

Exhibit D

MEMORANDUM FOR:

REGIONAL ADMINISTRATORS

FROM:

DOROTHY DOUGHERTY
DEPUTY ASSISTANT SECRETARY

THOMAS GALASSI
DIRECTOR, DIRECTORATE OF
ENFORCEMENT PROGRAMS

SUBJECT:

Clarification of the applicability of 29 CFR
1910.269 to line-clearance tree trimming

The purpose of this memorandum is to clarify the extent to which 29 CFR 1910.269 applies to line-clearance tree trimming.

The general industry standard for work on electric power generation, transmission, and distribution installations, 29 CFR 1910.269, contains requirements applicable to line-clearance tree trimming. (See 29 CFR 1910.269(a)(1)(i)(E).) Line-clearance tree trimming is defined at 29 CFR 1910.269(x) as “[t]he pruning, trimming, repairing, maintaining, removing, or clearing of trees, or the cutting of brush, that is within the following distance of electric supply lines and equipment: (1) For voltages to ground of 50 kilovolts or less – 3.05 meters (10 feet); (2) For voltages to ground of more than 50 kilovolts – 3.05 meters (10 feet) plus 0.10 meters (4 inches) for every 10 kilovolts over 50 kilovolts.” The only line-clearance tree trimming OSHA intended to cover under 29 CFR 1910.269 is line-clearance tree trimming performed: (1) for the purpose of clearing space around electric power generation, transmission, or distribution lines or equipment and (2) on behalf of an organization that operates, or that controls the operating procedures for, those lines or equipment. Tree trimming performed on behalf of a homeowner or commercial entity other than an organization that operates, or that controls the operating procedures for, electric power generation, transmission, or distribution lines or equipment is not directly associated with an electric power generation, transmission, or distribution installation and is not covered by 29 CFR 1910.269. In addition, tree trimming that is not for the purpose of clearing space around electric power generation, transmission, or distribution lines or equipment is not directly associated with an electric power generation, transmission, or distribution installation and is not covered by 29 CFR 1910.269.

OSHA intends to issue a correcting amendment to clarify what line-clearance tree trimming work falls within the scope of 29 CFR 1910.269. In the interim, no citations will be issued under 29 CFR 1910.269 with respect to any line-clearance tree trimming that is not done both for the purpose of clearing space around electric power generation, transmission, or distribution lines or equipment and on behalf of an organization that operates, or that controls the operating procedures for, those lines or equipment. However, citations may be issued in the interim under any other standards that apply to such line-clearance tree trimming work. Such standards may include 29 CFR 1910.268 or 29 CFR 1910.331 through 1910.335.

Please share this information with the State Plans and On-Site Consultation Projects in your Region. If you have any questions regarding application of this memorandum, please contact Sherman Williamson in the Directorate of Enforcement Programs.