

Testimony of
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on behalf of the Tree Care Industry Association
before the
House Education and Workforce Committee
Subcommittee on Workforce Protections
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Introduction

Chairman Mackenzie, Ranking Member Omar, and distinguished members of the Subcommittee:

Thank you for the opportunity to testify today on behalf of the Tree Care Industry Association (TCIA) on a topic that is incredibly important to my company and our industry—worker safety. My name is Ben Tresselt, and I am the President of Arborist Enterprises, a tree care company based in Lancaster County, Pennsylvania. I founded the company with my wife in 1991, and over the past 34 years, we've grown to a team of 20 employees serving residential and commercial clients across southeastern and southcentral Pennsylvania.

I am an ISA Board Certified Master Arborist and a former Chairman of TCIA. I also serve on the Accredited Standards Committee (ASC) Z133, which is responsible for revising the ANSI Z133 Safety Requirements for Arboricultural Operations (ANSI Z133)—the national consensus safety standard for the tree care industry. Arborist Enterprises is proud to be a TCIA-Accredited company and employs three Certified Treecare Safety Professionals (CTSPs).

Tree care is extremely technical and potentially hazardous work, requiring skilled professionals, specialized equipment, and constant attention to safety. Our crews access trees using aerial lifts and climbing systems with ropes and saddles. We perform tree pruning and removals near homes, roads, and power lines. We work aloft with chainsaws and rigging systems, coordinating with ground crews to manage drop zones and safely lower heavy wood sections. We remove entire trees using cranes.

Most of our work is performed in public-facing spaces—residential streets, parks, and schools—where crews must stay vigilant not only for their own safety but also to protect bystanders, traffic, and surrounding structures. There is little room for error, and the hazards are ever-present.

Across the country, TCIA's 1,400 member businesses perform similar work in communities of all sizes. Collectively, they employ more than 150,000 workers—a substantial share of the U.S. tree care workforce. These professionals help protect property, support utilities in maintaining reliable power service, and play a critical role in post-disaster response—clearing roads, restoring service, and reducing wildfire risk.

Despite the essential nature of this work, our industry faces an unacceptably high fatality rate—estimated to be 10 to 30 times higher than the national average—and more than a thousand workers are injured every year on the job.¹

At Arborist Enterprises, we have worked hard to build a safety-first culture. We conduct job safety assessments before every project, invest in top-quality equipment, climbing and protective gear, and bring in outside consultants to deliver ongoing safety training. Our team uses the ANSI Z133 standard as our primary safety reference. Developed through a consensus process, Z133 offers clear, practical guidance tailored to the hazards of arboricultural work, and it is the first place we turn when evaluating how to perform a job safely.

¹ Safeguarding Workers and Employers from OSHA Overreach and Skewed Priorities, 118th Cong. Page 2. (2024)(testimony of Peter Gerstenberger) https://edworkforce.house.gov/uploadedfiles/gerstenberger_testimony.pdf

Still, despite these efforts, OSHA continues to regulate our industry using a patchwork of general industry standards—none of which fully reflect the realities of safe tree care operations. This creates confusion, inconsistency, and unnecessary compliance burdens for employers who are trying to do the right thing. It also fails to provide workers, small businesses and regulators with the clear, relevant guidance they need to keep the industry safe as possible for workers and the public.

That’s why I am here today—to respectfully urge OSHA to complete the work it began nearly two decades ago. Congress first called for action with a bipartisan, bicameral letter to OSHA in 1999, and TCIA formally petitioned for rulemaking in 2006. This is now the fourth time the TCIA has testified on this critical issue to this Congressional Subcommittee. Yet, nearly thirty years later, there is still no dedicated rule—and that delay continues to put our dedicated, hardworking tree care workers at risk and leaves responsible employers without the regulatory clarity they need.

The Limits of OSHA’s Current Regulatory Framework

Despite widespread recognition of the inherent dangers in tree care, OSHA continues to regulate our industry under standards developed for other sectors, which often do not reflect the unique hazards or work conditions of arboriculture. As a result, employers, workers, and OSHA inspectors are left without clear guidance on how to identify risks or implement effective safety measures.

One of the most problematic examples is OSHA’s treatment of cranes. In our industry, crews access trees using various methods—climbing, aerial lifts, and, in some situations, crane access. Crane access involves hoisting a qualified climber into the canopy using a crane’s load line or boom. It is often the safest option when a tree is structurally compromised, situated in a tight space, or located above hazards such as structures or utility lines. The crane’s load line provides a predictable, engineered anchor point, and the access method enables a controlled descent into the canopy and safer rigging of the tree for removal. This is significantly safer than climbing or positioning an aerial lift, which may be infeasible and pose greater danger to the worker.

The crane access method has been in use for over 50 years and has been recognized in the ANSI Z133 Safety Requirements for Arboricultural Operations since 1979. It is widely regarded by industry professionals as the safest option in many circumstances and is expressly permitted by several state OSHA plans.² However, Federal OSHA still applies 29 CFR §1910.180—a general industry crane rule that typically prohibits personnel hoisting. While employers may invoke exceptions for infeasibility or greater hazard, the process is cumbersome and leaves even safety-minded companies vulnerable to citations.

This is just one example. Federal OSHA routinely applies general industry standards—such as Fall Protection (§1910.140), Walking-Working Surfaces (§1910 Subpart D), and Crawler

² Notably, several OSHA-approved state plans have adopted standards permitting the use of cranes to hoist arborists, recognizing this method as both necessary and safe in many circumstances. California first implemented an emergency standard in 2004 to protect tree workers accessing beetle- and fire-killed trees, and made the rule permanent in 2012. Washington, Virginia, and Maryland have adopted similar standards. These state-specific rules were reviewed and approved by federal OSHA as being “at least as effective as” federal standards under the Occupational Safety and Health Act.

Locomotive and Truck Cranes (§1910.180)—in ways that do not reflect the realities of arboricultural work. These standards were not written for tree care operations and often conflict with the methods arborists must use to safely climb, rig, and remove trees in complex environments. As a result, employers committed to best practices may still face enforcement penalties, not for unsafe conduct, but for using techniques that fall outside OSHA’s outdated regulatory framework. Without a dedicated standard, this misalignment will persist, leaving employers uncertain, inspectors constrained, and safety outcomes compromised.

The Limits of OSHA’s Enforcement Approach

In recent years, OSHA has implemented five separate Regional Emphasis Programs (REPs) targeting tree care operations—covering nearly every major region where our industry operates.³ These directives instruct OSHA compliance officers to look out for tree care work in the field. But once they find it, they are left with no tree-care-specific standard to enforce. In the absence of a clear regulatory framework, OSHA inspectors must rely on outdated standards developed for unrelated industries—none of which adequately address the hazards or technical demands of arboricultural work. The result is a nationwide emphasis on enforcement without the tools to do it effectively.

A dedicated OSHA standard would not expand the rulebook—it would clarify it. It would guide inspectors toward the hazards that matter most and provide employers with the clear expectations they need to comply. A tailored standard would allow OSHA to act proactively and consistently, identifying issues before they result in harm.

Recent enforcement data reinforces this point. In FY 2024, the General Duty Clause (GDC) was the most frequently cited OSHA standard relevant to tree care operations.⁴ The GDC is used to fill in the gaps when a serious incident occurs but no specific OSHA rule applies—forcing inspectors to fall back on general language and outside materials to describe what went wrong. Other top citations that year were mostly for issues like missing PPE or failing to keep injury logs, which are easy to spot but don’t get at the real hazards we face in tree care.

This trend is longstanding. In a review of 65 federal OSHA inspections from 2015 to 2017, TCIA found that in the absence of an accident or formal complaint, inspectors tended to issue citations under general OSHA standards—such as PPE or fall protection—that, while important, may not fully reflect the unique hazards of tree care operations. However, in post-accident inspections—where a serious injury or fatality had occurred—OSHA issued more targeted citations, and nearly one-third relied on the GDC, often referencing ANSI Z133 to define the

³ OSHA maintains Regional Emphasis Programs (REPs) focused on tree care operations in the regions covered by its Boston, New York City, Philadelphia, Atlanta, and San Francisco offices. These programs direct field staff to proactively identify and inspect tree care operations. REP documents available at:

<https://www.osha.gov/enforcement/directives/lep>

⁴ OSHA’s citation data groups tree care operations under NAICS 561730 (Landscaping Services), which also includes non-arborist activities such as hardscaping. While a silica standard technically ranked first overall in FY 2024, it likely reflects work outside the tree care scope. The General Duty Clause (5(a)(1)) was the top-cited standard relevant to tree care hazards. Source: OSHA Frequently Cited Standards Report, NAICS Code 561730, Establishment Size: All, Period: October 2023 through September 2024. Accessed May 2025.

<https://www.osha.gov/pls/imis/citedstandard.html>

hazard and determine what should have been done to prevent the incident.⁵ That is a reactive enforcement model—one that penalizes employers after the fact rather than guiding them in advance.

Without a dedicated standard, this enforcement model will remain reactive, inconsistent, and incomplete. Employers committed to safety will continue facing uncertainty, and inspectors will be forced to improvise—often after an accident has already occurred. OSHA has the authority to fix this. What we need now is action: a clear, tailored rule that empowers employers and inspectors alike to prevent injuries, not just respond to them. And as I'll outline next, the groundwork for that rule already exists.

OSHA Has the Blueprint—But Has Yet to Act

Despite years of documented hazards, industry engagement, and formal recommendations, OSHA has still not issued a proposed safety standard specific to tree care operations. I know this firsthand because I served on the agency's Small Business Regulatory Enforcement Fairness Act (SBREFA) panel in 2020. That process brought together small employers from across the country—many of whom described exactly what I've shared today: the difficulty of navigating OSHA's enforcement approach without clear, industry-relevant standards.

The SBREFA panel concluded with a clear recommendation for OSHA to move forward with a dedicated rule. It emphasized that any standard should be grounded in the ANSI Z133 safety requirements—developed through consensus by employers, workers, and safety experts—and specifically noted the need to permit safe, widely accepted practices like the crane access method. The panel gave OSHA both the rationale and the roadmap to act.

As a member of the ANSI-accredited committee responsible for revising Z133, I've seen firsthand the level of care and expertise that goes into shaping this standard. I was recently appointed to chair the Z133 Task Group on Cranes and Knucklebooms for the 2025–2030 revision cycle—a role that reflects both my company's experience and the importance of crane access in modern tree care. These practices are widely used, widely understood, and widely recognized as safe when properly implemented. OSHA doesn't need to reinvent the wheel. The framework already exists.

Yet no proposed rule has been issued. Since the Tree Care Operations Standard first appeared on the Unified Regulatory Agenda in Fall 2020, OSHA has pushed the target date back at least eight times. During that same period, the agency completed work on more than a dozen other rulemakings—many of which were significantly more complex and more controversial. OSHA clearly has the capacity to act when it makes something a priority. The delay on this rule is not about resources—it's about where the agency chooses to focus its attention.

And that's what makes this a timely and necessary opportunity. The SBREFA panel marked the last major procedural step. The hazard data is overwhelming. Industry support is strong. The framework already exists. Policymakers across the spectrum are looking for ways to reduce regulatory burdens while improving outcomes—and this is exactly the kind of focused, consensus-driven solution that fits that mold. A tree care standard would replace uncertainty with

⁵ A More Effective and Collaborative OSHA: A View from Stakeholders, 115th Cong. Page 4. (2018) (testimony of Peter Gerstenberger) https://edworkforce.house.gov/uploadedfiles/testimony_gerstenberger_2.27.18.pdf

clear expectations, align enforcement with real-world best practices, and help both workers and employers do their jobs safely and consistently.

Conclusion: A Standard That Delivers Real-World Results

The question is not whether OSHA can act—it's whether it will. The groundwork has already been laid. The hazards are well documented. The industry is engaged. A national consensus standard already exists. And the need for clarity—for both employers and enforcement—is urgent.

This isn't just about enforcement. It's about delivering better outcomes and saving lives. As a business owner, I want to do the right thing. I want to keep my employees safe. I want clear, practical rules that reflect the work we do every day. I also want a level playing field. Right now, companies that invest in training, equipment, and compliance often operate at a disadvantage. A targeted OSHA standard would help fix that imbalance—by aligning enforcement with widely accepted safety practices and helping ensure everyone is held to the same expectations.

A federal OSHA standard would also support workforce development. Like many skilled trades, tree care faces persistent labor shortages. Younger workers are often reluctant to enter an industry they perceive as very hazardous and inconsistent. A clear safety standard would send the opposite message—that we take safety seriously, that we have rules in place, and that we value their wellbeing. At my own company, several recent hires cited our safety culture as the reason they sought us out.

Finally, a standard would help make safety financially sustainable. Our industry faces some of the highest insurance premiums in the country. A uniform federal framework would allow insurers to more accurately assess risk and reward safety investments, helping employers control costs while raising safety standards across the board.

In short, this is the kind of smart, focused standard OSHA was designed to deliver—one that protects workers, supports responsible businesses, and makes regulation more effective.

On behalf of Arborist Enterprises, TCIA, and the thousands of dedicated, hardworking tree care professionals, I urge this Subcommittee to keep the pressure on. Let's finish what we started. Let's make tree care operations safety proactive, not reactive. And let's give our workforce the clear, industry-relevant safe working environment they deserve.

Thank you for the opportunity to testify. I welcome your questions.