from the crane as soon as possible;

(iii) The arborist climbing line shall be secured to the crane in such a way that it does not interfere with the function of any damage prevention or warning device on the crane;

(iv) No part of the crane shall compromise the climbing line or any component of the climbing system;

(v) Lifting or lowering speed may not exceed 100 feet per minute.

(vi) The load-line hoist drum shall have a system or other device on the power train, other than the load hoist brake, that regulates the speed of the hoist mechanism up and down; and

(vii) Except as provided in §O(3)(f) of this regulation, the person being lifted shall be detached from the crane any time it comes under load tension.

(f) When the qualified person determines that reasonably possible alternate methods are inaccessible and attachment to the subject tree would create a greater safety risk due to its hazardous condition, the employer shall allow the person being lifted to remain attached to the crane while under load.

(g) In assessing alternative methods, the following shall be considered:

(i) Securing the person being lifted to the tree and detaching from the crane before it comes under load;

(ii) Using a second crane;

(iii) Using an aerial lift device; and

(iv)Using an adjacent tree.

(h) When the person being lifted is attached to the crane while it is under load, the total weight may not exceed 50 percent of the load capacity for the radius and configuration of the crane.

(4) Equipment-Mounted Winches.

(a) Winches, hoisting, or lifting equipment on vehicles shall be used within rated capacities as stated by the manufacturer's specifications.

(b) The winch cable shall be inspected prior to each use for broken or worn strands, bird caging, major kinks, and damaged cables and shall be taken out of service.

(c) Cable hooks and attachment points shall be inspected for damage, and damaged hooks or attachment assemblies shall be taken out of service.

(d) All loads shall be pulled in such a manner as to avoid angles that may result in tipping, causing a vehicle to become unstable, or unintended movement of the vehicle.

(5) Chain Saws.

(a) Chain saw safety devices may not be removed or modified and shall be operational.

(b) When an employee starts a chain saw, the chain saw shall be held firmly in place on the ground or otherwise supported to minimize the movement of the chain saw when the starter handle is pulled.

(c) If the chain saw has a chain brake, the chain brake shall be engaged when the chain saw is started.

(d) The chain saw shall be started and operated only when other employees are clear of the chain saw.

(e) When the chain saw is operating, it shall be held firmly with both hands with the thumb and fingers wrapped around the handle.

(f) Chain saw mufflers and, if provided, spark arresters shall be maintained in good condition.

(g) When an employee is working in a tree other than from an aerial device, chain saws weighing more than 15 pounds (6.8 kilograms) shall be secured from falling, for example, supported by a separate line or tool lanyard.

(h) A second point of attachment shall be used when operating a chain saw in a tree, unless the employer demonstrates that a greater hazard is posed by using a second point of attachment.

(i) The chain brake shall be engaged, or the engine shut off, before setting a chain saw down.

(j) If a chain saw is being carried more than two steps, the chain brake shall be engaged or the engine shut off.

(k) Secure footing shall be maintained while starting and operating a chain saw.

(l) A chain saw may not be used in a position or at a distance that could cause an employee to become off balance, have insecure footing, or relinquish a firm grip on the saw.

(6) Wedges, Chisels, and Gouges.

(a) Only wood, plastic, or soft-metal wedges shall be used while operating chain saws.

(b) Wood-handled chisels shall be protected with a ferrule on the striking end.

(c) Wood, rubber, or high-impact plastic mauls, sledges, or hammers shall be used when striking wood-handled chisels or gouges.

(7) Chopping Tools.

(a) An employer shall ensure that chopping tools are not used while working aloft.

(b) Chopping tools may not be used as wedges or used to drive metal wedges.

.06 Work Practices.

A. The following work practices shall be implemented:

(1) Communication between employees aloft and on the ground shall be established before cutting and dropping limbs;

(2) Scabbards or sheaths shall be used to carry handsaws when not in use;

(3) Folding saws, when not in use, shall be closed and hooked to the arborist saddle;

(4) A separate workline shall be attached to limbs that cannot be dropped safely or controlled by hand;

(5) Arborist climbing lines and worklines may not be secured to the same crotch; and

(6) Cut branches shall be removed from the canopy of the tree upon completion of work.

B. Cabling.

(1) Employees on the ground may not enter under the drop zone of a tree when a cabling system is being installed, unless the employee aloft has established it is safe to do so.

(2) Tools used for cabling, bark tracing, and cavity work shall be carried in a bag, on a belt designed to hold such tools, or attached to a tool lanyard.

(3) Employees installing cabling systems in trees shall be positioned off to one side in order to avoid injury in case of cable system failure that could occur when a block and tackle or a hand winch is released.

C. Tree Removal.

(1) Before beginning any tree removal operation, the employer shall carefully consider all relevant factors pertaining to the tree and site and shall take appropriate actions to assure a safe removal operation, including the following factors:

(a) The area surrounding the tree to be removed, including nearby trees;

(b) Species and shape of the tree;

(c) Lean of the tree;

(d) Loose limbs, chunks, or other overhead material;

(e) Wind force and direction;

(f) Decayed or weak spots throughout the tree, including awareness of additional hazards if these conditions exist in the hinge area;

(g) Location and means to protect other persons, property, and electrical conductors;

(h) Size and terrain characteristics or limitations of the work area; and

(i) Evidence of bees or wildlife habitation in the tree.

(2) Employees not directly involved in the removal operation shall be beyond the area where the tree could fall and at a minimum distance of twice the tree's height as practicable.

(3) An escape route free from debris and other obstructions for employees shall be established before cutting any standing tree or trunk.

(4) The following shall be implemented:

(a) Notches shall be used on all trees and trunks greater than 5 inches (12.7 centimeters) in diameter;

(b) Notches and back cuts shall be made at a height that enables the chain saw operator to safely begin the cut, control the tree or trunk, and allows for escape;

(c) Notches shall be 45 degrees or greater and large enough to guide the fall of the tree or trunk to prevent splitting;

(d) Notch depth may not exceed 1/3 the diameter of the tree;

(e) The back cut may not penetrate into the predetermined hinge area;

(f) Any back cut shall be 1 to 2 inches (2.5 to 5 centimeters) above the apex of the notch to provide an adequate platform to prevent kickback of the tree or trunk;

(g) An open-face notch greater than 70 degrees shall have a back cut at the same level as the apex of the notch;

(h) The two cuts that form the notch may not cross at the point where they meet;

(i) In accordance with the job briefing requirements of Regulation .05I of this chapter, the designated employee shall give a command such as "stand clear" before the back cut is made; and

(j) When the back cut has been completed, the employee operating the chain saw shall immediately move a safe distance away from the tree or trunk using the planned escape route.

D. Brush Removal and Chipping.

(1) Loose clothing, climbing equipment, body belts, harnesses, lanyards, or gauntlet-type gloves may not be worn while operating chippers.

(2) Brush and logs shall be fed into chippers, butt or cut end first, from the side of the feed table center line, and the employee shall immediately turn away from the feed table when brush is taken into the rotor or feed rollers.

(3) Chippers shall be fed from the curbside whenever practical.

(4) Foreign material, such as stones, nails, sweepings, and rakings, may not be fed into chippers.

(5) Small branches shall be fed into chippers with longer branches or by being pushed with a long stick.

(6) Hands or other parts of the body may not be placed into the infeed hopper.

(7) Leaning into or pushing material into the infeed hopper with feet is prohibited;

(8) The winch cable used in chipper operations shall be properly stored before initiating chipper operations.

E. The following pesticide measures shall be followed during the pesticide application:

(1) Pesticides shall be used and applied in strict accordance with the Pesticide Applicator's Law, Agriculture Article, §§5-201—5-211, Annotated Code of Maryland, and COMAR 15.05.01.01—15.05.01.20;

(2) An adequate potable water source shall be provided at the work site for emergency personal decontamination; and

(3) Water for decontamination and drinking shall be kept in separate containers.

.07 Training.

A. Training shall be provided for each employee at no cost.

B. The training shall be provided:

(1) As soon as possible, but not later than 6 months from the effective date of this chapter, for initial training for each current and new employee;

(2) Prior to initial assignment for each new employee;

(3) Whenever an employee is assigned new work tasks, tools, equipment, machines, or vehicles; and

(4) Whenever an employee demonstrates unsafe job performance.

C. At a minimum, training shall consist of the following elements:

(1) Safe performance of assigned work tasks;

(2) Safe use, operation, and maintenance of tools, machines, and vehicles that an employee will be using or operating, including emphasis on understanding and following the manufacturer's operating and maintenance instructions, warnings, and precautions;

(3) Recognition of safety and health hazards associated with the employee's specific work tasks, including the use of measures and work practices to prevent or control those hazards;

(4) Recognition, prevention, and control of other safety and health hazards in tree care and tree removal;

(5) Procedures, practices, and requirements of the employer's work site; and

(6) The requirements of this chapter.

D. Each new employee and each employee who is required to be trained as specified in §B of this regulation shall work under the close supervision of a designated employee until the employee demonstrates to the employer the ability to safely perform new duties independently.

E. Portability of Training.

(1) Each current employee who has received training in the particular elements specified in §C of this regulation may not be required to be retrained in those elements.

(2) Prior to initial assignment, an employer shall conduct an assessment of the elements in §C of this regulation for each new employee who has previously received training to determine if the employee is competent to safely perform the work tasks.

(3) If an employer determines that an employee is not competent in certain elements of §C of this regulation, the employer shall retrain in those elements.

F. First Aid and Rescue Training.

(1) All employees shall be trained in basic first aid, including controlled bleeding and immobilization.

(2) Each employee's first-aid training shall remain current.

G. All training shall be conducted by a qualified person.

H. The employer shall ensure that all training materials used are appropriate in content and language of the employee and where the competent person observes behavior not consistent with the training, retraining shall be provided.

I. Certification of Training.

(1) The employer shall verify that each employee has received and understands the required training through a written certification that contains the name of each employee trained and the date or dates of training and that identifies the subject of the certification.

(2) The most recent training certification shall be maintained for as long as the employee is in the employment of the employer.

Administrative History

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