

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulation
Department of Natural Resources
(DLS Control No. 20-078)**

Overview and Legal and Fiscal Impact

This regulation updates the edition of the American National Standards for Arboricultural Operations – Safety Requirements, which is incorporated by reference under COMAR 08.07.07.

The regulation presents no legal issue of concern.

There is no fiscal impact on State or local agencies.

Regulation of COMAR Affected

Department of Natural Resources:

Forest and Parks: Licensed Tree Experts: COMAR 08.07.07.02

Legal Analysis

Background

The American National Standard for Arboricultural Operations - Safety Requirements, also known as the ANSI Z133 or Z133, is intended to provide safety standards for arborists and other workers engaged in arboricultural operations. It contains arboriculture safety requirements for pruning, repairing, maintaining, and removing trees; cutting brush; and for using equipment in such operations. The 2017 revision of Z133 was recently completed. The Tree Care Industry Association provided an overview of major changes on its [website](#), which are described below.

Changes made in the 2017 revision include an expansion of the rules for working in proximity to electrical hazards to recognize three levels of qualification: the unqualified, the Incidental Line Clearance Arborist and Utility Line Clearance Arborist. Additionally, climbers are now required, rather than recommended, to have a hand saw available while working aloft. This requirement also applies to aerial lift operators when pruning. Further, arborists, when repositioning, shall preload a new tie-in point with his/her full weight before releasing the current means of being secured. Additionally, the climber shall select a tie-in point/primary suspension point that prevents lateral movement of the climbing line.

Concerning chippers under the 2017 revision, if maintenance is needed, all moving parts shall come to a complete stop and keys shall be removed from the ignition and pocketed by the

authorized person before proceeding. When working with chipper winches, a winch line should not be wrapped around a load. During winching operations of loads that do not have a manufactured attachment point, the load should be secured using a sling. Winch lines must also be compatible with the winch design and shall meet manufacturer's specifications. Additionally, when using a winch in chipper operations, the operator shall ensure that the winch line is properly stored before initiating chipper operations.

Finally, the 2017 revision addressed several general safety issues. If an inspection reveals a defect that could affect the safe operation of the equipment, the equipment shall be removed from service. For field crews involving two or more workers at a work location, at least two workers trained in first aid/CPR shall be available. When more than one worker is involved in limbing, bucking and moving debris from a tree, each shall be positioned and their duties organized so that the actions of one worker will not create a hazard for any other worker. The 2017 revision also clarifies that only one worker shall be cutting a single tree or single tree part during the limbing and bucking process.

Summary of Regulation

The regulation updates the edition of the American National Standard for Arboricultural Operations – Safety Requirements that is incorporated by reference under COMAR 08.07.07.02 from the 2012 to the 2017 edition.

Legal Issues

The regulation presents no legal issue of concern.

Statutory Authority and Legislative Intent

The Department of Natural Resources cites §§ 1-104 and 5-415 through 5-423 of the Natural Resources Article and § 10-206 of the State Government Article as statutory authority for the regulation. Section 1-104 of the Natural Resources Article establishes that the Secretary of Natural Resources is responsible for promulgating rules and regulations for the department. Sections 5-415 through 5-423 of the Natural Resources Article generally establish requirements for the licensure of tree experts, and authorize the department to examine, and set standards for tree experts. The remaining cited authority is not relevant to the regulation.

The relevant cited authority is correct and complete. The regulation complies with the legislative intent of the law.

Technical Corrections and Special Notes

There is a typographical error in the acronym for the incorporation by reference document in both current regulation and this submission. The Department of Legislative Services notified staff for the department of the error.

Fiscal Analysis

There is no fiscal impact on State or local agencies.

Agency Estimate of Projected Fiscal Impact

The department advises that the regulation has no impact on State or local governments. The Department of Legislative Services concurs.

Impact on Budget

There is no impact on the State operating or capital budget.

Agency Estimate of Projected Small Business Impact

The department advises that the regulation has minimal or no economic impact on small businesses in the State. The Department of Legislative Services concurs.

Contact Information

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