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As I write this month, nature has delivered yet another wintry present of freezing rain, sleet, and snow. Having had the snowiest December on record for New Hampshire, I’m about ready to be done with winter this year. That groundhog was not my favorite animal this February. The beauty of the seasons is that you know there is a different experience just a few weeks away. The sun will feel a little warmer on your back. Nature will burst into a new song, and the delights of being outside will return to daily life for those of us who are not winter sports enthusiasts.

It’s not much different in business cycles. As we watch the stock market on its roller coaster ride, see more layoffs and wonder whether we are in a recession, heading toward one or will escape with some deep bruising, we have to remember that this happens regularly. It’s not pleasant. It’s not a desired state. It’s not great when we start pointing fingers at how it could have been avoided — but it will end.

TCIA was founded as the National Arborist Association (NA) in 1938 — 70 years ago. I think about what owners of companies have been through over 70 years. We were founded just after the Depression. We survived through a World War. We were key to the utility industry. We made it through the recession in the 1970s. We made it past 9/11 when people had no idea what the fallout was going to look like.

Businesses that have paid attention to good practices as a way of life tend to do just fine through these cycles. It doesn’t mean that nets might not be down a bit, but they don’t have to require dramatic reorganizations and layoffs in order to survive. I remember after 9/11, the association world was in a panic about how this was going to affect organizations. My CFO and I got on a teleconference seminar about, “How to survive post-9/11.” We thought maybe there was something big we were missing and hadn’t thought about. Two hours later, we looked at each other and said, “That wasn’t a crisis survival course. That was associations being forced to run tight ships and clean up their acts, which should have been dealt with as a regular course of business!” We felt good about TCIA, and true to form, our leadership was able to see us through with very little bruising.

Tree care and line clearance are a bit like being in the grocery or funeral business. The need is always there. Does somebody have to have an iPod to survive? No. Can you live without a flat screen TV? Yes. Do you have to have a new SUV? No. Do you need that tree off your house? Yes. Do you need to be able to connect to electricity? Yes. Do you need to manage the urban forest? Yes. Does somebody have to have an iPod to survive? No. Can you live without a flat screen TV? Yes.

While it may not feel so hot for a few months, the snow clouds are going to clear. The strong will still be standing and consumers are still going to need your services. For those who need to upgrade some of your practices, that is exactly what we are here for — to help. Dr. Shigo used to talk about how the investment in education goes up when times are tougher. I agree with him. That’s not when you short-change yourself and your team. However, I also believe that the investment should be continuous and not need to go up.

Do we all have to make adjustments and create a “plan B” when scenarios don’t pan out exactly as we had anticipated? Absolutely. Do we sometimes have to make temporary short-term decisions that we don’t particularly like? Unfortunately, yes. We don’t have crystal balls.

However, tree care companies have the services, the competencies and the professional resources to endure for the long haul.
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Rainbow Treecare Scientific is designed to serve arborists. Our new Solution Center is staffed with specialists who provide training and sales support for tree health care products. Our company was founded in arboriculture, so we can also help with your questions about adding services, profitability, and marketing to clients.
Aerial Rescue Training: An Ounce of Prevention Could Be Worth ... Someone's Life
By Keith Pancake

Are Chain Saws Using Less Fuel and Burning Cleaner?
By Ivan de Petrovsky

Chipper Use and Safety in Arboriculture: Understanding and Managing Risk
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Versatility is Key with New Skid Steers and Loaders
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Outlook
By Cynthia Mills
Tree care companies have the services, competencies and professional resources to endure a bumpy economic road.

Cutting Edge
New products and services, and news in the tree care industry.

Industry Almanac
Important regional and national meetings and activities.

Letters & E-mails

Reader’s Forum
By Cass Turnbull
The last word on topping? A Washington state judge orders the topping of more than 100 alders and bigleaf maples, some cut in half or more.

(Continued on page 6)
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MARCH

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By Rebecca Fater
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Management Exchange
By Ben Read
Attorneys prefer practices based on confederation, a mutuality of interest. Might the ‘law firm’ model of small business work in tree care?

Business of Tree Care
By John O’Shea
Dig this! Air excavation tools expose new marketing opportunities.

Branch Office
By William J. Lynott
Eight ways to bulletproof your bottom line and plug costly profit leaks.

Washington in Review
President expands benefits of the Family and Medical Leave Act (FMLA) to assist members of the Armed Forces and their families.

Consulting
By Lew Bloch
Taking a look at the differing cost methods of plant appraisal.

Branch Office
By Mark Battersby
Tax deadlines are flexible; postponing filing or changing already reported transactions is permitted and may have advantages.

TCIA Reporter
Safety and training products, news, commentary & benefits of membership with the TCIA.

Tree News Digest

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Tree Gear. Tree People.
By Keith Pancake

As a boy on my path to becoming an Eagle Scout, I learned many valuable skills, including how to start a fire in a driving rain and how to pack for a month in the wilderness. However, the most indispensable skill for me was earning the emergency preparedness merit badge.

I learned through repeated practice how to remain calm under pressure and not blink when things go from bad to worse. As scouts, we were well prepared to know what to do during an emergency. As arborists, being prepared for an emergency is also critical. In fact, preparation and proper training are the most important factors when the aerial rescue of a tree worker is necessary, according to experts in the field.

Many of you have read research or seen presentations by Dr. John Ball regarding the accidents in our industry and are fully aware of how dynamic and complicated performing an aerial rescue can be. A successful rescue can quickly deteriorate into a body recovery without preparations such as emergency response and accident avoidance training, proper knowledge of the use of rescue kits, and appropriate aerial rescue training with an experienced instructor.

Painfully, it is statistically evident that our industry is consistently, albeit unnecessarily, ranked as the most dangerous occupation after commercial fishing. Even more alarming are the untrained instructors teaching poor techniques. Yet, today, we still charge forward training and rescuing in the face of danger, and potentially death, as unprepared rescuers with little regard to the tenet of “not becoming a second victim.”

This mentality has to change, according to Tim Walsh, a climbing arborist and consultant who provides education and training in arboricultural safety, health and compliance.

“Everything has changed,” says Walsh regarding what we previously knew about aerial rescue and first aid. “We have to
During company aerial rescue training last year, I got to wondering, what would happen if fire department rescue personnel arrived on a tree care accident scene in which the victim was still in the tree. How likely would they be to allow the tree crew to aid in extricating the victim?

Once fire department rescue personnel reach the scene of an accident, by definition they assume full responsibility for the rescue operation. But responding to an aerial tree accident has the potential to present at least one unique challenge – a lack of access to the victim from above with either a ladder truck or from a structure. Additionally, most of the equipment and procedures employed by EMS Tactical Rescue Team (TRT) members, which are mandated by the federal government, can be time-intensive to set up, cumbersome to use and don’t necessarily translate well to an aerial tree rescue. Tactical Rescue Teams are specialists in treating accident victims and getting them to the ground. They don’t climb trees. That’s where we come in. Climbing trees is what we do, day in and day out. And tapping the abilities of a qualified tree crew to aid in providing quick access to a victim could literally mean the difference between performing a rescue and conducting the retrieval of a body.

Allowing a tree crew to assist in a rescue operation is not as simple as it sounds. Any deviation from established rescue procedures has the potential to expose TRT members not only to personal risk, but to the risk of liability in the event that something goes wrong.

(Continued on page 12)
developing real world protocols for safe aerial rescue of tree workers. Several of these are having industrious discussions in online forums. Even more encouraging was the news that Dr. John Ball had joined with Tim Walsh, TCIA’s Bob Rouse and others to produce a new TCIA Aerial Rescue DVD and accompanying workbook, which is due to be released in April 2008. This DVD contains several different scenarios for aerial rescues performed by expert instructors and should offer a remarkable genesis to the new age of aerial rescue.

When is the last time your company or crew practiced a realistic aerial rescue situation that was planned properly and staged correctly? Does your company have a policy on monthly aerial rescue training? I asked where my own employer, Broad Oak Tree Service in Peterborough, N.H., was most deficient in aerial rescue training.

“Though I cannot speak for other companies, ours is most deficient in the consistency of practicing an aerial rescue (Continued on page 14)
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Building relationships
(Continued from page 9)

sonal risk, but to the risk of liability in the event that something goes wrong. A successful rescue in an actual emergency is usually the result of a well-choreographed routine practiced repeatedly by team members who have worked together over a period of time and who have developed absolute trust in the equipment with which they have become familiar.

I knew that exposing TRT personnel to tree care techniques and equipment could be the first step in overcoming any reservations they might have in allowing a tree care crew to assist in an aerial emergency.

When we did get together, Northshore Fire Department training officer Lieutenant Mitch Sauer was impressed, noting that, “in seven minutes, your crew conducted a simulated aerial rescue that would have taken our TRT members at least six times that long. We could tell almost immediately upon entering the room for your ground training that you are serious about what you do and that you keep your equipment in good condition. We were further impressed with the demonstration of your rescue procedures.”

The one-day course was developed and facilitated by Matt Follett, an Ontario native and Atlantic Canada ISA chapter 2007 Tree Climbing Champion. Helping to conduct the course were Dixon Farmer, crew leader and five-year veteran with Four Seasons Tree Care; and Dan Kraus, 2005 International Tree Climbing Champion. Since we were able to bring to our training session such a depth of experience, we felt it was a perfect opportunity to invite TRT personnel to observe the exercise. Northshore Fire Department covers the communities of Kenmore and Lake Forest Park.

Northshore Fire Department Battalion Chief Mike Jones was also impressed with what he saw. “We encouraged Four Seasons Tree Care to contact us next time they conduct training so that we can reserve our training room for their use. We would like to have all personnel on shift attend the training and gain the same experience that our three crew members gained here today.”

I was encouraged that the fire department felt there was value in attending the training. We have at least taken the initial step of bridging the gap of understanding of some of the potential scenarios TRT personnel might encounter upon responding to an aerial tree rescue. Hopefully we have also managed to foster an appreciation of the role that tree care crews could play in the event of an emergency involving an injured climber aloft. As tree care professionals, we know that job number one is preserving life and preventing injuries, ensuring that everyone goes home safely at the end of the day.”

Scott Selby is owner of TCIA-member Four Seasons Tree Care in Kenmore, Washington.
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scenario,” says owner Dan Tremblay, a certified arborist. “Each time I participate, either in the climb or as an observer, it only reinforces my belief in the philosophy of aerial rescue avoidance through education, training and safe working practices.”

We hear from the education community how “teaching to the test” can potentially inhibit a child’s full potential to learn. When it comes to aerial rescue training, I have personally been guilty of teaching to the test – primarily training for the types of scenarios and climbing systems seen commonly at International Tree Climbing Championship-type events. Aerial rescue events such as those in the ITCC should be taken at face value – an event that allows arborists to prove that they are familiar with the basic premises of aerial rescue. It is very difficult to stage a realistic rescue event because of the nature of competitions.

While these competitions are valuable, they should not be a substitute for a tree company’s own rescue training using company equipment that the arborists work with daily. I am truly grateful that I have never been caught unprepared for the aerial rescue of a co-worker, with only this inferior style of training.

If your company doesn’t have a modern aerial rescue training program in place that complements your tree workers’ methods, make putting one in place your primary goal. Arborists and their respective companies are responsible for updating their emergency response protocols and making sure they are as prepared as possible for the situations that can emerge during the work day. Focus your training to suit the type of work your company does. For example, if your company doesn’t employ a bucket truck, your time may be better spent practicing climbing type rescues. But, there are some rescue techniques you should at least be familiar with that apply specifically to bucket truck operations, such as removal of a victim from the bucket – and when not to do so. Becoming familiar with the most common types of aerial rescue scenarios will help your planning and staging of beneficial training sessions.

Preparation and practice facilitate the best decisions being made rapidly under the physical and emotional stress of a rescue situation. Remember, permanent brain damage begins after starving the brain of oxygen for just four minutes. However, the average rescue can take up to three hours! Two key components of preparation are activation of the first responders and the rescue kit.

First responder activation

First responder activation should be one of the first steps in every rescue situation. The devil is in the details when it comes to calling 911. You must let them know that it is a high angle rescue so they can mobilize the right equipment and staff. After you have relayed all of the important facts, don’t hang up until the operator does.

How many of you have met with your local first responders to discuss both your company’s and their department’s plans for the aerial rescue of a tree worker? This is an excellent opportunity that we too often miss to share knowledge, such as what would be done if the ladder or tower truck couldn’t access the victim. After all, most rescues involve groups that utilize this type of rescue equipment. Most departments
will not pass up opportunities to update their rescue protocols, become familiar with our climbing systems and discuss the scenarios we both may be faced with. I applaud the arborists who are already meeting with their local first responders and staging proper aerial rescue training.

**The rescue kit**

The second component that is crucial to successful aerial rescue is the rescue kit. Sadly, for many crews, it either doesn’t exist or is left on the truck.

The basic model for a rescue kit consists of a clean, dry climbing line, spurs and saddle fit to the potential rescuer, first aid kit, pole saw, throw line, a sharp knife and a cell phone. I encourage you to outfit your kit to meet the needs of the type of work you do and climbing systems you employ. Cell phones should be kept with the kit, which should be off the truck if there is any potential for the vehicle to become energized, and placed where each crew member knows its location. And, crew leaders should make adjustments during the work plan if there is poor cell phone coverage on the job site.

One building block every training program needs is awareness of accident avoidance. This training is vital for keeping everyone, from the newbie — who, incidentally, is among the most prone to being injured on the job — to the most seasoned climber, safe. The best aerial rescue is the one that was prepared for months in advance and avoided. Crews should make a habit of incorporating aerial rescue plans and emergency response into the work plan.

Remember, a rescuer who becomes a second victim is of no use. It is a climber’s responsibility to build components within their climbing system that allows them to be safely rescued, and to instruct others in how to use them. Another element in accident avoidance is the ANSI Z133.1-2006, which should be available to every member of the crew. The standard has numerous sections that can be associated directly with aerial rescue and accident avoidance. Pay particular attention to part 3.3, Emergency Procedures and Readiness; and Annex F, the Aerial Rescue Flowchart. (See chart at right) All employees, for that matter, should be required to become intimately familiar with the Flowchart and the Z133.1-2006.

How often should we practice aerial rescue? The short answer is, the more quality time spent doing quality rescue practice and drilling accident avoidance equates directly to faster, safer, rescues and fewer needs for them. Many experts recommend monthly aerial rescue training. And it is easy to incorporate aerial rescue training
TCIA’s New Aerial Rescue Training Program

TCIA’s new Aerial Rescue Training Program and DVD are due out by the end of next month. The following is an interview with Bob Rouse, TCIA’s director of Accreditation and standards, and ANSI secretariat who oversaw the update of the new program.

Q: Where are we as an industry in aerial rescue training?
A: We had a pretty clear and set idea of what aerial rescue training should be in the ’90s. The first goal was being prepared from a technical standpoint to perform a rescue in a time frame that permitted the victim to survive if they were not breathing or suffering some other catastrophic injury. Since this is a technical goal, the methods and techniques were categorized and presented as independent actions. Since time was of the essence if someone was not breathing, use of any method deemed reasonable was allowed. The second goal was to meet the aerial rescue training requirement created by OSHA when the “new” vertical standard was developed in 1994 (CFR 1910.269).

Because of the second goal, aerial rescue training was most often attached to electrical hazards awareness training and line-clearance arborist employer certification training. As such, it addressed performing an aerial rescue in the presence of electrical hazards based on the current industry understanding at the time. Many methods and techniques to eliminate or control electrical hazards were presented. By the late ’90s the need to address aerial rescue training as its own entity became apparent. Slowly, perceptions regarding aerial rescue training changed. Trainers and training materials began to emphasize teaching procedure as well as technique. If poor decisions are made about how or if to proceed with an aerial rescue, even the greatest climber could kill or injure themselves or others.

The biggest changes in new training program are:
1. Treating aerial rescue as a stand-alone training need (although line-clearance arborists still need to train in aerial rescue).
2. Following current industry standards for safety. The current training emphasizes that safety standards must be followed even in emergency situations. Simply because there is an emergency does not mean that caution can be thrown to the wind and risks can be taken. The unrealistic expectation that an arborist can eliminate or control an electrical hazard was dropped.
3. Sound aerial rescue procedures that follow ANSI Z133.1 Annex F are emphasized throughout the training program. The DVD has an awareness and preparedness section, a technical section, a procedural section, and scenario section. All the sections comply with Annex F, the aerial rescue procedural flowchart, and the procedural section covers how to use the flow chart.

Q: What are your goals with TCIA to improve AR training?
A: I think we are off to a good start by providing this as a stand-alone certificate program that employers and trainers can use to train employees, with administrative support from TCIA. The hope is that this will become as well recognized and regarded as the EHAP (Electrical Hazards Awareness Training Program).

Q: Will we see more emphasis on AR training in future TCI EXPOs?
A: Yes, the hope is that employers will ask trainers and organizations to provide aerial rescue workshops, just as they now do for EHAP workshops.

Q: What kind of resources is TCIA directing to aerial rescue training?
A: We have directed considerable resources to help develop and create the workbook, DVD, database module, and Spanish translation. We have a database backbone to the program and two dedicated assistants who help administer training programs as well as other staff who are available to assist with related support. We maintain a live call center, where arborists, trainers and management can call to get support. We also hope to apply for grants to provide aerial rescue training in the future.

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**SherrillTree Grizzly Splice cordage products**

The Grizzly Splice is a process designed and developed by SherrillTree where an eye is formed in rope by sewing, with an industrial sewing machine, one end of the line back to itself. Though used in the past overseas, primarily in lanyards, SherrillTree is the first to use it in North America, and in a wide variety of cordage and related products. The Grizzly Splice technique achieves and maintains up to 20 percent greater rope strength than traditional hand-spliced methods, and up to 90 percent greater strength than knots. Attachment/termination methods were tested for ease of use by measuring the time it took an experienced climber to tie and set the knot or hitch to a connecting link; girth-hitch the large eye of a hand-spliced, 16-strand line to a connecting link; or attach the small eye of the Grizzly spliced-eye to a connecting link. As expected, test results indicate different methods require widely different amounts of time, ranging from 10 seconds to attach to a Grizzly spliced-eye to 66.7 seconds to tie and set a triple fisherman’s knot. Contact SherrillTree at 1-800-525-8873 or via www.sherrilltree.com.

**Dynamic Mfg. DC-Grizzly Grinder**

Dynamic Mfg. Corp. introduced its new DC-Grizzly Grinder at TCI EXPO in Hartford this past fall. The DC-Grizzly Grinder can chip, grind, size product and discharge 360 degrees or into a truck in one pass. As a chipper, it utilizes the Discone (patent pending) cutting system. As a grinder, simply replace the knives with a variety of cutting tools, add screen, and grind a variety of waste material such as construction debris, pallets, yard waste and other fibrous waste. As a product classifier; select the screen that matches desired end product and start processing. Use knives for clean wood waste; use blunt cutting tools for processing or sizing product with minor contaminants. The base unit is powered with a Cat 140 hp diesel and can handle material up to 15 inches in diameter. Additional models will be introduced in 2008. Contact Dynamic Mfg. Corp. at (989) 644-8109 or via www.dynamicmfgcorp.com.

**Silky Natanoko 2000 curved hand saw**

Silky USA’s new Natanoko 2000 curved hand saw, an upgraded version of the 330, is equipped with a balanced, low-angle-curve (2,000 mm radius of the blade), hard chrome-plated, taper-ground 13-inch blade. The low-angle curve enables cutting branches smoothly and quickly. The blade is mono-constructed, giving strength and flexibility to the full length of the saw. A comfortable, non-slip rubber handle absorbs vibration, reduces work fatigue and provides superior grip when hands are wet or when wearing gloves. This saw is designed for arborist and forestry pruning and trimming. Contact Silky USA at 1-877-SILKYSAWS (745-5972) or via www.silkyusa.com.

**Vermeer SC852 Stump Cutter**

Vermeer’s new SC852 Stump Cutter boosts productivity with sizeable cutting width and the ability to maneuver in uneven terrain. A four-position linkage design allows the cutter wheel to move away from the machine as the boom drops down toward the stump, reducing the need to reposition the entire unit. The SC852 achieves cutting heights of 31 inches (79 cm) above ground and 25 inches (64 cm) below grade. The cutter wheel guard remains parallel with the ground so it does not limit movement over obstacles. The straight line cutting width at ground level is 72 inches (183 cm). The SC852 is powered by an 85 hp (63 kW) Cummins Tier 3 turbocharged diesel engine, and with a machine width (with outer dual tires removed) of 35 inches (89 cm), retains a compact footprint for maneuverability on confined job sites. Several features enable the stump cutter to maneuver through difficult and uneven ground conditions, and front-mounted controls offer maneuverability in confined spaces by allowing the operator to walk in line with the machine. The cutter wheel drive system, with an engine mounted direct drive hydrostatic pump and gearbox-mounted hydraulic motor, eliminates clutch and belt-drive maintenance and reduces cutter wheel stopping time. Contact Vermeer products at salesinfo@vermeer.com or via www.vermeer.com.

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Buckingham Black Widow saddle

Buckingham Manufacturing's new Black Widow lightweight saddle, Model 15908, features a soft, cushioned back pad and wide leg straps that use heavy duty elastic and are sewn in a fixed position to keep them in place. The Black Widow's sewn, triple-layer, Spectra suspension bridge provides maximum lateral movement. Two accessory loops and two accessory rings hold tools and equipment while aloft. The saddle's patented, quick-connect waist-strap buckle is offset to minimize midsection interference when bending. Contact Buckingham at (607) 773-2400 or via www.buckinghammfg.com.

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JP Carlton Apache drum chippers

JP Carlton's newest series in drum-style chippers, the Apache, uses an exclusive long-arm pivot for the large-diameter, top feed wheel, giving the top feed wheel a smooth vertical lift path that makes for easy opening over the largest butt ends. The model 2518 features a 25-inch by 18-inch opening combined with a 37-inch diameter pocketed drum, allowing it to easily consume the largest trees. Agressive feeding is handled by a dual pump hydraulic system controlled by a digital reversing auto-feed system. The Apache series also incorporates an exclusive Air Vortex Control to channel and accelerate discharge air, giving the Apache series high discharge velocities and great chip throwing power. Contact JP Carlton Company at 1-800-243-9335 or via www.stumpcutters.com.

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ValleyCrest’s Richard Sperber ‘gets’ safety

The February 2008 issue of the National Safety Council’s Safety+Health magazine features its annual look at corporate leaders who understand the value of safety. The 2008 CEOs Who “Get It” include Richard A. Sperber, president of ValleyCrest Companies.

“We have always believed our most basic responsibility is to ensure that our employees return home safe and healthy at the end of every work day,” Sperber told the magazine.

Sperber said the biggest obstacle to safety at ValleyCrest is “the sheer scope of the organization. We now work on thousands of different job sites each day all over the country, which means we need a more sophisticated approach to safety than when we were a smaller company. To ensure we operate safely on each site we need a shared commitment to safety from every field manager in the company and a consistent approach to training and monitoring our safety practices across all locations.”

The company makes sure to communicate safety education and training programs to all employees and lauds successes through acknowledgements and awards to employees at various times, including an annual Safety Day celebration when five employees win new trucks. The reduction in incidents and injuries, liability claims, and risk hazards in turn translates into reduced insurance costs and significant savings for the company.

Davey makes Stief VP & GM, promotes safety specialists

The Davey Tree Expert Company has named James F. Stief vice president and general manager in its residential/commercial service line. Stief will continue to have responsibility for south, west and central regions, and will take on additional responsibility for sales growth and profitability.

“Jim has a tremendous amount of respect and experience within the Davey Company and the industry,” says Pat Covey, Davey executive vice president-operations. “He has had great success at every level in developing people and creating opportunities and we look forward to Jim’s continued creativity and energy in this new role.”

A 30-year Davey veteran, Stief joined the company in Atlanta and was promoted to increasingly more responsible field positions. He has been vice president of residential/commercial operations in the south, central and western regions since 1998.

Stief is a 1979 alum of the School of Forestry at Virginia Tech in Blacksburg, Virginia, and a 1980 graduate of the Davey Institute of Trees Sciences.

Davey also named Tim Cheever to the position of senior motor carrier safety specialist and John Manos to northern motor carrier safety specialist in its safety department. Cheever will have expanded responsibility for motor carrier safety and compliance, and will continue to support corporate safety services in the south and west. Manos will be responsible for education, training and monitoring in the motor carrier safety program within our northern operations. His service area will extend from the Midwest, eastward to cover New England and the Mid-Atlantic states.

“We continue to be committed to ensuring that anytime a Davey employee gets behind the wheel, he is operating at a superior level of compliance with safe practices,” said Joseph F. Tommasi, manager of safety and loss prevention. “The appointments of Cheever and Manos to these positions are part of our continued effort to keep us firmly on the road to zero accidents.”

ASCA names 2008 Directors

The American Society of Consulting Arborists (ASCA) installed their newly elected Board of Directors for 2008 during the Society’s annual meeting in Nashville, Tennessee, November 27-December 1, 2007. Members are:

President, Tom Mugridge, South Euclid, Ohio; president-elect, Ed Milhous, Haymarket, Va.; treasurer, Alan Jones, Charlottesville, Va.; immediate past president, Judson Scott, Carmel, Ind.; directors: James Allen, Santa Cruz, Calif.; David Hucker, Berwyn, Pa.; Mike Lamana, Toms River, N.J.; Gordon Mann, Redwood City, Calif.; and Dennis Panu, Thompson, Conn.

Echo is giving away ‘Tough Stuff’ this spring

Professional users who purchase Echo products with a manufacturer’s suggested retail price of $299 or more from a participating dealer between February 1, 2008 and April 30, 2008 may win one of more than 850 prizes in the company’s ‘Get Tough and Win Tough Stuff’ Spring Giveaway.

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For details on how to enter, for rules and to locate participating Echo dealers, visit www.echo-usa.com/gettough.

Zenith launches new Web site

Zenith Cutter Co. has launched a new e-commerce Web site developed exclusively for tree care professionals, www.OnlineArboristSupplies.com, that features opportunities to win free Zenith Cutter products and sign up for product discounts.

The new Web site currently offers easy and secure online purchasing of replacement Zenith brush chipper blades, stump cutter teeth, as well as tree care pruning saws and arborist ropes.

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Events & Seminars

March 6-7, 2008
NAIASA Garden State Tree Conference
Rutgers Univ., Cook Campus Ctr. New Brunswick, NJ
Contact: (732) 574-9100; www.NJArboristsISA.com

March 6-8, 2008
Ecological Landscaping Assoc. Conf & Eco-Marketplace
MassMutual Center, Springfield, MA
Contact: Penny ELA.info@comcast.net; (617) 436-5838

March 12, 2008
Integrated Pest Management (IPM) Academy
Michigan State Univ. Pesticide Safety Ed. Program
MSU Ag & Livestock Ed. Pavilion, East Lansing, MI
Contact: Carolyn Randall (517) 353-5147; www.pested.msu.edu

March 13, 2008
Micro-Injection/PHC ½ day seminar w/ Mauget
Wauwatosa, WI
Contact: 1-800-423-3789

March 14, 2008
Micro-Injection/PHC ½ day seminar w/ Mauget
Downers Grove, IL
Contact: 1-800-423-3789

March 16-18, 2008
Southern Chapter ISA Annual Meeting
Knoxville, TN
Contact: 1-800-423-3789

March 17-19, 2008
Certified Pesticide Applicator Training & Testing
Birmingahm Farms, MI
Contact: MGIA (248) 646-4992

March 14, 2008
Cert. Pesticide Applicator Training/Testing (In Spanish)
Contact: MGIA (248) 646-4992

March 20-22, 2008
Cert. Pesticide Applicator Training/Testing (In Spanish)
Birmingahm Farms, MI
Contact: MGIA (248) 646-4992

March 20-22, 2008
ASC (Arboriculture Safety Std Committee) Z-133 Meeting
Embassy Suites BWI, Baltimore, MD
Contact: Peggy Currid (217) 355-9411 x210; pcuurid@isa-arbor.com

April 2-4, 2008
118th Official State of Texas Arbor Day Celebration
TSTF, Austin, TX
Contact: Melissa Elkins (512) 463-3181; melissa.elkins@tceq.state.tx.us

April 7-9, 2008
Trees & Utilities Conference
Wyndham Orlando Resort, Orlando, FL
Contact: www.arborday.org/TUConference

April 8-9, 2008
Cert. Pesticide Applicator Training/Testing (In Spanish)
Contact: MGIA (248) 646-4992

April 22, 2008
29th Annual Texas Tree Conference
Hilton Hotel & Conference Center, College Station, TX
Contact: 1-800-733-2622; www.tcia.org

May 1, 2008
Western Chapter ISA Annual Conf. & Trade Show
Fairmont Hotel, San Jose, CA
Contact: (866) 785-8960; www.wcisa.net

May 9, 2008
Cert. Pesticide Applicator Training/Testing (In Spanish)
Contact: MGIA (248) 646-4992

May 17, 2008
ISA Certified Tree Worker Exam
NJ Forestry Research and Education Ctr, Jackson, NJ
Contact: Matt (609) 625-6021; www.isa-arbor.com

Send your event information to:
staruk@tcia.org

Upcoming 2008 Electrical Hazards Awareness Program (EHAP) workshops

March 4
Spokane, WA
Spokane County Conservation District

March 5
Plainwell, MI
City of Plainwell Community Center

March 7
Denver, CO
Pinnacol Assurance

March 14
Honolulu, HI
Ala Wai Golf Course Clubhouse

March 17
St. Paul, MN
Dorcey-Ewald Conference Center

March 27
Lansing, MI
Lansing Community College – West Campus

April 9
Indianapolis, IN
Marriot East

April 10
Wisconsin Rapids, WI
Mid-State Technical College Auditorium

May 12
Knoxville, TN
New Harvest Park

May 12
Milpitas, CA
Milpitas Community Center Auditorium

May 19
Tucson, AZ
Tucson Electric Power

June 6
Columbus, OH
Kottman Hall, Ohio State University

Please note that workshop dates and locations are current as of press time. Check the TCIA Web site (www.tcia.org) for the most current information.

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Accident briefs are an opportunity for teaching

I’ve been reading some of the accident briefs (monthly feature) in your magazine, and just thinking about the casualty rates in our industry is alarming.

I had a suggestion for your magazine that may help at least the conscientious professionals. Hopefully most tree companies have somebody responsible for safety who reads these reports such as these. Maybe it would be of industry-wide benefit to not only publish the accident story, but also the moral of the story. Maybe the person submitting the news should be asked to also provide their solution to the problem. As I once said after a near miss, “Okay, how could we have done that differently?” That’s what will save lives, finding a better way to do things.

We also probably need to hear a persuasive article on safety management from the top down. Let’s face it – most companies are probably too production oriented. They want their guys to go out and fly through the work and come back with an empty box and a full tank. They probably rarely ask the guys if they were doing things safely today, if they had any near misses, if they’ve inspected their climbing or rigging gear recently, etc. Too often it comes down to RPH: rate per hour. Make money fast. Plus, the sales arborists are paid based on the number of jobs, not the number of hours they worked. They also should have cleared their work area or pulled from a clear area, so they could walk back with the rope and not trip anyone.

So my point is I think it would help to publish “Lessons Learned” with these reports. It wouldn’t have to be the actual OSHA investigation results, but just some experience-based observations like the ones above.

I would be glad to be one of a few people you have on hand to comment on future accidents as I have above. I could generally respond to an e-mail within a few days. Maybe you could also have a Safety Snapshot: a list of the past month’s and year-to-date stats on total fatalities, total injuries, and then for each first and second most common reason for the accident, such as struck-by, fall, or chain saw cut.

Jim Baker, MD
Licensed tree expert and assistant Arbormaster Instructor, Derwood, MD

Editor’s response: Those items are mostly collected from news reports via e-mail and the Web, so the sources aren’t often likely to provide the lesson learned you are looking for. Nor would I want to make providing one a requirement for submission of the news item as they would then likely languish in “to do” boxes everywhere. We would have to have someone here or in the field provide the lessons. That might be a bit of a logistical/timing challenge, to say nothing of the space it would take to get into the details of correct work procedures for all the possible and various infractions in each of these incidents. Nor are there often many details accompanying the reports.

Getting the “lessons learned” out there is certainly a good idea and something we try to do in a variety of ways. We hope the articles in the rest of the magazine provide some of them.

And, yes, more one-handed saw use response

I am responding to the article on one-handed saw use (TCI November 2007, and in letters in each issue since). I agree with the observation that not being a good enough climber to use both hands on the saw is often accurate. On the other hand, some trees can’t be done safely (in my opinion) without one-handed saw use. Why don’t you, as an industry association, put some pressure on the saw manufacturers to come up with one-handed chain brakes? There is the inertia brake, but surely there’s a “better mouse trap” for a saw that’s been designed for one-handed use. We don’t want to lose an asset to our industry by outlawing an efficient practice.

Willie Ging
Southern Oregon Tree Care, LLC

And, more one-handed use

This subject needs to be discussed with those of us who live a great part of our lives in the trees. When I hear a statement criticizing an activity because someone was hurt doing it, I must ask myself, “Was it the action or the lack of paying attention by the person who was hurt?” There are so many activities that, when done with care and confidence, can be done safely. As for the action of using a chain saw with one hand, let me paint a clear picture of what happens daily. Let’s take a big oak that needs end weight reduction on some very long lateral limbs. The climber goes up as high as safe-
ly possible so he can get out as far as he can while being supported by the rope. Remember, when you are on an angle, managing the knot and working your way out, the safest position is with one hand on the rope for stability and to manage the knot; tighten as needed as well as working your way out. When you get close to the area where the cut should be made, you start up the saw with both hands. With the saw at idle, you now regain your balance to reach out. With one hand on the rope and the other holding the saw (one handed), you carefully make the correct cut. Cut done, turn off the saw, drop to the end of your lanyard and you move on. These last actions are all done one handed while maintaining balance and rope control.

Given the "rule" to not use the saw with one hand will lead to much larger cuts and poor pruning. Each step in the procedure that I just mentioned is done daily by quality tree workers and arborists who actually climb trees. And if that person knows what they are doing, this procedure is safe. If I insisted on my climbers making this same cut but told them to let go of the rope at that extreme angle, and use both hands to work the chain saw, then the risk of losing ones stability is more of a hazard and more dangerous. Robert Tews article was very well written and stated some facts based on actual experience. Those who say they have "been in a few trees" in their life need to spend a bit more time in a few more trees before they make "rules."

Confidence and experience make the work safe. When you know what is going to happen before you do the action, (based on experience), then the work flows smooth and without incident. Put an inexperienced climber in a situation they should not be in, then accidents happen. Inexperienced climbers need to become safe with a hand saw before they master the chain saw. I guess the one-handed rule might work for hand saws as well? Safe habits are safe by the ability of the person working to the level of his or her skill. A skilled climber would never have put his or her arm in a position where a cut like the one shown could have happened. Skill as well as strength are levels of ability that make a quality climber.

Blair Glenn
Saratoga Tree Service, Saratoga, Calif.

Peter Gerstenberger, TCIA's senior advisor for safety, compliance & standards, responds: If Mr. Glenn is a sole proprietor (a one-man band) and wants to be accountable only for his own actions, more power to him. But if he wants to lead by example or train/manage a group of employees, then he’s going to have to realize that he's going to have to deal with inexperienced climbers or those who don't exercise the same judgment or pay the same level of attention as he does. If he chooses to violate industry standards, then it will be up to him to defend his actions at the OSHA hearing or in the courtroom.

It is a legitimate employer defense to assert and be able to document that following said rule actually places the employee at greater risk, which is what he's implying above. But he has to go further and demonstrate that there are no feasible ways to make the situation safe. In this case, using a second tie-in point or using a hand saw both create greater overall safety for the climber.

OSHA could care less that it may take five seconds to cut with a chain saw versus 20 seconds with a hand saw, or that it takes an extra minute or two to lanyard in.

Wrong tree?
I was wondering if you could clarify something for me. I was reading the article "Marketing Tree Care the ANSI Way" (TCI, February 2008) and came across a picture (page 26) that I think is incorrectly labeled. The large picture of the "oak" with lightning damage looks an awful lot like a cottonwood tree. Either that, or it is an oak that I am unfamiliar with.

The lighting damage shown in the picture is, in fact, quite impressive. Living in the Midwest for most of my life I have seen numerous trees injured by lightning - I have even seen a few in the act of being hit. That is not something that one wants to see at close range!

I want to congratulate you on a very good publication. I enjoy reading it each month.

Phil Schrock, president
Enchanted Forests, Inc., Jordan, Minn.

Article author Guy Meilleur responds: Thanks for reading, and sharing your observations. The oak pictured is not a species that many North Americans are familiar with, as it is in Germany! That image of Quercus robur, one of several veteran oaks along an avenue outside of Munich, was taken by Andreas Detter of Brudi and Partner Tree Consult. I was remiss in not attributing his contribution when I sent in the article. Andreas has presented his work with dynamic cabling systems at TCI EXPO, and written articles for TCI magazine as well. Thanks to Andreas for the picture, and for his many other contributions to our industry.
By Cass Turnbull

In Seattle, most tree services, city personnel and even a large number of the public have now heard that tree topping is NOT a form of pruning.

It was once the case that each and every day a tree service owner would try to talk many, and perhaps even most, potential customers out of topping, and thereby risk losing the job altogether. Life was hard. But they did it anyway because it was the right thing to do. True professionals in any field are expected to do what is ethical, not just what they are asked to do. If they do otherwise, then they are simply “labor,” the same as the difference between a doctor prescribing medicine and a drug dealer supplying a demand. Note: They don’t call me queen of the blunt analogy for nothing.

For the last 20 years, PlantAmnesty worked tirelessly to educate the public that topping was not a form of pruning. At some point, our arborists went from the “Yes- I-top-if-I-can’t-talk-them-out-of-it, because-if-I-don’t-do-it-someone-else-will” phase into the “I’m sorry I don’t top trees; if you want that, you will have to hire someone else.” Nowadays, “good” arborists in Seattle have a three-month backlog, the demand for their work far exceeds the supply. They can truly afford to take the moral high ground and, I assume, life is good.

But last to hear the verdict on tree topping seems to be people in the legal profession, and those charged with enforcing the laws. Take the case of Kitsap County in Washington state, where Judge Leila Mills recently ordered the topping of more than 100 alders and bigleaf maples to give two uphill neighbors a better water view. “The trees on the ‘chopping block’ are basically anything on our property over 6 feet high that is in conflict, which means 90 percent of the canopy,” says owner Joyce Hansen. This cluster of trees to be cut is directly above her home.
owners, were conspicuously silent. It is a sad fact all over Puget Sound that even where laws do exist they are often weakly enforced, if at all. You can almost see them shrug their shoulders in resignation.

The tree owners who bought the property from the uphill landowners to build their dream home had agreed to a lien that would ensure the uphill neighbors’ view. So the first reaction by almost everyone who hears about it is, ‘Too bad, they should have been careful about what they signed. It’s their own damn fault.” End of story. Or is it?

Other communities around the state have been passing or reinterpreting covenants that force residents to top and remove trees to benefit the uphill neighbors’ views. In some cases, large common areas in the community, greenbelts and forest remnants have been logged. Others have suffered from incredibly horrid over-pruning – “windowing” and “vista pruning” that removes more than 80 percent of the live crown. I have worked in communities where no trees are allowed to grow above the roof lines.

Here, again, even my initial thought was that if people choose to live in a treeless “view-covenant” community of scotch broom and blackberries, then let them. That was until I heard the horror stories. Heartbreaking stories of people spending tens of thousands of dollars to defend the trees on their property.

I talked to the old couple who bought their home 30 years ago because of the peaceful woodland setting and who were fighting to save their majestic trees from the neighbors who moved in last month and filed the lawsuit. One man moved into Innus Arden (an infamous view-covenant community), then petitioned his neighbors to have more than 80 trees topped or removed. When that was done, and his housing value had increased, he resold the property. I heard another couple testify that they were petitioned to top or remove their trees for the view of a neighbor whose home was on the other side of a large green belt – in anticipation of that same neighbor winning a judgment to log the green belt. A criminous and almost never-ending lawsuits between neighbors have been the common result of laws and covenants trying to guarantee views.

I often talk to people who have removed one tree to accommodate the uphill neighbor, only to find that, rather than appeasing anybody, the view seekers are only validated in their belief that they are owed a view, coming back over and over again asking for more and more trees to be removed. Lawyers and cities always recommend peaceful arbitration. It never works.

I always advise tree owners to pretend they are the rudest person they have ever met and respond as nastily and aggressively as they can muster. Try to work into the conversation that your brother is a retired lawyer. Then go take some pictures of your trees. The old saying is, “Stand up to a bully and you will make him your friend.” Maybe not, but at least he might stop bothering you.

I was at a city hearing when a view-seeking resident presented the case for “managing” the green belt for views, calling it “reasonable.” He proudly pointed to a case when they had removed all the Douglas firs, bigleaf maples, alders, etc., and replanted with “low growing” natives, crabapples, vine maples and such.

PlantAmnesty was foolish enough to participate in one of these view-restoration projects. It seemed sensible enough at the time. A coffee tycoon in Seattle convinced the city to allow him to remove from an embankment large native trees that prevented an uninterrupted view of Lake Washington. It was approved, and PlantAmnesty gardeners planted the sword ferns, mahonia and vine maples. The client paid PlantAmnesty, making it a fundraiser of sorts. The homeowners swore they would nurture those plants. Three years later, the tycoons had moved out, the plants were dead from lack or water and the bank had succumbed to the local invasive exotics – scotch broom, blackberry and English ivy, and aggressive “wild” clematis. This is the same clematis and ivy that is destroying forest remnants of trees that are 80 feet tall, and which also prevents the regrowth of new natives, thus creating the “green desert.” The city is paying big bucks to try to remove these invasives and save the tall trees in many areas. Why would they give the invasives the advantage in other areas? The notion that large
areas of native vegetation on steep banks can be successfully transitioned to a low-growing species forest is untenable when faced with the realities of the long-term maintenance required. And even if it could be managed, the thought of widespread hillsides of “mini-me” trees replacing our characteristic mixed conifer forest is, well, disturbing to say the least.

More and more, I have been placed in the position of defending “good” consulting arborists who have drafted these sorts of replacement miniature forest hillsides. In another case, the residents below a wooded hill begged me to help when the uphill neighbors presented the city with their hillside management plan (created by a reputable arborist). It entailed removing all the Douglas firs and cutting the madronas to the ground (coppicing them because they are a fire tree) periodically. They were horrified, and I was uneasy with the prospect of the mass “tinkering” with a native area. It sounded unlikely to succeed and certainly awful to see implemented. I felt like saying to the homeowners below, “Well, the arborist was only answering the question posed by their client as to how to manage a steep bank for views while keeping it from sliding. It’s not the arborist’s job to decide which trees should live or die, or how the land should look. It would be like expecting your veterinarian to refuse to euthanize healthy, but unwanted, animals. It’s not their job.”

Over the past 20 years, I’ve also seen the slow motion re-logging of developed hillsides facing water, as neighbors pressure lower neighbors to remove or top trees. Every tree on a hillside is in the way of several people’s uninterrupted views. Eventually the tree owners are worn down. As a national statistic, we change homes an average of once every seven years, so it seems only a matter of time until a pliable tree owner will accommodate his uphill neighbor’s request for more view. In fact, a person is seen as being impolite if they allow their tree to grow up blocking a neighbor’s view of water, forcing them to look at, OH-MY-GOD, green trees! I try to emphasize that people do not own a view, they own a window. We have a right to own a tree, and a right to privacy by planting a tree, but I have never heard of a constitutional right to a view. If someone complains that they are be taxed for a view that they don’t have, they need to take it up with their assessor, not with their neighbor. If you were assessed for a third bathroom that you did not have, would you demand your neighbor build it for you? I like the old fashioned system of asking a downhill neighbor to help with the view, offering to pay for the removal and replacement. More and more, though, I want to suggest that the view seeker go buy a home that already has a view – you know the one on a steep, denuded cliff that will slide off next time we get some serious rain.

I would also assert that laws, covenants and agreements that mandate the topping or removal of trees for the purpose of creating or maintaining water views are inherently bad. Mandating tree topping should be disallowed solely on the grounds that it creates a hidden liability for future tree owners (in the Barcia case, the property owner was sued for maintaining the previously topped tree that caused a young boy to become paraplegic when the weak branch, which he grabbed while climbing the tree, gave way).

Furthermore, cutting someone else’s trees benefits no one but the owner of the home and window with the view, increasing their property values while decreasing the value of their neighbor’s treeed property without compensation. The tree owners, on the other hand, are maintaining a public green utility from which we all benefit. Trees are not just for looks. As Don Willike said, “We’d need trees if they were ugly and smelled bad.”

People still don’t seem to realize that the trees nearby – in their backyards, city parks and greenbelts – are the ones that are doing the most to stop global warming, save energy, create oxygen, sink carbon and prevent storm-water overflow, mud slides, smog and particulate pollution. And they provide a host of other benefits that are not just nice, but increasingly essential. Just like you can’t pollute the air or water that is on your land, as it is used by everyone, you should not be allowed to degrade the environment by forcing your neighbors to top or remove trees. It just ain’t right. I look forward to the day that tax credits are given to people who choose to preserve the “green utility” for the rest of us. It can’t come too soon for people defending their
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Community covenants of the 1950s that prevented black people from owning homes in gated communities of white people (the reason cited always being decreased property values, not racial prejudice) were ruled inherently unjust. And so should these odious view covenants. It is not lost on anyone that view mongers always begin their speeches by stating how much they love trees, just like they used to say, “Some of my best friends are black,” and then ask that they be excluded on the basis of property values.

But where does this leave the professional working or consulting arborist? Well, certainly any ethical arborist would refuse to top those Kitsap trees, and in reality, no tree service would touch them. But what about removals? I would make the suggestion that it is possible to, at least sometimes, decline a job to remove trees. It is possible to say, simply and professionally, “I’m sorry you will have to find someone else to do that work,” — just as we do with tree topping.

Now, I’m quite certain that a whole lot of readers just heard me say a lot of things I did not say. I did not suggest that tree services decide for people whether or not they should remove healthy trees. I did not write that in all cases tree topping is bad and wrong and shouldn’t be done. And I didn’t contend, as I am sometimes accused, that trees are more important than people. I am well aware that tree huggers can be as dangerous and ridiculous as the view mongers, insisting that every old sick, ugly and dangerous tree planted under power lines needs to be saved. Ordinances with “tree replacement formulas” make me nuts, as if cramming more and more trees on less land were a viable proposal. There is a tree carrying capacity to the land: There is such a thing as too many trees.

I cringe when people call me because they want me to help them “save a tree.” Tree preservation is a real can of worms. Besides, I tell them, PlantAmnesty is about tree pruning, not tree preservation. There are boundless absurd tree preservation ordinances; ones that require all trees outside the footprint of a new building be retained, or the one that forces people to live under imminently hazardous and wildly flammable eucalyptus trees. I don’t believe that people should be forced to live in woods; maybe they want to grow corn or roses in their yard instead of moss on the roof of their convertible. I, myself, am often accused of being “sap thirsty” as I recommend that perfectly healthy trees be removed from a landscape simply to improve the design. In my own family, I am the one pushing for the removal of certain trees of marital contention.

But I feel arborists could do something in some cases. Or, more precisely, arborists could not do something. I had an epiphany when I worked with an effective, soft-spoken and, above all else, highly professional lawyer who took tree cases. He asked me why the “good arborists” were working for the tree bullies. I thought the answer was obvious, that their job as consultants was simply to assess the facts, dispassionately, not make moral judgments on the law and the situation. Then I realized that the lawyer himself was judging whether or not he was on the “right” side of an issue and only taking those clients whom he felt deserved his help. We could do that, couldn’t we?

Furthermore, I would like to suggest a couple of the criteria arborists might consider when deciding whether of not to take a pass on a certain job. A critical question is, whose trees are they? If the tree owner wants them out for a view, that’s one thing; but it is an entirely different matter when the trees in question are owned by a person who wants to retain them. Legal or not, it is bullying. And the other thing to consider is the larger context of the situation, the magnitude of the change being proposed, such as removal and re-vegetation of entire wooded slopes.

It was after listening to the keynote speech from Don Willike at an Urban Forestry conference that I was fired up to create a creed for PlantAmnesty. Yeah, it’s corny, but I like it anyway. It says, “When we take what we want from nature, we will do so selectively and with respect, always taking care to preserve the whole, be it a plant, a rainforest or a planet.”

For those of you who actually enjoy using the Internet, the complete text of the Kitsap Sun article, “Battle Over Trees Pits SK Couple Against Their Neighbors,” which describes that situation in detail, is available through a link on the PlantAmnesty.org home page.

Cass Turnbull is a Washington State Certified Landscaper; a Certified Arborist, teaches horticulture at Washington State Vocational Schools, and is founder of PlantAmnesty (www.plantamnesty.org).
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Are Chain Saws Using Less Fuel and Burning Cleaner?

The simple answer to that question is, “yes.” Or, at least, some are – and more are on the way.

It seems that every year Europe and the U.S., often led by California, introduce newer and tighter emissions standards for fuel-burning engines. In addition to this, the general public and manufacturers themselves are becoming more interested in “green” issues and are being much more attentive to this when scrutinizing the products that they are buying or producing. With the rising price of oil and the environmental impact of human existence, green issues – and solutions – are here to stay.

Chain saw manufacturers have been responding. It may come as a surprise to some, but not only have they been responding, but they have been responding quite some time. California has mandated emissions for hand-held machines since the ’90s and one company representative told TCI that all the chain saw companies are scrambling right now to design and produce increasing numbers of environmentally friendly and certified products.

Joe Fahey, VP of marketing at Echo Incorporated, explains that, across the board, chain saw manufacturers have been working extremely hard on the development and production of more fuel-efficient and cleaner engines. Even though emissions are averaged out across the spectrum of hand-held machines produced by a single company, it behooves the manufacturers to produce as many tools as possible at or below the U.S. government’s and internationally mandated requirements.

Fahey further explains, with a sincere sense of achievement in his tone, that bringing down emissions levels in chain saw engines has been a collaborative effort among all saw manufacturers, not just one. Echo’s Power Boost engine can be found in the several of its new saws, including the CS-370 shown here.

Across the board, chain saw manufacturers have been working extremely hard on the development and production of more fuel-efficient and cleaner engines.

Joe Fahey, Echo Inc.
saws and other two-stroke engines is nothing short of a major engineering feat. And, the new technology and engineering involved does seem rather impressive. A quick look at various companies’ products reveals that almost every manufacturer has been introducing new models with newly designed and engineered, more environmentally friendly engines.

So how is all of this achieved?

Echo constructed a series of engines branded Power Boost – among them the Power Boost Vortex and the Power Boost Tornado. Apparently it was originally thought by many in the industry that it would not be possible to design two-stroke engines that would meet EPA and CARB (California Air Resources Board) emissions standards while still providing the necessary performance demanded by commercial users. Echo and the other chain saw manufacturers have proved them wrong, according to Fahey and others in the industry.

In addition to the Power Boost engines, Echo came up with an air cleaner, the G-Force Air Pre-Cleaner, which, as its name suggests, cleans the intake air before combustion. More on this shortly.

Husqvarna has created the X-TORQ engine, which, according to company information, reduced total emissions by up to 60 percent and improved fuel economy by up to 20 percent. As the name implies, the X-TORQ engines deliver high torque even at low rpms. This enables them to offer more usable power on demand, so operators can complete projects effectively and efficiently.

RedMax/Zenoah produces the Strato-Charged engine, which was the first two-cycle engine to meet California’s CARB 11 and U.S. EPA Phase 2 emission standards without a catalytic converter. The company has continued to build on its merits from 2004: as Tommy Tanaka, product development manager at RedMax explains, “All RedMax Strato-Charged chain saws comply with stringent EPA PH2 and CARB Tire3 regulations without a catalytic converter.” According to RedMax, the Strato-Charged engine chain saw can save up to 20 percent in fuel use compared with conventional two-stroke engine chain saws.

Stihl recently released the MS 441 STIHL Magnum chain saw, an upgrade from its MS 440. The 441 features a newly designed pre-filtration system that separates clean and dirty air by way of a specially engineered flywheel. Using centrifugal force, as the flywheel rotates at high speed, the heavier, dirtier air is easily separated out and expelled after passing over the cylinder, which it also helps to cool. This leaves the lighter, cleaner air to enter into the engine. The cleaner air passes through the filter (this cleaner air entering also lengthens the life of the filter) and then mixes with the fuel.

This system seems to be at least somewhat similar to the one incorporated into several of the Echo chain saws. Echo’s G-Force Air Pre-Cleaner mentioned earlier works in much the same way and is available on Echo’s newest chain saws, including the CS-440. The cleaner air entering both the Stihl and the Echo engines burns cleaner due to its purity and thus helps to lower harmful emissions.

More than hot air

Aside from the cleaner air now entering into the fuel mix, there are other new innovations inside the engines themselves.

In the traditional two-stroke engine, the air/fuel mix having entered the crankcase would move up through the transfer port and into the combustion chamber. This air/fuel mix would then force exhaust fumes into the muffler during the flushing process. This process would cause some of the unburned fuel to end up in the muffler, too, both wasting fuel and contributing to pollution of the environment.

Most of the new engines are designed somewhat differently. For example, the Stihl’s MS 441 Magnum engine has four overflow channels that swirl the fuel/air mixture before ignition, thus ensuring optimum combustion and performance. Before the flushing process, a layer of clean air is introduced into the combustion chamber, which pushes the exhaust out and this helps to greatly reduce the
Compared to its MS 440, the Stihl MS 441 Magnum boasts a 15 percent increase in fuel efficiency.

fuel discharge in the exhaust. It has the added bonus of oxidizing some of the carbon monoxide gas in the exhaust and converting it into the more harmless carbon dioxide. This is known as a stratified scavenging engine and is much friendlier to the environment.

Compared to the Stihl MS 440, the MS 441 Magnum boasts a 15 percent increase in fuel efficiency. With its pre-filtration system and the new combustion technology, it delivers more power and a higher torque level over a wider rpm range while at the same time providing increased fuel efficiency.
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Husqvarna’s X-TORQ engines have been improved without significant weight penalties, significant cost increases or complexity – there are no additional moving parts to wear out.

efficiency, according to the company. It also ensures lower emissions and already meets the requirements of the coming EU II emissions standard.

Husqvarna’s X-TORQ engine seemingly operates in a similar way. At the same time as the air/fuel mix enters the crankcase, air enters the transfer port’s upper end. During combustion, both the clean air entering the transfer port and the air/fuel mix are cut
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off. Post combustion, the clean air trapped in the transfer port is sucked up into the combustion chamber and both it and the combusted fuel/air mix are forced into the muffler by the incoming fresh fuel/air mix. This is all achieved through new engineering, particularly in the piston head, and, again, makes for a cleaner burning engine and no wasted, unburned fuel. Added to this, the new engines have been improved without significant weight penalties, significant cost increases or complexity - there are no additional moving parts to wear out.

RedMax/Zenoah’s Strato-Charged engine also utilizes the concept of using the post-combustion, crankcase vacuum to draw fresh air into the transfer port, (the Strato-Charged engine does this by way of a groove in the piston skirt) again forming a barrier between the incoming fuel/air mix and the outgoing exhaust. Currently, Tommy Tanaka says, RedMax uses this technology in its 40cc and 45cc engines. These are the RedMax GZ400, GZ4500 and GZ4000. Tanaka explains that RedMax plans to incorporate this engine technology into its other chain saw models in the not-too-distant future.

Husqvarna’s X-TORQ engine is currently available in the 450 e-series, 445, 460 and 455 Rancher “tool-less” models. Stihl has an alternative version of the MS441 with a second chain-braking system, the MS441 C-Q STIHL Magnum. Echo’s Power Boost engine can be found in the CS-330M X4, the CS-330T, the CS360T, CS-370 and the CS-400 (which replaces the CS 440). All manufacturers state that new models are on the way with ever “greener” technology.

All the manufacturer reps spoken with for this article agree that it was a good thing that pressure was brought to bear on them to produce cleaner, more efficient machines. This can only be better for the environment in the long term and carries the added bonus of saving their customers money with the increased fuel efficiencies.
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By Tim Walsh, CTSP

As an arborist, I try to learn about what can go wrong so as to ensure that it doesn’t. This is a simplified way of saying that I am trying to understand and manage risk. There is risk in everything that we do. In order to manage these risks, we need to avoid taking unnecessary ones. It sounds simple and easy enough, but if you don’t really know what the risks are, you can’t manage them.

This article will focus on the risks associated with the use of chippers in arboriculture. First, I want to start with an overview of risk in arboriculture.

In general, in my opinion, the following list comprises the general classes of risk that we face in arboriculture. (All fatality and injury data are courtesy of Dr. John Ball).

**Safety risk** usually refers to injuries (and fatalities). These are usually sudden, acute and external. The big four – 95 percent in terms of our fatalities - are:

- Transportation related – 28 percent
- Falls – 27 percent
- Struck-by’s – 23 percent
- Electrocutions – 17 percent

**Industrial Hygiene risk** refers to illnesses caused by the following:

- Physical agents (noise, temperature, vibration, radiation)
- Chemical agents (pesticides, exhaust, other chemicals)
- Biological agents (molds, fungi, insects, viruses, blood)

**Ergonomic risk** may be classified as either injury or illness:

- These are soft tissue injuries/repetitive trauma injuries

**Psychosocial risk** refers to the interactions between work-related factors and the worker that impact health through perceptions and experience.

- Commonly viewed as high strain
- Linked to hypertension, cardiovascular disease, cigarette smoking, psychosomatic symptoms, depression, and adverse birth outcomes

**Fiscal risk.** We are in the business of doing things to trees for people for money. Hopefully we are also doing things for trees as well. What happens if we don’t make enough money? What if we are injured or killed? What happens to our business, our workers and our families?

**Legal risk.** What happens if we do something wrong? Does your insurance cover errors and omissions as well as liability?

Hazards in working with chippers can be viewed in terms of the potential adverse health outcomes. The following is a list that I have put together and they are listed in order of severity.

**Total Body Fragmentation (TBF) -** This is the description/classification when a human body has been completely chipped.

**Blunt Force Trauma -** Non-penetrating trauma due to forces from objects acting on or against the human body.

**High Speed Trauma -** Similar to what happens when a race car driver hits the wall at 200 miles per hour, the body stops but the heart continues to move until it strikes the ribs. This usually causes the heart to be torn from the arteries and veins.

**Electrocution/Electrical Shock -** Chippers are often attached to aerial lift trucks that are working near overhead conductors and can become energized.

**Cancer -** Wood dust and exhaust are carcinogens.

**Amputation/Blood Loss -** When workers are able to keep themselves from being
pulled completely into the machine but lose a limb or portion of one. Blood loss can be fatal.

Eye Injury, Loss of Vision – Flying debris, chips, metal, rocks, etc.  
Hearing Loss – Chippers are loud machines.  
Broken Bones – Branches and logs can twist or kick back.  
Sprains – Same as above.  
Bruises, Lacerations, etc. – Same as the last two above.  
Respiratory Illness – Dust, molds, etc.

The following injury data were supplied by Dr. John Ball. The key thing to remember is that all of these injuries and fatalities are preventable. We have about 300 chipper related injuries per year in the United States in tree care. A majority of these, about 65 percent, are to hands and arms. Most of the rest are to the legs but about 4 percent are to the head and chest from being hit with a part of the machine or a branch or something that was thrown from the machine.

Recently there have been about 35 chipper fatalities per year, and 73 percent of these are total body fragmentation. They are evenly divided between hands and feet first. The remaining are struck by either a part of the machine or a branch. There was one fatality where the worker fell off of a chipper.

Often, there is no witness to the incident, and the investigators must try to guess what happened. When this happens the report says something like, “they may have become entangled or lost their balance.” To me, that sort of language takes the responsibility away from the worker. I am not going to do that.

If you get chipped, then you likely asked for it by sticking your hand in or foot in.

You can get caught by something and get pulled forward, but if you are chipping properly you are not going to get chipped. Chipping properly means that both feet stay on the ground and you chip from the side of the centerline of the chipper and you never reach your hands into the chipper.

You will often hear people say that someone was fed into a chipper, as a means to describe how these types of fatalities happen. I have tried to change how I say this and how people view this. It is more accurate to say that a person has fed themselves through the chipper. Chippers do not reach out and grab people.

Contrary to what people think, most of the chipper-related fatalities are not from the “chuck-and-duck” models. People tend not to spend too much time around the in-feed area of these machines. Accidents with these chippers often end in amputations. The human joints are weak points, like quick disconnects, and the limb will break off at one of the joints when the worker tries to pull back.

I think that the “chuck-and-duck” chipper is actually a good training tool, as it quickly teaches workers to respect the machine. Workers who learn on chippers with mechanical in-feed systems tend not to fear the machine, as perhaps they should.

One additional thought on chipper related fatalities. If there are 35 chipper deaths per year, that means we average one about every week and a half! One can, unfortunately, almost count on this.

These are the three main ways that people are killed by chippers. If you look at all of the chipper deaths, most of them can be covered by these three categories.

- Their hands contact the in-feed system or cutting knives.

Warning labels, some bilingual, and case for operator’s manual and written, machine-specific, lock out/tag out instructions.

Feed control bar and last chance stop cables.

Push paddle for chipping smaller debris.
Their feet contact the in-feed system or cutting knives.
They open an access panel while the disk/drum is still turning.
How easy is it to prevent these three? Extremely easy, by following these simple rules:
- Your feet never pass the edge of the feed tray.
- Your hands never enter the in-feed hopper.
- Never perform any maintenance on the machine, including clearing jams, unless lock-out/tag-out (LOTO) procedures have been followed.

The first two rules can be accomplished by proper training, supervision and appropriate disciplinary procedures. The third, LOTO, requires a little more of our time, and I will address this along with some compliance information.

The relevant areas of chipper-related compliance come from the following:
- ANSI Z133.1 - 2006, specifically:
  - Section 5 Safe Use of Vehicles and Mobile Equipment Used in Arboriculture
  - Section 5.3 Brush Chippers
  - Section 8.6 Brush Removal and Chipping
  - ANNEX C (Informative) General Safety Procedures That Apply to All Tree Work—Sequence for Securing Equipment (Sample)

- 29 CFR 1910.269(r)(2)
  - Covers engineering issues, chocking and PPE
- 29 CFR 1910.147 The control of hazardous energy (lockout/tagout)
- State OSHA Regulations
- Manufacturers recommendations
- Company policy

I want to address LOTO in a little more detail, as this is one of the most often cited OSHA standards. Many companies are currently in violation of this standard and do not realize it. If you are not familiar with this standard, I suggest spending some time with it. It will help to keep your workers safer and will keep you in compliance. A few key points from the standard:
- You need to have machine-specific LOTO procedures
- You need to have training for Authorized and Affected workers.
- You need to perform annual audits to
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ensure that the training is effective

You can get some idea of what is needed for the machine-specific procedures from the samples provided in ANSI Z133.1 - 2006 ANNEX C (Informative) General Safety Procedures That Apply to All Tree Work-Sequence for Securing Equipment (Sample) and 29 CFR 1910.147 App A - Typical minimal lockout procedures.

I recommend taking these samples along with the manufacturer’s recommendations and adapting them to fit each machine.

Below is an example of a generic LOTO procedure for a disk-style chipper. This is not meant to be substituted for your machine-specific procedures, but rather as an outline for creating your own. This should be done any time maintenance is performed in the field, including, clearing jams and inspecting/Changing blades.

1. Inform other crew members that you will be performing maintenance
2. Throttle the engine down to idle speed
3. Disengage the clutch
4. Turn off the engine
5. Place the key in your pocket
6. Place Lockout tag on throttle
7. Wait until the disk comes to a complete stop
8. Secure the disk by installing the lock pin into the chipper disk lock
9. Remove the hood pin, disconnect engine disable plug, and open the hood

When the maintenance is done:
10. Replace the hood, pin it and reinsert the Disable Plug
11. Remove the lock pin
12. Remove Lockout tag
13. Inform other crew members that you are placing it back into service
14. Replace the key and start as usual

The last thing that I want to cover deals with pre-trip inspections and required safety features. Below is a list of possible safety features that chippers may have, depending on the type of chipper.

- Operating brake and running lights - Make sure that you are seen on the road and not pulled over and taken out of service.
- Warning decals - The machine should have all of the decals that came with it originally. They should be legible and in a format that all of your workers can understand. Multilingual decals are available.
- Operator’s manual - Needs to be with the machine, preferably on the machine and not in the truck in case the chipper goes with a different truck.
- Machine guards - Many people have taken them off for a variety of reasons, but they need to be there. The roll-up canvas sheets don’t count.
- Feed control bar/Last chance stop/Bottom feed stop bar - These features are part of the system that reverses the direction of the feed wheels. They need to be present and in working condition.
- Flexible anti-kickback device -

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with any of these safety features, they should still be on the machine and in working order. Even if you bought the machine used, they need to be there. If the model that you have does not have some of the safety features, but later models do, it is a good idea to have the safety features put on. Many of the manufacturers provide low-cost (free sometimes) upgrades or retrofits. It is a good idea to stay in contact with the dealer or the manufacturer so that you can be made aware of any changes.

Chippers are a necessary tool for most aspects of arboriculture. There are risks, but they are manageable. Owners need to make sure that the chippers are in good condition and have all the necessary safety features. They should train and supervise employees to make sure that they are following safe practices. Employees should not take unnecessary risks, and should follow all safety procedures. Remember to follow the three basic chipper safety rules:

1. Your feet never pass the edge of the feed tray.
2. Your hands never enter the in-feed hopper.
3. Never perform any maintenance on the machine, including clearing jams, unless Lock Out Tag Out (LOTO) procedures have been followed.

Some of you knowledgeable veterans might look at the advice above and think it is relatively basic. But for about 35 people in 2007, this simple advice – if followed – could have saved their lives.

Tim Walsh is a climbing arborist and consultant, and provides education and training in arboricultural safety, health and compliance.
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The Eugenia Place high rise in Vancouver, British Columbia’s well-heeled West End is an attractive landmark that sits on English Bay. The building is surrounded by manicured grounds and a sweeping 360-degree view. The most eye-catching feature of the landscape, however, isn’t actually on the “land” at all – it is a 37-foot-high pin oak sprouting from the building’s roof, more than 200 feet from the ground.

Last June, when the oak needed attention, a single, scary thought flashed through the mind of arborist John Martyn when the Eugenia Place property manager found his number in the local yellow pages and called him.

“What does a fall from (approximately) 200 feet feel like?” Martyn recalls wondering.

The pin oak, *Quercus palustris*, is technically the highest, if not tallest, tree in Vancouver, thanks to its lofty placement. And, it is actually a tribute to the Beach Avenue neighborhood’s past, according to architect Richard Henriquez. A man with a love for history, he says he designed Eugenia Place to include details reflecting the site’s storied past. A cluster of cabins stood on the site around the turn of the twentieth century. They were razed more than 60 years ago to make way for a four-story apartment building, which stood until the late 1980s. Footprints of those former structures can be found surrounding the present high rise.

“I’m interested in history. I thought it would be really neat to have on the site representations of everything that had ever been on the site prior to us building the building,” says Henriquez, who founded Henriquez Partners Architects in Vancouver in 1969.

The oak is a nod to the site’s purest, earliest existence: the old-growth trees that stood on the shore of the English Bay before loggers made their mark on the land.

“In order to round out the history, I thought it would be good to have a tree up at the same height as where the old-growth forest (reached),” says Henriquez. “It’s sort
of a poetic kind of response to the history of the site." Old-growth (also referred to as "first-growth" by Henriquez) cedar, spruce and Douglas-fir were commonly 200 to 250 tall - some even taller.

Understanding that the old-growth trees were likely Douglas-fir and cedar, the architect deliberately chose a non-native deciduous oak, realizing that he needed a tree able to withstand the strong winds and wild weather likely to accompany life at 200 feet. The pin oak was 15 years old when construction began on Eugenia Place, Henriquez says. The tree was planted on the roof in 1987 and packed down with 100,000 pounds of soil.

But, while Henriquez spent a good deal of thought on the tree itself, there was one piece of the vision he admits he neglected to consider: the chore of caring for it.

"I never thought about it," Henriquez says simply.

The tree's well-being became a serious question after brutal wind storms whipped through Vancouver in December 2006 and January 2007, dealing massive damage to trees and buildings across the region. Nearby Stanley Park had more than 10,000 trees downed by the wind storms.

Enter Martyn, owner of TCIA-member JPM Tree Service in Vancouver, who has never fallen more than seven feet on a job and never seriously injured himself. And he decided to push his luck a bit farther.

Steeling his nerves and scaling Eugenia Place's 19 floors, Martyn was surprised to learn that gazing at the tree from the ground is quite a different experience from standing right next to it.

"Strangely enough, when you get up on the roof, it's nothing spectacular," he says. "If you put that tree on the street or in front of a home, it's just a regular tree. But up in the sky it looks huge! It's an optical illusion."

Martyn found no such luck, however, when it came to caring for the tree. His initial inspection found no significant wind damage - a testament to the oak's wiry nature. He did, however, discover some minor caterpillar feeding and an infestation of Leucanium scale, an insect that damages the tree by sucking juice from its leaves. Then there was the matter of pruning the tree, which grows out of a metal pot approximately 3 feet deep in the roof, its crown blossoming out into the wide blue nothingness.

"It's the fear that keeps you alive and makes you check and double check every piece of equipment you have," says M artyn, who describes any ascension higher than 40 feet as "the Mount Everest zone." "If you fall (from anything as high as 40 feet), you're going to have a serious injury."

The first pruning M artyn performed last September proved to be a painstaking exercise in patience - due not only to the tree's high perch, but also the fact that the only access to it is through the penthouse apartment and patio where the tree is planted.

With the assistance of a ground man, M artyn pruned about 15 percent of the tree and cut the waste into one- to two-foot lengths to fit into a garbage pail. That pail then had to be schlepped down a set of stairs with a glass railing, out the suite's front door and down the elevator. Unhappily for the ground man, there was...
enough waste to fill 20 garbage pails. “It was up and down the elevator,” remembers Martyn. “We had to walk through the (penthouse) apartment and make sure nothing was scratched or dropped. Thank God it wasn’t raining.”

And just in case the height wasn’t enough to make Martyn’s nerves quake, the pressure of caring for the most notable tree in the city was an extra reason to swallow hard.

“I think people would really miss it, because it really is a focal point,” says Pamela Morais, who lives at Eugenia Place and serves as the current property manager. “People are constantly taking pictures of the tree and the building. It’s the talk of the town.”

“It’s extremely well known,” says Paul Montpellier, Vancouver’s city arborist. “It has quite a jarring effect as you drive down there and notice it.”

But all the skill in the world won’t make the oak last forever. Martyn predicts the tree’s dwelling place will spell an early end to its existence. The oak is naturally programmed to grow 100 feet tall, but the pot will likely prove too small to allow much growth beyond its present size, he says.

“It definitely has a limited life span,” says Martyn. “I just say, ‘We’re treating the patient.’ And the patient isn’t going to live forever.”

In addition to the pruning, Martyn plans a spring and summer watering regime to prevent heat stress to the tree, and will apply a dormant oil spray in early spring to address the scale. He will only resort to spraying with insecticide if the scale population continues to thrive through the summer.

For the moment, the tree is in fair to good condition, says Martyn. For “added insurance,” he plans to anchor the tree to the roof with synthetic cable, specifically SherrillTree’s Black Widow rope, a thin, strong rope that has a gray color to blend into Vancouver’s rainy skies. He believes the tree is at little risk of uprooting, but, given the unusual conditions, stops short of a guarantee.

“How many oak trees are on buildings to compare it with?” he says.

According to architect Henriquez, the tree must be replaced if it dies, as dictated in the original building permit issued by the city’s planning department. Aside from the legality, he adds, the tree is a valued part of the neighborhood.

“It’s also part of the folklore,” he says. “People come up to me and say, ‘Oh, I asked my wife to marry me under that tree.’ It’s famous.”

For Martyn, the climb and the risk is worth every bit of effort.

“I hate heights, but I love views,” he says. “And it’s a view to die for.”

Though it appears lonely at the top, at least from the perspective of its peers along Beach Avenue, the pin oak is well known and liked in the neighborhood, according to Paul Montpellier, Vancouver’s city arborist.
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Over and over again, one hears the complaints: It’s impossible to find reliable employees; the company’s equipment gets left on jobs or falls off the back of trucks; workers don’t want to take on responsibility, but they want to be paid more.

In a nutshell, the small business owner commonly feels underappreciated and stressed. One stays at it for as long as possible, and then sells out, based on standardized multipliers that are applied to gross earnings, asset value or net earnings. Of course, the big secret (#1) is that those textbook buyers often aren’t there. Behind the for sale ads in trade publications, one hears anecdotally – as I did recently, for instance – about a well established lawn service whose owner earned about $70,000 annually but whose business actually sold for $28,000. That is, the replacement value of the equipment. The owner of this highly respected local business was so worn out that, truth be told, he would have sold for even less.

In a perfect world, the buyer of his business would have been a heavily capitalized national brand with dozens of branches that wanted to expand into that particular market as quickly as possible by buying a business instead of launching one on its own. I’ve heard of that outcome also, on one or two occasions.

But more often than not, I’ve heard about those businesses that simply close up shop, because no one else had a vested, ongoing interest in the operational aspects of the company.

Alternatively, in businesses based on what I would call the ‘law firm’ model, professionals such as attorneys, physicians, architects and accountants exhibit a strong preference for practices based on confederation, on a mutuality of interest, and on a continuity of contact with clients that allows everyone to prosper.

In brief, the model I describe here allows one or more associates to run the business on a for-profit basis during specified times of the year. The founder gets to step back on occasion, and (optionally, depending on one’s goals) a transfer of authority and ownership of the business to key associates can be built into operational agreements that unfold through time.

About 10 years ago, when I was going through one of those I-can’t-go-on phases, I decided to give this approach a try – and I’ve never looked back. I should quickly add that the law firm model I will describe is not the type of partnership that commonly falls apart because one of the partners does more of the work than the others and feels resentful.

During the years since then, I’ve tried to figure out why more small services businesses aren’t structured this way. The first and most obvious answer would be that the business operates on too tight a profit margin. The last thing someone who’s earning $25,000 a year needs is associates with profit sharing agreements. But in tree work, if the demand volume is there, certainly the profit margins are also. A secret (#2) among tree care business owners is that profitability equals or exceeds what most people earn in the professions.

Another much less charitable explanation would be that well-educated professionals can see and understand the benefits of confederation, while the owners of small services-based businesses are likely to be cussed individualists who are stubborn and autocratic and see no reason to share the bounty. Given that I’m this way too, why would I have considered alternatives?

For me, there were two answers at first. One was that I like doing tree work. That is, I enjoy the climbing and my relationships with clients and the people I work with (most of the time). If in my middle fifties I sold the business in its entirety before I was ready to retire permanently, I would have a lump sum of money in my
pocket but no access to a value-added livelihood, nor enough money even if one of those national companies came along.

The other consideration at the time was that I was extremely worn down by the process of hiring key people who would learn the lay of the land and then leave several years later. It’s all but impossible where I live to hire skilled tree climbers, and the fact is that employers generally pay their key employees too little (secret #3) in comparison to what the business owner takes home, especially in dangerous fields of endeavor like tree work. To expand on this point, a motivated tree climber is commonly a young person who is trying to look ahead to home ownership and a long term relationship/family. It’s amazing, and frankly unconscionable, to me that an employer owes that person with whom they work day in and day out no more than a statement of what the hourly wage is.

But having said this, it’s not as simple as to say that one should double wages, especially if I’m already paying someone at the top of the pay scale, and especially if my own work load remains the same.

Having switched over to the law firm model, I am able to pay key employees much more, strengthen their commitment to the well-being of the business, share management responsibilities, have more free time, and retain access to the business on my own terms.

To become an associate who can run the business on a for-profit basis during parts of the year, an employee has to be a good tree climber who can work productively with at least one or two people. As someone in a law firm would, the associate also has to agree to work for wages during time frames in which I am running the business.

Wages and payroll taxes, including those of the associate, are subtracted from gross revenues along with the operations budget, and the associate at that point retains all of the profits from the day’s activities, which are transferred to him about two weeks later in the form of a paycheck. Typically, the for-profit increment for a crew of two or three ranges from about $1,000 to $1,800 each week, above and beyond wages.

From year to year, the opportunity to work with a crew on a for-profit footing increases from three to five to as many as 10 weeks. I can also work alone or with one or two people during those weeks if I elect to.

As the principal I am responsible for all billing and the internal accounting that supports our agreement.

If I meet with a client and arrange for work to be done, I also collect a 7.5 percent finder’s fee. The same finder’s fee is paid to associates when they meet with clients and do estimates while I am running the business.

Now that I’m in my middle fifties, I’m planning to withdraw completely from tree work. A fair market valuation of the tree trimming business has been agreed upon, and the portion of revenues that is retained by the business for operational expenses when associates run the business is now also defined as a “credit” that accumulates and will be subtracted from the purchase price of the business at a point in time in
the future when ownership is transferred.

During the course of the five years to which our agreement applies, I retain full ownership of the business. And at the end of year five (or in the meantime if they would like to make me an offer), the associates will be given the opportunity to buy the business at an extremely discounted price that’s defined by subtracting the credits described above from the agreed upon valuation of the business.

Our credits formula is entirely arbitrary, but it does acknowledge the contribution that associates have made to the overall value of the business; it’s easy to track since we’re doing so anyway; it avoids the very complicated piecemeal transfer of stock agreements that would probably be used otherwise; and it only kicks in when the sale of the business is actually finalized.

For experienced climbers such as those who I have worked with, the law firm model gives key people who don’t have access to significant amounts of capital the opportunity to look forward to ownership of a business that they’ve supported and know well.

At the end of five years, I will be paid for the remnant value of the business, and I will retain the right to do up to $20,000 of tree work annually within the company. I will also retain complete ownership of the tree spraying and fertilizing portions of the business.

If an associate decides to leave, there’s no loss to me or the employee, and during the years that we worked together, this person will have received much more income from the business than he would have otherwise. Until the transfer of the business has been finalized, I will continue to be completely responsible for all operational overheads and administration.

For me, the benefit is that I can be as involved in the business as I would like to be, but I don’t have to be on job sites every day because the associates have as much commitment to good outcomes as I would have. In the end, I will have, in theory, lost some point-of-sale income, but I can also continue to work in the business on a limited basis in much the same way as does the semi-retired lawyer who comes back around to the corner office on occasion.

The collaborative atmosphere is usually very good. I can take some time off during the summer months, and it’s very fulfilling to feel that I have been able to help the people who’ve contributed the most to the business plan for their futures.

Ben Read owns and operates Snake River Tree & Shrub in Wilson, Wyoming, near the boundaries of Yellowstone National Park. He has been in the tree care industry for 35 years, having previously owned and run a tree service in the Washington, D.C., area.
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In an ideal world, you would always have exactly the equipment you want or need for every job – smaller, powerful models with multiple capabilities or larger ones for greater efficiency and different applications. Or both! The skid steer/loader world may not be an ideal one, but there’s a lot of movement lately in that direction.

It wasn’t long ago that the skid steer was largely an earth mover and construction/demolition machine of choice. But necessity being the mother of invention has brought us into a world of skid steers/loaders that are more multi-talented tool carriers than dedicated job performers such as those earth moving units. At both ends of the spectrum, today’s editions are highly versatile and capable of efficiencies and economies that will put black numbers to the bottom line. Isn’t progress a wonderful thing?

With today’s skid steers/loaders, one thing that stands out on the compact or mini end of the spectrum is that lots of power and technical versatility is being packed into ever-shrinking machines. As a result, we are finding mini loaders that will get through the backyard gate and into other tight spots, yet their power and versatility deliver a LOT of work.

And the mini loader news gets better all the time. As these power packs get smaller, they get economical to buy and to run, compared with their larger brothers. (See “Compact Mini Loaders Pack a Lot of Muscle,” TCI March 2007.)

At the other end of the spectrum, and if the traditional skid steer is more appropriate for your business, you’ll find that while the physical size hasn’t changed a whole lot, power and versatility have grown there, too. And that includes the biggest of loaders.

Advancements in engine design are making these brutes more and more brutish, and more economical to run as well, especially as the new clean air diesel engines find their way to market. (Just as with the automobile emissions, as laws demanded cleaner air, engineers armed with exacting computer designs and applying computers to the engines themselves have not only wrung out cleaner air, but also more horsepower and fuel efficiencies.)

Something that’s common to both ends of the spectrum is that while a loader unit may initially have been “purpose built,” with the intention of being very good at one job, engineers and manufacturers realize that users and buyers such as professional arborists are also businessmen and, therefore, not fools. They want their investment to work hard, and that means they want their new skid or mini loader to be at least ABLE to do more things.

That’s why you’ll find another common trend throughout the loader market is the built-in ability to accept multiple tools. Skid steer implements may not necessarily work on the minis and vice versa, but
you’ll find that if you buy a skid steer or tractor-type tool carrier designed especially for mulching, for example, that it will likely accept other mainstream attachments such as a grapple and winch designed for that class of equipment. (Check with the manufacturer before you buy. This isn’t always the case, especially in highly specialized applications.)

What’s the difference between a standard skid steer/loader and standard loader and a mini or compact? Other than size, of course, is the positioning of the operator. With the former two, the operator typically climbs into a cab. With the latter, the operator stands on, climbs on or walks behind or beside the mini.

You can find full-size skid steers and mini loaders in tracked (steel or rubber) and wheeled versions, whichever meets your business needs. Full-size loaders are typically wheeled.

All that being said by way of introduction, if you had to boil down the equipment to one common trend, the word would be versatility. And that means cost savings and productivity.

Whether you’re an arborist, landscape pro, contractor or municipal manager, you have only to go to a few job sites to see how popular the small loader/tool carriers are getting. Certainly, part of that popularity is the cost to purchase and operate the machine, with tool interchangeability and, therefore, versatility, but you can’t avoid the fact that loaders of all sizes make a huge contribution on the labor end of the business.

From a labor standpoint, crews love the small loaders because they save a lot of time and backbreaking work. Think of the days before the compact loader when you couldn’t get equipment into the backyard and crews had to work trees, lift and move material the old-fashioned way, by hand.

From a management standpoint, manufacturers tell us that skid steers/loaders (even those mini loaders) have proven to save at least one man on a job that might require up to three. With prices starting at under $20,000 (and running to more than $100,000 for a stout, skid-steer type loader), that means you can get a day’s work at a fraction of a salary; there are no social service costs (taxes, unemployment, disability, retirement, etc.) on top of the paycheck. If one breaks, there’s also no liability!

Tom Hover is product manager for compact tractors at Fecon. “Over the years, I’ve watched changes to the skid steer/loader market starting in the early days when they were a small, dedicated, jobsite dirt-moving device up to their evolution to a tool carrier.”

“What we see is that customers SAY they want versatility, but what they really WANT is performance,” says Hover. “Fecon develops machines that are versatile and purpose-built, largely for mulching. But our customers want choices, to be able to remove the mulcher head and

Fecon’s FTX148L Track Carrier features a larger, ergonomically designed cab, undercarriage options, easier servicing, loader arms and the ability to run more attachments.

Supertrak’s SK140TR Custom Rubber Track Mulching Loader, equipped here with a Fecon mulching implement, is a high horsepower, high hydraulic flow machine that has a universal skid-steer loader mount plate and the ability to work with virtually any skid steer implement.
put on other attachments, for example a shear or grapple for accomplishing other jobs in tree care, land-clearing or land development."

It is this kind of thinking that will allow one operator to clear land and mulch material to assist in vegetation control, all from one machine. It's the reason you'll find all kinds of skid units and mini loaders now with options that include the undercarriages - steel and rubber tracks, and wheeled units. Each has a best application. Hover says that, in response to customer comments, Fecon has developed new models with a cross-linked track, a blend of steel and rubber to deliver the best of both worlds. The design also helps contain expensive undercarriage replacement costs, he adds.

Introduced in late January 2008 is Fecon's FTX148L Track Carrier, designed to deliver nearly twice the performance of a standard skid steer while being only slightly larger in size, making it useful in tight spaces and relatively easy to transport. Features include a larger, ergonomically designed cab, Hover says, undercarriage options, easier servicing, loader arms and the ability to run more attachments.

Bobcat's Bryan Zent, a marketing manager for the company nearly synonymous with the words skid steer, said his company has developed a new attachment, essentially a forestry cutter system indigenous to Bobcat models and capable of taking selective trees and reducing them virtually to nothing.

Zent says the system features heavy duty aircraft windshield technology to protect the operator from flying debris; another safety feature is that the system will not operate without all the protective equipment - engineered exclusively for Bobcat models - in place. Safety equipment includes two plates of quarter-inch aerospace plastic to withstand impact of a two- to three-pound steel projectile (think flying cutter tooth).

More universal in their application is the Bobcat new series of tree spades that also work on other tool carriers. These are a redesign, Zent says, with more durability and functionality. "The towers were lowered to get under trees better, blades were reinforced to dig better and the orange towers make visibility better under the trees."

(Bobcat also offers a small, ride-on compact utility tractor-type unit and loader with a lift capacity of 900 to 1,200 pounds.)

Overall, Zent foresees tool carriers becoming "more capable" and versatile all the time. Take for example the fact that not long ago the traditional maximum lift capacity was 3,000 pounds, but competitive models can now be found with up to 4,000 pounds capacity in some cases.

According to Chuck Hussey, sales and marketing manager at Supertrak, Inc., "In my opinion people want equipment in the smaller to mid-size track loader that can do everything. We are predominantly known for high-horsepower mulching. If people want mulching, they also want a custom machine with more horsepower and hydraulic capacity... versatility. That's why..."
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Supertrack makes the small to mid-range tool carrier with 97-140 horsepower, featuring predominantly Caterpillar engines, then marries the carrier with an appropriate mulcher head, according to Hussey. However, the company also sources other mainstream loader implements based on the buyer’s needs. “About 99 percent of our loaders have bumper and winch packages included in the price,” he says. Prices range from $108,000 to $180,000, depending on setup.

Introduced in May of last year were the SK140TR (rubber track) and SK140STR (steel track) loaders, both rated at 140 hp. Hussey hinted at the release of new, higher horsepower and more multi-dimensional (another expression for versatile) equipment this year to include not only new units but also variations on existing lines.

Swinger Compact Loaders continues to undergo a redesign of its lines with the introduction over the last year and a half or so of the “K” series, the 1K and 2K. According to Bruce Steingart, president of the company, the machine names are tied to their approximate lifting capacity – the 48 horsepower 1K with an SAE safe-lift rating of 1,500 pounds, and the 65-horsepower 2K, rated at 2,500 pounds. The rating is the maximum load before tipping for a fully loaded, fully height-extended and fully articulated unit.

The K3, rated at approximately 3,500 pounds, is now undergoing a cost-reduction redesign, Steingart says, for a reintroduction in about 18 months. “We make an articulated, non-track loader with a universal carrier that will accept a lot of attachments. Our quick-attach setup marries up nicely with most options,” he says. “We are limited on customization,” Steingart explains. “Rather, we look to manufacturing and operator friendliness.” As an example, he notes that the operator compartments in both the 1K and 2K models are identical, despite the fact that they sit on different chassis. “They are ergonomically friendly and situated so the operator climbs on – not into – the equipment, and are situated for great visibility, sitting high to overlook the work.” That’s also a safety factor, with the operator sitting away from the lift arms.

The tractor is also configured with a transverse, rear-mounted engine with 80 percent access when the “hood” is lifted for easy maintenance and system checks. In their recent redesign, the Swinger loaders also have gone away from automotive-type drives to planetary-type on both front and rear axles.

Vermeer takes the approach that it needs to address two concurrent and related trends in the arbor care and landscape businesses: the shortage of skilled labor, and the need to reduce labor costs, according to Jon Kuyers, Vermeer segment manager for the company’s compact equipment line and

While Bobcat’s T320 with its new forestry cutter system is capable of reducing trees to mulch, it does so while protecting the operator with aircraft-windshield technology that can withstand the impact of a two- to three-pound steel projectile. Vermeer takes the approach that it needs to address two concurrent and related trends in the arbor care and landscape businesses.
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overseer of its mini skids and attachments. “What I see in tree care or in landscaping is a coming lack of qualified labor and the fact that owners and managers don’t want to add manpower, yet they want and need productivity. To do that, they mechanize,” Kuyers says.

Addressing those trends – labor and productivity – has resulted in the S-series line of mini skid-steer loaders beginning with the S600TX, a track machine introduced three-and-a-half years ago; then, in late 2007, the introduction of a smaller, track version, the S400TX; and a rubber-tired, mini version (intended for hard-surface use), the S600. The last two are just coming to market, says Kuyers.

Kuyers says that each machine is designed for different applications, but one thing they have in common is their relative compactness. This allows for an affordable entry level machine ($16,000-$20,000) to get into tight spaces such as a backyard and to perform a majority of tree care tasks utilizing most mainstream attachments, including grapples and augers.

His assessment is that a machine such as one of the new S-Series can eliminate one person on a three-man crew on a day job. It also leaves the crew in better shape, since the machine is doing the heavy lifting and dragging. If you do his math, over the course of a single year, that $20,000 investment can more than pay for itself just in payroll.

“I heard from one customer in the tree care business who said, especially in backyard work, our mini reduces his labor by a third, minimum. That, of course, will vary, depending on each job,” Kuyers explains.

The subject of loaders is broad, starting with the mini, moving to the skid loader and topping out at the conventional loader. A very new addition to the John Deere line, the all-new 210LJ Landscape Loader, provides good insight into the trend toward versatility in that big end of the category as well. Key features for this machine are the new environmentally friendly, high-output, turbo-charged, 84-horsepower, Tier 3-certified engine, and an all-weather cab option that allows for a longer work year in the North and East.

The company stresses that this is NOT a modified backhoe and notes that it sits a full 12 inches lower than competitive machines for close-in work, especially near homes and trees with overhangs. A swivel-operating seat provides the operator with greater visibility, for example when running attachments such as mowers, mulchers and augers. Maintenance has been made more efficient with the grouping of service points in one easily accessible area.

The book on loaders has yet to be written. Given the breadth of the subject and the ever-evolving nature of each level, that may be a difficult, if not impossible, task. However, there are configurations to fit any budget and any mission. Their versatility also means you can begin to think outside the bounds of your standard business to pursue targets of opportunity outside those of the traditional arborist.
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My experience with air excavation tools has been hands-on. I bought one in 2005 for root excavation and soon found that I was having the same basic issues in selling work for it. Consumers are confronted with any number of interesting devices and have about two minutes to devote to your salesman's presentation of what these amazing machines can do for them.

I use the Air-Spade, which is very similar to the Air Knife. Both take huge amounts of compressed air – 150 cubic feet per minute or more – pumped into a ¾-inch hose, from which it is delivered through an aperture the size of a pencil in order to move soil, debris and rock while preserving and protecting the root system under investigation. Each uses a different patented nozzle, and each has their advantages. I visited both of the booths at TCI EXPO 2007 in Hartford and was really impressed with the depth of knowledge and expertise of the representatives from both companies.

The tools have a variety of other applications and are being used in archaeology, public works and landscaping as well as tree care. Displacing all of the soil can be a problem, because the natural tendency of particulate matter is to hang in the air until it is inhaled as dust or can find an expensive car to cover like a sheet. The Air Knife folks have approached this problem by designing a whole new tool, the Air-Vacuum, which uses the same compressed air source to displace the soil directly into a pickup, or in windrows nearby. It still creates a bit of dust, but is invaluable when moving soil from an entire root crown to seek out a fungal association, or when trenching deeply.

I gave up on telling my clients this. It is easier to say: “my air device can show us the roots underground, without hurting them.” You still have most of the two minutes to tell them why your work is superior to the other guy’s. Its not like a chipper. You know how you find an old guy who wants to talk about a chipper, and you can go on and on about the time you got it clogged or threw this huge piece through, as they nod and say: “Is that SO...” politely every few minutes. You got to love those old guys. And it’s better than trying to steer the conversation away from someone who is inexorably drawn to… “That scene in Fargo where...” Y e a h , y e a h , y e a h . B a c k t o t h e trees.

I also leave out the part about it being incredibly dirty, noisy work, but I do tell them that they would probably prefer to see my photos of the event than to witness it firsthand. Notice that I call them clients. I
even call them that to their faces, and have not served any time as a result. Seriously. I find that people have a feeling about you depending on the language you use with them. If you say: “I sell lots of air excavations,” maybe they will trust you, but they do not yet know anything about you. If you say, “I sell more air excavations to my customers than any other tree service,” then, OK, you have shown them that not only are you a good salesman, but you are aware of the competition of tree services.

If you say, as I do, that your clients with landscapes as nice as this one prefer the ease of seeing underground, and that most are pleasantly surprised at the speed of the device, you leave it open for them to ask a question. You have named them among your clients, without actually charging them anything. People like that.

I’d rather be a client than a customer, wouldn’t you? Brings in all sorts of positive connotations, John Grisham’s books notwithstanding. A client is someone with some taste, some class and, let’s face it, a few bucks he or she can direct toward the

landscape and that nice specimen of a tree. A customer is someone waiting in line at the video store trying not to think about the lack of personal hygiene of the other customers in the line.

Once you have sold yourself; and I hope, like me, you have charged by the hour, and are consulting, you need to show them some product for all their trouble. I usually include a short report, sent or delivered in a nice folder. It has my letterhead, their address, title and descriptions of what has been done to what. If you do not, and you simply point out a root you must cut due to girdling, there is the fear that one may have paid a bit too much for nothing.

Can’t you just imagine it being talked about later? “I don’t know, the guy used this big ... air hose thing to shovel the dirt around (I think he kind of aimed toward the convertible, because it was just covered in dust when I took it out). A nyhow, he found a root thingy he needed to cut and charged 350 bucks. Sounded high to me, too, but what are you gonna do?”

My clients can say something like this:

“Ooh, you really must get O’Shea. He used an ingenious device to uncover the roots; let me show you the report - it has photos in it. Aren’t these neat? And he says I just keep an eye on the cracks at the base, and call him if there is any change. He even cut a girdling root. There it is, on the photo sheet. I feel much better about dad’s persimmon tree, and it was less than $500 for the whole thing! Absolutely no mess. I had forgotten the Bentley was parked out there and when I ran out to move it I found he’d already covered it with a huge tarp, and had the dust controlled with a sprinkler and some plywood baffles - I’d recommend him to anyone.”

Which brings us to the main point. When you buy your first chipper, a few weeks of healthful invigorating experience will make you an expert in every facet of its

operation. An air excavation tool is a little different. If an arborist with some experience and an understanding of diagnosis, biology and customer service buys one of these, the results are sure to be positive. Otherwise, it might turn out to be one more unused gizmo.

I was like a kid in a candy store when I got mine, and I wanted to try all sorts of things with it. I even transplanted a few trees! It was still hard work, but less of it. I was able to give very competitive bids on root excavation when necessary; including construction exploration, mitigation involving the cutting or tunneling under roots, finding out why a wet area refused to drain, etc. My opinion? You can’t find a better way to do consulting than to be able to look underground, where so many tree problems originate.

*John O’Shea is a Certified Arborist and a member of the American Society of Consulting Arborists. This article was based on a presentation he made on the same subject at TCI EXPO 2007 in Hartford.*
8 Ways to Bulletproof Your Bottom Line

How to Plug Those Costly Profit Leaks

By William J. Lynott

Profit leaks are lurking deep inside almost every service business, silently draining off hard-earned dollars. Some are more difficult to detect than others; some are far more damaging. Together, they can form a major obstacle on the road to optimum financial performance.

Here are eight steps you can take to smooth out the road to a consistently healthy bottom line in your tree care business:

**Mind those accounts receivables**

If you do any of your own billing, you must maintain good records of how much money your customers owe you. Whatever system you use to keep track of A/R, it must be capable of telling you how many accounts are overdue by 60 days or more. If it comes to 10 percent or more of your total A/R, you need a more aggressive collection policy.

The more casual you allow yourself to become about collecting the money owed to you, the more casual your customers will become about paying you.

**Manage your cash flow**

Collecting what is due you is only part of the job. How you manage the revenue generated by your business will determine how much of that money finds its way to your bottom line.

Profitable management of cash flow calls for never allowing any of your money to lie idle. The worst place to deposit your daily receipts is in a low-interest/no-interest checking account. Instead, open a money market account at your bank and have it linked to your checking account for telephone or online transfers. From that point on, deposit your daily receipts into the money market account where they will immediately start drawing interest.

Never deposit receipts directly into your checking account. Keep a minimum balance in the checking account and transfer cash by phone or online only as needed to cover checks written.

Worst money sin of all: leaving checks or cash lying around in a desk drawer until you can get to the bank. Using every cent of your money to make money is the smartest and shortest road to a healthy financial future.

**Don’t be in a big hurry to pay your bills**

Ever notice how checks are slow to come in from people who owe you money? That’s because hanging on to cash as long as possible keeps that money available to draw interest or to work in a business.

Take the time to set up a system that provides for paying bills only when they’re due. Don’t go overboard and jeopardize your credit standing by paying bills late. Pay your bills when they’re due — not before, not after.

**Make full use of available technology**

Your bank would like you to pay your bills electronically, and they’re making it easy and profitable for you to do so.

Until recently, the idea has been slow to catch on. Change doesn’t come easily to most of us, especially when it comes to how we handle our money. Fears on the part of many of us about the security of paperless transactions added formidable hurdles on the road to a checkless society.

Lately, however, the sluggish stream of Americans viewing and paying bills online is becoming a raging torrent. At today’s cost of 41 cents postage for each check mailed (sure to continue rising), plus the cost of buying checks, the savings in money and time is becoming an irresistible lure to computer-savvy business owners.

Service providers now offer a wide variety of easy-to-use systems, and experts say that security is a minor concern. “Online bill payment is at least as secure as conventional payment [paper checks],” says Elizabeth Robertson, senior analyst at the research firm, TowerGroup. Some experts say that banking and paying bills online actually reduces the odds of identity theft by cutting off thieves’ access to the papers they need.

Improvements in technology and user-friendly Web sites make online bill paying almost as easy as logging on to check your e-mail.

Check with your bank. Chances are that it offers free online bill paying. You’ll be surprised at how easy and profitable it has become.

**Hire with caution**

More than ever before, your employees are the cornerstone of an efficient and profitable operation. A single employee functioning at less than optimum and honest levels can wreak havoc on your business and on your bottom line. At the very least, check all references and do a search on criminal convictions (not charges) before hiring. If you have any doubts or unanswered questions, don’t hire that person.

While some turnover will always exist, chances are that you can plug this silent profit leak by taking more time and effort to hire the right people for the right jobs.

When interviewing a potential new hire, take the time to listen. Don’t make the mistake of doing more talking than listening. Make an effort to gauge the person’s ability to blend in with your requirements and the personalities already on your payroll.

Increased turnover is only one of the problems generated by hiring the wrong person. A personality that isn’t comfortable in your work environment can cause serious harm to your business in ways that are invisible until it’s too late.
Concentrate on human relations

Once you have your business staffed with the right people, it’s up to you to make them feel that they have found the right job. With all of the daily pressures and stresses that you must deal with, it’s easy to overlook the emotional burdens with which your employees must deal.

 favoritism, or even the appearance of it, can be a deadly enemy of efficient and profitable operations. An employee who feels that he or she is the victim of favoritism is likely to develop a grudge that can cause serious damage to your operation.

Make a special effort to show appreciation to your employees in a fair and equitable manner. The importance of skillful human relations in a modern business environment is well-established. Even the appearance of a lack of respect for an employee can undermine your best efforts to develop a pleasant working environment.

Another common mistake made by some owners and managers is failing to accept blame when something goes wrong. A reputation for always putting the blame on others is a management deficiency that will eventually exact a heavy toll in the form of employee unrest. Being in charge means being willing to take responsibility for whatever happens on your watch.

Be aware of human weaknesses

Despite the best of pre-hiring screening or the length of service of trusted employees, human susceptibility to temptation will always be present. While your natural inclination may be to trust the people you know, you should institute safeguards to minimize the chances of losses due to ever-possible dishonesty or simple carelessness.

► Deposit receipts daily, and make no exceptions.
► Make sure that a paper trail is created for every transaction. Be especially watchful over the system for handling petty cash. This is where embezzlement usually begins.
► If you have reason to believe that someone may be stealing from you, report to the police at once. If you put off that unpleasant duty, you could be making it more difficult to resolve the problem.

Take action on marginal employees

Discharging an unproductive or disruptive employee is the sort of unpleasant task that most business owners dread. However, failing to take action when necessary can be a costly mistake.

Keeping a problem worker around to create more trouble makes a bad situation worse. That’s not fair to you or to your other employees. That can result in added stress on other employees who may have to take on more work, and dissension among those who can’t understand why you are keeping the employee on your payroll. This, in turn, can negatively affect the treatment of your customers.

In short, once you identify a disruptive or unproductive employee, it’s best to face up to the unpleasant task of terminating the relationship. Postponing it can only lead to a more serious problem later on.

While it may not be possible to eliminate every potential profit leak in your business, careful adherence to these eight operational techniques will greatly reduce your exposure to costly losses.

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California firefighters rescue trimmer from palm

An unidentified tree trimmer became trapped in a palm tree he was pruning January 19, 2008, in Strathmore, California.

A man living nearby said he thought something may happen as the man began his work, and he was right, according to the Porterville Reporter. When the trimmer screamed for help shortly after he began working, the neighbor dialed 911.

A large number of personnel from the Tulare County Fire Department responded, two of whom scaled ladders to make the rescue. One was on a stationary ladder and the other on a ladder extended from a fire truck. The two pulled and trimmed fronds from the tree and wrapped a strap around the victim to keep him from falling. As the pair worked from their precarious perch, the last of the fronds came crashing down in a cloud of dust.

As the dust settled, the tree worker was safely guided down the ladder.

Shaken and covered in dirt, the victim washed up with a garden hose while being examined by ambulance personnel.

“I knew that boy was in trouble,” the neighbor said once the drama was over. “I’m just tickled to death he’s all right.”

Tulare County Fire Department officials were not immediately releasing the victim’s name.

Line trimmer killed

A Waterbury, Connecticut, man working for a tree care company was killed early February 2, 2008, while working to clear branches from power lines along a road in Tolland, Conn.

Gary Grella, 47, suffered a head wound when a tree struck him, according to a report in the Hartford Courant. A medical helicopter was summoned to the scene, where Grella was pronounced dead.

Grella worked for a subcontractor for Connecticut Light & Power Co. A tree crew was working to clean up damage caused by high winds the evening before and earlier that morning.

Tree trimmer hurt by branch

A tree trimmer was injured when a large branch fell on him January 30, 2008, in Mason, Ohio. It is not known if the tree was one that was damaged during storms the night before, said the report on wltv.com. The condition of the trimmer was not immediately released.

Tree trimmer dies of ice-storm injuries

Joe “Pete” Skidmore, 70, of Tulsa, Oklahoma, died January 18, 2008, after having been in a coma for nearly a month as the result of a tree-trimming accident.

Skidmore, who operated Skidmore Tree Service in Tulsa for nearly 50 years, was one of the last victims of a December ice storm in the area, according to a report in the Tulsa World.

Skidmore suffered a severe head injury Dec. 21 while working on a tree damaged by the ice storm 12 days earlier. One of his workers had just cut a limb and was lowering it down by rope to Skidmore when another branch, apparently already cracked from heavy ice, gave way and swung downward, hitting him. Skidmore was taken to St. John Medical Center, where he lay in a coma until his death.

His sister told the paper that she believes her brother’s death might have been averted had he worn a hard hat on the job; they had talked to him more than once about wearing one. It should be a law, she said.

Landscaper electrocuted cutting limbs

A Grapevine, Texas, landscaper was killed February 10 after he was knocked out of a tree in Colleyville when a tool he was using came in contact with an electrical wire, according to a report on star-telegram.com.

Jose Reza, 32, died at a Fort Worth area hospital shortly after the accident. According to a medical examiner’s office autopsy report, the cause of death was listed as high voltage electrocution and his death was ruled accidental.

Reza was in the tree at the time of the accident. He was trimming limbs when his saw or pruner came in contact with the wire, according to police quoted in the report. A homeowner called police after Reza fell out of the tree.

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On January 28, President Bush signed into law the National Defense Authorization Act for Fiscal Year 2008. Two of its provisions expand the benefits of the Family and Medical Leave Act (FMLA) to assist members of the Armed Forces and their families.

One provision requires employers to provide up to 12 weeks of unpaid leave a year for a “qualifying exigency” connected to the active duty status of an employee’s immediate family member. The other provision entitles eligible family members to take up to 26 weeks of unpaid leave to care for a wounded service member (“caregiver leave”).

Background: An employer is covered by FMLA if it employs 50 or more employees for each working day during each of 20 or more calendar work weeks in the current or preceding calendar year.

Active duty leave
The new provision for active duty leave is a qualifying exigency that arises from the fact that the employee’s spouse, son, daughter or parent is on active duty or has been notified of an impending call or order to active duty. Congress did not define the term “qualifying exigency” and has directed the Department of Labor to issue regulations to determine what constitutes such an exigency. Although the active duty provision will not be enforced until DOL defines this term, they nevertheless urge employers in the interim to act in good faith.

This new basis for FMLA leave supplements the existing four reasons an eligible employee could take up to 12 weeks of leave each year:

- the birth of a child and newborn care
- the placement of a child for adoption or foster care
- caring for a spouse or immediate family member with a serious health condition
- a serious health condition that renders the employee unable to work

Caregiver leave
The new FMLA service member family leave program allows an eligible employee up to 26 weeks of FMLA leave to care for a spouse, son, daughter, parent or “nearest blood relative” who is a covered service member.

The service member must have a serious illness or injury incurred while on active duty that may render the member unable to perform the duties of his or her office, grade, rank or rating and for which the service member is: undergoing medical treatment, recuperation or therapy; an outpatient; or on a temporary disability retired list. The provision also defines several key terms of this new leave program including “covered service member,” “next of kin” and “serious injury or illness” as it applies to a member of the Armed Forces. The new FMLA caregiver leave is available only during a single 12-month period.

Other provisions
The new legislation contains other provisions for these newly created FMLA-protected service leaves. For example, both leaves may be taken on an intermittent or reduced schedule basis. The legislation also authorizes the substitution of paid leave for these new unpaid, FMLA-protected service leaves. It allows an employer to request a certification for service member family leave and authorizes the Secretary of Labor to define this process by regulations. Finally, it requires an employee to provide “reasonable and practicable” notice of leave that is foreseeable due to the qualifying exigency related to active duty.

The Department of Labor (DOL) recently announced that it has sent proposed changes to the existing regulations governing the FMLA to the Office of Management and Budget for approval.
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By Lew Bloch

This discussion of the tree and landscape appraisal picture in the United States is strictly my opinions. What I am offering here are not, as sometimes offered in other articles or forums, necessarily facts of the appraisal issues, but my personal opinions based upon my experiences and readings. Some of these are based on facts, but the two sometimes get mixed up in our discussions. My esteemed colleague, Scott Cullen, does a great job in his excellent appraisal forums of distinguishing between the two.

I served as a delegate to the Council of Tree and Landscape Appraisers (CTLA) for 13 years, from 1994 to 2007, and was a co-author of the 9th edition of The Guide for Plant Appraisal. The process of writing this edition was started at my very first meeting and the document was published in 2000. Having gone through this process, I can offer my opinion that a lot of this book is based on facts, but a lot of the book is also based on opinions of the majority of the delegates at the time. All of this was the same for all previous editions of The Guide, as everything in any publication written by a panel will never be agreed upon by 100 percent of the body. I can also attest that the CTLA at that time, as well as today, is composed of very opinionated, bright people. This committee has constantly changed over the years since its inception in 1975, and there is only one delegate still serving from when I started in 1994. Let me firmly state that all of the above is good! Not bad. I certainly learned a lot from the different colleagues that I served with from different backgrounds while I was on board, and The Guide gets better every time it is revised. The 10th will be better than the 9th and there will be an 11th after that produced by an entirely different panel with different ideas.

There are sometimes discussions that our methodologies were created by “tree guys,” not by professional appraisal people, and in order to have respect in the appraisal community we have to be like them, so to speak. Whereas I agree wholeheartedly that we need to get up to speed with the general appraisal community, especially in our terminologies, techniques and language, I have no problems with the fact that our methodologies were formulated by “tree guys,” not appraisal techniques were made by “furrier guys,” etc. I also know for a fact that our 10th edition will be bringing us into the general appraisal stan-
In this discussion of my opinions, I would like to very briefly discuss the different cost methods of plant appraisal as we use them today, based on the 9th edition. As I am no longer a delegate to the CTLA, these are only my opinions; according to Lew. They are also offered with the utmost respect to the present CTLA, and I realize when the 10th edition comes out, I may have to change some of my opinions—and change can be good.

When will the 10th be ready and what changes will be made? It is not important when it is published, but it must not be rushed into print by outside pressures to meet a deadline before the complete review and editing processes are accomplished to the satisfaction of CTLA. As to what changes will be in the book, it would be illogical to announce any real changes until they are published and ready to be implemented. To announce that a specific item will be changed at a future time would be confusing.

The Replacement Cost Method (RCM) seems logically to be the easiest to defend, as we are offering to replace a plant with another plant of the same size and species (or approved similar species). This cost is then depreciated three times for species, condition and location to arrive at an appraisal of value. However, if the appraiser wishes, he or she may use a 100 percent factor for any or all of the above factors if the situation deems it appropriate. One such situation could be, if a tree was destroyed the day after it was purchased and the owner wants to replace the damaged plant.

I have had several situations over the years and have had recent discussions with attorneys about using RCM for large trees that are now being appraised with Trunk Formula Methods. Even if it might not be possible to actually move a 24-inch diameter tree into a particular property, is it possible to arrive at a cost to move a tree that size and then come up with an appraised value? (Note here that cost does not equal value) In my opinion, and the opinion of some lawyers, yes we can, and we have been doing it. Therefore some attorneys are saying we can, and maybe should, be using the RCM for trees of a size that can be transplanted. It is not difficult to get prices and costs from the contractors that specialize in large tree transplanting.

Over the years, I have occasionally heard bad vibes about the Trunk Formula Method (TFM) by some really intelligent tree guys. I have even heard it said that lawyers and judges laughed and made fun of this technology. Over the many (many, many) years I have been appraising trees, I have explained the TFM method to lawyers I have been working with, to lawyers on the opposite side of cases, and to judges from the witness stand and have had no problems explaining it or defending it. It is, in my opinion, a tool in our tool box of appraisal. It, too, is a depreciating cost method of tree appraisal using a depreciation factor for species, location and condition.

It is also my opinion that TFM is used much too often for woodland or forest trees that might not have any amenity value to the property as they are so far away or so hidden that there contributory value is very small.

The Cost of Cure Method (CoC), in my opinion, is another important tool in our appraisal tool box that is easily defensible and explainable in many situations. There are quite a few ways this method can be used, such as:

- To replace the shade loss from a large tree by planting several smaller ones in the area to provide shade.
- To replace a privacy screen planting with plants of the same or similar species and possibly of a smaller size. For exam-
ple, replace a damaged 30- to 40-foot-tall hemlock hedge with a 15- to 20-foot-tall holly hedge that will restore the lost privacy.

- To restore screening of a privacy hedge that had been elevated by planting an understory plant to restore the lost privacy.
- To re-plant a natural wooded area that was destroyed with new plantings in order to restore the area. For example, propose a landscape plan to furnish and install some large shade trees, some medium and small shade trees, some understory trees and possibly shrubbery, or whatever, to commence the woodland restoration. Figure 1 is an area where a neighbor trespassed and cut down trees on the next door property, and figure 2 is a sketch of how I proposed to rectify the situation. An estimate of restoration costs was prepared to arrive at a CoC appraisal. To furnish and install the plants listed on the sketch, mulch the entire area and maintain it one year for establishment was $31,785 in this case. It was settled without a trial.

- To manage stump sprouts and/or seed sprouts in a woodland area in order to restore the lost tree coverage and estimate these costs. Also, a compounded interest until years-to-parity, to be discussed later, might be added.

There have been numerous other inventive CoC methods that have been used over the years, such as erecting an artificial shade covering or artificial privacy screening until the restored plants were large enough to provide that function. There is always a way to be imaginative in the plant appraisal process.

Rather than looking at the CoC method as appraising the monetary value of actually replacing individual plants, it is my opinion that this is an appraisal of damages. An appraisal of damages may be different than an appraisal of trees or shrubs. When we appraise the monetary value of individual plants by RCM or TFM, we may add such items as removal of the old plants and stumps, restoration of the land, or establishment costs to arrive at a total appraisal of damages. In my opinion, this is why we do not apply a specific depreciation for species, condition and location when we are doing a CoC appraisal. We are not replicating anything specific that we can depreciate; only restoring the situation to near its pre-casualty condition. As Scott Cullen opines, this may be considered to be “implicit depreciation.”

The other cost method of appraisal that we sometimes use is the Cost of Repair Method (CoR), which is simple to appraise and simple to explain. It also usually produces a reasonable appraisal. With this method, the appraiser simply estimates how much it will cost to repair damaged plants that are reparable. It is up to the appraiser to determine if the damages are too severe to jeopardize the desired landscape value of the plant to the owner, or even if it will take so long to repair that it would be unreasonable for the damaged party to wait.

There is one additional tool in our tool box that I referred to earlier that is somewhat controversial. That is compounded cost, or years-to-parity. It is my understanding that is a common tool for consulting foresters in some situations, but it seems that some consulting arborists have problems with it. In my opinion, it is another available tool that we can use in certain situations. I have only used it twice in my many (many, many, many) years; once for a large wisteria vine that could not be replaced in size, and once for an exotic evergreen that could not be replaced in size, but those species needed to be used in those landscape situations. Both appraisals were accepted and I assumed, approved or negotiated, because neither one resulted in a lawsuit. Again, an opinion, but I have seen years-to-parity misused. It is important to note that just because a destroyed tree may be 50 years old does not mean that it will take 50 years for it to reach parity.

As The Guide for Plant Appraisal is not titled The Rules for Plant Appraisal or The Regulations for Plant Appraisal, it is my opinion that these above discussed opinions, as well as opinions of others, are out there. In my opinion, it is really good for the plant appraisal industry that we have guidelines to (not rules or regulations) use to aid in making appraisals of value for many different types of situations. Not all plant appraisals are for damages, as many of them are pro-active. Good appraisals are dependent on having good appraisers, not by having good rules or regulations to follow.

If one really wants to get opinions as well as facts about landscape appraisal, I strongly suggest that one attend one of Scott Cullen’s appraisal sessions. He will really get you to thinking. What a concept, huh?! Even though they are advertised and geared for advanced appraisers, in my opinion, they will be of help to anyone who really wants to get a handle on the processes. I have no idea when or where the next one is going to be, but wherever they are they attract an audience nationally. When the 10th edition does come out, perhaps CTLA will sponsor and put on their own appraisal workshops and seminars across the country in order to explain all of the changes.

Now how many times did I relate that all of the above are merely my opinions? Opinions are like noses; everybody has one...

Lew Bloch is a registered consulting arborist in Potomac, Maryland, and author of Tree Law Cases in the USA.
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Today, with the 2007 tax year ended for most tree care professionals, all that can be done before the deadline for filing the tree care operation’s tax returns is to make the most of the existing tax rules - all the while keeping an eye on the operation’s potential tax bill for 2008. That means making the most of already completed transactions and doing so in a manner that will not adversely affect or reduce next year’s tax deductions. It might also mean changing your mind about already filed tax returns.

It may surprise many arborists, tree care professionals, landscapers and urban foresters to learn that the tax deadlines imposed by our lawmakers are flexible. While moves made to structure transactions for the most favorable impact on the annual tax bill are limited, postponing the filing of the tax returns reporting those transactions, or changing your mind on already reported transactions, is permitted.

Money now, returns later
It goes without saying Uncle Sam, in the form of the Internal Revenue Service, wants his/its money sooner rather than later. That means pre-paying an estimated tax bill usually in four quarterly installments. It also means fully paying the expected tax bill on or before the deadline, either March 15 or April 15 for most businesses and individuals using a calendar year.

Even with the strict pre-payment rules, extensions of time to make those payments are often granted for specific groups of taxpayers, usually those suffering from a natural disaster or unusual circumstances. Under special circumstances, the payment of tax can be extended for a reasonable period, not longer than six months.

In the past, tree care professionals could use Form 4868, “Automatic Extension of Time to File a U.S. Individual Tax Return,” for a four-month extension. An additional two-month election was often available by filing another form (Form 2688) along with an explanation about the need for an additional extension.

Today, using Form 4868, an arborist or tree care company owner can obtain an automatic, six-month extension of time in which to file tax returns. Naturally, a proper estimate of tax liability is required.

Incorporated tree care businesses may obtain the automatic six-month extension of time to file income tax returns by submitting Form 7004, “Application for Automatic 6-Month Extension of Time to File Certain Business, Income Tax, Information, and other Returns.” Form 7004, is also used to obtain a six-month extension for filing some excise, income, information and other returns.

The automatic six-month extension of time to file also applies to the returns of pass-through entities such as partnerships, S corporations and limited liability companies (LLCs). Remember, however, the Form 7004 does not extend the time for payment of tax.

After filing
Once the tax returns have been filed, if a tree care business owner determines the operation’s tax bill is incorrect, changes can be made on an amended tax return. Naturally, a proper estimate of tax liability is required.

Incorporated tree care businesses may obtain the automatic six-month extension of time to file income tax returns by submitting Form 7004, “Application for Automatic 6-Month Extension of Time to File Certain Business, Income Tax, Information, and other Returns.” Form 7004, is also used to obtain a six-month extension for filing some excise, income, information and other returns.

The automatic six-month extension of time to file also applies to the returns of pass-through entities such as partnerships, S corporations and limited liability companies (LLCs). Remember, however, the Form 7004 does not extend the time for payment of tax.

Potential downside
Why would anyone want to change or amend already-filed tax returns? First, the IRS assures everyone that changing your mind about previously reported deductions or income will not increase the likelihood of an audit. Secondly, it might be because it was discovered that either the first-year write-off or accelerated depreciation method produced a deduction that would be more valuable in a later year when, hopefully, the taxable income those deductions would offset would be greater.

Write off write-offs
In another area, perhaps professional fees were claimed incorrectly. Fees paid to those all-important lawyers, tax professionals or consultants, are generally, deducted in the year incurred. If that work
clearly relates to future years, however, the expense is deducted over the life of the benefit received from the lawyer or other professional.

Yet another area in which confusion exists involves deciding whether a tree care business owner is an employee of his or her own business. On several occasions, the courts have ruled a shareholder who provides substantial services to his or her incorporated business – even an S corporation – is an employee. That means withholding of payroll taxes is required of even the smallest landscaping or tree care business.

In the area of fringe benefits, retirement plans and the like, the majority of shareholder/owners, partners and principals are employees, entitled to reap all rewards offered by the business. Naturally, those benefit programs cannot discriminate in favor of the owner/shareholder. With the IRS targeting these programs, amending the tax return might be a wise, pre-emptive move.

Write off basics

An arborist whether doing business as a corporation, an individual or a partnership - is permitted to deduct (from gross income) all of the ordinary and necessary expenses of carrying on the business that are paid or incurred in the tax year. Those deductible expenses usually fall within two broad categories: an immediate expense deduction or a capital expense, which is an expenditure that adds to the value or useful life of property, usually deducted by means of depreciation, amortization or depletion.

Remember, however, a large, immediate tax deduction might not be the proper strategy for your business. A tree care operation with little or no taxable income would obviously opt for smaller write-offs, saving the bulk of those deductions for later, hopefully more profitable years, when the deductions would be more valuable. After a banner year, on the other hand, making the most of all available tax deductions could put the tree care professional or his or her business in a lower tax bracket.

Small business expensing

Ever since 2003, and running through 2010, a tree care business can make, revoke or change a depreciation deduction, even the Section 179 first-year expensing election, without IRS consent on an amended tax return.

Last summer’s tax law changes extended and expanded the Section 179, enhanced first-year expensing provisions through 2010. It provided an immediate 2007 increase in the expensing limit from $112,000 to $125,000, with phase-out levels from $450,000 to $500,000. That $125,000 amount is reduced (but not below zero) by the amount by which the cost of qualifying property placed in service during the taxable year exceeds $500,000. Both the $125,000 and $500,000 amounts have been indexed for inflation in 2008 and thereafter.

Timing is all

Obviously, the best time to think about tax strategies is during the course of the tax year. For long-term tax savings, however, the tax bracket should be consistent year after year. If income is up this year but expected to be down next year, postponing asset sales or other unusual transactions might produce a noticeably smaller tax bill.

Postponing income or profitable transactions until next year, when they might not be quite as likely to put the tree care business – or its owner – into a higher tax bracket, is often a legitimate tax-saving strategy. Although the IRS may occasionally disagree, the courts strongly back every taxpayer’s right to choose the course of action that will result in the lowest legal tax liability.

Today, thanks to an extended time in which tax returns can be filed and an even longer period in which to change or amend already-filed tax returns, the so-called “tax season” has become a year-round event. After all, what better time to guarantee that all deductions have been claimed while, simultaneously incorporating overlooked or ignored tax strategies into the 2008 tax plans of you and your tree care business than right now?
TCIA 2007 Safety Award Winners

Every year with its Safety Award recognition program, TCIA recognizes individuals for their heroic efforts and companies for their outstanding contributions to tree care safety. There are numerous, exemplary activities and actions that merit the industry’s recognition and praise this year. Following here are this year’s award winners.

**The Bartlett Tree Expert Company – Outstanding Company Contribution**

David Anderson, Bartlett’s Western Division safety and training coordinator, undertook an ambitious project to protect workers from the hazards of sprains, strains and muscle injuries.

More than one-third of Bartlett’s personal injuries are soft-tissue injuries such as sprains, strains and muscle injuries. About a year and a half ago, the Bartlett Safety Committee committed to address the issue, with Anderson heading up the effort. Working with ergonomic consultants, sports doctors and leading university researchers, the group began by isolating the activities in tree care that led to ergonomic injuries.

They used a series of field inspections to photograph and video tape employees working. Information was processed through a series of software programs to provide a threedimensional model of precisely which area of the body was being overloaded during a given work practice.

Once this information was confirmed, the group explored alternate positioning methods and work practices designed to reduce the probability of injury. This work led to company-wide instruction in work practices while ascending trees, chipping brush, lifting wood and using pole tools, The Bartlett Company is already experiencing a substantial drop in these injuries and the associated costs company-wide.

Anderson requested that the Bartlett Safety Committee extend this information and research to the rest of the industry. They authorized a series of lectures at various industry meetings and are sharing his research with TCIA for the benefit of all employees in the tree care industry.

**SavATree – Outstanding Company Contribution**

Last year, SavATree began an initiative called “Safety Starts Here.” The program is incentive-based with quarterly updates and awards. Gifts bear the company’s safety logo and are appropriate to the theme: water bottles to stay hydrated and custom neck straps to assure that eye protection stays on and is always available. Crews’ reported safety performance is carefully validated by regular, documented inspections.

The goal of the program is to support the company’s aggressive safety performance benchmarks, and thus far it has been very successful. As their first year closed out, the company posted losses that were only 25 percent of what their insurance company’s actuaries had predicted.

**Lewis Tree Service – Outstanding Company Contribution**

Lewis Tree implemented a program called “Total Safety Culture” in 2007. The model they chose to emulate among their 2,700 employees in 16 operating divisions is a product of Dr. E. Scott Geller of Virginia Tech. Dr. Geller happens to be a colleague and mentor of Sherry Purdue, one of this year’s WMC speakers.

TSC is a people-based safety program built around the premise that most incidents occur as the result of at-risk behaviors. Lewis’ objective is to reduce or eliminate these behaviors from their culture. Their adopted slogan, that “Safety is everybody’s responsibility,” is a cornerstone of their approach to TSC.

The first step in the plan was to define safety responsibilities for every employee in the company, from the newest recruit all the way to the president. The common, shared responsibilities include reinforcing safety through crew visits, coaching employees at risk, participating in safety meetings, demonstrating active caring, and continually looking for ways to improve. Each of these responsibilities and others has a defined performance parameter; for instance, the number of work sites inspected or coaching sessions completed. With only one year of TSC under their belts, Lewis Tree cannot yet measure their success, but the increase in employee enthusiasm and participation is palpable.

**Steve Castrogiovanni, ArborCare, Inc. – Outstanding Individual Performance**

Steve is ArborCare’s operations manager and safety officer. The company is based in Rockville, Md. Steve handles the duties one would expect of a safety person, such as conducting weekly production meetings and safety tailgate sessions. But, more importantly, he instills among all employees the notion that safety is everyone’s responsibility. Due largely to Steve’s leadership, this sizeable company went a full year without a single lost time injury, and its workers comp and general
The employee’s life.

The immediate, textbook collar bone, multiple cuts, severe bruises and six broken ribs, two collapsed lungs, a broken bucket, but fall he did. He ended up with out his fall protection. He was alone at the mistake of ascending in an aerial lift without his fall protection. He was alone at the time, and it is still not clear why he fell from the bucket, but fall he did. He ended up with six broken ribs, two collapsed lungs, a broken collar bone, multiple cuts, severe bruises and a concussion. The immediate, textbook response of the crew is credited with saving the employee’s life.

Cortez, Antulio Perez and Richard Stanley was a pruning large trees on a golf course. For an inexplicable reason, one crew member made the mistake of ascending in an aerial lift without his fall protection. He was alone at the time, and it is still not clear why he fell from the bucket, but fall he did. He ended up with six broken ribs, two collapsed lungs, a broken collar bone, multiple cuts, severe bruises and a concussion. The immediate, textbook response of the crew is credited with saving the employee’s life.

S&S Tree’s Brian Kreitz suffered severe injuries in a fall from a bucket, but lived thanks in part to the quick action of his co-workers.

response to a motor vehicle accident. On a Sunday evening, the crew was en route from their homes in North Carolina to a project in South Carolina for the next day when they witnessed an SUV traveling in the opposite direction blow a rear tire, flip over multiple times and come to rest in the oncoming traffic lane. They reacted instinctively from previous training and sprang in action.

All five passengers in the SUV had been ejected. They were all Hispanic and spoke no English. Two of the crew members alerted oncoming vehicles while everyone else rendered first aid and comfort until paramedics arrived. The actions of the crew were immediate and responsive in a critical, high-stress situation.

Vine & Branch, Inc. – Outstanding Company Contribution

Vine & Branch, located in Carmel, Ind., is recognized for its ongoing campaign of public outreach on hazard tree recognition, tree inspection and visual tree assessment. They maintained their efforts at public education this past year through public speaking, writing and educational displays. They had displays at four prominent consumer and professional conventions, they spoke to various audiences on five occasions and even participated in a radio broadcast; they placed information on their Web site, sent information to numerous media outlets, they even had an article published in the May issue of TCI magazine. They sent out press kits and direct mail promotions. For all of their efforts, they were recognized as an outstanding member company by their local Chamber of Commerce.

TCIA’s 2007 Accident Survey is online – please fill it out before March 15!

Please take a moment to get online and complete the TCIA Accident Survey for 2006/2007 operations. Deadline for doing so is March 15.

Your contribution will help us build a resource of accurate statistical data for this industry where no such resource currently exists. Having this sort of information is critical to initiatives we are working on with insurers and federal regulatory agencies, and could result in profound benefits to your company and to the industry.

To complete this survey, you will need to know your total number of full-time field employees (or the total number of hours they worked), the total number of “reportable” accidents and the total number of “lost time” accidents for the calendar years 2006 and 2007. Terms are fully explained in the survey.

Please be reassured that your company’s information is kept strictly confidential and will not be used for marketing or any purpose other than compiling statistics. Only aggregate statistics will be reported.

Click the link on TCIA’s Web site, www.tcia.org, or type the following URL into your Web browser window to get started:


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Requirements: In order to receive a dues credit, your company must order software directly from ArborSoftWorx. Third party resellers do not apply.

To learn more about how your company can benefit from these and other TCIA affinity programs, please call 1-800-733-2622.
H-2B update: Bleak outlook for seasonal labor

The search for legal, reliable labor has continued to worsen as Congress has been unable to agree on a package of comprehensive immigration reforms. Of more immediate interest to many TCIA members, the issue of H2-B visas, which isn’t about immigration, has become swept up in the rancor and debate.

H2-B visas allow employers to hire temporary, seasonal labor from other countries. They are not immigrants, legal or illegal. They are allowed to work for up to 10 months, then must return to their home countries.

The quota for H2-B visas is 66,000 nationally, a number that could be used entirely by the landscape industry. Fighting for these seasonal workers are ski areas, seafood processing plants, summer resorts and a host of other industries. All of the businesses that have relied on these employees are caught in a desperate need for an extension of the exemption for returning workers, who don’t count against the cap.

TCIA is right in the middle of this issue, along with our allies and our lobbyist. It was, of course, one of the top three concerns we presented directly with legislators during our joint TCIA/PLANET Legislative Conference in Washington in July. We had more than 200 TCIA and PLANET members visiting their Representatives and Senators asking for action on this issue.

Prospects for a solution arise daily, with shifting alliances, ideas and hopes for a solution.

After the very public failure of comprehensive immigration reform earlier this year, we have been working behind the scenes with our lobbyist in Washington and the Essential Worker Immigration Coalition (EWIC) to try to get the H2-B exemption extended. We pay EWIC, which is a coalition formed by the U.S. Chamber of Commerce, which works on our behalf through their lobbyists. We also have retained our own lobbyist in Washington. In addition, our Voice for Trees political action committee raises funds and makes campaign contributions totaling thousands of dollars each year.

Where are we today?

Sen. Barbara Mikulski (Voice for Trees 2007 Legislator of the Year) managed to get the H2-B exemption inserted into the budget resolution for the Commerce and Justice Departments last fall. While it passed the Senate, it was stripped from the House version. A second try also passed the Senate as part of an Omnibus spending bill. That too was stripped from the House bill just before Christmas.

Unfortunately, the Hispanic Caucus has decided that if they can’t get amnesty, they are going to oppose all measures, including an issue such as H-2B that does not involve immigration. And organized labor has decided to oppose the H-2B program, too, unless it is changed radically in ways that would make it useless for our members.

TCIA representatives such as Jeff Lundberg from SavATree met with Congresswoman Nadia Velázquez last month. The Hispanic Caucus, of which she is a member, is the main group (along with organized labor) against another exemption. We also discussed the issue, once again, with Congresswoman Carol Shea-Porter, another Democrat, who is a strong supporter of an exemption.

TCIA representatives Gary Mullane and Erich Schneider met in Hilton Head in early January with Rep. Joe Wilson, who clearly understands the need for seasonal labor in his tourist-dependent district.

Rep. Bart Stupak convened a meeting at the end of January with our lobbyist and others interested in the H2-B issue. In this meeting, members discussed the urgent need to obtain immediate relief for small businesses throughout the country. The meeting resulted in two immediate action items:

- **Letter to President** – A letter to the President was drafted requesting that President Bush use his Executive Authority to direct the Department of Homeland Security and Labor to continue the H-2B returning worker program as outlined in the 2003 legislation. The President may have limited authority to extend the cap (since the cap is written into law). This letter will also be circulated in the Senate, either creating a large joint House/Senate letter or a letter from each body.

- **Meeting with House Leadership** – Members agreed that scheduling a meeting with the House Leadership would help show Democratic and Republican Leaders that there is a large bipartisan coalition of Members concerned about the H-2B returning worker extension. In addition, this meeting will serve as an opportunity to discuss how Congress could extend the H-2B returning worker program as well as request that an extension be included in the economic stimulus package. Rep. Stupak made a formal request to Speaker Pelosi and Majority Leader Hoyer to hold a meeting, with Republican leadership, in January prior to or immediately following votes. The Republican members also approached Minority Leader Boehner and Minority Whip Blunt to coordinate the January bipartisan meeting.

Unfortunately, with the current Republican and Democratic battles, the situation looks bleak. Democrats are still very angry over the failure of comprehensive reform, and they are not inclined to pass a quick H-2B fix for businesses. Organized labor is quite content with shortages that drive up wages. These issues may not get easier as we go forward.
The Tree Care Industry Association recognizes our Partners Advancing Commercial Tree Care. Their strategic partnership with TCIA supports our journey to Transform the Industry.

Helping to build a stronger marketplace can have significant benefits for your company. To learn about the many branding and marketing opportunities available, contact Deborah Johnson, Director of Development; johnson@tcia.org or call 1-800-733-2622.
$12 million secured for beetle battle in Colorado

The U.S. Forest Service and other groups will receive $12 million in emergency funding to address the mountain pine beetle epidemic decimating Colorado’s lodgepole pine forests, according to a report in the Rocky Mountain News.

The money includes $8 million for the Forest Service and $4 million to reduce beetle-killed trees on state and private lands.

The funding announcement came a day after Colorado forestry officials said new aerial surveys revealed that pine beetles have consumed 1.5 million acres of lodgepole forest, and that remaining adult lodgepole forests will likely be dead in Colorado within three to five years.

The U.S. Department of Agriculture did not specify that it was for the pine beetle, but said the $8 million was for hazardous fuels reduction on federal land.

Dwarf Conifer Garden reopens in Chicago in June

Under renovation since fall, the Dwarf Conifer Garden at Chicago Botanic Garden grand opening is slated for June 14-15, 2008. Staff from the Chicago Botanic Garden and other noted conifer experts will be on hand at the opening to give informal talks on dwarf conifers and give demonstrations on growing dwarf conifers.

The redesigned garden a stone staircase entry, walls of evergreens that provide enclosure, with stone troughs that showcase the many miniature conifer varieties available. Signage throughout the garden will explain conifers and dwarf conifers.

Dwarf conifers are either naturally small or a mutation of a regular conifer species. They are called “dwarf” because of their small size relative to that of other species. Conifers generally bear their seeds in cones. Many specimens will be strategically repositioned and dozens of new evergreen species will be added. Careful attention was paid to plant selection to include shapes of globes, buns, columns and pyramids in a variety of colors, including blue, gold, emerald and chartreuse.

The Dwarf Conifer Garden originally opened in 1988. It contains several rare species such as one of the largest weeping Norway spruce in the Midwest, a 30-year-old thread leaf false cypress, and a Horstmann’s Silverlocke Korean fir, all of which will not be moved as part of the project. The renovation was designed by Hoerr Schaudt Landscape Architects.

The Joseph Regenstein, Jr. School of the Chicago Botanic Garden will hold several classes on dwarf conifers.

EAB found in Toronto area of Ontario, Canada

In November 2007, a staff member from the Ontario Ministry of Natural Resources detected trees suspected to be infested by the Emerald Ash Borer (EAB) in a residential area of Toronto, Ontario, and contacted the Canadian Food Inspection Agency (CFIA). CFIA inspectors collected samples and entomologists confirmed that the samples were EAB. This is the first infestation of EAB to be detected in Toronto, Ontario. The CFIA is investigating the origin of the infestation, and will continue surveying to determine the range of the infestation. Regulatory actions are pending for this latest find.

There are currently five areas in southwestern Ontario regulated by Ministerial Order for EAB: Essex County, Municipality of Chatham-Kent, Lambton County, Elgin County, and Middlesex County. A small region of Norfolk County, in which EAB was detected in October, is also under official quarantine.

Fertilizer bans spread across North America

A Suffolk County, Long Island, New York, law goes into effect in 2009 that aims to prevent fertilizer runoff from flowing into bays, rivers and drinking water.

The New York law is just the latest in a series of cases where cities, towns and counties are creating and enforcing their own laws regulating use of fertilizers, according to a Newsday article posted on landscapeonline.org.

The state of Minnesota has a statewide ban on phosphorus. Now nitrogen-based fertilizer will be banned across much of Long Island, N.Y. The Canadian province of Manitoba will also ban phosphorus starting in 2009.

The County of Suffolk, N.Y., has banned nitrogen-based fertilizer use between Nov. 1 and April 1, though county-owned land will be exempt when the law takes effect in 2009. Landscapers and homeowners will be required to abide by the new rule, however.

The goal of most of the anti-fertilizer legislation is to protect streams, lakes, groundwater and other watersheds, the article states.

The New York law includes a maximum fine of $1,000. County property was excluded from the bill, Levy spokesman Mark Smith said, because fertilizer is only used on golf courses, at the county farm and at public works projects where sodding is necessary.

Carrie Meek Gallagher, Suffolk County’s environment and energy commissioner, said the law was designed primarily to stop commercial landscapers from using too much fertilizer, according to the Newsday article. But individual homeowners and private golf courses are also covered by its provisions.

The bill also requires stores that sell fertilizer to post signs and informational brochures regarding fertilizer use within 10 feet of fertilizer display areas.

Saving heritage trees in New Jersey

Freehold Township, New Jersey, has a Heritage/Historic Tree Ordinance designed to protect and prevent the unnecessary removal of larger, more important specimen trees, particularly those that are part of local history. While it may be possible to obtain tree removal permits in special situations, it is the desire of Freehold Township to save as many of its trees as
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* Please circle this number on the Reader's Service Card for more information.

possible. Oftentimes, trees can be saved by only slightly modifying building plans.

Heritage trees are defined as trees of a certain size range (dbh, or trunk diameter) based on tree species and variety. For example, the smallest heritage tree is 14.5-inches in diameter, while the largest is 50 inches, yet the trees may be approximately the same age.

Historic trees are defined as trees noted in a particular historical reference, such as “a treaty was signed under a particular oak tree in 1865.”

Distance from the home site does not affect the protections of the heritage/historic tree ordinance nor does it allow for removal of these trees. The township shade tree supervisor must issue a tree removal permit before any trees are removed. Failure to get approval before removing a historic/heritage tree will result in fines and summonses.

Tree pruning work on heritage/historic trees must be done in accordance with the Tree Care Industry Association and American National Standards Institute accepted practices.

Send Tree News Digest items to staruk@tcia.org, or TCI, 3 Perimeter Road, Unit 1, Manchester, NH 03103.
Winter (early spring) Tool Spa

Not all pruning needs to be done from a bucket, or with a saddle and rope.

By Ellyn Shea

For those of us who work outdoors, weather matters. Even in mild California, winter rains may keep us from working on trees. When we do go outside in the yuck, our pruning tools are at risk. This time of year is a great time to assess and maintain your hand tools, and shop for new stuff. So next time weather keeps you indoors, pull up a chair, pour some hot coffee and have a good time!

Supplies needed: steel wool, “3 in 1” oil, sharpening stone, rags, exacto-blade, spray lubricant.

Sharpen those blades

For hand pruners, reach pruners, loppers and pole pruner heads, clean off rust, sap and dirt with steel wool. Use oiled rags to coat all metal and moving parts. Sharpen with your sharpening stone. (I like the Eze-Lap Diamond Hone and Stone – it’s the size of a large nail file and fits in your tool belt for anytime sharpening). If you sharpen regularly, use a fine grit stone. For long-neglected tools, start with a coarser grit, then use the fine grit for upkeep.

For saws, use the exacto blade to “floss” between saw teeth and remove sticky sawdust. (Safety note: cover the blade with a wine cork when not in use.) Follow with spray lubricant and wipe with a rag. (If you are working in a garage or shed with a concrete floor, avoid getting oil or lubricant on the floor. The next time you come in with wet boots you will find out that oil and water really not only don’t mix, but can send you flying.)

If the saw blade has been around the block a few times, consider replacing it.

If the saw blade has been around the block a few times, consider replacing it. Most brands sell replacement blades.

Looking for a few new gadgets?

Here at Friends of the Urban Forest, we specialize in young tree maintenance, mostly trees under five years old. Here are a couple of tried and true friends we couldn’t do without.

Reach Pruners, made by ARS: Excellent for fine pruning (¼ inch to ⅜ inch). The TR185 model extends 6 to 10 feet. The arm revolves so you can get just the right angle. You can also use them to stabilize a branch if pruning over the street where cars are parked. One person prunes the branch, and the other person holds it with the reach pruner and guides it carefully out of the tree to keep it from falling.

These “little divas” can be persnickety. Nuts and screws can pop out, so order several extras, and reinforce screws with something like Loc-Tite. You also have to be careful not to prune too thick a branch or at too acute an angle or they will seize up. A thin knife can help to get splinters out of stuck blades. But with regular maintenance, they last a long time, and no other tool is quite right for elevated fine pruning. They’re available at A.M. Leonard and Hida Tools in Berkeley, Calif. Hida can also do repairs.

The trapezoidal platform ladder by Polder safely gets you an extra two feet off the ground. The platform shape is stable on hills. We use them for pounding stakes and pruning small trees. They are aluminum, rust resistant and easy to carry. Although generally sold for household use, they can last several years if you store and transport them carefully.

Leifheit makes a “plateau stepladder” that is more heavy duty, but we had trouble some years ago with the locking mechanisms breaking too easily. Perhaps they have improved the design. Werner makes a comparable model also. Check around online for details and see one in person if you can before buying.

As for me, I’m anxious to check out the new ergonomic pruning shears by Fanno. I love their saws, let’s see how the pruners work out!

Keep yourself and your tools in shape, spring is coming soon!

Ellyn Shea has 10 years in the green industry, eight of them in community forestry. She is an ISA Certified Arborist and a bit of a tool geek.

TCI will pay $100 for published “From the Field” articles. Submissions become the property of TCI and are subject to editing for grammar, style and length. Entries must include the name of a company and a contact person. Send to: Tree Care Industry, 3 Perimeter Road, Unit 1, Manchester, NH 03101, or staruk@treecareindustry.org.
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