



THE COMMONWEALTH OF MASSACHUSETTS
DEPARTMENTS OF LABOR AND WORKFORCE DEVELOPMENT
DIVISION OF OCCUPATIONAL SAFETY

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February 2, 2005

Peter H. Fengler
Manager, Municipal Division
Asplundh Tree Expert Co.
708 Blair Mill Road
Willow Grove, PA 19090-1784

Dear Mr. Fengler:

Your letter to Helen Moreschi of the Massachusetts Labor Relations Commission has been forwarded to me for a response. The Division of Occupational Safety (DOS), an agency under the Massachusetts Departments of Labor and Workforce Development, is responsible for responding to inquiries concerning the applicability of the Massachusetts Prevailing Wage Laws, M.G.L. c. 149, §§26-27H.

This Division has previously answered most of the questions raised in your letter. See attached letters dated January 25, 1995, February 28, 1996, and November 1, 1999. In response to your new questions, the prevailing wage law applies to stump removal and tree planting. The prevailing wage law would also apply to herbicide/pesticide application and brush cutting if the equipment being used to perform such work constituted a "vehicle or equipment" within the meaning of M.G.L. c. 149, §27F. These determinations are made on a case-by-case basis. A copy of M.G.L. c. 149, §27F is attached for your convenience.

I hope this information has been helpful. If you have any further questions, please feel free to contact me.

Sincerely,

Lisa C. Price
Deputy General Counsel

cc: Robert J. Prezioso, Commissioner, DOS
Kathryn B. Palmer, General Counsel, DOS
Chris Buscaglia, Deputy Division Chief, Office of the Attorney General, Fair
Labor & Business Practices Division