

Office of Regulatory Management  
Economic Review Form

<b>Agency name</b>	Department of Labor and Industry
<b>Virginia Administrative Code (VAC) Chapter citation(s)</b>	16 VAC 25-73
<b>VAC Chapter title(s)</b>	Regulation Applicable to Tree Trimming Operations
<b>Action title</b>	Periodic Review
<b>Date this document prepared</b>	August 28, 2024
<b>Regulatory Stage (including Issuance of Guidance Documents)</b>	Periodic Review

### Cost Benefit Analysis

Complete Tables 1a and 1b for all regulatory actions. You do not need to complete Table 1c if the regulatory action is required by state statute or federal statute or regulation and leaves no discretion in its implementation.

Table 1a should provide analysis for the regulatory approach you are taking. Table 1b should provide analysis for the approach of leaving the current regulations intact (i.e., no further change is implemented). Table 1c should provide analysis for at least one alternative approach. You should not limit yourself to one alternative, however, and can add additional charts as needed.

Report both direct and indirect costs and benefits that can be monetized in Boxes 1 and 2. Report direct and indirect costs and benefits that cannot be monetized in Box 4. See the ORM Regulatory Economic Analysis Manual for additional guidance.

**NOTE:** This regulation is based on the industry's national consensus standard, American National Standard's Institute (ANSI) Z133.1-2006, Safety Requirements for Arboricultural Operations (with Modifications), for Application to Tree Trimming Operations. The regulation was adopted at the request of and in cooperation with the Tree Trimming Industry (now represented by the Tree Care Industry Association (TCIA)), which first approached the Department about the possibility of adopting a comprehensive VOSH standard addressing tree trimming in 2001. The regulation addresses non-logging, tree-trimming and cutting operations on residential and commercial work sites. Prior to adoption, VOSH applied the Logging Standard, 1910.266, to arborists\tree trimming operations anytime a tree was "felled," or cut down. The Logging Standard did not apply to tree trimming activities where a tree

was not felled or cut down, so there was no specific regulation to address hazards associated specifically with trimming trees.

**Table 1a: Costs and Benefits of the Proposed Changes (Primary Option)**

(1) Direct & Indirect Costs & Benefits (Monetized)	Direct Costs: Not applicable. Indirect Costs: Not applicable. Direct Benefits: Not applicable. Indirect Benefits: Not applicable.	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) Not applicable.	(b) Not applicable.
(3) Net Monetized Benefit	Not applicable.	
(4) Other Costs & Benefits (Non-Monetized)	Not applicable.	
(5) Information Sources	Not applicable.	

**Table 1b: Costs and Benefits under the Status Quo (No change to the regulation)**

(1) Direct & Indirect Costs & Benefits (Monetized)	Direct Costs: Not applicable. Indirect Costs: Not applicable. Direct Benefits: Not applicable. Indirect Benefits: Not applicable..	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) Not applicable.	(b) Not applicable.
(3) Net Monetized Benefit	Not applicable.	
(4) Other Costs & Benefits (Non-Monetized)	Not applicable.	
(5) Information Sources	Not applicable.	

**Table 1c: Costs and Benefits under Alternative Approach(es)**

(1) Direct & Indirect Costs & Benefits (Monetized)	Direct Costs: Not applicable. Indirect Costs: Not applicable. Direct Benefits: Not applicable. Indirect Benefits: Not applicable.	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) Not applicable.	(b) Not applicable.
(3) Net Monetized Benefit	Not applicable.	
(4) Other Costs & Benefits (Non-Monetized)	Not applicable.	
(5) Information Sources	Not applicable.	

**Impact on Local Partners**

Use this chart to describe impacts on local partners. See Part 8 of the ORM Cost Impact Analysis Guidance for additional guidance.

**Table 2: Impact on Local Partners**

<p>(1) Direct &amp; Indirect Costs &amp; Benefits (Monetized)</p>	<ul style="list-style-type: none"> <li>• Direct Costs: Describe the direct costs of this proposed change here.</li> <li>• Indirect Costs: Describe the indirect costs of the proposed change.</li> <li>• Direct Benefits: Describe the direct benefits of this proposed change here.</li> <li>• Indirect Benefits: Describe the indirect benefits of the proposed change.</li> </ul> <p>The regulation neither disproportionately affects particular localities, nor affects costs for local governments, unless and to the extent that a local government has employees that engage in tree trimming operations (in which case the locality would have to comply with the regulations requirements in the same manner as a private tree trimming contractor); or contracts with private contractors to conduct tree trimming operations on local government properties.</p> <p>The regulation was adopted at the request of and in consultation with representatives of the tree care industry. It is designed to eliminate or reduce injuries, illnesses and fatalities associated with tree trimming hazards. This regulation closely tracks the industry approved ANSI Z133.1-2006, and does not overlap, duplicate, or conflict with federal or state law or regulation.</p> <p>The benefit of the regulation to local governments is to ensure safety and health standards for tree trimming workers, and the prevention of workplace injuries, illnesses or fatalities, involving local government employees who engage in tree trimming operations for the local government.</p>	
<p>(2) Present Monetized Values</p>	<p>Direct &amp; Indirect Costs</p>	<p>Direct &amp; Indirect Benefits</p>
	<p>(a) See (1) above.</p>	<p>(b) See (1) above.</p>
<p>(3) Other Costs &amp; Benefits (Non-Monetized)</p>	<p>Local government workplaces are subject to the tree trimming standards included in this regulation, when their own employees are engaging in tree trimming operations. The local government can be impacted where it has hired a private tree trimming contractor for work on the locality’s property.</p> <p>To the extent that the DOLI inspection delays completion of the tree trimming project, the local government could experience a delay in use of the specific area under contract.</p>	

	If the DOLI inspection uncovers violations which could have resulted in injury to tree trimming employees, the locality (in the case where its employees were conducting the tree trimming work) or the private contractor would be required to correct the violations and eliminate the hazards.
(4) Assistance	Not applicable.
(5) Information Sources	<a href="https://law.lis.virginia.gov/admincode/title16/agency25/chapter73/">https://law.lis.virginia.gov/admincode/title16/agency25/chapter73/</a>

**Impacts on Families**

Use this chart to describe impacts on families. See Part 8 of the ORM Cost Impact Analysis Guidance for additional guidance.

**Table 3: Impact on Families**

<p>(1) Direct &amp; Indirect Costs &amp; Benefits (Monetized)</p>	<ul style="list-style-type: none"> <li>• Direct Costs: Describe the direct costs of this proposed change here.</li> <li>• Indirect Costs: Describe the indirect costs of the proposed change.</li> <li>• Direct Benefits: Describe the direct benefits of this proposed change here.</li> <li>• Indirect Benefits: Describe the indirect benefits of the proposed change.</li> </ul> <p>The regulation should not result in any costs to families in single family homes or in residential buildings where tree trimming operations are occurring. If a DOLI inspection occurs as the result of an accident or in response to a complaint or referral, to the extent that the DOLI inspection delays completion of the project, the family could experience a delay in use of the specific area under contract.</p> <p>If the DOLI inspection uncovers violations which could have resulted in injury to tree trimming employees, the private contractor would be required to correct the violations and eliminate the hazards.</p> <p>The benefit of the regulation to families is to ensure safety and health standards for tree trimming workers, and the prevention of workplace injuries, illnesses or fatalities, involving family members who work in the industry. The regulation also benefits families that contract with tree trimming businesses by assuring that such businesses operate in a safe and health manner to avoid serious injuries or fatal accidents on the homeowner’s property and the consequent disruptions to home life that could result (emergency response personnel, police, and fire rescue having to respond to serious accidents or fatalities on the property).</p>	
<p>(2) Present Monetized Values</p>	<p>Direct &amp; Indirect Costs</p> <p>(a) See (1) above.</p>	<p>Direct &amp; Indirect Benefits</p> <p>(b) See (1) above.</p>
<p>(3) Other Costs &amp; Benefits (Non-Monetized)</p>	<p>See (1) above.</p>	
<p>(4) Information Sources</p>	<p><a href="https://law.lis.virginia.gov/admincode/title16/agency25/chapter73/">https://law.lis.virginia.gov/admincode/title16/agency25/chapter73/</a></p>	

**Impacts on Small Businesses**

Use this chart to describe impacts on small businesses. See Part 8 of the ORM Cost Impact Analysis Guidance for additional guidance.

**Table 4: Impact on Small Businesses**

<p>(1) Direct &amp; Indirect Costs &amp; Benefits (Monetized)</p>	<ul style="list-style-type: none"> <li>• Direct Costs: Describe the direct costs of this proposed change here.</li> <li>• Indirect Costs: Describe the indirect costs of the proposed change.</li> <li>• Direct Benefits: Describe the direct benefits of this proposed change here.</li> <li>• Indirect Benefits: Describe the indirect benefits of the proposed change.</li> </ul> <p>See benefits discussion above.</p> <p>A small business engaged in tree trimming operations is subject to the standards set forth in this regulation. If violations are cited, they could result in penalties being issued. The contractor would also be required to correct the violations and incur any associated expenses, which would not normally be passed along to the customer.</p> <p>A small business that contracted for tree trimming should not experience any costs associated with a DOLI inspection, although to the extent that the DOLI inspection delays completion of the project, the small business could experience a delay in use of the specific area under contract.</p>	
<p>(2) Present Monetized Values</p>	<p>Direct &amp; Indirect Costs</p>	<p>Direct &amp; Indirect Benefits</p>
	<p>(a) See (1) above.</p>	<p>(b) See (1) above.</p>
<p>(3) Other Costs &amp; Benefits (Non-Monetized)</p>		
<p>(4) Alternatives</p>	<p>The Department of Labor and Industry did not consider any alternatives to this regulation because there is no viable alternative to this regulation.</p>	
<p>(5) Information Sources</p>	<p><a href="https://law.lis.virginia.gov/admincode/title16/agency25/chapter73/">https://law.lis.virginia.gov/admincode/title16/agency25/chapter73/</a></p>	

**Changes to Number of Regulatory Requirements**

*DOLI does not know which sections will be modified, since the periodic review will be producing information as to what changes, if any, are warranted. DOLI will update Table 5 with precise numbers if and when it proceeds with a change to the Chapter at issue.*

**Table 5: Regulatory Reduction**

For each individual action, please fill out the appropriate chart to reflect any change in regulatory requirements, costs, regulatory stringency, or the overall length of any guidance documents.

*Change in Regulatory Requirements*

VAC Section(s) Involved*	Authority of Change	Initial Count	Additions	Subtractions	Total Net Change in Requirements
16VAC25-73-10	(M/A):	0	0	0	0
	(D/A):	0	0	0	0
	(M/R):	0	0	0	0
	(D/R):	0	0	0	0
<b>Grand Total of Changes in Requirements:</b>					(M/A): 0 (D/A): 0 (M/R): 0 (D/R): 0

VAC Section(s) Involved*	Authority of Change	Initial Count	Additions	Subtractions	Total Net Change in Requirements
16VAC25-73-20	(M/A):	0	0	0	0
	(D/A):	0	0	0	0
	(M/R):	0	0	0	0
	(D/R):	0	0	0	0
<b>Grand Total of Changes in Requirements:</b>					(M/A): 0 (D/A): 0 (M/R): 0 (D/R): 0



VAC Section(s) Involved*	Authority of Change	Initial Count	Additions	Subtractions	Total Net Change in Requirements
16VAC25-73-30	(M/A):	0	0	0	0
	(D/A):	0	0	0	0
	(M/R):	0	0	0	0
	(D/R):	5	0	0	0
<b>Grand Total of Changes in Requirements:</b>					(M/A): 0 (D/A): 0 (M/R): 0 (D/R): 0

VAC Section(s) Involved*	Authority of Change	Initial Count	Additions	Subtractions	Total Net Change in Requirements
16VAC25-73-40	(M/A):	0	0	0	0
	(D/A):	0	0	0	0
	(M/R):	0	0	0	0
	(D/R):	36	0	0	0
<b>Grand Total of Changes in Requirements:</b>					(M/A): 0 (D/A): 0 (M/R): 0 (D/R): 0

VAC Section(s) Involved*	Authority of Change	Initial Count	Additions	Subtractions	Total Net Change in Requirements
16VAC25-73-50	(M/A):	0	0	0	0
	(D/A):	0	0	0	0
	(M/R):	0	0	0	0
	(D/R):	16	0	0	0
<b>Grand Total of Changes in Requirements:</b>					(M/A): 0 (D/A): 0 (M/R): 0 (D/R): 0

VAC Section(s) Involved*	Authority of Change	Initial Count	Additions	Subtractions	Total Net Change in Requirements
16VAC25-73-60	(M/A):	0	0	0	0
	(D/A):	0	0	0	0
	(M/R):	0	0	0	0
	(D/R):	159	0	0	0
<b>Grand Total of Changes in Requirements:</b>					(M/A): 0 (D/A): 0 (M/R): 0 (D/R): 0

VAC Section(s) Involved*	Authority of Change	Initial Count	Additions	Subtractions	Total Net Change in Requirements
16VAC25-73-70	(M/A):	0	0	0	0
	(D/A):	0	0	0	0
	(M/R):	0	0	0	0
	(D/R):	38	0	0	0
<b>Grand Total of Changes in Requirements:</b>					(M/A): 0 (D/A): 0 (M/R): 0 (D/R): 0

VAC Section(s) Involved*	Authority of Change	Initial Count	Additions	Subtractions	Total Net Change in Requirements
16VAC25-73-80	(M/A):	0	0	0	0
	(D/A):	0	0	0	0
	(M/R):	0	0	0	0
	(D/R):	45	0	0	0
<b>Grand Total of Changes in Requirements:</b>					(M/A): 0 (D/A): 0 (M/R): 0 (D/R): 0

VAC Section(s) Involved*	Authority of Change	Initial Count	Additions	Subtractions	Total Net Change in Requirements
16VAC25-73-90	(M/A):	0	0	0	0
	(D/A):	0	0	0	0
	(M/R):	0	0	0	0
	(D/R):	184	0	0	0
<b>Grand Total of Changes in Requirements:</b>					(M/A): 0 (D/A): 0 (M/R): 0 (D/R): 0

VAC Section(s) Involved*	Authority of Change	Initial Count	Additions	Subtractions	Total Net Change in Requirements
16VAC25-73-100	(M/A):	0	0	0	0
	(D/A):	0	0	0	0
	(M/R):	0	0	0	0
	(D/R):	0	0	0	0
<b>Grand Total of Changes in Requirements:</b>					(M/A): 0 (D/A): 0 (M/R): 0 (D/R): 0

VAC Section(s) Involved*	Authority of Change	Initial Count	Additions	Subtractions	Total Net Change in Requirements
16VAC25-73-110	(M/A):	0	0	0	0
	(D/A):	0	0	0	0
	(M/R):	0	0	0	0
	(D/R):	0	0	0	0
<b>Grand Total of Changes in Requirements:</b>					(M/A): 0 (D/A): 0 (M/R): 0 (D/R): 0

VAC Section(s) Involved*	Authority of Change	Initial Count	Additions	Subtractions	Total Net Change in Requirements
16VAC25-73-120	(M/A):	0	0	0	0
	(D/A):	0	0	0	0
	(M/R):	0	0	0	0
	(D/R):	0	0	0	0
<b>Grand Total of Changes in Requirements:</b>					(M/A): 0 (D/A): 0 (M/R): 0 (D/R): 0

VAC Section(s) Involved*	Authority of Change	Initial Count	Additions	Subtractions	Total Net Change in Requirements
16VAC25-73-130	(M/A):	0	0	0	0
	(D/A):	0	0	0	0
	(M/R):	0	0	0	0
	(D/R):	0	0	0	0
<b>Grand Total of Changes in Requirements:</b>					(M/A): 0 (D/A): 0 (M/R): 0 (D/R): 0

VAC Section(s) Involved*	Authority of Change	Initial Count	Additions	Subtractions	Total Net Change in Requirements
16VAC25-73-140	(M/A):	0	0	0	0
	(D/A):	0	0	0	0
	(M/R):	0	0	0	0
	(D/R):	0	0	0	00
<b>Grand Total of Changes in Requirements:</b>					(M/A): 0 (D/A): 0 (M/R): 0 (D/R): 00

VAC Section(s) Involved*	Authority of Change	Initial Count	Additions	Subtractions	Total Net Change in Requirements
16VAC25-73-150	(M/A):	0	0	0	0
	(D/A):	0	0	0	0
	(M/R):	0	0	0	0
	(D/R):	0	0	0	0
<b>Grand Total of Changes in Requirements:</b>					(M/A): 0 (D/A): 0 (M/R): 0 (D/R): 0

**Key:**

*Please use the following coding if change is mandatory or discretionary and whether it affects externally regulated parties or only the agency itself:*

**(M/A):** Mandatory requirements mandated by federal and/or state statute affecting the agency itself

**(D/A):** Discretionary requirements affecting agency itself

**(M/R):** Mandatory requirements mandated by federal and/or state statute affecting external parties, including other agencies

**(D/R):** Discretionary requirements affecting external parties, including other agencies

*Cost Reductions or Increases (if applicable)*

VAC Section(s) Involved*	Description of Regulatory Requirement	Initial Cost	New Cost	Overall Cost Savings/Increases

*Other Decreases or Increases in Regulatory Stringency (if applicable)*

VAC Section(s) Involved*	Description of Regulatory Change	Overview of How It Reduces or Increases Regulatory Burden

*Length of Guidance Documents (only applicable if guidance document is being revised)*

Title of Guidance Document	Original Word Count	New Word Count	Net Change in Word Count

\*If the agency is modifying a guidance document that has regulatory requirements, it should report any change in requirements in the appropriate chart(s).