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ometimes the changes that bark at our door come from outside our companies, are unexpected, and require our teams to take in a new set of data and respond quickly. We have watched that happen to parts of our industry when new water restrictions were implemented around the nation. We have seen the industry scramble when large corporate layoffs occur in an area, nixing the great corporate contract at the HQ followed by loss of a lot of dependable executive client renewals. We have been at the beak and call of regulation that has increased our direct costs, from the EPA, Homeland Security, OSHA, DOT and many state and local ordinances. We have reinvented ourselves as new science drives us toward different products based on our customers’ perception of the science and their demands from our industry. All of those changes are part of what any business or industry must endure over time. It’s much like business cycles. If you have been around for a while, you know we’re going to go through them. You know how to handle the dips, and you know how to maximize the ups. The tree care industry, in general, tends to have less dramatic dips and more moderate highs than a lot of other businesses, which actually gives us a one-up on our endurance capacity.

External forces that drive change throughout our industry can also be energizing. New technologies, new scientific discoveries, new mechanisms to help safety in the field, new methods and tools for training, and new equipment – all of these can be tremendously exciting to bring into our world. Watch any group of arborists from across the nation at a Day of Service exchanging the latest tips, and you can see this in action.

There are also changes that are unplanned that come from within our companies; things we don’t anticipate and can’t control. There are opportunities that present themselves as our businesses become more challenging and complex, which lead to addressing once adequate processes that are no longer sufficient to take us to the next level of our evolution. Engaging our teams around new challenges can be very energizing if those who are taking the next leg of the journey are part of creating the next iteration of your business practices. Allowing your team to form into new creative and innovative groups can yield a whole new level of thinking and problem-solving.

I’ve written before that one of the most dangerous things that we can do is to rest on our laurels. This is true individually in our professional lives, as well as within a company’s philosophy. When changes of a significant magnitude come, they are real tests of what we are made of – as an industry, as separate companies, and as individuals performing within those companies. Allowing ourselves permission to fully explore where these changes might take us gives the gift of reinvention.

When change comes knocking at our door – as it always will – if embraced, THAT is when we find out what we’re made of... and more importantly, what we can become.

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How is your liability?

ON THE COVER: Massachusetts Arborists Association’s 29th annual Arbor Day volunteer project at the historic Codman Estate in Lincoln, Mass. Photo by Kathleen Costello/TCIA
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A recreational runner in Florida was jogging on a private commercial property when a branch fell from a tree, striking and killing her. There was no denying that it was an accident, but the woman's family charged negligence on the part of an arborist who had conducted an assessment of trees on the property several months before.

A young boy in California was riding his bicycle and was killed when a tree branch fell on him. The boy's family sued a tree care company that had pruned the tree a week earlier.

In a third instance, a boy watching tree care workers from what should have been a safe distance was injured when a section fell and took a freak bounce off the ground, striking him.

These are not just nightmare scenarios; they are accounts of actual incidents. The tree care industry is a hazardous profession, and the hazards don’t exist only for workers. Concerns for safety should extend also to clients, passersby and others at any work site.

In a litigious society, there is a dollar figure placed on worksite accidents that injure or kill “civilians.” Consider the recent settlement by the city of Anaheim, California, which earlier this year paid $700,000 to the family of a church worker who was killed after a 50-foot tall ficus tree fell and crushed his van, with him in it. The family’s attorney and experts alleged that the tree was trimmed in a way that left it top-heavy, and susceptible to falling on a windy day.

“If it was Mike’s time to go, it was going to be Mike’s time no matter where he was, but I think… the accident could have been prevented,” Carole Gandy-Strong, sister of the late victim Michael Gandy, told the Orange County Register.

In explaining the city’s willingness to settle, the paper cited recent settlements in excess of one million dollars.

Whether it’s a garden variety fender-bender with the company truck or an accident that results in the loss of life, liability is one more important concern for tree care company owners and consulting arborists. The likelihood of a lawsuit that stems from property damage is rare, with the most cases settled among insurance companies. Awards in wrongful death cases have sometimes reached multi-million dollar figures.

But, for companies that are uninsured or underinsured, a major loss could wound or even cripple their business.

“If you’re not insured, or if you’re not insured to the proper limit, you’re gambling your business every single day,” says Mike Rook, marketing manager for ArborMAX Insurance Programs.

Some municipalities and sharp private consumers are making proof of insurance a prerequisite to getting work.

“A lot of residents are getting savvy about asking (tree care companies) ‘are you insured?’ ‘who are you insured with?’” says Rook, noting that some consumers go
so far as to ask companies to produce a copy of their policy before they will give them their business. In doing so, they are protecting themselves if damage is done and it’s not covered by their homeowners’ insurance.

“The homeowner should look into that,” he adds. “If you’re hiring a tree care company and they’re dropping a big tree in back of your house, I wouldn’t just take it on word of mouth. I would get a certificate of insurance that shows the agency that the company is going through, and the company he’s insured with, and what limit he’s insured for. If those things look good, then I’d go ahead with the work; but if he can’t supply a copy of the certificate – no.”

The amount that a company may pay in premiums can vary widely based on a number of factors, including market factors, the size of the business, the type of equipment or vehicles being insured, the company location, the amount of risk the company’s owner is willing to carry, and

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**Five Rules to Live By for the Practicing Arborist**

*By David Rattigan*

You’ve purchased your insurance policy and instituted a strong safety culture at your company. Now what else can you do to protect yourself from potential liability in the case of an accident?

There are plenty of practices that will help, according to arborist Joe Samnik, who conducts seminars for tree care companies and consulting arborists on liability issues and workplace safety (as well as on tree appraisal).

Here are five recommendations for practicing arborists:

1. When dealing with customers, keep detailed documentation to prevent misunderstandings and as evidence that you acted properly. “People think documentation means going home and paying someone to write something up on letterhead,” Samnik says. “It doesn’t mean that. A spiral notebook is great, because you can’t put anything in it. You just keep notes.”

2. Get everything in writing. This deals mostly with agreements between the parties.

   “That includes what they’re not going to do,” Samnik says, citing a particular case where a consulting arborist was asked to assess trees near a parking lot, but was sued later when a limb fell off a tree elsewhere on the property. The arborist did not have the specific details of the job written down, and was forced to settle the wrongful death claim in a weaker position than if he’d have written, “perimeter trees not in scope of work.” Samnik recommends that you have the client initial it. “Signing it is too scary. People don’t like to sign things, but they don’t mind initialing or OK’ing it,” he says.

3. Make sure you have the required permits to perform the work you’re hired to perform. “If you’re doing work you don’t have the licenses or permits for, you’ve got a problem,” Samnik says.

4. Adopt a uniform system of managing hazardous trees and assessments. By developing the correct procedure and following those rules every time, it will protect you from courtroom second-guessing. “When you get into deposition or court, if you’re conducting a hazardous tree assessment in different ways and a slipshod manner every time you do it, you’ve got a problem. You’ve got to be consistent.”

5. If you see something dangerous, immediately notify the person in charge.

“Whether it’s the homeowner or the person who manages a mall, you’ve got to put somebody on notice right away,” Samnik says. “It may take a moment or two, but it’s worth it.”

Those are five. For more food for thought, check Samnik’s Web site at www.etcsamnikseminars.com.
A company may also opt to have larger deductibles, or pass on buying liability insurance at all - if it feels comfortable doing so and is willing to pass up certain types of work.

In rural areas, the threshold of “duty” to remove potentially hazardous trees is relatively low, versus urban areas where it’s very high. The legal world calls it, “the rural rule,” according to consulting arborist Joe Samnik, a Palm Harbor, Florida, expert witness who conducts seminars on liability and safety. Simply put, with fewer people and more trees, it would be an undue financial burden to force a landowner to inspect all of the trees on a large parcel of land.

The Tree Care Industry Association requires a company to carry general liability insurance to be considered for membership. Companies seeking TCIA Accreditation are required to have $500,000 liability coverage, but that is a minimum figure. Many tree care companies carry coverage for $1 million - some up to $5 million - depending on a number of factors, including (in some cases) the minimum requirements of some states. Rook estimates that 95 percent of tree care companies insured by his company cover themselves for up to $1 million per-occurrence ($2 million aggregate).

“Some prefer to insure for even more,” Rook says, and will get an umbrella/excess policy for additional sums over their primary policy. “A lot of insureds in the industry don’t buy the umbrella policy. Being contractors, they’re cost conscious; but I think it’s a very good thing to have, especially if you’re a mid-size or larger company and are doing larger jobs. And sometimes it’s required within the contract that you have, to have at least $3 million, $4 million or $5 million in coverage. It’s not an option for some people - it’s a necessity because of the contract you’re working under.

For companies that are uninsured or underinsured, a major loss could wound or even cripple their business.

Companies seeking TCIA Accreditation are required to have $500,000 liability coverage, but that is a minimum figure. Many tree care companies carry coverage for $1 million – some up to $5 million.

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“Let’s say I own a tree service and am doing work for a city. The city wants me to have more than $1 million in coverage. It might want me to have $3 million or $5 million. If I’m going to bid that job, then I’d need to go and purchase that umbrella policy, according to their requirement.”

Insurance costs are usually driven by case law in liability cases, says Bob Rouse, director of Accreditation for TCIA, noting that in Maryland, a property and casualty policy is often at $5 million. “The other issue is how much risk the company is willing to accept. Is the company willing to accept more risk to get a lower premium?”

When selecting the type of policy, a tree care company manager may consider a number of factors.

“The wild card is low probability but high cost injuries, such as a pedestrian getting injured,” Rouse says. “There was a case in New Jersey where a pedestrian was injured or killed by a stump grinder. There is a good chance a $500,000 limit would not cover this. Take into account potentially debilitating injuries to a pedestrian, and $1 million may not be enough.”

One of the best ways to keep your premiums in check is to run a safe workplace and maintain a good safety record over a number of years. While there may not be a formal policy, underwriters will apply credits based on a company’s loss experience, TCIA membership, formal safety programs and other on-the-job practices. “Everyone always thinks of safety as how to protect your employees from injury, and they relate that most closely to workers’ compensation costs. The truth is that a safe company that has a safety director, has proper training on use of equipment, proper training on driving vehicles, and checks their equipment regularly to prevent falls and accidents also has a lower incidence of causing damage to property and people,” says David Springer, president of Woodbridge, New Jersey-based, National Insurance Programs, which includes Tree Pro among its programs. “Running a safe company has a lot of benefits other than just keeping your people out in the field working. It actually reduces the costs associated with losses on liability policies and property damage to other parties. Over time, you’ll have reduced insurance costs and maintain a good safety record over a number of years.”
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by simply operating a good, safe business."

Typical property claims include both workplace accidents, such as damaging a fence or dropping a tree limb on a garage, to off-site accidents, such as a fender-bender (or worse) with the company truck.

"It gets back into safety and training," Springer says. "Much like the landscapers see snow as an opportunity to generate additional revenue, when there are big storms and tornadoes, they’ll work very long hours with additional crews and push their equipment to the limit in order to maximize revenue. There’s nothing wrong with that as long as you do it safely. But you’re more prone to making mistakes and causing damage if you’re tired and not following good safety practices. It only takes a split second for a terrible thing to happen. That’s why so much of the focus is on safety ... We promote it vigorously."

While the TCIA and other professional organizations have heavily promoted safety programs, they have been geared to protecting workers. When it comes to keeping your work zone safe, some of the safety techniques taught to tree care company workers are not meant to be applied to pedestrians, according TCIA’s Rouse.

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On-site observations and adjustments can make the site safer, he says. "The industry work zone best safety practices are all based on worker safety and they are intended for workers who are qualified to be doing the job they are doing and aware of the risks involved," Rouse says. "TCIA’s Tailgate Safety program and our Pocket Guides have some guidance on this, but these should not be used for public or pedestrian traffic control. This is a mistake some companies have made; they take the guidance on work zone safety for tree workers and try to apply it for pedestrian control."

"The MUTCD (Federal Highway Administration’s Manual on Uniform Traffic Control Devices) is what should be used for traffic, but this provides little guidance for the typical residential tree care operation," Rouse says. "Tree care workers have to apply their knowledge of traffic control and the specific work hazards at the site to formulate an effective pedestrian traffic control system. An effective system should be adapted to the specific location and, when there may be pedestrian traffic, some kind of guidance and direction should be given to the pedestrian."

For consulting arborists, Samnik offers a different suggestion that runs contrary to advice for tree care companies, and is certain to create some division among practitioners. While a tree care company is required to have insurance in most instances, he notes, a consultant is not. Therefore, that lack of insurance may keep him out of the line if an aggrieved party begins suing all of those he/she thinks may be responsible, and have deep pockets, in the case of an accident.

"If you don’t have insurance, you’re not going to get sued," Samnik says, noting that this is only his opinion and presumes the arborist’s assets have been properly protected legally - and protecting your assets legally should require legal advice. "So, a consultant can go in and make a bad call, and (if) something goes wrong, the likelihood of him being in the lawyer’s food chain is diminished."

But consultants can get Errors & Omissions insurance. If they are not independent and are employed by a tree care company, it is likely that E&O insurance will be needed.

David Springer, National Insurance Programs

"Running a safe company ... actually reduces the costs associated with losses on liability policies and property damage to other parties. Over time, you’ll have reduced insurance costs by simply operating a good, safe business."

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MAA Volunteers Donate Time and Expertise to Celebrate Arbor Day

The Massachusetts Arborists Association celebrated Arbor Day April 25 with their 29th annual volunteer project, this year taking place at the historic Codman Estate in Lincoln, Mass.

About 200 MAA members – including volunteers from at least 24 TCIA member companies - pruned, planted, fertilized and removed an array of mature shade trees throughout the property. The value of the service provided by MAA volunteers was estimated at $250,000.

2008 is the first year the MAA has partnered with Historic New England for their annual Arbor Day Celebration. Historic New England is the country’s oldest, largest, and most comprehensive regional preservation organization.

“We can’t thank the MAA volunteers enough for their generous contribution of time and expertise,” says Ben Haavick, team leader of Property Care for Historic New England. “The arborists’ effort at Codman brings much needed awareness to the importance of professional tree care.”

ArborMaster’s Rip Tompkins makes a final stub cut at the MAA Arbor Day volunteer project at the Codman Estate.

Teamwork and a log arch makes hauling logs uphill easier for this volunteer crew.

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**Vermeer’s 21-inch brush chipper**

Vermeer’s new BC2100XL brush chipper features two horizontal feed rollers, a belt-tensioned clutchless cutter drum and the largest feed table in its class. Three Tier-3 Cummins diesel engine options – 215 hp, 250 hp or 275 hp - avail contractors a power level appropriate to specific jobsite needs. The BC2100XL can process limbs up to 21 inches in diameter and its 72-inch-wide infeed table easily funnels material to the 22 x 28 inch drum opening. An offset lower horizontal feed roller allows material to be pulled to the upper feed roller, making for easier feeding and less need for manual control of the upper feed roller for large diameter material. The feed rollers boast a theoretical combined pulling force of 10,000 pounds, giving operators a greater ability to pull in “whole trees” that have limbs and branches attached to the main trunk of the tree. It also helps reduce the need for repositioning the material while being fed. A Bottom Feed Stop Bar is strategically located to make it possible for the operator to strike the bar and shut off the feed either intentionally or automatically in an emergency situation. A reset button on each side of the infeed housing allows for easy system reset if the bar is tripped. Contact Vermeer via www.vermeer.com or salesinfo@vermeer.com.

**Please circle 195 on Reader Service Card**
Z133 safety standard committee seeks members

The International Society of Arboriculture, secretariat for the American Standards Committee Z133.1, is accepting applications for membership on the committee and/or its task groups. Membership is generally by an organization, such as a trade association, technical association, business, labor organization or similar entity that represents more than one individual. However, individuals with particular expertise in the activities of the committee may also be considered for membership.

An application form and instructions are available at www.isa-arbor.com/publications/resources/z133_application.pdf.

Although applications will be accepted at any time, entities or individuals who wish to take part in the revision cycle that will begin at the October 7, 2008, meeting, should apply no later than July 1, 2008.

Submit applications to: Secretary, Z133 Committee, P.O. Box 3129, Champaign, IL 61826-3129; Fax: 217-355-9516; E-mail: slilly@isa-arbor.com.

Hart named president of the Arboriculture Society of Michigan

Judd Hart, president and founder of J. H. Hart Urban Forestry in Sterling Heights, Michigan, has been named Arboriculture Society of Michigan president.

Hart grew J. H. Hart Urban Forestry into one of the largest full-service forestry companies in Southeast Michigan. The company is the contract city forester for numerous communities in Southeast Michigan. Hart’s business also performs utility line clearance for AT&T and does residential and golf course tree care.

J. H. Hart Urban Forestry has a staff of 50-60 people and a 65-truck fleet. Hart is TClA member as well as a member the Michigan Turfgrass Foundation, Michigan Green Industry Association and ISA.

Davey names Deavers VP, Utility Services in East

The Davey Tree Expert Company has named Scott Deavers, vice president for utility services, eastern operations.

Deavers is a 1991 graduate of Miami University. He joined Davey in 1993 and has served in a variety of positions, most recently as operations manager for eastern utility services. He is a past member of Davey’s President’s Council.

SavATree names Shebert VP for development

SavATree recently named Edmund M. Shebert vice president of development to further its expansion efforts. Shebert will be directly involved in the recruitment, negotiation and purchase of tree care companies that fit SavATree’s business model. He will report directly to Daniel van Starrenburg, SavATree president and CEO.

With more than 40 years combined financial and executive experience, Shebert joins SavATree from McFarland Tree & Landscape, Inc., where he served as general manager and helped to substantially increase sales. He previously spent 15 years at The Care of Trees, as CFO and member of the executive team growing the company through acquisitions, tactical action plan development, budgeting and the establishment of internal controls. Prior to that, he held controller and accounting positions. He is a certified public accountant.

“Ed’s proven track record, unstoppable energy and financial acumen will ensure SavATree’s continued success in existing and new markets,” said van Starrenburg.

Mike Galvin is Casey Trees new Deputy Director

Casey Trees, the Washington, D.C., non-profit working to “preserve, enhance and protect the tree canopy of the nation’s capital,” has hired Mike Galvin for the new position of deputy director. Galvin, most recently Maryland’s lead urban forester, will oversee the organization’s Tree Planting, Education, Data Gathering and Analysis, and Planning and Design units, with an eye toward program expansion and refinement.

“Mike brings a wealth of knowledge, experience and leadership to Casey Trees,” said Mark Buscaino, Casey Trees’ executive director. “We are honored to have Mike join our team of dedicated employees, volunteers and citizen foresters.”

Galvin comes to Casey Trees after 13 years with the Maryland Department of Natural Resources Forest Service. While at M-D-NR, he developed programs to provide urban forestry technical and financial assistance to local governments, non-profits and citizens, and pioneered the use of Urban Tree Canopy goal setting for communities in the Chesapeake Bay region. He also administered a number of tree protection laws, including mitigation of forest loss during state facility and highway construction.

Galvin is a Registered Consulting Arborist, co-principal investigator for the National Science Foundation’s Baltimore Ecosystem Study and author of dozens of publications on arboriculture and urban forestry nationwide. He recently received the Tree Care Industry Association’s 2007 Advancing Arboriculture Award for his work to professionalize the tree care industry in Maryland. He begins work May 1 at Casey Trees.

Casey Trees (www.caseytrees.org) was created in 2001 following a generous donation by philanthropist Betty Brown Casey to establish an organization that would work to restore the tree cover of the District of Columbia. Satellite images published in 1999 showing the dramatic loss of trees in the District since the 1970s moved Ms. Casey to action.
Jarraff authorizes three new service centers

Jarraff Industries, of St. Peter, Minn., has authorized three new facilities to service the Jarraff All-Terrain Tree Trimmer, which is designed for right-of-way maintenance. They are Ritchie Equipment Repair, Inc., Kannapolis, N.C.; Gildon Hydraulics, Pearl, Miss.; and Superior Aerial, Kent, Ohio.

“We want to offer the best service we can in order to keep the machines working in the field. These service centers allow us to do that more effectively,” says Heidi Boyum, owner and CFO of Jarraff Industries.

Jarraff now has a total of four authorized service centers. Each of the facilities is equipped with service trucks and years of experience.

South Carolina firm offers assist for Accreditation

Customized Consulting, Inc. of Easley, South Carolina, is now offering help to businesses pursuing TCIA Accreditation, as well as offering assistance with various other business operations such as marketing, internal organization, work flow or safety program development.

Bringing to the table more than 40 years’ experience evaluating business processes and recommending actions for growth and increased safety, Customized Consulting (www.tciaaccreditation.com/consulting) was founded by Charles Hodge, who has been in the tree care industry all his adult life. Hodge has managed and operated numerous tree care companies. He has been joined by his son, Russell Hodge, and Denny J. Defibaugh, each of whom also has significant experience in the industry.

Although the tree care industry is comprised of equipment vendors, regulatory agencies, forestry organizations, governmental organizations and tree care companies, Customized Consulting has extensive and specialized experience best geared toward tree care companies, according to Charles Hodge, and was founded to “further the credibility and visibility of the tree care industry.”

TCIA Accreditation has been shown to identify to clients the true professionals of the industry, Hodge says, adding that developers and state and local governments are beginning to recognize the distinguishing characteristics of accredited tree care companies.

TCIA Accreditation can be an involved and explorative process, he says, and by outsourcing the tedious and specialized parts of the process, managers and controllers can focus on things that make a difference day to day. Though the firm does not have TCIA Accreditation Approved Auditors on staff, Defibaugh and Russell Hodge have been employed at companies that were going through the Accreditation process and helped with that process.

Send Cutting Edge items to Staruk@tcia.org.
More almanac online! For the most up to date calendar information, visit www.treecareindustry.org ⇒ news ⇒ industry calendar

Events & Seminars

June 4-5, 2008
Certified Treecare Safety Professional-CTSP Workshop
Charlotte, NC
Contact: 1-800-733-2622; www.tcia.org

June 7, 2008
Certified Tree Expert Prep Course III
Monmouth County Parks, Middletown, NJ
Contact: NJ Soc. of Cert. Tree Experts 1-888-873-3034

June 7-10, 2008
Trees Florida 2008 Conference & Trade Show
Hyatt Regency Bonaventure, Weston (Broward City), FL
Contact: www.treesflorida.com

June 7, 2008
New England Tree Climbing Championship
Fort Williams, Cape Elizabeth, Maine.
Contact: (802) 282-2299; lorax93@yahoo.com

June 11-12, 2008
Certified Treecare Safety Professional-CTSP Workshop* Mount Laurel, NJ
Contact: 1-800-733-2622; www.tcia.org

June 12, 2008
Invasive Plants Symposium
Bartlett Arboretum & Gardens, Stamford, CT
Contact: (203) 322-6971; www.bartlettarboretum.org

June 16, 2008
Urban Tree Risk Assessment workshop
U of Tenn, TN State Ext., TN Tech., Tree Solutions, Hallers Lnd
Jackson, TN
Contact: (615) 963-5616; jidassii@tnstate.edu; Karla Kean, (931) 648-5725; kkean@utk.edu

July 6, 2008
Fertilizer School
Northeast Shade Tree, Portsmouth, NH
Contact: (603) 436-4804

July 17, 2008
Connecticut Tree Protective Association (CTPA)
Summer Meeting
Farmington Club, Farmington, CT
Contact: (203) 484-2512; www.ctpa.org

July 18, 2008
2008 Woody Plant Conference
Swarthmore, PA
Contact: (610) 382-2299; www.woodyplantconference.org

July 24-25, 2008
Certified Treecare Safety Professional-CTSP Workshop* St. Louis, MO
Contact: 1-800-733-2622; www.tcia.org

July 26-30, 2008*
ISA Annual Conference*
St. Louis, MO
Contact: www.isa-arbor.com

August 20-21, 2008*
Certified Treecare Safety Professional-CTSP Workshop San Jose, CA
Contact: 1-800-733-2622; www.tcia.org

September 11, 2008
Urban Tree Risk Assessment workshop
U of Tenn, TN State Ext., TN Tech., Tree Solutions, Hallers Lnd
Knoxville, TN
Contact: Joshua Idassi (615) 963-5616; jidassii@tnstate.edu; Karla Kean, (931) 648-5725; kkean@utk.edu

September 13, 2008
10th Annual Tennessee Tree Climbing Championship Lake Shore Park, Knoxville, TN
TN Urban Forestry Cncl/TN Dept. of Ag. Div. of Forestry
Contact: www.tfc.com; (615) 352-8985

September 17, 2008
ISA Cert. Arborist, Utility & Municipal Spec. Exams
Atlantic City Electric Regional office, Mays Landing, Atlantic City, NJ
Contact: Matt (609) 625-6021; www.isa-arbor.com

September 20-24, 2008*
Pacific Northwest Annual Training Conference Boise, ID
Contact: Boise Urban Forestry (208) 384-4083; www.pnwisa.org

Send your event information to:
Tree Care Industry,
136 Harvey Road
Londonderry, NH 03053
or staruk@treecareindustry.org

Upcoming 2008 Electrical Hazards Awareness Program (EHAP) low-cost* workshops

June 17
New Brunswick NJ
Cook Campus Center, Rutgers University
June 26
Columbus OH
Kottman Hall, Ohio State University
July 25
St. Louis MO
The Stupp Center at Tower Grove Park

* Sponsored in part by an OSHA grant, these workshops are free with the exception of a small fee to cover lunch and refreshments.
Pre-registration is required. Register online at www.tcia.org or call (800) 733-2622.

Train-the-Trainer Workshop
(open only to TCI Approved EHAP instructors, CTSPs and other accepted company trainers):
July 30/08 St. Louis MO Holiday Inn Select – In conjunction with ISA Annual Conference
To register, or if you are a company trainer and would like to see if you are eligible to attend, please e-mail Bob Reuse at reuse@tcia.org or call 1-800-733-2622 ext. 117. (For more info, see page 22)

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.

Send your event information to:
Tree Care Industry,
136 Harvey Road
Londonderry, NH 03053
or staruk@treecareindustry.org

September 24-26, 2008
29th Annual Texas Tree Conference
Hilton Hotel & Conference Center,
College Station, TX
Contact: ISA Texas/Texas Forest Svc, www.isatexas.com

September 29-October 1, 2008
Mid-Atlantic Chapter ISA Annual Meeting
Blacksburg, VA
Contact: www.mac-isa.org

October 12-14, 2008
New England Chapter ISA 42nd Annual Conference
Holiday Inn by the Bay,
Portland, ME
Contact: www.newenglandisa.org

October 24-26, 2008*
NJ Shade Tree Federation 83rd Annual Meeting
Crowne Plaza,
Cherry Hill, NJ
Contact: Donna Massa (732) 246-3210; njshade-treefederation@worldnet.att.net; www.njstf.org

October 25, 2008
Protecting & Supporting Veteran Trees Workshop
Andersonville National Historic Site,
Andersonville, GA
Contact: www.GeorgiaArborist.org

November 11-12, 2008*
Certified Treecare Safety Professional-CTSP Workshop
In conjunction with TCI EXPO 2008
Milwaukee, WI
Contact: 1-800-733-2622; www.tcia.org
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TCI Mag 6.08_v Frontv3.qxp 5/23/2008 1:03 PM Page 21
Registration is open for a FREE* EHAP Train-the-Trainer workshop at the ISA conference, Wednesday, July 30, in St. Louis, Mo. The workshop will be 9 a.m.-3 p.m. at the Holiday Inn Select.

Seats are limited so please RSVP as soon as possible to Bob Rouse at Rouse@tcia.org or 1-800-733-2622. The target audience is TCIA-approved EHAP trainers, CTSPs and other accepted company trainers (case-by-case based on training topics and availability of space). The session is designed to help you learn how to get better results from Electrical Hazards Awareness Program training at your company. Concepts learned and discussed can be applied to all your safety training programs.

In general, employers use TCIA’s EHAP training, in conjunction with documented on-the-job skills training and assessment, to increase electrical hazards awareness and assure employee competency while meeting OSHA and ANSI safety requirements. This workshop is designed to help you do this more effectively. It will include overviews of:

- the TCIA EHAP training manual & how to use it
- the EHAP PowerPoint presentation, manual, videos and other requirements
- electrical hazards injuries and electrocutions
- training resources, challenges, updates
- specific, creative problem solving session on effective techniques for teaching tree workers

Six CEUs for CTSPs will be available; Six ISA CEUs also available. More info on this coming.

For more info, visit www.tcia.org (click the Meetings tab), or call 1-800-733-2622.

* TCIA has a federal OSHA/Susan Harwood grant to provide this workshop for free, however trainers will pay a $30 fee for lunch and refreshments.
### Vermeer

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<th>Knife Description &amp; Size</th>
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<td>10, 13, 17, 2050</td>
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<td>Double Edge 10-1/2&quot; x 5&quot; x 1/2&quot;</td>
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### Brush Bandit

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<td>100-250</td>
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<td>250, 254 after '01</td>
<td>KCH10101</td>
<td>Double Edge 7-1/4&quot; x 4-1/2&quot; x 1/2&quot;</td>
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<td>1890 Intimidator</td>
<td>KCH20103</td>
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### Asplundh

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<td>KCH30001</td>
<td>Single Edge 12&quot; x 3&quot; x 3/8&quot;</td>
<td>$19.50</td>
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<td>16&quot; Drum</td>
<td>KCH30002</td>
<td>Single Edge 16&quot; x 3&quot; x 3/8&quot;</td>
<td>$21.50</td>
</tr>
</tbody>
</table>

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As a profession, we are becoming increasingly aware of the risks that we face, as well as how to reduce these risks. Dr. John Ball deserves much of the credit for his work with, and the sharing of, information about accident and fatality statistics. This article is going to take a look at one area where we can reduce risk and increase productivity by properly using cranes.

Using cranes does not eliminate risks; it reduces many but also can introduce others, especially if not done correctly. This article will take a brief look at risk in tree care, focusing on those risks that can be reduced by the use of cranes. It will also address some key justifications for using cranes, some of the skills required to climb off of a crane, and regulations that allow our use of cranes.

A quick review of the fatality statistics from 2006 shows that 95 percent of our fatalities are in the “Big Four” categories (Courtesy of Dr. John Ball):

- Transportation related: 28 percent
- Falls: 27 percent
- Struck-by’s: 23 percent
- Electrocution: 17 percent

The falls are from a variety of situations, but include aerial-lift boom failures, unsecured falls from aerial lifts, unsecured falls while climbing, cutting of single tie-in point while climbing, tree failure, and miscellaneous falls. Some of the last classification comes from OSHA fatality reports where there weren’t witnesses and the compliance officer could not figure out the cause.

The struck-by’s include a variety of types of incidents as well, everything from being hit by a falling tree to a chipper hood, chain saw or other piece of equipment. Most of these fatalities are during removal or rigging operations. Either someone walked into a drop zone or part of the tree failed during rigging.

A quick review of the fatalities listed by OSHA found the following crane-related fatalities:

- 1984 - Moving logs with crane, log stuck on stump, worker tried to free it, log swung into him
- 1993 - Moving/transplanting tree from truck, crane boom broke from pedestal landing on employee
- 1991 - Load line contacted 7,600-volt line while worker on the ground was holding the ball
- 1999 - Two employees electrocuted when load line contacts 25 kV line
Wheel-mounted cranes, above, and truck-mounted cranes/boom trucks, below, are the two main types of cranes used in arboricultural operations. All photos courtesy of Tim Walsh

Non-fatal crane related accidents from OSHA:
- 1998 - Worker using ladder to access canopy to secure load line, ladder fell, shattered wrist, two broken ribs, leg laceration
- 1998 - Worker being hoisted from load line fell 35 feet due to improper tying of knot, fractured neck, jaw and big toe
- 1999 - Climber fell 45 feet while being hoisted, improperly secured

In September of 2006, The National Institute for Occupational Safety and Health (NIOSH) published an ALERT, “Preventing Worker Injuries and Deaths from Mobile Crane Tip-Over, Boom Collapse, and Uncontrolled Hoisted Loads.” The publication lists the fatalities where a crane was either the primary or secondary source of a fatal injury for all industries, not arboriculture. There were 719 fatalities from 1992-2002. The three biggest groupings of fatal incidents are as follows:
- Struck by an object, such as an uncontrolled load or part(s) of a mobile crane, accounted 40.3 percent of these fatalities.
- Electrocution fatalities due to cranes contacting overhead power lines accounted for 24.1 percent.
- Falls from crane structure or cab, including workers who were killed while in man baskets, accounted for 12.2 percent.

Justification for using cranes
The primary argument that OSHA has against our use of cranes in tree care deals with the fact that we hoist workers on the load line (please see "Crane Best Practices in Tree Removal: Hoisting a Qualified Arborist," by Mark Adams, March 2007 TCI, for details on tie-in procedures). OSHA says that it isn’t safe; the crane manufacturers do not allow it, but they would allow us to hoist personnel in a man basket.

Fatality statistics do not support the
OSHA argument that hoisting workers on the load line, as we do in arboriculture, is not safe. The few fatalities and accidents in tree care are not related specifically to being hoisted by a crane. The two falls from the load line were from not being properly secured and could have happened while climbing in the tree.

The NIOSH crane-related fatalities do not indicate an increased risk either. Especially as some of the falls were while the worker was in a man basket. The man basket argument is not even logical, since it would be impossible to work from one in most trees. Also, if we did use the man basket to secure the load line to the tree, we would still have to descend out of the basket to get to the tree to make the cut. I have not worked with man baskets before but I do not think that you are supposed to leave them on the load line while you are lifting a load.

Almost 50 percent of tree care related fatalities come from falls and struck-by’s.

On larger trees, it is often safer and more efficient to use more than one climber. One worker can be hoisted into position to attach slings while the other climber does the cutting.
The use of cranes would not eliminate all of these fatalities but would definitely reduce many. Probably the biggest area of risk for us is when we are aloft. The use of cranes reduces this risk and others, as listed below (Courtesy, in part, of TCIA's Peter Gerstenberger):

- Reduces time aloft
- Reduces the number of cuts, since a crane can take larger pieces
- Reduces energy demands, decreasing fatigue issues
- A crane is an engineered, rated, predictable support structure. The tree is not.
- Several people die each year when the tree they are in fails. Nobody has ever been killed through the practice of being hoisted. Ever.
- Cranes reduce the hazards and strenuous nature of the work for the crew on the ground as well. Fewer chain saw cuts to make and fewer pieces to chip.
- There is much more control, dramatically reducing the chance of a "struck-by" to the person aloft and on the ground, as compared to any other form of rigging.
- Reduces manual materials handling and back injuries.
Suggested minimum skills necessary to climb off of a crane
(courtesy, in part, of Mark Adams and Don Roppolo)

- Qualified line clearance arborist – if your operations take you anywhere near overhead conductors
- Proper chain saw techniques
  - Proper notches and hinges
  - Pypass cuts
  - Understanding of pinching and how to avoid it
  - Understanding a rip cut and being able to use it on a slowly moving/twisting piece without getting pinched
- Advanced rigging skills
  - Working over obstacles with ropes to understand balance and how pieces react differently according to where and how they are tied
  - Ability to use multiple slings for balancing, lifting, etc.
- Risk assessment to be able to identify when climber positioning and/or actions increase climber risk and what to do to reduce that risk
- Tree risk assessment (able to thoroughly assess structural integrity and know low-impact rigging techniques to minimize force on the tree)
- Crane hand signals
- Additional hand signals in addition to the standard crane hand signals (i.e. one sling, two slings, balancer, big saw, what’s that weight?, etc.)
- Knowledge of how crane lifting capacity is affected by boom angle and length
- Ability to estimate wood weights of different tree species, including not just trunk pieces, but branches, with and without foliage, wet, dry, snow covered, etc.
- Understanding of crane limits (no side loading the boom to break pieces free)
- Understanding how angle of the load line (degree of line plum) affects where the piece is going to go.
- Understanding the importance of minimizing the shock load by how the pieces are cut.
- Understanding how to cut pieces so that there is minimal movement/swing after the piece is free.
- Knowledge of how to use the type of sling/choker to be used and where to cut in relation to the side on which the choker is placed.
- Knowledge of the hazard that unstable ground poses (saturated soil, buried septic tanks/fields, cisterns, pipes, building foundations, etc.)
- Understanding of ANSI Z133 standard as it relates to crane use.

Precedent for allowing the use of cranes to hoist personnel

Federal OSHA

In 2006, a tree care company was cited for not having an operable anti-two block or load moment indicator. In the citation, it
lists the following as a way to correct the hazard:

"b) Follow and utilize the ANSI/ISA Z133.1-2000 standard in crane inspection and safety measures prior to lifting employees by the crane."

**Oregon OSHA**

1999 interpretation letter, "...nothing (in the standards that apply to tree work) prohibits a crane from being used to hoist a worker into position as long as a proper attachment system and saddle (such as a boatswain’s chair) is used."

**Washington OSHA**

General industry crane regulations, specifically WAC, “Cranes and derricks suspended personnel (work) platforms,” provides for the use of a “boatswain’s chair.” The rule specifies: “The worker’s lanyard shall be secured to the lift line above the headache ball or to the crane hook itself.”

Washington OSHA also refers to the ANSI Z133.1 standard as the “applicable industry consensus code” for their compliance officers to use. (WISHA-Washington Industrial Safety and Health Act Regional Directive: 20.75

Tree & Shrub Trimming, Pruning, Removal, etc., Date Issued: September 18, 2006).

**California OSHA**

Title 8, Chapter 4, Section 3427: Allows for hoisting a worker on the load line using an approved arborist saddle.

**The future of crane use in arboriculture**

The ANSI Z133 revision is scheduled to begin in October. Now is the time for people to get involved with the Crane Task Group.

OSHA is starting to pursue an arborist standard. This is an opportunity for all of us to insure that we get the standard that we deserve. Crane use is an important issue for us to work on together with OSHA instead of against each other as we had done in the past.

The first of a series of Collaborative Crane Workshops, done in partnership with the Department of Labor and a crane company, took place at the end of May. (Details were not available at the time this article is being written). More are planned.

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**References**

ANSI Z133.1-2006, American National Standard for Tree Care Operations—Safety Requirements, ISA.


“Cranes Use and Safety in Tree Care,” by David Rattigan, Tree Care Industry, July 2006.


Tim Walsh, CTSP, is an arboricultural safety and health educator, trainer and consultant, and a member of the ASC Z133 committee.

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The crane was used to secure a decayed stem that was cabled to an adjacent stem prior to removing the cable. Without the crane, the worker would have had to rely solely on the rigging between the stems before removing the cable. The crane gave an added measure of safety.
Crane article question

I enjoyed the article written by David Rattigan (“Push Is On for Certification of Crane Operators” in the April (2008) edition. Where did he get the information regarding New York not requiring certification? I’m in New York and was led to believe that if the crane was over 5 ton capacity or more than 40-feet tip height that a certificate of competency was required by the New York State Department of Labor. Is there an exception for tree work?

John Gurtler
Timberland Tree Care Inc.
South Salem, New York

Dave Rattigan responds: According to the NCCCO (National Commission for the Certification of Crane Operators) Web site and to Altec: New York – and some other states, including Connecticut and Rhode Island – has a state-sponsored licensing program but does not require NCCCO certification at this time. The City of New York also has its own licensing program. For more on licenses vs. certification, visit www.nccco.org/licensing/index.html.

One-handed chain saw use

This letter was prompted by a recent exchange (various articles and letters in TCI November 2007-May 2008) regarding the one-handed use of top-handled chain saws. I really appreciate the time and effort that went into Mr. Tews article, and I also appreciate the thoughtful response given by Mr. Gerstenberger. I did not much appreciate Mr. Elcoat’s response, or his implication that Mr. Tew’s viewpoint was “rubbish.” Still, we are all entitled to our opinion, which is very much the point of this letter.

As a dedicated arborist with more than 20 years experience, a four-year degree and two certifications under my belt, I feel qualified to comment on this industry, past-time, profession and obsession that has been such a big part of the person I have been for my entire adult life. I am well aware of the similar feelings of a great percentage of practitioners out there, and this is part of what binds us so tightly as a group - a society, if you will.

Just like the larger society of which we are all a part, being a member of a group has its advantages and disadvantages. ... It seems to me that this situation is analogous to the trend that is developing within our beloved little industry. There is a great push to “legitimize” the field of arboriculture. There is effort, and commitment, and money, and a huge chip pile of good intentions pouring in to study, research, promote and grow this previously obscure, unusual and, well, weird little job that a relatively small group of us have loved, and have taken such pride in. It's the only job I know of that is part agriculture, part trade and part sport. It has danger and mystery, and man don't we like it that way! At gatherings of family and friends, we try and explain what it is we do, but most regular folks just don’t get it. Many of our parents, spouses and significant others have no real idea what crazy, dangerous stuff we’re up to on a daily basis - it’s our wicked little secret - or, at least, it was.

It seems that in recent years, decent, caring, intelligent and educated individuals have found their way into our scruffy little profession; and finding that the field is full of cavemen guided by a haphazard combination of superstition, farm logic, improvised technique and general inconsistency, have decided to apply themselves to “improving” the profession. As events proceed to their logical conclusion, I feel it is important for us in the “old school” to clarify our feelings of unease with the current tide of standardization and regulation that is flooding into arboriculture. Considering all the obstacles we have faced over the years, i.e. getting that huge oak out of the backyard, through the gate and down the narrow walkway on a 1 F (or 100 F – take your pick!) day (without a crane!) – do you really think that we can’t find a way to keep both hands on the saw? Gimme a break!
find a way to keep both hands on the saw? Gimme a break!

But it’s really not about that. It’s about something more significant, and more complex than the simple human aversion to change. It’s about freedom, and our perceptions about what democracy is, how it works, and most importantly - who it serves. And for the movers, shakers and policy-makers of modern arboriculture, it’s about the challenge of creating an organization and a legislative process that fully considers different viewpoints, respects the long tradition of the industry, and is able to discern truth from statistics. It’s about inclusion, not division. And it’s about exactly who it is that gets to decide what an arborist does, what he or she looks like, and how we function within our own professional community.

I can appreciate hearing that the ANSI committee “debated heatedly” about the one-handed chain saw rule. I can appreciate that these people are concerned about my safety, and that they want me to return safely to my family each night (so do I!). I respect their viewpoint and will fully support their efforts to create a safer workplace that considers the welfare and well-being of those of us who are out there actually doing this work on a daily basis. But I must say, I feel their authority stops just short of dictatorship. And I would feel a whole lot more supported and a part of “the movement” if I heard some talk about other obvious ways to reduce our exposure to unnecessary danger, and improve our quality of life. For example, limitations on climbing wet or snow covered trees, or working in extreme heat and cold, or minimum-pay standards (dangerous, organized-labor-type concepts, I know).

I’m not afraid of being inconvenienced by rules and regulations. I am afraid of the potential for these regulations to be used against honest, hardworking individuals who get injured on the job. If OSHA follows ANSI, and the insurance companies follow OSHA, at what point do insurance companies begin denying claims for injured individuals who may appear to be in violation of ANSI? Won’t happen? Why - because the insurance companies care about us? Or is the industry really ready to tell people in this situation, “too bad, you broke the rules... ”. My goodness, I hope that’s not the case.

Mr. Gerstenberger’s story about his injured friend is sad. Every time we hear one of those stories, I know we all feel bad for the people involved – and can’t help but imagine how such an event would disrupt our own lives. Now let’s imagine that all of his medical expenses, workman’s compensation insurance, and rehab fees were not covered because, for a brief moment, he made a mistake and acted in violation of ANSI Z-133. Now that is an unreasonable exposure to risk.

David Ropes, Arborist
Tree Specialists Inc.
Holliston, Massachusetts
If CSI, the television crime scene show, ran a tree care segment, Dr. Mike Ostry would have a lead role. Some call him “Dr. Butternut,” but he laughs and says others call him “Dr. Death” for his role as a research plant pathologist with the USDA Forest Service. In any case, he is looking for tree care professionals to help the native American butternut, *Juglans cinerea*, survive.

Tree research has developed into an exact science and there is real potential butternut canker will have solutions in half the time it has taken to provide solutions for white pine blister rust. But it isn’t going to be easy.

*Sirococcus clavigignenti-juglandacearum*, the fungus that produces butternut canker, is at the center of the crisis. Research is at an early stage, so there is much we don’t know and a lot that is theory. Right now, it is believed this is an exotic fungus of unknown origin that may have arrived in Georgia with Japanese walnuts, where it existed without problems for many years.

In 1967, it was reported in Wisconsin. By 1976, 9 percent of butternut in Wisconsin were dead and 31 percent diseased. By 1992, survey’s showed 27 percent dead and 92 percent were diseased.

A moratorium was placed on harvesting healthy butternut in Minnesota in 1992. Statistics in 2003 showed an 89 percent decrease in butternut in Michigan, an 87 percent decrease in Illinois, a 44 percent decrease in Wisconsin, and a 40 percent decrease in Iowa. Canada declared it an endangered species in 2003.

Presently, there is no suitable fungicide. There are disagreements about the disease’s life cycle, and we have to cryogenically freeze seed to store it for more than a season. But there are a lot of people working on solutions and scientists are testing many ideas in an effort to preserve this truly American tree.

The butternut was a favorite with native people and pioneers as a food source, but it was never a large percentage of the forest because it is shade intolerant, short lived and the seeds are highly desired by squirrels and other wildlife. Rose Fleguel of Rideau Valley Conservation in Ontario, Canada, is actively involved with collecting butternut seed from potentially resistant trees to preserve the species. In her area, Fleguel does seed forecasts in late August and collections when the seed is ripe in late September. But squirrels collect earlier, especially if other food sources are in short supply. A nother challenge to this
program is that scientists don’t know if the resistance is passed through the seed or at what level it is passed down, so this is only a short term project until more information is gathered.

Early studies indicated there might not have been enough genetic diversity to sustain the population, but a 2008 study by Ostry countered that idea. There is an, “immediate need to collect and conserve genetically diverse butternut germplasm from throughout the range for future research, breeding and restoration,” Ostry said in a paper delivered in 2005. When contacted for this article, Ostry said, “I still stand by what I said in that paper.”

Records indicate that Japanese walnut trees were brought to North American around 1860. In about 10 years, they should have started to mature and cross pollinate with native butternut. This hybrid is more vigorous and produces heavier and more regular seed crops.

People loved the hybrid butternut, also called buarts or butterjap, and planted it wherever they settled. These trees have cross pollinated and back crossed with native butternut and, after a few generations, hybrids are on homesteads, cemeteries, parks and everywhere people plant trees. Today separating the two even at a DNA level is a challenge. Keith Woeste, a molecular geneticist with the USDA Forest Service Northern Research Station, and his collaborators look for the DNA sequences that are specific to both Japanese walnut and butternut to distinguish the hybrids.

Discovering this difference is a priority on both sides of the Canada/U.S. border as legislators want native forests to be native, without exotic species, and purists want their landscape trees to be, well, “pure.”

“This is a fundamental ethic in the ecological community,” Woeste says. “Native species co-evolved with each other forming fine food webs that link the environment. The consequences of breaking this web are not always known, but they do show up in time.”

One suggestion is that rodents, owls and forests function on a boom/bust cycle following seed production. The butternut hybrid does not follow this cycle, while the native butternut was an important mast species in this cycle, says Woeste.

Fleguel lists the following physical clues to differentiate between hybrid butternut and native butternut.

**Pure butternut:**
- lush late in the spring and shed early in the fall
- have a narrowly chambered pith in second-year or older wood that is dark chocolate brown
- leaves, buds and new growth twigs are not excessively hairy
- leaf scar is not as large as on its hybrid counterpart

**Hybrids:**
- leaf drop is not until a heavy frost in October/November
- pith (the bull’s eye center of stems) is widely chambered and lighter in color than chocolate brown
- leaves, buds and new growth twigs are excessively pubescent (hairy)
- leaf scar is large

Ostry adds to watch for darker bark with deeper fissures that is associated with healthy trees. Some are these are hybrids, some non hybrids, but some could be a rare ecotype that was never noticed before this epidemic.

One of the primary goals of the current butternut recovery is to find naturally resistant trees for breeding purposes. This makes tree location and health assessment a high priority. Fleguel is involved in this process in eastern Ontario. In three years of searching she has found 25 potentially resistant trees, 12 of which are native butternut.

In the U.S., Ostry has worked for 30 years on this project and says he believes he has strong candidates. In his work with colleagues, he has “guarded optimism that resistance will be long lasting,” because the disease is unlikely to mutate or change and develop the ability to kill the resistant trees the way many agricultural diseases adapt. This is because the disease lacks a known sexual stage, its DNA shows low genetic diversity, it lacks a long-range airborne spore stage and there are few diseased trees in any one area due to butternut’s naturally low abundance.

The huge challenge of searching for native butternut means that researchers
want to know what tree professionals and land owners may already know – where are the healthy butternut trees? They are asking tree care professionals to look for healthy butternut within 100 feet of a highly diseased or dying butternut. Trees that meet the criteria will be pruned and the branches grafted onto walnut for asexual propagation purposes.

The grafted trees will be wound inoculated with the fungus repeatedly to mimic natural exposure. When the experiments are complete, the resistant trees will be propagated and made available to the public and other researchers through the Agriculture Research Service National germplasm conservation system.

Exposing trees to the fungus also helps determine host susceptibility, and they now know California’s edible walnuts are potentially at high risk should the fungus be introduced into their region. California already has a quarantine on importation of *Juglans* species.

Native butternut is the only species killed by the canker, but other potential hosts include: walnut (other *Juglans*), black cherry (*Prunus*), oak (*Quercus*), chestnut (*Castanea*), American hazel (*Corylus*) and butternut hickory and pecan (*Carya*).

“**A possible explanation for the assumed absence of this disease on *Juglans* elsewhere in the world is that the fungus may be inconspicuous, not causing a disease on those species or perhaps existing on completely unrelated hosts,**” Ostry says. Thus, there is debate about the best sites to reintroduce butternut, since some saplings being planted to reintroduce butternut are not yet confirmed to be disease resistant.

The fungus is spread naturally by rain splashes, grafting, seed and sap sucking insects. There is also concern that squirrels and birds can spread the infections as the spores are in a sticky matrix. The trees, by nature, are widely separated, but so is the disease. Ostry says, there is “no evidence that it is spread by pruners or that the disease will enter wounds we make with pruners.”

Some fungicides were tested and looked like potentials for controlling the canker, but as these are not expected to be useful in a forest setting, Ostry was unable to continue with that branch of research. Instead, Sylvia Greifenhagen, of Ontario Forest Research Center in Ontario, says they started on the project there in 2007.

“We are just at the starting phase of our fungicide trials,” says Greifenhagen. “To date, we’ve tested six systemic fungicides by placing plugs of the fungal material on petri plates that have fungicide-amended media in them (an in vitro fungicide assay). We then measure how, and how fast, the fungus grows in the plates. In the near future, we will be testing the fungicides in vivo, which is in actual plant material. This test will involve applying the fungicides to seedlings and inoculating the seedlings with the canker fungus to see which, if any, of the fungicides will retard canker formation.” Field testing will follow.

To support this tree, Barb Boysen of Ontario’s forest gene conservation says, “We need to get back to the basics. Keep the competition down. Plant in open areas. Water to establish. Don’t push the environmental envelope, plant it where it is native.”

When planting butternut, Fleguel adds, protect it from stresses like weed trimmer and lawn mower wounds. If possible, don’t prune living branches. The key message from everyone involved is maintain all butternuts, including both healthy and diseased trees, to preserve the genetic diversity of the species.

The butternut is “a reminder of potential risk for catastrophic losses in forests that are vulnerable to new exotic pests,” says Ostry.

To support fur-bearing and two-legged nut connoisseurs, report potentially resistant trees in the U.S. to Ostry at the Northern Research Station in Minnesota at mostry@fs.fed.us.
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The tree care industry recently received good news out of the nation’s capitol. The Tree Care Industry Association learned in early May that OSHA intends to pursue a standard for tree care operations so that arborists will one day work safely under clearly defined, applicable rules. The formal announcement appeared in RegInfo.gov, a U.S. government Web site produced by the Office of Management & Budget.

The tree care profession is statistically one of the most dangerous occupations in the country, leaving little doubt that it will fall under increasing regulatory scrutiny whether it has input or not. “Landscape Services” is listed in OSHA’s 2006-2011 Strategic Plan as one of seven industries to receive increased regulatory scrutiny because of its high accident rates. Tree care is prominently on the radar in State Plan states as well. OSHA notes that, “... in the 11-year period from 1992 through 2002 for which ornamental shrub and tree services fatality data are available from BLS (Bureau of Labor Statistics), there were 637 fatalities in the industry, an average of about 58 fatalities per year or a rate of about 93 fatalities per 100,000 employees."

In 2005, in order to improve safety in our industry, TCIA began a dialogue with Jonathan Snare, acting assistant secretary of labor for OSHA. In 2006, TCIA formally petitioned Ed Foulke, the new OSHA chief, for the promulgation of a separate standard for arbor occupations. TCIA subsequently met with OSHA several times and secured support for the petition from a bi-partisan group of U.S. senators and representatives.

Currently, OSHA guidance and enforcement for the tree care industry is based on a patchwork of outdated and extraneous regulations. The most contemporary standard is applicable only to a portion of our industry: 29 CFR §1910.269 is now 14 years old. Other standards created without input from our industry and applied to us after the fact create dysfunction and confusion. The Logging Standard, 29 CFR §1910.266, has been inaccurately applied to our profession by some jurisdictions. In addition to being administratively inefficient and ineffective for OSHA, the status quo is dangerous for arborists, who are often confused as to which standard applies.

The announcement indicated that the industry could expect to see an “Advanced Notice of Proposed Rulemaking” (ANPRM) published in the Federal Register as early as August. As part of the ANPRM, OSHA will seek comment from the public.

All tree care professionals should seize this unprecedented opportunity to positively and dramatically change the industry by supporting the ANPRM. From the beginning of this process, it has been TCIA’s hope that the creation of a separate standard would have as its goals:

» To provide an additional tool for our industry to save lives
» To help end the confusion caused by a patchwork of conflicting and inappropriate regulation and enforcement by OSHA and state agencies.
» To reduce citations under irrelevant standards
» To educate OSHA about our industry, reducing the waste of time and money by our members and our government in ineffective regulatory activities

Consensus agreement and aggressive work on an arborist standard on our part, as an industry, is far preferable to allowing OSHA to apply its current patchwork quilt of outdated and poorly fitted regulations and to “rule through directive.” Moreover, a clear regulation that is communicated industry-wide and supported by OSHA would help prevent fatalities and serious accidents.

The reality is that the Z133 Standard and the direct influence of organizations such as TCIA and ISA reach only a small fraction of practitioners in the U.S. Creating appropriate OSHA guidance will, in effect, allow us to recruit the 1,100 or so federal...
OSHA field compliance officers, a like number of OSHA’s consultation and outreach personnel and an untold number of front line people in OSHA State Plan states to help us in our cause. A separate OSHA arboriculture standard based upon Z133 would in no way undermine the importance of the Z133 Standard itself nor detract from the vital importance of ongoing standards development. Strong evidence supports the opposite assertion. When OSHA came into existence and first began to promulgate standards, it sought some early “wins” so it adopted several extant ANSI standards of the time as OSHA standards. Two relevant examples are ANSI B30 (cranes) and ANSI A92 (aerial lifts). Today, both of those standards and their committees continue to flourish and remain incredibly relevant.

At last, the tree care industry is being taken seriously as a distinct profession with unique safety issues that deserve the appropriate attention. Tree care professionals deserve to be recognized and regulated separately from loggers, landscapers or construction workers. As the rule-making process unfolds, TCIA will need support, comments and guidance from affected parties to move toward this profession-changing goal. E-mail correspondence is preferred, and correspondence and other information should be sent to peter@tcia.org. Alternately comments may be mailed to TCIA, 136 Harvey Road, Suite B101-B110, Londonderry, NH 03053.

Peter Gerstenberger is senior advisor for Safety, Compliance & Standards for the Tree Care Industry Association.
Arborists have been installing lightning protection since the 1800s. In 1933, J. B. Whitehead at Johns Hopkins University observed 61 protected trees around the university campus in Baltimore, Maryland. Many systems in historic trees around landmarks such as Mount Vernon, Monticello and the Hermitage have been in service for more than 50 years.

In 2007, a veteran post oak (*Quercus stellata*) tree at Andersonville National Historic Site in Andersonville, Georgia, had to be removed due to irreversible lightning damage. Superintendent Fred Boyles does not want to lose any more. The region averages more than 10 lightning strikes per square mile annually, so the odds were good that another tree would get struck. He now has purchased enough material to protect at least 15 veteran trees from future lightning strikes.

Proving effectiveness

The Southeast U.S. may get more lightning overall than the rest of the country, but no place or tree is immune. Also, there are microsites elsewhere that receive numerous strikes. The west-facing slope of the Morris Arboretum, above the University of Pennsylvania's main campus in Philadelphia, is one such "hot spot." Because of the many strikes there, the university began installing lightning protection systems in the early 1980s. A metallic communication cable near one protected tree was burned out several times, presumably by lightning strikes, which demonstrated that system's effectiveness. The metallic cable was finally replaced with fiber optic cable. After studying the patterns of strikes and systems on this hillside for more than 33 years, arborist Bill Graham concluded that the protection zone, the distance protected by each system, was less than 65 feet.

Lightning strikes have been recorded on four of the 75 protected trees at the Bartlett Tree Research Laboratory in Charlotte, North Carolina. Two exited the system according to plan, out the bottom end of the ground rod. One flashed over to a non-bounded wire in an irrigation system two feet away, destroying the electrical components of that system. One strike did not reach the ground conductor, which was in dry soil. Instead, it flashed over to a moist...
buttress root, damaging the tree.

In Philadelphia, a red oak in a park had two systems with two grounds because of its girth, per the old NAA Lightning Protection Systems standard. The branch conductors were fastened with staples – no standoffs were used – so the cable was swallowed in places. Lightning struck 23 feet below the air terminal, where it melted part of the copper cable, i.e. the conductor, then burned some of the ivy growing on the trunk. Finally, it blew away soil that was covering the ground rod. The evidence indicated that the system successfully grounded the strike, even with several defects that fell short of the old NAA standard. The A300 standard was published in 2002, along with associated best management practices.

With lightning systems, blowing a fuse can be a good thing. The researchers at Bartlett wanted to know if their systems worked, so they shopped around for specially made lightning counters, devices designed to track and record the number of lightning strikes. The price of $100 per counter seemed a little high, so they designed an induction loop with low amperage fuses. Working with the Franklin Institute in Philadelphia, Graham developed a similar device, also using household-type electrical wire and a fuse made for vehicles. He noted that fuses “have great potential for improving sales. Imagine Mrs. Jones coming home after a horrific thunderstorm, finding that fuse blown, and knowing that her prized tree is fine,” says Graham. “Not only will she consider protection for other trees, but she will be sure to repeat her testimonial to friends and neighbors.”

Inspecting and refastening old systems

The dormant season is best for inspecting lightning protection systems, because the leaves are off deciduous trees. Common faults are fasteners coming out and conductors not high enough or not repaired after breakage. When trees start to grow over the fasteners in existing systems, they can still be effective, but it’s best to refasten the conductor before it is swallowed.

The old ISA Best Management Practice recommendation was to install replacement fasteners about “… 1 foot or more from the old fastener.” In 2007, British arborist and lightning system expert Ben Fuest argued that this practice contradicted the BMP by leaving unbonded metal in the tree. Fuest had designed an extendable fastener, the Arborbolt, which is screwed into the wood after predrilling. Using this device avoids damage by cracking, and also leaves no unbonded metal in the tree because new sections are added on to the old. The Arborbolt may be available in the U.S. this year. In 2008, the updated ISA Best Management Practice changed to “Install a new drive fastener near or touching the old fastener to reduce chances of sideflash.” The ANSI A300 (Part 4)-2008 Lightning Protection Systems revision does not address this issue, as the threat from side flash to an old fastener needs further research before a standard practice can be developed.

Installing new systems

Sideflash can also occur from kinks in the conductor, according to Joe Bones of Bartlett Tree Experts, so cable should be carefully untwisted before it is fastened. The conductor should also not be bent to an angle greater than 90 degrees. Bones also recommends locating the conductor where it will not interfere with future climbs. Drive fasteners can be easily dislodged when a rope is pulled across them.

If the tree is in a lawn or an area with a lot of activity, the cable should be in a val-
ley between the buttress roots. The conductor’s path through the ground is not that important, because root damage from ground conductors is rare. The function of the ground rod is critical, so it must be deep enough to be adequate. Bones uses an auger to start the hole for the ground rod. If an impenetrable object is hit, there are two options. The rod can be cut and another installed nearby, or it can be pulled out and driven at an angle.

Tips on tips

On the skyward end of the system, a change has been made in the industry. Sharp-tipped air terminals have been used ever since Ben Franklin saw a spark jump to a needle in his laboratory, but recent research “points” to a more effective design. In one small experiment in Virginia, three different tips were installed in a tree, and only the blunt tip received a hit. C.B. Moore of New Mexico Technical College conducted a 12-year study that compared terminals with blunt tips and sharp tips and also Early Streamer Emission (“ESE”) tips. Thirteen blunt tips were struck, but no sharp or ESE tips were. Tips in the ½-inch to ¾-inch range seem to work the best. Further ESE investigation at Langmuir Laboratories found no evidence that these systems are effective.

Tips on marketing lightning protection

Michael Murphy of TCIA-member company Preservation Tree Care has been installing lightning protection systems since 1972. He presents the facts, so the owner can make the right decision. Guy Meilleur photo.
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his native New Jersey. He has installed many systems near the South Carolina coast, one of the regions with the highest frequency of lightning strikes in the U.S. Most of the strikes are in live oaks (Quercus virginiana) and loblolly pine (Pinus taeda). When a new house is being placed on a highly sensitive lot with many trees, Murphy is often part of the development team, along with the architect, owner and landscape professional. Murphy uses the stark facts of reality as a marketing tool to sell systems in advance of construction. A mention of lightning frequency and a reminder of the value of the tree cover usually results in an installation in one to three trees on site. Budgeting for protecting these assets is much easier when it is done in the planning stage of a new construction project.

On a larger scale, Murphy recalls that “In early 2000, we were consulting on tree protection and preservation during the construction on The Chechessee Creek Club, a golf club with a limited number of lots for upscale cottages in Okatie, S.C. We had a proposal for the installation of lightning protection in 38 ‘key’ trees chosen by the developer and designer because of their value to the ‘play’ areas of the course. Budgetary issues came up, and the list was whittled down to 12, then to eight. A final decision was needed, because construction was moving along. Then one of the people responsible for the final decision had a tree struck by lightning in his neighborhood resulting in the total destruction of the tree and a subsequent side-flash fire. Monday morning we were given the approval to install the systems on all 38 trees plus four additional trees. Sometimes standing in silence once the true facts have been presented allows the owners to make the correct decision for their trees.”

Solving the budget problem was not so easy at the 5,500-acre Bray’s Island Plantation development in Sheldon, South Carolina. The plantation and many of its live oak trees have been around since the early 1700s. The Live Oak Allee consists of...
of 20 massive trees 60 feet apart, creating a cathedral of foliage – with drip lines overlapping – leading guests up to the inn. A consulting arborist recommended that all of the trees be protected, but the cost was astronomical. The plantation manager called Murphy, who designed a triangular grid pattern of nine of the largest trees for protection. The client spent about one-third the money, and there is a good degree of protection for all. There is no guarantee that the unprotected trees won’t be hit, but the risk was affordably reduced to a level acceptable to the owners and the arborist.

On another job, installation was delayed because of a horse disease! Murphy was told that his crews could not enter a padlock area to access a tree until the disease was controlled, for fear that they might spread it to other horses. The paddock live oak is 60 feet tall with a 130-foot spread. An inspection showed at least one old lightning strike. The importance of this tree for the horses as well as the homes nearby made $4,730 for this installation worthwhile. Due to the enormous spread, there will be two main air terminals to ground with 32-strand cable, and eight additional air terminals with 14-strand cable. For extra protection, they chose to upgrade their system from the minimum standards set forth by ANSI A300 by using 32-strand cable.

When Murphy heard about the veteran trees at Andersonville and the park’s commitment to protecting them, he immediately volunteered to help oversee the installations there, scheduled for October 25, 2008. He and Steve Tillitski of Rigguy, associate TCIA member and manufacturer of cabling and bracing components, will be sharing their related knowledge with arborists at that event who want to improve their ability to preserve veteran trees.

The grove on the hill overlooking the Andersonville site, where 33,000 imprisoned Union soldiers were packed into 25 acres in 1864, offers an excellent opportunity for arborists to practice cabling and electrical work – and to become part of history.

Guy Philip Meilleur is owner of Better Tree Care Associates in Apex, North Carolina.
Accident Briefs

Taken from published reports.

Tree trimmer crushed, killed while working

A Columbia, South Carolina, tree care worker died April 17, 2008, when he was crushed after cutting the top off a tree.

Kozie Brown, 52, of Cayce, S.C., died at the scene. He was about 60 to 70 feet off the ground taking down about a 90-foot tree when the 2:30 p.m. incident occurred, according to a report on WISTV.com.

Brown cut the top part of the tree off and, as it was falling, it caught part of his safety harness. He was crushed between the top part that had fallen and the rest of the tree, the report said.

Brown was in pain but alert and talking to witnesses for at least the half hour it took for emergency crews to arrive. He told them he thought he had crushed his leg.

The fire department had to bring in a crane to remove the cut part of the tree before removing Brown. It took crews over four hours, and by then he was dead.

Brown's family said he was in the tree-cutting business for 32 years and that he was the first black fireman for the city of Cayce.

Tree trimmer electrocuted

A tree care worker died May 7, 2008, while trimming a tree in Nokomis, Florida, after he apparently touched his pole saw to a live power line and was electrocuted.

James Lykins, about 55, of Osprey, Fla., was trimming branches from two tall oak trees when the accident occurred at 8:42 a.m., according to the Sarasota Herald Tribune. The branches were draped over power lines in front of a home. Authorities were not sure exactly what happened.

A fellow local tree care worker speculated that the saw probably slipped in Lykins' hands or was pulled down by falling branches. "Slip or a pull," the man told the Herald Tribune, "from my nine years of experience, that's typically what happens. A guy thinks he can handle a situation and one little mishap is all it takes."

When Lykins' pole saw touched the wire it sent a shock through his body that was so powerful it traveled down his aluminum ladder and set the grass on fire.

Relatives said Lykins, who worked in tree care most of his adult life, according to the article, was a careful and knowledgeable worker who enjoyed the challenges of his job.

Worker killed by struck-by

A tree worker was killed May 14, 2008, in Louisville, Kentucky, from injuries he sustained when he was hit in the head by a large tree branch.

Timothy Michael Cotner, 35, of Okolona, Ky., had another full-time job, but worked part-time job for a tree company, according to an article on WLKY.com. At some point on May 13 or early on May 14, Cotner was working to cut tree debris with a chain saw on the ground while another worker was up in a tree near him. According to witnesses, the worker in the tree yelled down to Cotner that a large branch was falling, but Cotner did not hear and was struck in the head by the branch. Cotner was transported to the hospital where he died from blunt force trauma to his head.

Crew foils man's attempt at suicide by chipper

A suicide attempt in which a man intentionally threw himself into a chipper was thwarted by an alert tree care crew in Roseville, Minnesota, May 15, 2008.

The man, who did not work for the tree care company, had been loitering near the work site prior to the event and had been told to stay clear of the area by workers. A short time later, he was seen jogging then sprinting toward the chipper before hurling himself arm and shoulder first into it, according to a report in The Pioneer Press.

An employee operating a log loader who was maneuvering a log toward the chipper saw what was happening, jumped from the raised loader seat and hit the safety bar, shutting down the chipper, a unit that can handle logs up to 21 inches in diameter. Amazingly, the man’s arm and shoulder had caught in the feed mechanism and had not reached the grinding unit. Two other members of the crew, which was just finishing a tree removal job, pulled the man out while a fourth called 911.

Though the extent of his injuries was not clear from the report, one witness reported that the man’s right arm, shoulder and chest area were badly mangled, but that there was hardly any blood.

Police said it was clear the 20-year-old man was attempting suicide. They would not identify him.

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You’ve worked too hard to lose it all to an accident.
Where do you go for answers to the tough problems you encounter in your cities, under your power lines and on your clients' property?

Part of my job involves travel around the country, and I have asked this question of many arborists. Some answer that they attend seminars, others go to the Internet, and still others find solutions by networking with their colleagues in the corridors of conferences. We’ve all got our own sources.

**Arboriculture is a science-based profession**

Fundamentally, arboriculture is a profession based in science, and in any science-based industry a logical place to seek answers is in the research. Many arborists read scientific articles in industry publications, such as this one. Research is also the basis for many programs delivered at the conferences we attend. Sometimes these papers and presentations stimulate “Ah-Ha!” moments when everything clicks into place and that once-persistent problem now appears manageable.

Clearly science plays a significant role in our professional lives, whether we relate to it like this or not. But where do these innovative research projects come from? Can we create more of these breakthrough moments, or do they just happen?

**Historical perspective suggests it might be both.**

**Historical Perspective**

In the early 1940s, a Swiss inventor by the name of George de Mestral came home from walking his dog only to find the dog’s coat (and his pants) covered with cockleburs. Being a curious type, he inspected the cockleburs under a microscope and found they had a hook-like shape. His pants, on the other hand, had many soft loops visible under the microscope.

George recognized the possibilities and eventually developed two strips of nylon fabric, one with hooks and one with loops. We know this invention as Velcro (and a picture of George and his dog can be found on the front page of www.velcro.com).

In more recent times (1970), 3M Company was working to develop a strong adhesive. A scientist by the name of Spencer Silver had a failed outcome in which he came up with a weak adhesive that stuck but easily unstuck. Several years later, a colleague used Spencer’s adhesive to mark the pages of his choir songbook and the Post-it Note was born. It now plagues offices and homes all around the world!

**Moving forward**

Clearly, important contributions to the world can be made without seeking those specific outcomes. But should we leave our breakthrough moments to serendipity? Probably not.

Not many of us have a formal background in experimental design, statistics, and technical writing, so the world of research can seem distant and unapproachable. How then, do we ensure the right projects are taking place?
First, who better to offer suggestions on research topics than those of us who see the problems on a daily basis? When enough arborists point out an unresolved problem, the research is sure to follow.

We all have the opportunity to be purposeful about creating breakthrough moments through the funding of research. Again, where do research projects come from? We know they take place in universities, arboreta, government agencies and private businesses. Funding comes from a variety of sources, including tax dollars, grants, private business revenue and research foundations. An element of control can be gained from research that is funded and directed by practicing arborists.

Creating breakthroughs
The Tree Research and Education Endowment Fund (TREE Fund) sponsors research in arboriculture that is intended to make a difference in your daily life. Operating as a 501(c)3 non-profit organization, the mission of the TREE Fund is to identify and fund projects and programs that advance knowledge in the field of arboriculture and urban forestry to benefit people, trees, and the environment. By using established research priorities (2002 Research Summit) and gathering input from arborists in the field, the TREE Fund strives to be purposeful in creating breakthrough moments.

Arborists require an intimate knowledge of how trees grow, how they react to pests and environmental changes, how to select the most appropriate species, how to care for trees in general, and how to keep themselves safe during their work. Arboricultural research is the way to fulfill those requirements and ensure healthy trees for future generations.

The gains made through arboricultural research are significant. Through fundraising events like the Tour des Trees, the Raise Your Hand for Research live auction, and golf outings such as the recent TCIA sponsored Robert Felix Memorial Golf Outing, the TREE Fund has supported research that has:

- Developed more environmentally sensitive methods of vegetation management
- Produced genetically superior trees that can withstand the stress of urban environments
- Advanced strategies for tree disease suppression and insect resistance
- Improved techniques for planting, fertilization and adapting shade trees to poor soils
- Developed better hazard tree identification methods to improve worker and public safety

To date, the TREE Fund and the institutions that preceded it have funded nearly $3 million in research projects.

The future of arboriculture depends upon this research, and the TREE Fund is the most forward-looking and focused grant-making entity in arboriculture. That’s why I believe in it, and that’s why I support it personally by being a liaison, a Tour rider, a fundraiser and a trustee. Please join me and support this valuable work that leads to breakthrough moments!

Jim Zwack is a TREE Fund trustee and works for Rainbow Treecare Scientific in Minneapolis, Minnesota.

The Tree Research and Education Endowment (TREE) Fund can be reached at 711 East Roosevelt Road, Wheaton, IL 60187; (630) 221-8127, or via www.treefund.org.

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Please circle 36 on Reader Service Card
By Rick Howland

As an attachment for skid steers, loaders and other in-class tool carriers, the grapple in all of its configurations is becoming an increasingly indispensable money-making tool for the tree care pro. Think of it as one of your silent partners capable of adding to the bottom line.

As skid steers and loaders become more prevalent pieces of equipment in the tree care fleet – not only because of their application as a tool carrier but also for their relative fuel efficiencies and costs compared to larger equipment – the importance of the grapple and its broad applications grows all the time. Let’s not forget the chief capability of the skid steer and smaller loaders, including the articulated types, to get that “grapple-ability” through the backyard gate and into tight spots or across rough terrain.

While grapple tackle is also a key component in log loaders and other larger material-handling equipment, TCI magazine will “tackle” that end of this technology in a subsequent issue. For the purposes of this article, we’ll focus on the skid steer and loader attachments.

There are several key points to make, all of them related to one another and all of them significant in contributing to your business’s profitability, either by making you money, saving you money, limiting down time due to injury or fatigue, and limiting workers’ comp and liability exposure.

Users and manufacturers interviewed unanimously agree that, depending on the assignment, an owner or crew chief can eliminate one or two workers on just about any job, sometimes more, since the grapple does the job of lifting and moving limbs, logs and debris. They also say that not only do skid- steer/loader-level grapples contain labor costs, they also find that the labor needed on the job is less fatigued at the end of a job and they report fewer injuries overall, mainly because the grapple as part of a tool carrier configuration makes such a great and powerful stand-in for a pair of hands.

Put another way, fewer grunts are needed to do the grunt work.

When we think grapple, what often comes to mind is the sort of “ice tong” configuration of the thumb and forefinger grabbing device. But, as with any tool that evolves over time, a variety of sizes and specialty applications emerge – along with added capabilities such as jaw openings or weight capacities (usually capped by the skid steer or loader specs). All of these evolutions add to the cost. But considering that a basic, decent-quality grapple can be had starting at just under $2,000, and that even the most minimal of grapples can save the expense of one employee’s salary, cost becomes a matter of perspective.

Put another way, if you could spend, say, $4,000 for a good grapple and save $25,000 a year or more in labor, would you call that a good investment?

A true investment is defined as spending money in a way that saves or makes you money or grows your money in other ways. Unless you use your car to make money,
say in sales or livery service, your car is not an investment; it is a one-way cost that you cannot recoup, despite the language your car dealer uses. So, let's look at the grapple as an investment versus labor as a cost.

If one had to break down the rough types of grapples, they would include the over-the-top-tong-type, the rake-type and the scoop- or bucket-type. Both of the latter work from the bottom. (Need something special? Many manufacturers offer custom-built configurations.)

A basic grapple can do a variety of different tasks, but ultimately one has to assess the kind of work the company does most and match up the grapple to the job. For example, if you do a lot of larger limb work, a from-the-top type or a finger-type grapple might make the most sense, as it will get at most of the smaller debris and let you sort through the material as well. For the over-the-top claw- or clamp-type grapples, models can be set up to grab, then rotate up to a full 360 degrees, and that can be especially helpful when trying to finagle a log into a chipper, shredder, firewood splitter or even a portable sawmill. Look for a swing damper to give the operator control over side-to-side movement.

If you're doing a lot of brush work requiring tidy cleanup, say for land clearing, a rake-type with teeth top and bottom might be the a better option (you might even find seemingly unrelated jobs in the off season subcontracting for the clearing of rocks and light demolition debris). These types offer broad jaw openings of up to seven feet or more, options such as load leveling and cylinder power that accommodates uneven loads, and spacing between the teeth lets small debris fall out. (The root grapple also falls into this configuration, featuring curved bottom tines to glide over the surface of the ground with minimal damage.)

The grapple bucket can scoop up just about anything. Because the bottom jaw is usually a solid piece, material does not drop away, depending of course on the design. Some are available with a cutting edge for smoother cleanup.

Also look for grapple units that are designed to accommodate today's higher output skid-steer loaders, and grapples that offer adjustable-width tines. Determine if you need grapple tines/teeth that bypass one another in the clench for a very tight bite.

The core of the functionality of the grapple, of course, is a compact loader, skid-steer loader, compact track loader, all-wheel steer loader and mini track loader - all versatile machines capable of complementing and replacing dedicated machines, and performing multiple tasks with the help of a wide range of attachments.

"Using compact equipment for tree care services has several advantages," says Bryan Zent, marketing manager for Bobcat Company. "For example, compact loaders enable arborists to easily access and maneuver within confined areas that are inaccessible with larger, dedicated equipment."

Grapple attachments particularly useful to tree care professionals are available in sizes ranging from 32 inches to 82 inches;
some models offer a grapple with either a bucket or forks, he notes. "With a grapple attachment, operators can haul away small trees, limbs and brush on construction and landscaping projects, or when natural disasters hit," says Zent.

"Because of a compact loader’s size, it also allows arborists to remove trees and debris selectively without damaging the area or nearby trees. This is especially beneficial when working in new construction residential areas where an increasing number of developers place an emphasis on salvaging mature trees," says Zent.

Zent categorizes three types of grapple attachments available. Industrial grapples are the most common and include either a bucket or forks, along with the grapple teeth. They have tough attachments capable of a range of applications, such as hauling large logs. Utility grapples are also available with either a bucket or forks and feature replaceable, tapered teeth, making them a favorite for handling looser brush material. Finally, root grapples feature a skeletal design that allows dirt to fall between the teeth, minimizing topsoil removal. A root grapple’s curved bottom teeth also enable operators to scoop material without plunging the attachment into the ground.

"Grapples revolutionized tree care by helping save on manpower," says TCIA-member Roger Venner, who runs Predator Tree Service in Greenbrook, New Jersey.
“Once we started seeing grapples for skid steers, we no longer needed to get the big stuff (equipment) into the backyard, and they provide a lot of back-saving labor.”

He says the core of their value, of course, is the advent and broadening applications of the skid steer, with its overall compactness, versatility and ability to accept so many universal-mounts – from grinders to grapples – and to be deliverable all on one trailer.

“One machine like this can do a whole job and cut way back on time and labor. Often, I can do it with one guy and not a crew of five or six to handle brush and logs,” he says, adding that the mini skid steers and loaders are further reducing size and cost and expanding capability.

He’s a user of a grapple setup from Ryan’s Equipment. Ryan’s is a specialty manufacturer in Michigan. Venner says owner Don Ryan has been in the business about 30 years and makes it a point to listen to users and incorporate their ideas into equipment.

Venner sees a grapple as a good investment for the long term. “If you take care of a grapple, it should last a lifetime. Mostly, maintenance consists of greasing and replacing a pivot pin – or a hose if you rip one off on the job.” In Venner’s opinion, a really good grapple runs from about $3,500 to more than $13,000, and that can include mounted accessories such as winches and push bars.

Swinger Compact Loaders specializes in the articulated loader but does make a grapple with a universal mount for other tool-carrier applications. “The grapple is really a tool for expanding operator capabilities, with a great potential to eliminate bodies from the jobsite,” says President Bruce Steingart. “A good grapple is more efficient than manual labor, and also reduces labor-related costs such as workers’ comp and liability issues.”

“Our main focus is to market the Swinger 1K and 2K loader to the tree care industry, but we do build the Lund grapple, which was a design brought to us and which we subsequently beefed up and made manufacturing-friendly,” says Steingart. “It’s one of the best, and it’s also one of the most expensive. But I look at it this way, they’re worth it to move heavy loads without having to cut up pieces and manhandle them into a log truck, shredder or chipper.”

Lisa M Carley is the inside sales manager for Compact Power/Boxer. She describes the company’s four types of grapples as indicative of the variations built for specific purposes.

“Each grapple is designed for different functions. One is a grapple bucket for interior demolition. A second is a grapple fork on the bottom for debris to fall through; a thumb grapple popular in the tree care industry, which grabs logs and large boulders; and a grapple fork for debris removal.” That’s not to say, however, that the grapple fork isn’t the right selection for certain tree care applications, such as brush, she notes.

“The standard mini skid steer is becoming universal equipment that can keep one from hiring one or two people, depending on the situation. They’re versatile enough for everything from residential work to trail building.”

So, in many ways, maybe grapples haven’t changed much, although their variations have evolved and become more robust. If you think of it, M Carley’s opinion, that the tool carrier has changed more, is an important point. A good grapple selected for the right job works on skid steers, walk-behind and track-type tool carriers.

Beaver Squeezer Grapple makes a broad line of grapples for large skid steers, compact loaders, tractors and material handlers, including what the company says is the largest universal skid-steer model, which opens its jaw to a voracious 62 inches. Such capacities appeal to tree care professionals as well as small logging operations, utility services and landscapers – to whom you might be able to subcontract if they don’t have the right equipment. The Beaver Squeezer Grapple features a patented frame designed to give the unit stability while securing and controlling logs or brush, horizontally or vertically.

What’s interesting about the grapple is the many different ways in which it can be attached to different types of tool carriers. One example is from Oesco Inc., which offers an attachment for skid steers, another for the back end of a tractor – a three-point hitch version – and third for the front end of a tractor equipped with a front-loader.

With oil prices nudging $130 a barrel (the day this article was written), skilled or trainable labor at a premium, and the need for tools that can do more for less, doesn’t it make sense to stop grappling with the bottom line the old-fashioned way and reach out and grab on to a tool that more than pays its way?
Management Exchange

How to Steer Clear of Labor Problems
One Mistake Could Cost You Thousands

By William J. Lynott

The day that you hired your first employee was the day that you took on an entirely new set of responsibilities and risks. Now, whether you have one employee or dozens, being familiar with, and knowing how to comply with, labor laws will add an extra layer of critical protection to your tree care business.

You’re probably well aware that modern labor laws are designed strictly for the protection of workers, not their employers. That’s why it’s so important for you to be familiar with potential mistakes that could cause you sleepless nights and catastrophic losses. All it takes is a claim that you have violated one or more labor laws to set in motion a series of extremely costly events.

Here are some areas that hold potential problems for tree care business owners:

Minimum wage
The nature of your business is such that you may be using entry-level or other low-paid workers in addition to experienced tree care professionals. That’s why you must be certain that you are satisfying federal and state minimum wage requirements.

The federal minimum wage provisions are contained in the Fair Labor Standards Act (FLSA). The FLSA applies only to employers of enterprises that do at least $500,000 in business a year.

Minimum wage provisions of the Act are regulated by the U.S. Wage and Hour Division (WHD). At the time of this writing, the minimum wage is $5.85 per hour. That will rise to $6.55 per hour, effective July 24, 2008. On July 24, 2009, the minimum wage will rise to $7.25 per hour.

Keep in mind, however, that many states have their own minimum wage and labor laws. In cases where an employee is subject to both the state and federal minimum wage laws, the employee is entitled to the higher of the two minimum wages.

Overtime pay
Except for employees who are specifically exempted under FLSA regulations (usually executive and administrative personnel), you must pay overtime for any hours worked in excess of 40 hours in a workweek. The overtime rate must be at least time and one-half the regular pay rate. Be aware, though, that FLSA regulations do not require overtime pay for work on Saturdays, Sundays or holidays, provided that the week’s total is 40 hours or less. Extra pay for working weekends, holidays or nights is a matter of agreement between the employer and the employee.

The Department of Labor enforces the Fair Labor Standards Act, which sets basic minimum wage and overtime pay standards. You can learn more about these requirements at their Web site: www.dol.gov.

On the clock or off the clock
Compensable hours may seem like an obscure technical term, but a failure to understand its significance could lead to a nasty problem. Consider this hypothetical situation: Your office manager usually eats her lunch at her desk so that she’ll be able to answer the phone. She’s happy to do this for you.

By law, the lunch hours during which she performs these duties are compensable hours... time for which she must be paid because she was not totally relieved from duty.

Another potential pitfall in this area involves the employee who doesn’t mind occasionally working after normal quitting time in order to finish up a project. He doesn’t put in for that time because he’s conscientious. Those hours, too, are legally compensable hours. Your failure to include them as hours worked, even if the employee doesn’t request payment, could lead to trouble down the road if an employee or former employee files an unfair labor charge.

Normal coffee breaks and meal periods must also be included as hours worked.

Training time is another area of possible misunderstanding. On-the-job training must be included in compensable hours.

An exception to this rule is time spent at lectures or training programs provided that attendance by the employee is entirely voluntary, takes place outside of normal
working hours, and does not involve any actual work for the employer.

If your business comes under FSLA regulations, you are required to display an official poster outlining FSLA provisions. You can obtain a poster at no charge from your local office of WHD or by calling toll-free at (866) 487-9243.

While there is no required format, every covered employer is required by law to keep complete and accurate records of hours worked by every non-exempt employee. The records should be retained at the place of employment for at least two years and they must be open to inspection by DOL representatives.

As far as timekeeping records are concerned, you may use any method you choose. Whether your system involves a time clock or manually written records, the most important requirement is that they be complete and accurate.

Hiring

Interviewing job applicants is another area that holds potential legal problems for the uninformed employer.

Today's labor laws prohibit the use of questions the answers to which could be used to discriminate against job applicants. An interviewer who asks such questions may well come face-to-face with a discrimination lawsuit.


It’s in your best interest to know what questions may lead to a lawsuit filed by an applicant whom you decided not to hire. During a pre-employment interview, you must not ask any questions concerning so-called protected classes, including race, sex, age, national origin, religion or disabilities. In general, the law also prohibits questions about workers’ compensation or health history.

All of this makes hiring a road lined with dangerous potholes. “I suggest that interviewers think of it this way,” says Labor Attorney John C. Romeo, Philadelphia, Pa. “Don’t ask a question if you cannot lawfully base a hiring decision on the answer.

Training time is another area of possible misunderstanding. On-the-job training must be included in compensable hours.

You cannot discriminate based on information you do not have. So, if you don’t need to know, don’t ask.”

Firing

No employer looks forward to the unpleasant task of firing an employee. Still, most tree care professionals will eventually find themselves in that position. A side from the disagreeable nature of the job, the increasing risk of costly legal complications makes skillful handling of employee terminations more important than ever.

The legal concept known as “wrongful termination” has made it essential that an employer be aware of the legal pitfalls that surround the task of terminating an employee.

An English Common Law doctrine known as employment-at-will was once widely recognized in this country. It meant simply that an employer had the right to fire an employee for any reason – or for no reason at all. We’ve all heard stories about people being fired because, “... I just don’t like you.”

Not any more. Lawsuits are popping up in every state, and many employers are facing costly legal penalties for firing employees without “sufficient cause.”

“Employees have many rights they didn’t have a century ago,” cautions Walsh.

What you need to be especially concerned about is the risk of lawsuits based on some form of discrimination.

“Every employee has a race, a gender, a religion,” says attorney Beth Schroeder, Silver & Freedman, Los Angeles, California. “So, every employee, even new and probationary ones, falls into at least one so-called ‘protected’ class.”

“It costs nothing for an employee to file a charge with the EEOC or state fair employment practices agency,” cautions Attorney James P. McElligott, Jr., McGuireWoods, LLP, Richmond, VA.

“State and federal agencies can investigate employers for retaliation charges based on OSHA, wage & hour, environmental, FMLA or other violations. In addition to the expense of legal fees, employers often must spend hours trying to reconstruct and justify their actions.”

To lessen the possibility of a wrongful termination lawsuit, experts suggest these precautions:

▸ Make sure you have given the employee prior notice of unsatisfactory job performance along with warnings that these violations could lead to termination.

▸ Document your interviews and warnings in writing.

▸ Ask yourself if the reason for termination is in line with past practice or existing policies.

▸ Enforce your rules and policies with consistency. Make certain that this same conduct by another employee was not tolerated and did not result in termination.

▸ Satisfy yourself that the termination of this employee will not violate any anti-discrimination laws or other federal, state, or local statutes.

Perhaps the most important advice of all here concerns the need for documentation. If you should ever find yourself facing a potentially costly unfair labor practices charge, your most effective defense will be written and timely documentation.

Keeping yourself aware and up-to-date on the labor laws that apply to you is an essential ingredient in the protection of your bottom line.

William J. Lynott is a freelance writer who specializes in business management and personal and business finance.

TREEmES INDUSTRY – JUNE 2008 63
By Rebecca Fater

It was a spring day in May at the Texas Discovery Gardens when a desperate bride-to-be ran from staff member to staff member, begging each one to do something about the puffs of white cotton that littered the garden where her dream wedding was scheduled to begin.

But the culprit – a towering cottonwood tree shedding its annual spray of seed – was simply following the laws of nature. And Melissa Martin, executive director of the Gardens, had seen enough springs to know the tree was in charge.

"The cotton was everywhere," Martin says, chuckling at the memory. "In the pond, in our air conditioning system. We were like, 'That's one thing that you can't do: control nature.'"

That unhappy bride would probably have smiled at the sight that unfolded March 25, when a 120-ton crane and a crew of tree care workers dismantled the massive tree limb by limb.

The decision to remove the tree – which had stood on the historic grounds of Dallas' first public botanical garden, possibly since 1936 – was made inevitable by the slow but determined decay that had eaten away at the cottonwood over the last few years.

"Every year, more and more of it would die back," Martin says. "In the spring, we could tell branches weren't going to green out. We weren't quite sure that we could trust it to maintain its branching."

A tree that requires a lot of water, Martin suspected this one had survived Dallas' brutally dry summers thanks to a leaky man-made pond nearby. It was after that leak had been repaired that Martin believes the tree began to suffer.

The decay that slowly took over the tree created a hazard, not only for visitors and employees, but also for the Gardens' main administrative building – itself a historical landmark as the only remaining "House of the Future" constructed for the 1936 Texas Centennial Exposition.

"We were concerned that it could possibly damage the house," she says. "Or if it were to hit a human being, it would be devastating."

The city requested a professional opinion, and Preservation Tree Services, an organic tree care company located in Dallas, delivered the final, fatal sentence.

"Probably a third of it, at least, was dead," says Kenneth Smith, Preservation Tree Services production manager, who first assessed the tree's health back in May 2007. "And once you cut (the deadwood), structurally the tree wouldn't be very sound."

Profiles in Arboriculture

Company: Preservation Tree Services, Inc.
Location: Dallas, Texas
Owner: Harold Spiegel
Founded: 1995
Employees: 40
Web: www.preservationtree.com

The decaying cottonwood threatened the Texas Discovery Gardens' main administrative building – a historical landmark, at the only remaining "House of the Future," sponsored by Portland Cement Company and constructed for the 1936 Texas Centennial Exposition. Photo courtesy of Sharon Van Buskirk.
The cottonwood was not infected or infested with insects, Smith adds, but the tree was crowded by the house and nearby pond, preventing its roots from expanding enough to support the tree’s 70-foot height and approximate 45-inch trunk circumference. In addition to hindering the tree, those obstacles – as well as a nearby arbor further crowding the space – challenged Smith and his crew. They realized they couldn’t handle the tree’s height and weight alone in such a tight space.

“It was by far one of the largest trees down there, if not the largest tree,” says Smith, who decided to call in the assistance of a crane for the job. “It was a very limited amount of space to get into there and get that size of a tree out.”

Preservation Tree, a TCIA member since 1994, was the first TCIA accredited company in the Dallas/Fort Worth area, having achieved Accreditation in 2006.

Along with five of Smith’s own crew members and two additional people operating the crane, Preservation Tree workers spent the entire day bringing down the tree. Cut portions weighing as much as 3,000 pounds were bound and lifted over the house and placed down gently in safe territory.

“It was a pretty good sized job,” Smith says. “It was a big day for us.”

The crew was forced to anchor the crane on sloping ground, due to the awkwardness of the site, says Martin.

“It was a huge crane. It was very scary. And they worked really hard to keep it as safe as possible and not have any swinging (of the branches being transported),” she says.

Despite the crew’s efforts, a branch did swing out of control and strike one of the building’s windows, smashing the glass to bits, Martin adds.

“But it was very minor compared to what could have happened,” she says.

The day was a sad one for staff members, who have cared for and admired the tree for years. Native to northern Texas, cottonwood trees normally grow in areas
near moisture, and served as a beacon to settlers looking for water on the prairies hundreds of years ago, Martin says.

But just how far back in the museum's history this particular tree stretches is anyone's guess.

“We don't really know how old it is,” says Martin, adding that the staff hopes to find a clean cut on a portion of the trunk to count the rings for an age estimate. “There are a lot of things that weren't recorded really well (about the property).”

It is also unclear whether the tree was actually planted purposefully in that spot, or if it sprouted up of its own accord. The garden was at one time maintained as a very formal garden, Martin says, which makes the cottonwood's crowded placement a very awkward addition. Cottonwoods are also not a common choice for inclusion in a yard or garden, because they demand so much water.

“They just don’t let trees grow that way,” she says. “It’s not natural.”

The Texas Discovery Gardens are included in the Fair Park region in Dallas. Home to nine museums and six performance facilities, Fair Park receives more than 7 million visitors annually, according to the city of Dallas Web site. From the last weekend of September through the third weekend of October, the entire region is fenced in and transformed into the state fairgrounds.

Some returning sightseers might stop and take note of the tree's absence this coming fall, Martin predicts.

“A lot of state fair visitors tend to come back over the years. They have their own photographs and tend to compare things,” she says. “I’m sure we’ll get some comments this year. That’s one thing I’ll be listening for and thinking about.”

But it’s not just people who might miss the cottonwood. The fair’s events include a show featuring birds of the world – some of which have been known to leave the next-door amphitheater and take advantage of the cottonwood’s branches for shelter from the spotlight.

“Every year we would have a macaw or a red-tailed hawk who would come down and land because it was tired of being where it was supposed to be,” says Martin. “Last year a red-tailed hawk landed in the tree. One of the squirrels living in that tree decided he didn’t want the hawk there. That silly squirrel jumped at it and (the hawk) flew off. It was the most hilarious thing I’d ever seen. I couldn’t believe he would be so bold.”

While they couldn’t save the tree, Martin says portions of the trunk may be carved into something to preserve the memory of the cottonwood, such as a chair or totem pole. But then again, there are some things about the tree that no one will miss. The cotton was everywhere,” she says. “It gave us a lot to maintain.”
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Weaver Leather becomes newest PACT partner

Then and now, a commitment to meeting the needs of arborists

Weaver Leather is TCIA’s newest Partners Advancing Commercial Treecare (PACT) Partner.

Originally founded as the Fryburg Shoe Shop in 1973 by Harry Weaver, Weaver Leather has grown from a small shoe repair shop into a world class manufacturer of leather and nylon goods. The modest shoe repair business was operated out of a 20-foot by 40-foot garage that is just down the road from the manufacturer’s current 230,000-square-foot facility.

In the past 35 years, Weaver Leather has experienced considerable growth in all the industries it serves. The company has a rich history in crafting top quality products for the arborist, equine and pet industries as well as distributing a full selection of leather, hardware and other supplies to leather workers. Throughout the company’s history, the arborist market has always been an important part of their business. Tree care is a vital service and is consistently in demand as more and more people become informed about the proper care and maintenance of trees — and the important role of the arborist.

Manufacturing arborist products is a very good fit for a company that also manufactures tack and saddlery products for the equine industry. Harry’s son and current owner, Paul Weaver, says, “In both industries, attention to detail is very important. Our Amish craftspeople take great care to ensure that every product they make consistently meets our quality standards. It is necessary to have a commitment to quality, safety consciousness and attentive customer service to serve all our customers well.”

Little green wristbands popping up everywhere

You may have seen them at EXPO, or another industry event. Those little green wristbands are popping up all over the tree care industry!

More than a year ago, TCIA launched Until We’re All Safe, a campaign created to provide visual reminders of the importance of safety in tree care free to anyone who wants one. The safety reminders include green rubber bracelets and green and black hard hat decals embossed with the words “Until We’re All Safe” (in both English and Spanish) as well as color brochures (also in English and Spanish).

Since the launch, we’ve distributed thousands of wristbands, and people continue to ask for them when TCIA is on the road.

Want to help spread the word about safety to your staff, fellow arborists, and clients? Order your free Until We’re All Safe wristbands, helmet decals, and brochures to distribute as a daily reminder to your staff and customers that safety is a top priority. Members pay nothing but shipping; non-members pay only our cost plus shipping.

Show you’re committed to safe practices in tree care. Call 1-800-733-2622 to get your free Until We’re All Safe items, or order online at www.tcia.org.

Newly revised A300 standard for pruning

The A300 committee has recently revised ANSI A300 – (Part 1) Pruning, and the 2008 revision was included with the June Reporter as TCIA members’ free monthly giveaway.

A300 standards present performance standards for the care and maintenance of trees, shrubs, and other woody plants. They may be utilized as guides for federal, state, municipal, and private authorities including property owners and managers, tree care company owners/salespersons, and utilities in the drafting of their maintenance specifications. The pruning standard provides standards for developing specifications for tree pruning.

The 2008 revision features a new Pruning Objectives section, which includes structural pruning, several new diagrams, and an enhanced palm pruning section.

Copies of the newly revised A300 – (Part 1) Pruning standard and other A300 standards can be purchased from TCIA’s online store at www.tcia.org, or by calling 1-800-733-2622.
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
Asian longhorned beetle eradicated from Illinois

On April 23, the U.S. Department of Agriculture announced the official eradication of the Asian longhorned beetle (Anoplophora glabripennis) from Illinois. The announcement was held in the Chicago neighborhood where the pest was found almost 10 years ago. This makes Illinois the first state fighting active ALB infestations to declare victory over the invasive insect.

ALB was discovered in Illinois in the summer of 1998, and the most recent infestation was detected around Chicago’s Oz Park in 2003. Since that time, extensive surveys have found no adult ALB or any signs of infestation. With at least four years of active surveys and no signs of insects or infestation uncovered, USDA and its partners now can declare ALB eradication in Illinois.

Between 1998 and 2006, approximately 1,771 host trees were removed to destroy the invasive insect. In Illinois, as many as 35 square miles were quarantined for the pest in and around Chicago, with 61 square miles considered infested and surveyed for signs of beetles. The last chemical treatments took place in the Oz Park area in 2006.

The ALB is about 1.5 inches long, shiny black with antenna up to twice the length of their bodies, and banded in black and white. Host tree species that beetles favor include maple, birch, elm and poplar, among others.

USDA currently is working with its state and local government partners to eradicate ALB in parts of New York and in central New Jersey. Additional information about ALB can be found at www.aphis.usda.gov.

Energy Conservation Through Trees Act introduced

Rep. Doris Matsui (CA-05) in April introduced the Energy Conservation Through Trees Act of 2008 aimed at lowering utility bills and improving air quality. The premise of the act is that by promoting the strategic planting of trees, the amount of energy needed to heat and cool homes will be reduced.

“Today, we are tasked with reducing our dependence on foreign oil, stabilizing our energy grid, and improving air quality. By harnessing the enterprising spirit of Americans and utilizing a diverse range of innovative approaches, we can accomplish this goal,” says Rep. Matsui.

Patterned after a successful model established by the Sacramento Municipal Utility District (SMUD), the Energy Conservation Through Trees Act seeks to save Americans money on utility bills and reduce outside temperatures in urban areas. The program conducted by SMUD has been proven to lower energy bills, make local power utilities more cost-effective, and reduce air pollution.

Planting shade trees around homes in a strategic manner is a proven way to lower energy demand in residential areas, according to proponents of the bill. According to research conducted by the Department of Energy, three shade trees strategically planted around a house can reduce home air-conditioning bills by about 30 percent in some cities, and a nationwide shade program could reduce air-conditioning use by at least 10 percent.

Shade trees also help to:
- Improve public health and air quality by absorbing particulate matter;
- Store carbon dioxide to help slow global warming;
- Reduce the risk of flooding in urban areas by absorbing stormwater runoff;
- Improve private property values and increase residential aesthetics;
- Preserve public infrastructure, such as streets and sidewalks.

The legislation would require the use of science-based tree-siting guidelines to ensure that trees are not planted in locations that will disrupt pre-existing infrastructure, block solar panels and wind turbines or damage power lines. Consultation during the development of these guidelines would have to be provided by Technical Advisory Committees (TACs) composed of local energy and arboriculture experts.

It also requires utilities that receive assistance to partner with nonprofit tree-planting organizations or other municipal infrastructure groups to run the technical side of the program. These nonprofit groups are meant to serve as tree-planting experts to complement utilities’ financial interest in lowering peak energy demand and reducing consumption. They will provide technical and outreach assistance, work with tree recipients, and ensure that trees are planted in the right place to maximize energy conservation.

“In Sacramento, we are committed to solving the global warming crisis and reducing our impact on our planet. By expanding one of our successful local initiatives to the national level, we can help ensure that we are handing over a cleaner world to future generations,” says Rep. Matsui.

“My legislation is a piece of the puzzle that will become the solution to our environmental challenges and securing our energy independence. We must take action now to make sure that our planet continues to thrive and flourish for years to come. Reducing our environmental impact will have far-reaching effects into the quality of life for the American people, and people around the world.”

Long Island arborist cleared in death of boy

An Islip Terrace, Long Island, New York, landscaper has been cleared of negligence in the death of a 4-year-old boy who was struck by a falling cherry tree branch while waiting at a school bus stop in Dix Hills four years ago.

The firm was named in a 2004 lawsuit along with Park Shore Country Day Camp and School, which the boy attended. The lawn and tree care company is not at fault because, while it was the school’s contractor, it did not bear ultimate responsibility to maintain the trees, Supreme Court Justice Robert W. Doyle wrote in a December 2007 decision.

Testimony showed the tree had “rotted out from the inside and [had been] eaten by carpenter ants,” and that there were outward signs that should have led to maintenance work, according to report on Newsday.com. The owner of the tree care...
in March agreed to pay $700,000 to the family of man killed by tree sometime this year.

attorney, who expects the case to go to trial continuing, according to the family's unspecified damages for pain and suffering, the branch hit the boy on the head. others were waiting for a bus to go home. scouting for insects once a year, it did not spraying the tree five times a year and the tree care company's contract included did nothing wrong.

The suit against the school, which seeks much at the roots and too little on top, the car's roof with Gandy in it. He died a few days later at a local hospital. The Gandy family's attorney and some experts said the ficus was trimmed in a way that made it hazardous - cut too much at the roots and too little on top, according to a report in the The Orange County Register. When winds blew through, the 50-foot-tall tree toppled, killing Gandy.

The Gandy family filed claims against the city of Anaheim, Calif., claiming that root-trimming meant to prevent the roots from cracking the sidewalk weakened the roots of the tree, so it became unstable in high winds. The family also alleged that the city failed to trim the trees, contributing to the accident.

Gandy's death shows the balance city crews face preserving trees while preventing roots from cracking sidewalks in older neighborhoods, the article said. At the same time, they try to keep trees stable when winds blow. Some Orange County cities trim their trees more frequently than Anaheim and avoid pruning roots, according to the newspaper report.

City crews had cut the tree's roots and pruned the canopy about five years earlier, but the tree was top-heavy, the city's lawyer said. The sidewalk-side roots were pruned when the sidewalk was replaced - about five years before the April accident - and street-side roots were cut about 10 months earlier. The tree's canopy was last trimmed in June 2002 and was due on the city's schedule to be cut soon when it fell.

Family of man killed by tree to receive $700,000

The Anaheim, California, City Council in March agreed to pay $700,000 to the family of a man who was killed in April 2007 when a tree fell on his parked car.

On the day of the incident, 49-year-old Michael Gandy had parked his Ford Aerostar van on the street under a ficus tree. The 50-foot-tall tree crashed through the car's roof with Gandy in it. He died a few days later at a local hospital.

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A “truism” is any self-evident, obvious truth. It’s something to which everyone can nod their head in agreement. For instance, the sun rises in the east and sets in the west. The shortest distance between two points is a straight line. The one time you fail to come to a complete stop at a stop sign will be the time the officer is parked around the corner. It’s five months to the general election and I’m sick of hearing about politics.

Now that the pest management season is again in full swing, I would like to share some truisms regarding the spray business. I come about these having spent the better part of the past 37 years pulling the trigger of a B-Bean 785 spray gun.

1. In spite of your best preparations, there will always be a major mechanical problem on the first day of the season.
2. With the advent of low odor pesticides, it is important to hit the top of tall trees as you can no longer tell the client that the “stink” will kill the bugs.
3. Even with her body pumped with steroids, Marion Jones cannot outprint spray drift. We mortals should just accept the fact that we’re going to get wet.
4. It is best to drive a truck with an automatic transmission as it is virtually impossible to steer, look at a map, eat a sandwich and shift gears at the same time.
5. There is always one homeowner adjacent to your client who doesn’t want any chemicals to enter their property, even though they have six rat bait stations hidden beneath the shrubbery.
6. At least once a day you pull the trigger of the spray gun, thinking it is set to apply a steady stream, only to discover a fine mist emerging from the nozzle. At precisely this time, a breeze catches the mist. See item 3.
7. Be prepared to encounter a locked gate, dog in the backyard, windy conditions or a thunderstorm upon arriving at the furthest job from your office.
8. Given multiple tanks flowing through a single pump, there is nothing more frustrating than discovering that you spent the entire day treating insects with a fungicide because you threw the wrong valve.
9. When in the spray business, one learns exciting new words. Patina, for instance. Patina is the green tint that coats older bronze blobs some people call sculptures. It is the covering you’ll be accused of destroying with your spray materials this year even though you have been treating the trees with the same material for the past 12 years.
10. There is no such thing as a perfect day as something will always go wrong. And the worst breakdowns always occur on the calmest days. And carry one spare of everything except spray guns, where you will need two.
11. If you pull too hard on a hose that is hung up, you’re guaranteed to uproot a shrub, bend a downspout or snap an irrigation head.
12. When spraying, it is vital to be constantly aware of your surroundings. It takes approximately five seconds for a novice to climb out of a swimming pool. For those of us with considerable experience, it is possible to both enter and exit a pool without getting wet.
13. If you want privacy when standing in line at McDonald’s, spray with something stinky such as Orthene.
14. There was a time when pesticides left white spots on the leaves. Now that we use a new generation of materials, it is difficult for clients to tell when a treatment has been completed. When a client asks how they will know if you’ve been on the property, we use the old Walt Money line, “When you get the bill.”
15. The one time you fail to look over the fence before spraying will be the time when the local garden club is having tea beneath the neighbor’s pagoda.
16. There will be precious little left of both 200 feet of hose and the gun if they are dragged along the highway for five miles.
17. The longest, hardest drag with the largest diameter hose is always the last one of the day.
18. There is always one client who approves their contract the day after you’ve finished the route in their area.
19. Try as you will, it is never possible to squeeze an 8-foot-wide truck through a 7-foot, 11-inch opening.
20. Regardless of how well you cover the fish pond, when removing the tarp, all the chemicals will be dumped into the pond.
21. When driving by, it may seem appropriate but never polite to shut off a competitor’s pony engine when he’s in his client’s rear yard. It is neither appropriate nor polite to shut off mine.

Paul Wolfe owns and operates Integrated Plant Care, Inc. in Rockville, Maryland.

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, 136 Harvey Road, Suite B 101-B 110, Londonderry, NH 03053, or staruk@treecareindustry.org.
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