

The Department of Labor and Industry's Virginia Occupational Safety and Health (VOSH) Program and the Virginia Safety and Health Codes Board have adopted a final regulation for:

Tree Trimming Operations, 16 VAC 25-73

Effective Date and Training Materials:

The final regulation will take effect April 27, 2011. The text of the final regulation, **along with free downloadable training and information materials** can be found on the Department's web site (see: <http://www.doli.virginia.gov>). The final regulation is also being published in the Virginia Register of Regulations on **March 28, 2011**, (see: <http://legis.state.va.us/codecomm/register/issfiles.htm>).

Outreach and Phased Enforcement Approach

To provide employers and employees with sufficient time to familiarize themselves with the requirements of the comprehensive new Tree Trimming Operations regulation, the VOSH Program will use a phased enforcement approach:

1. VOSH Inspectors/Consultants will be provided with handouts on the new regulation that can be distributed to employers and employees in the weeks leading up to the effective date of **April 27, 2011**. A training program will be posted on the Department's Web site. Articles on the new regulation will be sent out for publication to organizations with newsletters. "Quick cards" will be available for download from the Department's Web site to briefly explain requirements of the regulation, and will be translated into Spanish as well. A VOSH Directive with enforcement procedures and interpretations will be posted on the Department's Web site.
2. For the first month after the effective date of the regulation, **April 27, 2011 to May 26, 2011**, VOSH will primarily operate in a non-enforcement mode with regard to the **new regulation**, performing outreach activities with employers and employees. However, current protections for employees will remain in place during the outreach period – see 3. below. If during an onsite inspection, violations of the **new regulation** are noted, VOSH inspectors will give one "warning" to the employer for any noted violations at the specific worksite, but not cite the violation. The VOSH inspector will verify that the violation is corrected, and note the violation and corrective action taken in field notes. The warning and handout materials need to be provided to an on-site supervisor, foreman, or lead person. If the VOSH inspector returns the next day and finds the same violation recurring, or if the employer refuses to correct the violation, the employer can be cited.
3. During the first month after the effective date of the regulation, **April 27, 2011 to May 26, 2011**, employers shall **at a minimum** protect employees' safety and health by continuing to comply with existing federal identical VOSH regulations and 16VAC25-60-120 of the VOSH Administrative Regulations Manual.
4. For the second month after the effective date of the regulation, **May 27, 2011 to June 26, 2011**, VOSH will discontinue enforcement of existing federal identical regulations that are superseded by the new regulation and fully enforce the following sections of the Tree Trimming Operations regulation:
 - §10, Scope;
 - §20, Definitions;
 - §40, General Safety Requirements;
 - §50, Electrical Hazards;
 - §60, Safe Use of Equipment and Vehicles in Arboriculture;
 - §70, Portable Power Hand Tools;
 - §80, Hand Tools and Ladders; and
 - §90, Work Procedures
5. Section §30, which contains the training requirements, will not be cited during the during the second month after the effective date, **May 27, 2011 to June 26, 2011**. This extra time period will give employers and employees time to access the training materials that are being provided.
6. All sections of the regulation will be fully enforced **starting June 27, 2011**