

Legislative Update

submitted by Larry Axlen,
Legislative Member Representative

EPA August 11, 2011: The U.S. Environmental Protection Agency (EPA) issued an order to E.I. DuPont de Nemours (DuPont) directing the company to immediately halt the sale, use or distribution of Imprelis, an herbicide marketed to control weeds, vines and certain grasses in recreational areas such as golf courses and commercial properties such as sod farms. The order follows EPA's investigation into why a large number of evergreens and other trees have been harmed following the use of the herbicide. Use the following link for more details. <http://www.epa.gov/compliance/resources/cases/civil/fifra/dupontimprelis.html>.

ANSI A300 Updates: Public review is now open for ANSI A300 (Part 7) – Vegetation Management, until September 5, 2011. Public reviews and other revisions or new ANSI A300 parts may be seen at any time at: <http://www.tcia.org/standards/CurrentProjects.htm>.

ANSI A300 (Part 7) Vegetation Management – Utility Rights-of-Way. This standard is to address standards and guidelines for the creation and implementation of integrated vegetation management plans. The standard addresses:

- Site evaluations
- Management control methods
- Cultural control methods
- Biological control methods
- Initial clearing of ROW
- IVM applications
- Chemical control applications
- Selective and non-selective management
- Wire zone – border zone concept

ANSI Z133 ASC Z133 (Arboriculture Safety Standard Committee) last met Nov. 10, 2010. The committee began the process of reviewing and discussing recommendations for the 2011 standard revision. The

next meeting is scheduled for 4/13/2011. The 45-day public review period will begin on February 18th and end April 4th. This is a very short time for public comments and objectives for review and consideration. For more information, call Janet Huber at ISA, (217) 355-9411 x259 or e-mail jhuber@isa-arbor.com.

HR 872: The Reducing Regulatory Burdens Act of 2011

HR 872 passed the House on March 31st, 2011, and was introduced in the Senate April 4th, 2011. Once fully passed and signed into law this bill will protect the public from insect-borne diseases, protect our environment from harmful invasive species and reduce regulatory burden on businesses by ending a duplicate permit process for pesticide applications.

HR 4: HR 4 passed the House on March 3rd, 2011, and also passed the Senate on April 5th, 2011. The bill repeals the 1099 rule (which had been included in the Health Care Bill of last year) requiring businesses to report payments of over \$600 to vendors. The bill is expected to be signed into law by President Obama.

H-2B: Program Rewrite Underway

The Department of Labor is rewriting the H-2B temporary and seasonal nonagricultural worker program. The proposed changes are described in a 78-page notice published in the March 18, 2011, Federal Register. The publication comes one year after the DOL published new rules for H-2A agricultural program.

OSHA Clarifies Payment Responsibilities for Protective Equipment

Risk & Insurance (03/11)

A new directive from OSHA details and updates compliance for employers to provide personal protective equipment for their employees. The directive replaces the inspection guidelines for 29 CFR Part 1910

Subpart I, the revised Personal Protective Equipment Standards for General Industry, issued in June 1995.

The most significant changes include:

- Clarification on what type of personal protective equipment employers must provide at no cost, when employers must pay for or replace equipment and when employers aren't required to pay for protective equipment.
- Clarification on the payment requirements for protective equipment worn off the jobsite, for equipment that must remain at the jobsite and for employee-owned equipment.
- Enforcement policies that reflect court and review commission decisions concerning protective equipment.
- Guidance that allows employers to use protective equipment constructed in accordance with the most recent national consensus standards.

Go to the OSHA directive at this link: <http://www.jjkeller.com/wcsstore/CVCatalogAssetStore/references/workplace/2011/021511CPL.pdf>.

HR 2095: Energy Conservation Through Trees Act

This bill was introduced by Doris Matsui (D-CA), on June 2, 2011. Then referred to the Committee on Energy and Commerce. If passed, this bill will establish a grant program to assist retail power providers with the establishment and operation of energy conservation programs using targeted residential tree planting. For further information visit <http://www.govtrack.us/congress/bill.xpd?bill=h112-2095>.

Please check our website for the new legislative representatives (http://www.waa-isa.org/legislative_issues.htm). Over 30 new representatives are now in office.