

# MIOSHA and the Green Industry



As a small employer, how do I begin to understand what MIOSHA standards apply to the Green Industry?

## **Step One: Determine the scope of the work performed by employees and what NAICS code would apply to the type of work performed.**

Typically, employers and employees in the Green Industry fall under the North American Industrial Classification System (NAICS) *Code 561730 – Landscaping Services*, which is defined as: “Tree and brush trimming, tree trimming around overhead utility lines, landscape care and maintenance, landscape contractors (except construction), landscape installation services”

This industry comprises (1) establishments primarily engaged in providing landscape care and maintenance services and/or installing trees, shrubs, plants, lawns, or gardens and (2) establishments primarily engaged in providing these services along with the *design* of landscape plans and/or the construction (i.e., installation) of walkways, retaining walls, decks, fences, ponds, and similar structures.

Other NAICS Codes for this industry include:

- **Code 23, Construction** – Installing artificial turf or constructing/installing walkways, retaining walls, decks, fences, ponds, or similar structures.
- **Code 541320, Landscape Architectural Services** – Planning and designing the development of land areas for projects, such as parks and other recreational areas; airports; highways; hospitals; schools; land subdivisions; and commercial, industrial, and residential areas (without also installing trees, shrubs, plants, lawn/gardens, walkways, retaining walls, decks, and similar items or structures).
- **Code 444220, Nursery, Garden Center, and Farm Supply Stores** – Retailing landscaping materials and providing the installation and maintenance of these materials.

## **Step Two: Determine what MIOSHA standards apply.**

As you determine the scope of the work activity and the applicable NAICS Code, either MIOSHA General Industry (GI) Safety and Health or MIOSHA Construction Safety and Health standards will apply. On some project sites, there could be some work that is classified under the Construction Sector, and other work classified under the General Industry Sector. Typically work fitting under the *NAICS 561730 – Landscaping Services* would be covered by MIOSHA General Industry standards. Work in *NAICS 238990* would be covered by MIOSHA Construction standards.

The following questions may assist in determining whether GI or Construction standards apply.

1. *Are the landscaping services being provided on property that is already developed?*  
Generally GI standards would apply to already developed property.
2. *What is the scope of the project?*  
If a new site/property is being developed, construction standards would most likely apply.
3. *Is there “site preparation” performed, such as earthmoving, excavating, etc.?* Generally these types of activities would be covered by construction standards.
4. *Is there irrigation work being performed?*  
Installation of irrigation systems would be covered by construction standards.

5. *What is the extent of the work being performed?*

If there is construction type work being performed, such as building fountains, ponds, or retaining walls, then the work would be covered by construction standards. If the extent of the work is repair, enhancement, tree trimming, planting shrubs, then the work would be covered by GI standards.

6. *Where is the work performed?*

When the landscaping services are provided at the project site, you will need to determine whether GI or construction standards apply based on the work activity. If work is performed in a maintenance shop or garage, then GI standards apply.

7. *Is there tree removal work performed?*

If the scope of the work falls under **NAICS 561730 – Landscaping Services**, then the General Industry Part 53 Tree Trimming Standard would apply. If the work is classified in the Construction Sector, NAICS 23, there is no specific construction standard for tree trimming. However, the information in the GI standard would be beneficial to review for safety information. Other Construction and GI standards might apply depending on the equipment used.

### **Step Three: Become familiar with applicable MIOSHA standards.**

There are GI Safety Standards, GI Health Standards, Construction Safety Standards, and Construction Health Standards. It is helpful to review the index of standards that may apply to the work you perform. Single copies of the standards are available free of charge, and can be downloaded from the MIOSHA web page at [www.michigan.gov/miosha/standards](http://www.michigan.gov/miosha/standards).

Review the standards and highlight those areas that are relevant to your business. The employer is required to provide a work environment that is free of recognized hazards. Many standards have a section requiring employee training on the equipment they are expected to use. Some standards are very specific to the types of personal protective equipment that employees must wear, and the level and extent of training that is required.

MIOSHA standards provide a minimum level of requirements to ensure a safe and healthy workplace. Developing a safety and health management system to protect your workers may be above and beyond MIOSHA standards, but may have longer-term impact on eliminating or reducing employee injuries, reducing workers' compensation costs, and increasing employee morale and productivity.

### **Step Four: Review other NAICS classifications for work that may be related to the Green Industry.**

NAICS classifications can be viewed at <https://www.census.gov/naics/>. Knowledge of the type of classifications for the contractors you use on your project sites may be helpful in determining the scope of the work contractors are performing. Exploring what MIOSHA standards may apply to the contractors may be helpful information in protecting your employees on a job site.

### **Step Five: Obtain training and education on relevant standards.**

Once you have identified the relevant standards that may apply to your work, review the standards more carefully to gain a fuller understanding of the requirements.

**Training Case Study:** *My employees use a variety of mobile equipment on a project site. What types of training, certification, or permits are required by MIOSHA?*

In general, MIOSHA standards detail the types of training necessary for the safe operation of equipment. The standards below include information related to training requirements for employees who operate a wide range of mobile equipment as part of their work duties.

#### **Applicable to General Industry:**

**Part 1. General Provisions** – Provide training to each newly assigned employee regarding the operating procedures, hazards, and safeguarding of the job.

**Part 21. Powered Industrial Trucks** – Specific training requirements listed, refresher training, testing of operator’s performance and knowledge, issuance of permits (once every three years).

**Part 22. Tractors** – Establish a procedure to assure employees are trained and qualified to operate a tractor, lists specific training requirements, and performance testing. Permits optional, but may provide a good method of documenting training and testing.

**Part 54. Groundskeeping Equipment** – Training on equipment regarding the operating procedures, hazards, and safeguards. Permits are not required.

**Part 58. Aerial Work Platforms** – Training on equipment regarding the operations, hazards, and safeguards concerning an aerial device. Specific training shall include controls, stability requirements, inspection and tests, and use of the equipment. Permits are required and valid for three years.

#### **Applicable to Construction:**

**Part 1. General Rules** – Provide instruction to each employee regarding the operating procedures, hazards, and safeguards of tools and equipment when necessary to perform the job. The employer shall not permit the operation of machinery, equipment, and special tools, except by a qualified employee. A qualified employee means one who, by knowledge, training, and experience, has successfully demonstrated to the employer his or her ability to solve or resolve problems, relating to the subject matter, the work, or the project.

**Part 10. Lifting and Digging Equipment** – Specific training requirements, ensure an employee has adequate knowledge of, and is capable of operating, cranes, derricks, or excavation equipment before assigning. Crane operators raising or lowering a work platform must have eight hours of experience in the operation of the specific crane or a crane of the same type and design. Only a designated operator shall be permitted to operate a crane or derrick that is used to transport employees. Permits are not required, but recommended.

**Part 12. Scaffold Platforms** – Lists specific training requirements for rough terrain forklift trucks used to elevate employees. Operator permits to operate a rough terrain forklift or a forklift truck for elevating an employee are required.

**Part 13. Mobile Equipment** – Lists specific training requirements, training program content and implementation, refresher training and performance testing every three years. Certification that each operator has been trained and evaluated (indicating the name of the operator, the date of the training, the date of the evaluation, and the identity of the persons(s) who performed the training or evaluation).

**Part 32. Aerial Work Platforms** – Specific training requirements, permits required with renewal every three years. Manufacturer’s operating instructions and safety rules provided and maintained.

**Best Practices:** The standards listed above provide detailed information to help employers establish a training program for the safe operation of mobile equipment. Best practices for this area include: training employees on the equipment and the hazards; testing and evaluating their knowledge of the

material; documenting or certifying their ability to safely operate the equipment; providing operator permits when necessary; and assuring documentation of training and testing is available at the site.

**Step Six: Get readily available help.**

The **MIOSHA Consultation, Education, and Training (CET) Division** offers free occupational safety and health assistance by a statewide staff of experienced, professional general industry occupational safety and health consultants, construction safety consultants, and industrial hygienists. The CET staff can provide a wide range of customized safety and health services.

The CET Division also sponsors seminars and other training opportunities to help employees and employers learn more about safety and health. The CET Publications Library contains safety posters, brochures, permits, and stickers that can help you promote safety and health in the workplace and to make it an integral part of your business operations.

To learn more about MIOSHA standards and how to develop a safety and health system, you can contact the CET Division at 517-284-7720, or visit our website at [www.michigan.gov/miosha](http://www.michigan.gov/miosha).