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Managing Risks in Tree Trimming and Arboricultural Work

Draft, Code of Practice, Reply

To whom it may concern

OVERVIEW

The first purpose of this code must be to provide a framework to the tree industry preventing death and injuries to its workers. The second is to be a basic legal tool to portion and assign accountability after an incident happens.

The gravity of this documents role in Court proceedings must be to frame argument surrounding the adherence to the "Code of Practice" rather than generating debate on interpretation and semantics.

COMMENT

GENERAL

SCOPE AND APPLICATION

The draft defines its jurisdiction to "arboriculture work within the urban environment" and "...carried out by arborists in an urban environment". It would appear that tree works conducted by persons who are **not arborists** and working anywhere in Australia that is **not in an urban environment** are not subject to this Code of Practice.

This draft further states, "This Code does not apply to forest operations." The tree climbing in forest operations and silviculture must apply to some Code of Practice. Without inclusion of climbing in the Forest Code of Practice, there is a high probability that this draft may be referenced by forestry.

Further, tree climbing activities conducted on crown land not allocated for harvesting and the extensive power line easements would also “sit” between the jurisdictions of the two Codes. The commonalities of work practices like tree felling and tree climbing must be uniform between the Codes to **prevent argument in Court**.

I am not an arborist and have worked for 35 years essentially removing trees in both amenity and forest workplaces. References to “tree health, discern tree problems and take measures to correct them” do not resemble my work function. To observe the nature of my workplaces, www.chebter.com

CONSULTATION AND COMMENT

The existence of this draft is not known by much of the industry to which it will apply. I have sent the link to a number of fellow tree contractors. Only one of them knew of the draft. The recent extension of time is wise.

There are small arborist groups aware of the draft and have assumed the role of feedback on behalf of industry. They are anchored to tree climbing competitions and training providers. Many of my counterparts and I do not consult these sporting groups for matters relating to our workplace. I do not wish for them to speak for me.

Some of the vocal training providers have a vested interest to preserve and enhance the empire of training. Practitioners generally regard this as the “tail wagging the dog”. Their enthusiasm and resources have influenced much written material that has been void of the consultation processes one would assume was conducted.

COMPETENCE

The terms: competent, competent person, training, well trained operators, information and qualifications have two applications, during entry level and then operationally in the workplace. At the time of assessment the appropriateness of a person’s qualifications and competence is anchored to the safety of the training environment and limited to the training ground. Operationally (in industry) those terms are meshed with experience for it to be applicable to practitioners.

Unfortunately contracts and employers are only required to recognise the competence deemed at the completion of training.

Further, a significant proportion of industry is not exposed to medium levels of task complexity, yet the qualifications referred to in this Code do not discriminate. The issue is that tree workers could hold the same qualifications and a significant proportion would not be suitable for tasks of medium difficulty.

After an incident one lawyer could present the reasonable position that the injured party whilst “declared competent” had not been prepared for the tasks required of him. The opposition lawyer would argue that the trainer was correctly qualified and the assessment of “competent”, valid. The “shock absorber” for the lack of clarity is the unfortunate employers that find themselves in that courtroom.

When this draft to refers to competence, it must blend a statement regarding associated experience, qualifying which type of competence to which it refers, i.e. outcomes of current training or workplace.

I acknowledge that many contractors are screened away from demanding contracts by recognition of their limitations and uncompetitive pricing, however some are not. I can see an opportunity for the draft to provide some clarity when considering the terms with an advantage to Health and Safety.

In addition the range of competence within the training providers for arboriculture varies from below their training outcomes, to operationally competent in industry. Training providers that were trained from the lower end of this range of competence can magnify the shortfall. Without the trainers being bound with an element of experience and currency the training outcomes they assess have the potential to erode further. Employers are invariably left to decide themselves, if a new employee can actually perform the tasks for which they were assessed.

EMERGENCY PREPARATION

2.2 Assessing the risks, fails to address the issue, does this site require emergency planning? Instead in **3.1** it jumps to "... the potential need to conduct a tree rescue."

Further, "When undertaking climbing work the worker should:" dot point 5 "Ensure that a second experienced climber is available on site and is trained in first aid and tree rescue." & 6 "Ensure that a second set of climbing gear has been checked and is available for rescue purposes."

The concept of applying a "tree rescue" component to the requirements of climbing a tree, rather than to emergency planning has been out of step with the practical industry for many years. The requirement for a tree rescue person, their competence and "qualifications" must be part of the emergency planning for the site, not climbing the tree.

As a recognised part of emergency planning, the site can undergo a process to determine if there is a need for a tree rescue person. Further the competence of the operator and appropriate climbing equipment can also be determined.

The premise that, every site requires a tree rescue capability is wrong. The concept that, the need for a tree rescue can vary from nil to possible is reasonable. If there was a high probability for tree rescue, we must not to be climbing the tree in the first place.

The above process in no way prevents some workplaces customising their sites to insist that tree rescue is compulsory. This does however enforce a reasonable process to emergency planning.

An example of such a process follows. This was devised by Sherbrooke Tree service to document the application of a tree rescue person on its varied worksites. The table is weighted for the competence of the climber. It is based on the concept that elimination of an accident by experience and competence is more desirable than planning to have an accident. The total possible score is 20.

TREE RESCUE DETERMINATION	RATING	SCORE
COMPETENCE OF CLIMBER	1 – 10, 1= EXTREMLY COMPETENT, 10= LEARNER.	
DIFFICUTY OF TASKS REQUIRED	1 – 5, 1 = VERY SIMPLE, 5 = COMPLEX.	
LOCATION OF THE SITE	1 – 5, 1 = URBAN WITH QUICK EMERGENCY ASSISTANCE TIMES, 5 = REMOTE SITES WITH EXTENDED EMERGENCY RESPONCE TIMES.	

SCORE OF 3 – 9	SCORE 10 – 20
RESCUE PERSON NOT REQUIRED	RESCUE PERSON RECOMENDED OR REQUIRED

The additional folly for this Code of Practice is to assume that a qualified tree rescue person is able to perform their duties of tree rescue. Whilst accessing medium sized trees I contend that a proportion of qualified tree rescue persons would be unable to perform their duties. If we extend that domain into complex trees in arduous locations, a larger proportion would fail to perform their duties.

If tree rescue qualifications are being touted as an emergency response measure, they must be appropriate.

CARABINERS/CONNECTING DEVISES

Some of the prescriptive information regarding carabineers is flawed and inconsistent. Passionate emotive thoughts rather than evidence have produced written material in the past condemning particular brands of carabineers and the minimum standards associated with them. I suggest that this has become some of the material used by the draft writers. Placement of this flawed information in the Code of Practice will ensure a reduction of reasonable choice on this matter and an unfair cost of future debate in the Courts.

Carabineers that are up to a minimum SWL and “locking” must be the minimum standard to be set for life support. Individual customising can be done once this is met. I humbly suggest that this document refers to the Australian Standard for connecting devices in other vertical work environments as the minimum.

Australian Rope Access Association (ARAA) adheres to the Australian Standards for life support connecting devices. The Fire and Emergency services (FES) High angle Rescue Techniques (HART) and industrial rope access standard allow and use “Screw Gate” carabineers. The use of the industrial rope access system is part of the draft and **must not be left in conflict.**

When accessing trees on cliffs workers must adhere to Industrial Rope Access regulations (twin ropes). According to this draft if they are to climb a tree they transfer to a one rope and specific carabineers. I believe that tree climbers generally assume the "right" to access on the cliff with "tree systems" without the required accreditation. Clarification needs to be addressed so as not to clash with legitimate Industrial Rope Access work.

ITEMS

Page 6, 2.1 Tree Integrity (allergens and thorns are tree hazards however not integrity).

Page 6 the diagram. **Possibly add**, Trunk- splits, hollows, swellings and defect. Consider the quality of the branch junction with the trunk and bifurcations. Tree hazards are also discussed with the forest Code; this is another overlap with that Code.

Page6 Last dot point referring to its value e.g. heritage value has nothing to do with "Hazard Identification"

Page 10, P 2, L 2 is not possible. Climbers and ground crew should stay in constant communication via both sight and sound. It is impracticable to constantly maintain "both". The last 3 dot points are out of context with the heading (communication) and are an example of a list. If it were in context with the heading it is suited to "guidance material" or worksite control, not the "code".

Page 14 P 8, the use of **dynamic** ropes is wrong. As stated in other parts of this document tree climbers whether on the tree or under a crane hook are not taking falls. The rope is for work positioning rather than fall arrest. Low elongation static or semi static is normal. Some ropes are 10.5 mm and meet the strength stated why does it require to be 11mm?

Page 14, P 9, the notion of a "**triple action self locking**" carabineer is dangerous "sales pitch" and encourages climbers to be reliant on that **apparent** action. The concept that climbers should refer to **"self locking"** invites the operator to assume the mechanism has locked. Mechanical devices can fail. Operators need to use these devices with the mindset that they must be manually closed, locked, loaded and checked before use. In addition they need to be checked regularly during the course of use, as with all life support equipment.

Page 16, P 5, 3rd dot point, "reviewed prior to each lift". **It needs to be reviewed only if a problem occurs or the plan changes.** Dot **point 7** "the crane will not be shock loaded", is in conflict with P 3, L 3, "it is difficult to eliminate".

Page 18, P 1, L 1, "All anchorages should be tested and approved by a competent person…". Albeit the word **should** is used this statement is out of touch with reality. Competent climbers visually assess the strength of anchor points prior to use, they are rarely tested. If there was doubt as to the strength of an anchor point a number of workers may preload the line and assess the reaction of it. The strength of anchor points are not calculated and rated as for much of the "Industrial Rope Access" work.

Page 26 P 1, dot point 6, needs to include steel capped safety boots.

CONCLUSION

This document is fundamentally floored by establishing its jurisdiction for arborists and urban tree care. The “Table of Contents” covers the relevant headings well, unfortunately some of the material is long winded, prescriptive and at times out of step with industry. The draft does not cater for the diversity of its user group well.

Our industry will benefit from a well written “Code of Practice” and I endorse this process. I implore on the writers to consult appropriately with industry and weight the advice provided from any vested interests.

The draft refers to terms of competence and qualifications as though they are the backbone to safety in this industry. This assumption will not address the glaring variations that exist with training outcomes and their application to work places.

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