Email update from LCB
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We ended up putting the definition of trees within the scope of work for an arborist phase instead of in a separate rule by itself. Below is an excerpt of the proposed rule in blue. The regular text is from the original rule filing and the bold text represents the proposed changes. We are inquiring to see if these changes will require a new filing which could affect the timing up to one month and will keep you updated. Any additional rule filings will wait until we have feedback from ISA so it can also be considered.

OAR 808-003-0511
Scope of work for arborist phase of license
(1) Scope of work for an arborist license holder. A landscape contracting business with an arborist license phase may advertise for or perform the following work:

(a) Planning for or installation of trees. This includes the preparation of the property on which the tree is to be installed as defined in OAR 808-002-0500. For purposes of this rule “tree” means a woody plant usually having a dominant trunk, or trunks, and a mature height greater than 15 feet (4.5 meters), and which generally has few or no branches on its lower part, and is crowned with a head of branches and foliage or, as in palms, of foliage only. This definition is solely for the purpose of defining tree planting with an arborist phase of license.

(b) Grading and drainage, when performed in conjunction with the work defined in subsection (1) of this rule;

(c) Removal of trees, pruning of trees, removal of tree limbs or stumps or to engage in tree or limb guying as provided in ORS 701.005(5)(e).

(2) For purposes of planting trees, the definition in subsection (1) of this section excludes the following: (a) Patio trees less than 15 feet tall. Patio trees are small trees, often created from plants which are naturally shrubs, which lend a formal accent to the landscape. Patio trees are trained up onto a stake from the time they are very young and are grown to reach a maximum of three to four feet of trunk height;

(b) Shrubs trained as trees regardless of height; and

(c) Hedges, including but not limited to, arbor vitae and English Laurel regardless of height.

(3) A landscape contracting business with an arborist license phase may only perform landscaping work as defined in subsections (1) and (2) of this rule.

(4) Landscaping work as an arborist license holder does not include planning, installation, maintenance or repair of:

(a) Lawns, shrubs, vines or nursery stock that is not included in the definition of trees in OAR 808-002-0881;

(b) Grading, unless done in conjunction with the landscaping work as defined in subsections (1) and (2) of this rule;

(c) Landscape drainage systems unless done in conjunction with the landscaping work as defined in subsection (1) of this rule;
(d) Ornamental water features;
(e) Landscape irrigation and irrigation design;
(f) Backflow installation;
(g) Low voltage wiring; and
(h) Fences, decks, arbors, patios, landscape edging, driveways, walkway, and retaining walls;

(5) A landscape contracting business with an arborist license may not include in its advertising maintenance or repair of any of the work set forth in subsection 4(a) - (h) above.