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June was a rough month – five fatalities; three serious injuries; and one rescue that we know of just from Google alerts. I looked to July hopefully, as a month when our industry would take steps every moment of every day to stop these occurrences – tailgate safety every day; hazard evaluations; working with a CTSP; proper PPE; not exceeding speed limits; not talking on the phone while driving; safety first. On July 1, we had a fatality and a serious injury.

And so, this is all I’m going to write this month. I leave the rest of this page blank intentionally. I want this industry to write the rest of the story, and I want it to be different. What are you doing today to make sure your teammates care enough about each other to insure no one gets hurt?
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Industry Almanac
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Plant health care programs improve a company’s presence and visibility on client properties, and should boost revenues if worked properly.

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By Elmer Pyke
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Please circle 37 on Reader Service Card
Mark Twain infamously called golf “a good walk spoiled.” Maybe his course never had any trees. If Twain had tried one with tree-lined fairways, he’d have heard more than his share of stories – and how could the American fiction master have resisted that?

Because, for the layout with trees, or ones that used to have a few, or even those with one lonesome pine (or oak, cypress or willow), a tale of how they got there, how they’re cared for or how they went the way of all flesh are as common as the weekend duffer dreaming of the Amen Corner or the bonnie links o’ Scotland.

Twain might have especially liked the one about the putter that fell to earth. So read on for a variety of tales at some sweet layouts. The real story of trees on golf courses is, well – the trees.

Presidential Privilege
Augusta National, Augusta, Georgia

Augusta National Golf Club is arguably the most storied, exclusive and tree-story-laden golf course in the world. The permanent home of The Masters professional golf tournament begins and ends in tree lore. Augusta opened in 1933, reportedly built on grounds formerly housing a tree farm. Each of the 18 holes is named according to a tree or shrub (see box). Since The Masters is played in the spring, these are often fully flowered during the event.

A tree known simply as “the big oak” stands near the clubhouse, and is approximately 150 years old.

But perhaps the most famous tree is the “Eisenhower Pine,” a loblolly pine on hole 17, some 200 yards from the tee box. President Dwight D. Eisenhower, who often played and stayed at Augusta, hit into the tree almost as often, and the pine has long been called in his honor.

There is also a pond, named Ike’s Pond, in honor of Eisenhower, too. Ike reportedly told Augusta Chairman Clifford Roberts he’d found the ideal spot for a dam, if the club would like a fishpond. The dam was immediately built, and the pond was born.

Augusta is reportedly getting more tree-like recently as well – news reports noted that, as of 2007 the course had added more than 250 trees, to create new angles on shots and make some holes harder.
Iconic Grandeur
(or “The Charlie Brown”)  
Chambers Bay, Tacoma, Wash.

For 110 years it was a sand and gravel pit – reportedly the most productive one in the country in the 1970s – so you wouldn’t expect many trees in the area. Now a top-flight golf course called Chambers Bay, there still aren’t many trees. In fact, there’s one. Folks around here are growing fond of it, too.

“During construction the golf course architect loved it and threatened the lives of any worker who damaged it,” says David Wienecke, director of golf course management at the course. “It’s not a specimen tree. I call it the ‘Charlie Brown’ tree.”

The Douglas fir is upward of 40 feet tall, Wienecke figures, growing in a hilly dune section on the Puget Sound side of the course, behind the fifteenth green. It’s become an icon for the golf course itself.

“It’s in the ads and articles, and almost every photo has that tree,” he says. “That tree has become the image of the course in everyone’s mind.”

But not everyone likes it. Or perhaps some people are just jerks. In late April, vandals hacked portions of the trunk with an axe. Wienecke says people have significant access to the area, because the course is popular, and a public walking trail runs through the course. “We are in the public eye,” he says. “It makes security hard.”

In the aftermath of the attack, he received e-mails, calls and even letters advising him how to care for the tree. He brought in an arborist, putting in braces to support the tree but opting against a fence to prevent access. “The wounds weren’t life-threatening, and we didn’t want to harm the aesthetics,” he says.

Instead, there is now an 8-foot-tall, black, cyclone-fence wrap-pinging padlocked to the tree. Wienecke can unlock it to care for it, but it is invisible to the eye from a distance.

“It’s near the championship tees on the sixteenth,” he says, which he rarely uses. “You won’t even know it’s wrapped.”

Wienecke figures the fir is only 50 to 75 years old – but may not have many years left. It grows where trees don’t, and it’s been attacked. “The growth rings are compact so we know it’s been stressed,” he says. “There’s a lot of cone production – so it might be saying it won’t be around much longer.”

Two Trees (or “Return to History”)
Oakmont Country Club, Oakmont, Pennsylvania

“They started planting trees here in the 1960s and ‘70s,” John Zimmers says. He’s superintendent at Oakmont Country Club, which, beginning in the 1990s, started removing those same trees.

He figures plantings began as part of a “beautify America” program following the post-WWII building boom that saw functional-but-ugly buildings thrown up all over the country to accommodate the fast-growing population. Further impetus came from club members to “beautify Oakmont” – and the club added several thousand trees – some 40 years ago.

They were indeed beautiful trees, and it was a nice, shady course. But it was wrong for the golf course long-term. “It was way overgrown,” Zimmers says. “There were more than 5,000 trees on the course. It affected how it looked and how it played.”

The trees had been a big problem for the greens, he says. “Trees and grass don’t grow well together,” Zimmers says. It also wasn’t true to Oakmont history. Henry Fownes drew it in 1903 as a ‘links-style’ course, i.e., similar to ones in golf’s homeland, Scotland: windswept greens and grasses – no trees. “We were trying to restore the golf course to its original design.”

Oakmont started removing evergreens in the mid-1990s, he says, just to “clear some space.” As work progressed, they got more aggressive. “They realized, ‘The more we open it, the better it looks and plays.’”

Because the membership at the time liked the trees, a lot of the work had to be done in the early morning or late at night. “At the beginning, it was a sensitive issue,” Zimmers says. “Now if you surveyed the membership, 98 to 99 percent would approve.”

Trees that had overgrown bunkers and greens – gone. Trees for an idea, someone’s idea, of beauty – gone. Nearly all the trees – gone. By 2005, they were done. “It was a big undertaking,” he says. “Now the course is restored.”

So much so, that Oakmont hosted the U.S. Open last year. The course, brand new and wonderfully old at the same time, wowed the observers, players and attendees who came to the Open – with an estimated 10,000 more of the latter able to come because removing the trees added so much room. Oakmont’s revitalist return to tradition raised the club into the top echelons of Golf Digest’s Top 100 courses, and the USGA advised golf courses that were considering tree removal and course restoration to visit Oakmont, to see how it’s done.

Only two trees remain: at the third tee and near the fourth and fifth holes. “They’re staying for now,” Zimmers says.
A Short Cut (or “No Slow Growth”)
Inverness Club, Toledo, Ohio

Designed in 1903 by Donald Ross, one of a handful of legendary U.S. course designers from the early years of golf in the states, it was 75 years later that Inverness became known for “the Hinkle tree.”

Courses are often changed and improved in various ways prior to major golf events; all are spruced up, dressed to the nines, to accommodate excellent golfers, galleries of spectators, and television cameras. In 1979, Inverness hosted the U.S. Open, and something one golfer did is remembered today.

Lon Hinkle studied the course intently during a practice round, and noticed the 8th had been changed from a long par-three to a par-five, to make room for spectators. He saw that by playing the seventeenth fairway instead, which ran next to the eighth, he’d get a 50-yard shortcut.

It wasn’t against any Rules of Golf, and the fairway in question was clear of golfers, so during the first round he nailed his shot just that way. He birdied the hole, gaining a stroke on his competition.

Overnight, the United States Golf Association fixed his caddy wagon. They planted a 25-foot spruce to block the route.

Several golfers that second day, including Hinkle, nonetheless tried the same strategy as before. Some didn’t make it over the tree, some did, and one did – only to land in the ravine opposite. Hinkle found the green in two that second round – another good performance.

In the final two rounds Hinkle played the 8th the conventional way. The tree still stands. Unfortunately, we were not able to find a good picture of the Hinckle Tree or Inverness.

<table>
<thead>
<tr>
<th>Front Nine</th>
<th>Hole</th>
<th>Name</th>
<th>Par</th>
<th>Yards</th>
<th>Meters</th>
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<td>4</td>
<td>455</td>
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<td>Pink Dogwood</td>
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<td>575</td>
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<td>Holly</td>
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What’s in a name?
Everything at Augusta

Augusta National’s 18 holes are all named for trees.

Front Nine
Hole | Name          | Par | Yards | Meters |
--- | ---------------|-----|-------|--------|
1    | Tea Olive      | 4   | 455   | 416   |
2    | Pink Dogwood   | 5   | 575   | 526   |
3    | Flowering Peach| 4   | 350   | 320   |
4    | Flowering Crab Apple| 3 | 240 | 219 |
5    | Magnolia       | 4   | 455   | 416   |
6    | Juniper        | 3   | 180   | 165   |
7    | Pampas         | 4   | 450   | 411   |
8    | Yellow Jasmine | 5   | 570   | 521   |
9    | Carolina Cherry| 4   | 460   | 421   |

Back Nine
Hole | Name          | Par | Yards | Meters |
--- | ---------------|-----|-------|--------|
10   | Camellia       | 4   | 495   | 453   |
11   | White Dogwood  | 4   | 505   | 462   |
12   | Golden Bell    | 3   | 155   | 142   |
13   | Azalea         | 5   | 510   | 466   |
14   | Chinese Fir    | 4   | 440   | 402   |
15   | Firethorn      | 5   | 530   | 485   |
16   | Redbud         | 3   | 170   | 155   |
17   | Nandina        | 4   | 440   | 402   |
18   | Holly          | 4   | 465   | 425   |
Trees grow in Oklahoma
Southern Hills, Tulsa, Oklahoma

Conventional images of Oklahoma – primarily from Depression Era photos and John Steinbeck’s *The Grapes of Wrath* – suggest the place where God decided to collect all the dust from creating the world. In fact, the state is heavily forested – not to mention mountained and laked – and very little is the “Dust Bowl” of old.

“This is green country,” says Russ Myers, superintendent at Southern Hills Country Club here.

It’s a native oak area, he notes, along with sycamore, and the private club has a full-time horticulturist on staff.

In fact, Southern Hills has some 4,000 trees on its 27 holes. It’s a far cry from the two dozen first planted near five greens – for shade – when the course was built in 1936.

Occasionally, the trees cause trouble. A state champion American elm on the second green was one of them. About 150 years old, Myers had to remove it in February 2007.

“It was either the largest or the oldest in the state,” he says. “But we battled with that green for years.”

Myers worked with a tree care company to survey the course, mapping each tree in a shade analysis study to find which ones were causing problems. He found the green in question was getting less than an hour of sun.

The choices were to move the green, accept the poor grass or take the tree out.

“The membership did not want the tree removed,” Myers says. “It was a whole mindset to go through, and it truly took facts and data to show them the need.”

When they took it down – the elm was at least 5 feet in diameter – Myers learned the tree was almost entirely hollow inside from disease.

The result since its removal? “It turned that green into one of our strongest,” he says.

Myers also lost about 100 trees to an ice storm last winter, and has replanted many to replace others. In fact the club, with just under 1,000 members, is working on its vision of what the course will look like for the next 30 years.
Measure Once, Putt Twice  
Wilson Golf Course, Los Angeles, California

People usually throw their clubs into the lake.

James Ward, golf manager for the Los Angeles department of parks and recreation, was managing one of the city’s golf courses, Wilson, in 1997. A popular layout at Griffith Park, Wilson Golf Course plays more than 90,000 rounds a year. After one of those rounds, says Ward, a golfer came up to the starter with an odd request.

“He said, ‘I need your help recovering a putter,’” recalls Ward.

At the par-five fifteenth, the golfer had quarreled with the foursome playing behind him. Golf balls were tapped out of the way, tempers flared – and a player in the foursome threw the man’s putter into a eucalyptus globulus (blue gum). “It was 80 or 90 feet tall,” Ward says. “The putter was 30 feet up.”

The golfer explained the putter – a BullsEye, with a brass blade – had been his father’s; he needed it back.

He left his name and number, and the next day, a tree crew knocked a putter out of the tree: a BullsEye with a brass blade. “We called him, he came down, looked at it, and said, ‘This is not my putter.’”

Yes, when the crew went back into the tree, they found another putter – a BullsEye with a brass blade. “One tree on one hole had two putters in it,” says Ward. “Nothing that crazy has happened since.”

The man retrieved his dad’s putter. But, Ward says, “I still have the other one.”

The Old Oak Tree (or “If you build it – don’t touch the tree”)  
Raleigh World Golf Course, Norwood, Iowa

Raleigh Dunston has spent the better part of 20 years building his golf course. He started it in 1990, opened it in 2002, and improves it a little bit every day.

“I’m trying to make it a full-time thing, but it’s not yet,” he says.

But Raleigh World is more than just “pasture golf,” with a few holes in a field, and a box to collect greens fees on the honor system. Dunston has a full 18 holes, flags, rental carts, a 3,000-square-foot clubhouse (a converted barn) – even advertising. The green mower goes out every day.

“The only difference is I don’t have bent grass,” he says. “So it’s more like early golf.”

It plays about 5,000 to 8,000 rounds a year – he’s not quite sure, since it’s more a labor of love than a labor of economics and spreadsheets. But his wife loves the tree.

It was there, on his family’s land, when he was 5 years old; it was there when he was building the golf course, and it’s there now, right on the fourteenth green.

“That tree has been standing for about a hundred years,” Dunston says. “My wife kind of adopted it when I was working on the course, and she wouldn’t let me cut it down.”

An old oak tree, sans yellow ribbon, it doesn’t bloom or grow or die. “It doesn’t do anything,” Dunston says. “It just stands there.”

Right in the middle of play.

“That just makes it a little bit more fun,” he says. “We put up a sign that says if you hit the tree, it’s a three-stroke penalty.”
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Tree Hugger
Abington Country Club, Jenkintown, Pennsylvania

You can’t miss it, much as they’d like to. The fifth hole at Abington has a willow tree on it – right on it. The tree, about 40 feet tall, is smack dab in front of the green. It blocks at least one-third of the landing area at the hole, making viewing it – let alone access to it – a challenge, to say the least.

“It’s a par-three,” says Timothy Walker, superintendent. So, on such a short hole, “You have to go over it or around it. And, in the evening the hole plays right into the sun.”

The owner won’t cut it down, he says. “He’s not into cutting trees down,” Walker notes nonchalantly. “He just likes trees.”

The course was built in 1913 and Walker believes the tree was there at that time, though he’s not sure of the history of the tree itself. Complicating matters is that the course owner is actually long-term leasing the land from a Pennsylvania Quaker group, he says.

“It’s the Abington Friends,” Walker says. “Maybe we can’t actually do anything with the tree.”

“It’s a nice looking tree, he notes, that presents a practical problem.

“It’s funny to have it there,” Walker says. “Golfers actually like the tree; I have no idea why.”

Other courses have their tales, tall or otherwise, as well, including:

- The enormous elm that once stood sentry behind the tenth green at Winged Foot Golf Club in Mamaroneck, N.Y. (and the 7,800 trees – the majority less than 6-inches in diameter, or suffering from blight – removed to build the course in 1922).
- How trees make Blackwolf Run, Kohler, Wis., more challenging, a result of the design by course architect Pete Dye, known as much for what he leaves in as for what he takes out, all the more to bedevil golfers.
- Oak Tree Golf Club in Edmond, Okla., reportedly had a noose hanging from a tree on the par-five sixteenth hole. Placed there by a golfer who wanted a stark visual image of the hole’s difficulty (Oak Tree was also designed by Pete Dye), the noose was criticized in 2004 as an alleged symbol of racism; it was soon removed.

And the rest of the story…
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Professional Arborist
Two-time ISA Champion, Tree Climbing Champion

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Care of Trees merges with Davey Tree Experts

The Davey Tree Expert Company has acquired The Care of Trees, Inc., creating one of the largest commercial tree care organizations in the world. The Care of Trees will operate as a wholly owned Davey subsidiary.

“The Care of Trees and Davey Tree combined have nearly 170 years of experience providing advanced tree care services. We will continue to focus on service integrity as we build on the best qualities of both companies,” said Karl J. Warnke, Davey president and CEO. “It’s an exciting time as we unite our individual strengths for the mutual benefit of our clients and our employee owners.”

Davey Tree, founded in 1880 by John Davey, had consolidated revenues of $506 million in 2007. Employee-owned since 1979, Davey is the 16th largest majority employee-owned company in the United States according to the National Center for Employee Ownership.

The Care of Trees, based in Wheeling, Illinois, has operations and facilities in Illinois, California, Connecticut, Maryland, New York, Pennsylvania and Virginia. It provides tree care services for more than 60,000 residential and commercial clients. In 2007, The Care of Trees posted revenues of approximately $51 million.

Hendricksen Tree Experts was established in the 1960s by John R. Hendricksen, and later became The Care of Trees as a result of the merger of Archibald Enoch Price, the Care of Trees, and Hendricksen Tree Experts in 1985. Hendricksen, prior to the merger, was the principal owner of this employee-owned business.

Warnke added, “Our companies have many similarities. As employee-owned companies, our people are the foundation of our success. We have storied histories and similar cultures. We take pride in providing employees with the atmosphere and training they need to deliver the highest levels of performance and customer service.”

“This merger gives us the chance to take the best practices of both companies across North America,” said Hendricksen, chairman of The Care of Trees. “Our commitment to our employees, particularly exemplified with our Leading with Safety program, is very compatible with Davey’s safety commitment to their employee owners.”

This transaction is Davey’s thirteenth acquisition in the past two years. It follows Davey’s March 2008 acquisition of the assets of Wolf Tree Experts, Inc., a Knoxville, Tennessee-based utility tree trimming company with 700 employees, a 13-state service area, and annualized revenues of over $40 million.

**PLANET gives $104k to Project Evergreen**

The Professional Landcare Network (PLANET) in June donated $104,000 to Project EverGreen, the largest single donation in that non-profit organization’s history.

This investment recognizes the need by the green industry to inform consumers about managed green spaces, according to Chris Kujawa, Project EverGreen board president.

“It’s crucial Project EverGreen continue its goals of consumer education and information about the importance of managed green spaces,” Kujawa said in announcing the gift.

“PLANET is proud to support Project EverGreen’s mission to raise awareness about the benefits of green spaces and to promote the significance of those who preserve and enhance green spaces,” said Jason Cupp, PLANET board president. “Our partnership plays an important role in educating the consumer marketplace.”

PLANET is a national organization representing landscape contractors and lawn care operators. Project EverGreen’s mission is to inform and educate the public about the positive effects of well-maintained green spaces, including lawns and landscapes, sports turf, golf courses, parks, and other green spaces.

**Dow Agro names vegetation researchers**

Chad Cummings and David Hillger, both Ph.D.s, have accepted the role of field scientists for Dow AgroSciences' vegetation management group in the U.S. Both will be engaged in field research and new product development, working with university cooperators and supporting the sales force.

Cummings will provide field support in Oklahoma, Kansas, Arkansas, New Mexico and Colorado. He earned his bachelor’s degree in agronomy, master’s degree in weed science and doctorate degree in rangeland ecology from Oklahoma State University. Cummings previously served as a research technician for the OSU rangeland ecology department, where he worked for six years. He’s located in Stillwater, Okla.

Hillger will serve Michigan, Indiana, Ohio, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire and Maine. He earned his bachelor’s degree in agricultural education from Ohio State in 1996. He also earned his master’s and doctorate degrees in botany and plant pathology from Purdue University with an emphasis on weed science. Hillger previously held a position as a post doctorate researcher in weed science at Michigan State University. He also held an internship with Countrymark Cooperative, where he focused on herbicide application, sales and recommendations. His office is located in Pickerington, Ohio.

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Cutting Edge - Products

Stihl MS 280 Chain Saw Gets Smart

Stihl’s MS 280 and MS 280 C-BQ are equipped with a new, patented Intelligent Engine Management (IEM) system that automatically optimizes fuel mixture over the complete RPM range to deliver maximum engine power at all times. The IEM system eliminates the need for manual corrections of the high speed adjustment screw, reduces the risk of damage due to incorrect settings and optimizes engine power and performance automatically. It also compensates automatically for a dirty air filter, varying altitudes, fluctuating temperatures and varying fuel qualities. The MS 280 series saws also feature a 54.7cc, 3.6 bhp engine, a heavy duty anti-vibration system and an ElastoStart shock-absorbing handle and decompression valve. The MS 280 C-BQ also features a second chain braking system and a Quick Chain Adjuster. Contact Stihl at 1-800-GO STIHL (1-800-467-8445) or via www.stihlus.com.

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Tracked Lifts Omme “spider” lifts

Tracked Lifts Inc.’s new Omme tracked, self-propelled “spider” lifts range includes 76-foot, 88-foot and 102-foot machines, priced between $150,000-$200,000. High gradeability, all-terrain crossing ability and variable-spread outriggers make them ideal for tree work. Kubota diesel engines with 24-volt batteries for alternate power create a true hybrid system for outdoor and indoor use. All machines are 3-feet 8-inches wide, 6-feet 7-inches high, weigh less than 8,300 pounds and can be transported on a trailer behind a pick-up truck. Contact Tracked Lifts Inc. of Syosset, N.Y., at (201) 206-2464, via www.trackedlifts.com or see them at TCI EXPO in Milwaukee in November.

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EZ Lift RL Manual Lever Puller

The EZ Lift RL Manual Lever Puller from R&M Materials Handling, Inc. is compact, efficient and durable, and designed for hoisting and pulling loads of any kind. Models are available for 1/4-ton, 3/4-ton, 1.5 ton, and 3 ton capacities. Though customizable, the EZ Lift RL lever puller comes standard with a lift of 5 feet. The EZ Lift RL benefits include compact size, safe load protection, easy load handling and long service life. More compact than the conventional lever puller, the EZ Lift RL is manufactured with high quality steel and comes standard with a chrome finish. The enclosed, automatic brake provides protection against debris, and the entire device meets or exceeds international standards, including safety standard ASME B30.21. It has 360-degree handle rotation and a rubber grip for ease of use, safety and comfort. Contact R&M Materials Handling, Inc. at 1-800-955-9967 or via www.rmhoist.com.

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Intelli-Spray hose reel sprayers

Intelli-Spray remote control, retractable hose-reel sprayers make chemical application and tree spraying an easy, one person job. The “point of difference” with this sprayer is that the hose reels on Intelli-Spray systems are remote controlled to wind up the hose. The hose rewind is even powerful enough to assist the operator up steep embankments. The system uses a lightweight hose that slides easily around tree trunks and other obstacles, unlike traditional rubber hoses. The hose is kink resistant and the remote rewind allows the operator to retract the hose as he walks back to the truck, avoiding the tangles that normally happen when rewinding at the truck. Intelli-Spray systems are a top grade, premium quality sprayer built to perform in the most rugged conditions. The triple diaphragm pump allows for a smooth and consistent spray pattern under all pressures, perfect for spraying trees and ornamentals. Options include, but are not limited to, a 12 volt remote-control hose reel that can attach to any existing sprayer; a gas powered single or dual reel sprayer supplied with a tank as a slip-on style unit; or a gas powered sprayer without a tank to attach to an existing tank. Contact Intelli-Spray systems via Enviroquip Inc. in Monroe, N.C., at (704) 363-1768 or via www.enviroquipinc.com.

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Don Staruk at staruk@tcia.org
Dow Milestone VM Plus

Dow AgroSciences's Milestone VM Plus specialty herbicide is now labeled and available for sale and use in California. Developed to serve as a foundational herbicide for vegetation managers, Milestone VM Plus features broad-spectrum control of broadleaf weeds and sensitive brush species. The fast knockdown power, residual control and an excellent environmental profile are all available in one easy-to-use formulation. The non-ester, essentially nonvolatile formulation features a “Caution” signal word. It has demonstrated residual control on more than 65 of the toughest-to-control broadleaf weeds and more than 45 sensitive woody plants in roadside, utility rights-of-way and wildlife areas. It can be sprayed up to the water’s edge and no special license is required for purchase or application. It is labeled for use on rights-of-way, including roadsides, electric utility and communications transmission lines, pipelines, railroads and other areas. Contact Dow AgroSciences via www.dowagro.com.

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Jonsered top-handle arborist saw

Jonsered’s new CS 2139T is a top handle chain saw designed for tree care professionals. The new 39cc saw delivers 15 percent more power than Jonsered’s previous model with no added weight. Horsepower rating is 2.3 DIN hp at 9600 rpm. Power head weight is 7.7 pounds. The improved CS 2139T also offers lower vibration levels and has a button-free automatic decompression valve. Other features include a side-access chain tensioner, air purge primer and turbo air filtration. Engine construction includes a three-piece crankshaft with forged connecting rod. Contact Jonsered importer Tilton Equipment Company at 1-877-693-7729 or via www.tiltonequipment.com.

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Events & Seminars

August 5-6, 2008
Precision Felling, Chain Saw Handling, Safety & Ergonomics 2-day training module
Attleboro, MA
Contact: info@arbormaster.com; (860) 429-5028; www.arbormaster.com

August 7, 2008
Diagnosing Pine Wilt: New disease attacking MI pines
Franklin, MI
Contact: MGIA (248) 646-4992; www.landscape.org

August 7-8, 2008
ArborMaster Level 1 Climbing Methods & Best Practice
Attleboro, MA
Contact: info@arbormaster.com; (860) 429-5028; www.arbormaster.com

August 8, 2008
SHADE-Southwest Horticulture Annual Day of Education
Buttes Resort, Tempe, AZ
Contact: AZ Nursery Assn (480) 966-1610; www.azna.org

August 14, 2008
Turfgrass Diagnostics & Cultural Practices Workshop
 Traverse City, MI
Contact: MGIA (248) 646-4992; www.landscape.org

August 19, 2008
Signs, Symptoms and Treatment Options of Plant Diseases, Pests and Disorders
Bloomfield Hills, MI
Contact: MGIA (248) 646-4992; www.landscape.org

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

August 28, 2008
Turfgrass Diagnostics & Cultural Practices Workshop!
Bloomfield Hills, MI
Contact: MGIA (248) 646-4992; www.landscape.org

September 9, 2008
MGIA's 4th Annual Snow Management Conf. & Expo
Novi, MI
Contact: MGIA (248) 646-4992; www.landscape.org

September 9-11, 2008
IPM for Ornamental Trees, Shrubs and Turf Pest and Disease Management
Ann Arbor, Michigan
Contact: Matt (609) 625-6021; www.isa-arbor.com

September 10, 2008
Virginia Tech Horticulture Field Day
Hampton Roads Ag. Research Ctr., Virginia Beach, VA
Contact: (757) 647-0110; www.vahort.org

September 11, 2008
Urban Tree Risk Assessment workshop
UTenn, TN State Ext., TN Tech., Tree Solutions, Hallers Lnd
Knoxville, TN
Contact: Joshua Idassi (615) 963-5616; jidassi@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.tufc.com; (615) 352-8985

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

September 17-18, 2008
Climbing Methods & Best Practice, 2-day training
Longmont, CO
Contact: info@arbormaster.com; (860) 429-5028; www.arbormaster.com

September 19-20, 2008
Precision Felling, Chain Saw Handling, Safety & Ergonomics 2-day training module
Longmont, CO
Contact: info@arbormaster.com; (860) 429-5028; www.arbormaster.com

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

September 22-23, 2008
Arborist Rigging Applications
Longmont, CO
Contact: info@arbormaster.com; (860) 429-5028; www.arbormaster.com

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

For the most up to date calendar information, visit www.treecareindustry.org ⇒ news ⇒ industry calendar

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Tree Care Industry,
136 Harvey Road, Suite 101
Londonderry, NH 03053-7439
or
staruk@treecareindustry.org

October 7-8, 2008
Climbing Methods & Best Practice
Two-day Hands-On Training Module (Spanish speaking)
New York City, NY
Contact: info@arbormaster.com; (860) 429-5028; www.arbormaster.com

October 9, 2008
MGIA Test-n-Tune/Compliance 2008
Shelby Township, MI
Contact: MGIA (248) 646-4992; www.landscape.org

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

October 14-16, 2008
Climbing Methods & Best Practice 3-day training
Richmond, VA
Contact: info@arbormaster.com; (860) 429-5028; www.arbormaster.com

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

November 13-15, 2008*
TCI EXPO 2008*
Milwaukee, WI
Contact: Deb Cyr 1-800-733-2622; cyr@tcia.org; www.tcia.org

January 7-9, 2009
Empire State Green Industry Show
Rochester, NY
Contact: NYSTA (518) 783-1322; www.nysta.org

February 4-6, 2009*
New England Grows
Boston Convention & Exhibition Center, Boston, MA
Contact: Mary Simard mary@NEGrows.org; (508) 653-3009; www.NEGrows.org

February 8-12, 2009*
Winter Management Conference 2009*
Westin Grand Bahama Island Our Lucaya Resort & Sheraton Grand Bahama Island Our Lucaya Resort Bahamas
Contact: Deb Cyr 1-800-733-2622; cyr@tcia.org; www.tcia.org

March 3-4, 2009
MGIA’s 22nd Annual Trade Show & Convention
Rock Financial Showplace,
Novi, Michigan
Contact: MGIA (248) 646-4992; www.landscape.org

* Indicates that TCIA staff will be in attendance
The ArborMAX insurance program is truly designed for the green industry. ArborMAX offers the most comprehensive coverages available at competitive premiums, coverages that are specifically tailored for the green industry professional. In addition, ArborMAX agents have years of tree care industry experience behind them and offer a knowledge and passion that other agents can’t match. For quality insurance programs, designed for the green industry, trust ArborMAX.

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By Rebecca Fater

In Roswell, Georgia, where a deep drought has parched the soil for the last two years, arborist Kevin Caldwell has noticed a disturbing trend: Pine beetles and spider mites are attacking the region’s trees about a month and a half ahead of schedule. Ambrosia beetles are descending on drought-stricken trees at an alarming rate. The number of calls for tree removals are way up.

Yet, business overall at Caldwell Tree Care is down about 27 percent from last year.

“The irony to me is that there hasn’t been a more critical time to hire arborists than now,” laments Caldwell, on a June day where temperatures peaked at 94 degrees. “We have more pest, insect and tree problems probably than I’ve ever seen in my career. But consumers are tightening their budgets. The bad part about it is, it’s a lose-lose for the businesses, and it’s a lose-lose for the clients.”

The Southeast is no stranger to drought.

Yet experts say the end isn’t in sight yet. The drought officially took hold of the region in March 2006, which means plants and trees are currently enduring a third growing season with too little water. That has major impacts on trees and other vegetation, particularly those without well-developed root systems that cannot reach deeper into the earth for what little water is available, explains climatologist David Stooksbury, professor of engineering and atmospheric sciences in the College of Agricultural and Environmental Sciences at the University of Georgia.

He measures the severity of the drought not according to inches of rain that fall, but...
by actual soil moisture levels – an indicator that more accurately reflects the amount of moisture available to vegetation. The region has received approximately 25 inches of rain annually during the drought, he said, but that fact can be deceiving: for an area accustomed to an average of 50 inches per year – 100 in the mountains – it’s not nearly enough.

Visually, the landscape in Georgia and the Carolinas, as well as Alabama and Tennessee, is also deceiving. The small amount of rain that has fallen has been enough to green up the plants, shrubs and most trees.

“People’s image of drought is Clint Eastwood walking down a dusty road with the tumbleweed rolling by and maybe a dead cow over to the side,” Stooksbury says. “But that’s not what the drought is going to look like in the Southeast, even extreme drought. The trees are still green. I think that has misled folks.”

That misconception, cautions Caldwell, compounds the problem for trees: many people don’t realize they need extra help. The average homeowner, for example, probably has not noticed that a certain species of evergreen tree called Leyland cypress – used prolifically in landscaping – is increasingly disease-ridden due to drought, he notes. Pests and disease tend to attack trees and other plants during drought due to the already-stressed condition of the vegetation. In addition, towns’ outdoor water bans are discouraging or forbidding the regular watering of plants and trees, making the problem worse, he adds. It all adds up to many more calls to cut down and haul away dead trees.

“When someone calls us now, they’re calling us in a panic and it’s too late,” Caldwell says. “We’re looking at removal rather than treatment.”

An arborist can’t exactly count on return business with removals. It’s a problem familiar to Schneider Tree Care in Taylors, South Carolina, where the number of removal jobs has also increased. Even more frustrating, says Brandon Brown, president and plant health care supervisor for Schneider, is the fact that most South Carolina towns have not yet resorted to water bans – but nervous residents are still refraining from watering their trees and plants.

“We have had a lot more removals, unfortunately,” Brown says. “I would rather get out there and take care of those trees. But if people don’t water them, it’s kind of a moot point.”

In drought conditions, trees aren’t the only ones that need special attention. Supervisors at Schneider are emphasizing the importance of hydration to their workers.

“Not only is it affecting the trees, it’s affecting our workers in the trees,” explains Brown. “In our safety meetings we’re trying to reinforce drinking plenty of water. We’re also telling workers to take more breaks. We understand the job is going to take a little longer.”

Last year, a Schneider employee failed to notice the warning signs until too late. It wasn’t until he stopped sweating and began feeling lightheaded that he realized he was dangerously dehydrated.

“We had to get him down and give him water slowly,” Brown recalls.

Through recent radio advertising, Schneider Tree Care is trying to impress upon customers the importance of plant health care. In keeping with that theme, workers are depending regularly on the use of mycorrhizae treatments that allow the tree to take up what water and nutrients are in the soil more easily.

“It makes the tree more efficient,” says Brown.
But arborists can control only so much. The hard clay soil in South Carolina, combined with the few, short downpours and wind storms that do occur, causes many trees with shortened root systems to topple. “Trees are just uprooting and falling over,” Brown says. “For two of the last three weekends, we’ve been taking trees off houses.”

Schneider Tree Care is not the only company trying to combat the effects of drought through plant health care education. Arborguard Tree Specialists in Avondale Estates, Georgia, is working hard to spread the word about its newest answer to drought: an injectable drought-therapy mix made of liquefied black sea kelp from the Texas-Mexico border. The organic mix is supposed to increase the soil’s water-holding capacity by as much as 200 percent, according to Diane Lasek, marketing director for Arborguard.

Officially called Arborgrow Eco-Friendly Drought Survival Prescription, the solution is the result of 20 years of research from a group of scientists with whom Arborguard’s president, Spence Rosenfeld, has collaborated for years. “We inject this material in, and the roots never dry out. With the roots staying wet, (the trees) have more of a chance of sur-
viving,” she says.

As for customers’ reaction to this two-year-old product?

“It’s been really good,” insists Lasek, adding that business is actually up compared to past years. “If their trees aren’t dead, they’re happy. That’s about all they want to know.”

The treatment costs roughly $295 to inject the perimeter of a tree, but many customers are willing to pay.

“People say, ‘I want to check this out, because I really love my tree in the front yard and I don’t want to lose it,’” she says. “We would love the drought to end tomorrow so we could sell other products. But if it’s not going to happen, we all have to be proactive in educating the public.”

Paul Bagley, president of Downey Trees, Inc. in Cumming, Georgia, has also noticed current and new clients making an effort to be proactive. He says business is up, due to preventative treatments that customers have requested. His clients are relying on a less high tech approach to drought treatment: he has sold more mulch this year than ever before.

“If you wet the ground outside and you have the hot sunshine on it, it dries,” he says. “If you put mulch on it, it won’t dry as quickly.”

Whatever their strategies, property owners and tree care businesses should prepare to battle drought conditions for some time longer, predicts Stooksbury.

“Normally, once we get into summertime, it’s very difficult to break a drought,” he notes. “Moisture loss from soils due to evaporation and plant use is usually greater than rainfall in a normal season.”

The one caveat is the tropical season in late summer and fall, which provides some hope that tropical storms and hurricanes—which bring problems of their own—could provide enough water to save the region from even more crippling drought.

“If I was making business decisions, I would plan that the drought would last through the remainder of this year,” he warns.

When the soaking rains finally do come, Caldwell expects that the toll from the drought—made worse by the current economic slump—will eventually bring more customer calls than he knows what to do with.
Plant health care programs improve a company’s presence and visibility on client properties, thereby increasing the role of PHC programs in managing today’s landscapes.

Companies require staff who can draw from a large knowledge base and utilize a variety of skills to produce a service that can utilize this opportunity to its full potential. Attracting and retaining personnel to fill this role can be a challenging process, but is critical to the long-term growth of PHC programs. It is important to provide the infrastructure and support to attract staff for this purpose. Use of technology, where appropriate for you, is becoming more valuable to connect with a growing population of clients accustomed to, and expecting this from, an upscale service.

**Evaluation criteria**

What are some attributes of a PHC program that is maximizing its potential? These programs exhibit steady client growth and maintain high client retention rates. Sales staff have options available to select and mold a program to meet client needs. You are seen as being “in tune” with today’s environmental concerns. Quality service and good communication are a given. Personnel can recognize potential plant health issues and propose/implement solutions. Client communication is proactive and predominately originates from your office.

These programs generate sales of additional services beyond their scope. Plant health issues such as girdling roots and the need for growing environment remediation, for example, are brought to the attention of clients with proposed solutions. Client landscape decisions flow through you. As a result, you avoid being “the guy in the middle” who reacts to situations like a dog chasing its tail.

These programs have a core nucleus of energetic, enthusiastic and knowledgeable personnel who make the aforementioned characteristics happen. These individuals perform and communicate at a high level. They set the standard for new PHC personnel performance.

**Getting there**

PHC programs should allow flexibility for sales staff to customize a client’s program design as needed. A one-size-fits-all strategy often will miss potential clientele or reduce retention rates. Having several levels of plant care programs to choose from casts a larger net and brings in a larger catch. These programs can differ in intensity levels but still utilize core PHC concepts.

For example, scope of material monitored in programs can be one delineating component. Utilization of a “key plant or planting” type program can target those potential clients whose concerns are limited to certain plants or groupings, due to health, aesthetic, sentimental or privacy concerns, etc. The scope of these programs can range from one tree to hedges or front yard plantings. Including these clients under your PHC umbrella allows you to get compensated for your expertise; plants
are monitored with a watchful eye and treated in a holistic, thorough and responsible manner. Additional problems that may arise over time are detected early and dealt with in a timely manner. Detailed reporting and ample documentation are especially important in these types of programs.

Successful programs have improved their equipment design over time and appropriate tools are provided so that PHC personnel can perform jobs at peak efficiency. Poorly designed equipment frustrates personnel and can reduce job satisfaction and performance. The use of computer technology, including GPS capability, may be leveraged to varying degrees based on staff abilities.

Protocols need to be established for dealing with issues encountered during PHC visits. Personnel must have a clear understanding of what practices are included as part of a client’s program, leaving no allowance for “ball-dropping.” There should be no doubt as to what’s to be taken care of on site and what requires a recommendation for action that may lead to sale of additional services. In the end, a balance needs to be established between client expectations, efficiency of delivery, pricing/profitability and potential for additional sales.

Personnel are a vital component of programs that are maximizing their potential. PHC programs are a high-end service. Clients generally will have higher expectations of the service they are to receive. PHC personnel need to possess not only a high level of expertise in problem solving, but, equally as important, they need to possess the ability to convey information in an intelligent manner.

Polished verbal and written communication skills are essential due to the need for report generation and on-site client interaction. The importance of these characteristics becomes magnified the more you are on site. These skills help create customer confidence, set you apart from other contractors and generate additional sales. These skills also facilitate quality company-client relations by providing a friendly and knowledgeable front-end interface for clients. A reduction of administrative overhead is also often achieved as employees with these skills help to identify and avoid potential issues quickly. This can prevent situations from escalating into needless, frustrating phone calls. PHC personnel reflect not only the quality of your program, but of your company as well. Therefore, the addition of PHC personnel needs to be a highly selective process.

**Selecting and training PHC personnel**

So, who is the right person to fill this role? In general, PHC personnel need to be knowledge seekers – people who are always looking to learn new information. They should have a high degree of self-motivation and be willing to find answers if answers are not readily available. The number and type of questions they generate and how quickly they grasp concepts during training will be an indicator of these traits. If they have not attained certification status yet, they should be on the fast track to it – as this will be an indicator of career interest. Due to the time necessary to train PHC personnel, you cannot afford to use your training time inefficiently.

Personnel need to possess a keen power of observation and be able to process a lot of visual cues in a short time. People need the ability to focus in on details. While sorting out what is important and what isn’t is part of the learning curve, if people do not possess good observational skills they will be less likely to solve the more obscure problems. There also is a need for a problem-solving mindset. Personnel need to process information in a logical manner, arriving at conclusions deductively. The decision-making process of people who lack these two traits is usually flawed. PHC personnel should possess the desire to “do what it takes” to make a diagnosis. This may include crawling underneath a shrub, doing a quick root collar/crown check or collecting a sample. Look for these traits to promote from within. This allows for exposure of company personnel to PHC programs, and it creates an alternative promotional ladder for employees as they mature.

It is important to understand the need for and value of an extended training period for program success and continuity. You can’t send someone out to do an effective job with “half a bag of tools.” PHC personnel need to translate a large pool of knowledge into practical solutions. Some examples of the integration needed include, but are not limited to:
1) knowledge of insect/disease life cycles and their influence on monitoring needs,
2) the ability to interpret pest/predator/parasite dynamics
3) understanding when and what treatment intervention is appropriate
4) recognizing growing environmental influences on plant health, and
5) being alert to tree safety issues.

This type of knowledge integration and application does not come overnight. Training, both during and off-season is an ongoing process. PHC personnel trained as a second person on a crew over the course of the year not only receive an on-the-job education but also observe the performance standards set by your key personnel. These key personnel are vital to sustain the quality and efficiency of programs through their production and training.

**Communication is a key to success**

Communication is one of the most important components of a successful PHC program. It is also an easy area in which to fall short. It is valuable to understand the flow of the communication chain. We obviously need to keep the client informed, as it reflects on the company, enhances customer satisfaction and drives future sales. The client’s consulting arborist and office personnel are also vital links in the communication chain. Clients may pass on questions or information for the consulting arborist through PHC personnel. Office staff may need to be made aware of changes in work order information or billing issues. Likewise, consulting arborists need to keep PHC personnel informed of client requests or concerns, or any changes in programs. A break in the communication chain creates frustration and dissatisfaction among all parties involved. Successful programs have protocols in place for efficient communication flow.

PHC reports are the primary means of client communication within programs. These reports can be generated through various methods, including database programs, hand-generated/multi-copy reports
Clarification on how to steer clear of labor problems

The article entitled “How to Steer Clear of Labor Problems” in your June issue was most informative but contained one significant error. The sentence, “Normal coffee breaks and meal periods must also be included as hours worked,” is not sufficiently clear.

Subject to various state laws, which should be reviewed to make sure that state’s law conforms to the federal law, the federal law is generally that coffee breaks and meal periods of 30 minutes or more are not compensable as long as the employee is fully relieved from his or her work duties.

If the employee is actively or even passively on duty while on the break or meal period, it is conceivable that that so-called rest or meal period would be compensable.

Gary Lieber
Saul Ewing, Washington, D.C.
Special counsel to TCIA for labor and employment law

Maximize Potential of PHC

(Continued from page 29)

left on site, or custom-designed report forms created through third-party software. Important messages should stand out from other detail to promote timely passage of information. Completion of these forms should be quick and easy. Client reports produced on site by field personnel reduce the chance for misinterpretation or omissions. The use of computer-generated, digital report forms has the advantage of utilizing pre-defined phraseology, via drop-down boxes, and spell checking to reduce grammatical miscues. Digital reports can be e-mailed and the ease of storage/data retrieval is enhanced via computer network synchronization.

One of the best tools in the PHC arsenal is the digital camera. Inclusion of color pictures in or along with reports can be an extremely useful tool for conveying information. These pictures may be printed and left on site, mailed with reports or e-mailed. They can also be integrated right into the PHC report. The advantage of incorporating pictures right into reports is that all information is kept together for documentation and helps to ensure a report is read. Pictures are often the most effective means for conveying information. They are useful not only in highlighting a treatment performed but also for addressing client questions, pointing out safety concerns or amplifying the need for additional services that can utilize your forestry or landscape crews. Documented reports are the perfect tool to compliment and reinforce your consulting arborists’ recommendations.

In summary, a plant health care program that is reaching its full potential is growing your company by working in tandem with your consulting arborists. Successful programs provide quality care to clients using practices appropriately and efficiently delivered by experienced personnel. The diversity of properties and problems encountered on a day-to-day basis in plant health care provides an interesting and challenging work environment that can serve to attract personnel suited to this job. Providing ongoing training and support is vital for improving performance and to keep personnel mentally engaged. Employees can grow into PHC positions as one pathway for advancement and personal growth. Companies can increase market share by leveraging their expertise and produce a product that creates both client satisfaction and a sense of accomplishment for staff.

Brian Hanson is plant health care manager at Cedar Lawn Tree Service, Inc. in Ashland, Mass. This article was excerpted from his presentation on the subject at TCI EXPO 2007 in Hartford.
The world of the brush cutter is undergoing a significant transformation. That applies to the mission as well as the machine.

As with other tools of our trade, the trend in brush cutters – or mulchers or right-of-way equipment, if you prefer – is toward getting more work done in less (or the same) time with fewer people and less overall cost. Now it seems that more equipment is being designed from the ground-up for the sole purposes of cutting or mulching brush and right-of-way clearing.

Simultaneously, brush cutting as a discipline has, or likely soon will, change; this doesn’t mean fewer business opportunities, just different ones. And, as the mission changes, the brush cutting armament needs to keep up. Here’s what we found, starting first with the mission of brush cutting.

Jerry Morey, president of Bandit Industries, always has an interesting perspective not only on evolving tree care technologies but also on the arborists’ tasks at hand. With regard to brush cutting, right-of-way cutting and maintenance, he says, “Certainly, labor is one of the biggest issues in the tree care industry. That means getting and using the latest machines that cut down on labor. What we are seeing right now is a fair amount of interest (in brush cutters), to control forest fires in the West and also in places like the South, where there’s a need to thin out southern pine trees that would be impossible to do with other kinds of equipment.” The challenge there, he says, is to take away marginally viable trees that will never grow to their full potential, then mechanically thin others so robust trees can mature into healthy specimens.

Moreover, what we found even more interesting is the impact the oil crunch likely will have on brush cutting. It’s not what you think. It’s more than just the day-to-day operational cost. According to Morey, it’s likely that demand for 6-, 7- and 8-inch diameter trees, now mulched without much thought, will be eyed for firewood and biomass-fueled furnaces. In Morey’s opinion, that will mean a return to more conventional cutting and use of the materials
represented by those trees, not mulching. This will depend, of course, on the tree material.

Nevertheless, Morey fully expects continued and growing demand for brush cutters, forestry mulchers and right-of-way clearing tools (and related equipment and accessories) as the demand to keep firebreaks and utility rights of way clear continues, and because there’s a growing trend to reject herbicides to control growth, especially in watershed areas. There, the preferred control method is mechanical and the most efficient means is the forestry cutter/mulcher.

For that marketplace, Morey says, Bandit recently delivered the second of the company’s second-generation, 275-horsepower Model 4000 stump grinder and forestry mowers. These are equipped with a larger Caterpillar 15 undercarriage, more hydraulic power and a roomier cab with better controls, he says, adding, “We have increased engine options to 325 horsepower, a 50 horsepower increase.” The 4000 comes with an 8-foot wide Fecon Forestry Mower. A smaller version with a 4- to 5-foot-wide mower is expected later in the year.

Wes Hall, southeast territory manager for FAE USA Inc., says that “One of the biggest trends we are seeing lately is the streamlining of mulching equipment; first, to make existing equipment more useful and productive, and second to develop all-new styles of equipment built for specific purposes. For example, we’re seeing a demand for mulching machines and cutters capable of getting into very rough areas. With our equipment, customers are finding that they are using less manpower and equipment and that they can get a job done in an equal or lesser amount of time,” he says.

“We are constantly coming out with new ideas,” says Dave Holze, FAE’s national sales manager, “such as our dedicated carrier, a whole new package designed from the ground-up to serve the tree care industry, right-of-way contractors and developers. The old way was to take an existing piece of dirt-moving equipment (such as a skid steer) and then convert it to a woods machine with mulcher. The trend now is toward building dedicated machines built for the purpose,” Holze says.

When it comes to fuel economy and equipment efficiencies, everything counts these days, right down to a new tooth design released by FAE in January called the Viper Mulching System or Viper Tooth. Hall explains that the design produces a more efficient cutting surface and versatile swap-out options depending on conditions. Greater efficiency means it is faster, which helps minimize machine effort and therefore wear, Hall says. The Viper tooth system is compatible with all FAE fixed-tooth heads.

Mark Ferguson, Western U.S. regional manager for Fecon, agrees with the assessment of new purpose-built equipment design and says, “What I see is a trend to purpose-duty machinery. Lots of people
have mulch heads for skid steers, which do an adequate job, but with the purpose-built machinery we see significant increases in productivity.”

“Our newest unit is the FTX148L. It’s forestry-guarded (think protected) for rugged environments. The loader arms have the ability to put on other skid steer quick attachments, but the purpose of the machine is to mulch in a forest and to maintain a right of way with the BH74 or BH85 cutting heads (74- or 85-inch overall dimensions).”

Ferguson also notes the advent of computerized technology to help manage hydraulic flow. “This is basically a microprocessor that reads the grinding needs of the head in real time. The computer sends information to the hydraulic system and engine controls to deliver a constant horsepower at all times.”

He cites the advantage of this when chomping a tree, from top to bottom. When reaching high into a tree with smaller diameter material, the cutting head needs a high head speed to maintain productivity. As the head comes down and the diameter of the material increases, the head automatically slows and the machine increases torque. “This represents a huge improvement in productivity, plus machine longevity,” he explains.

Ferguson is also seeing more mulching heads for excavators, which means owners can gain additional revenue by putting forestry cutting heads on. Fecon does not make excavators, just the mulching heads for machines of 12 metric ton capacities and up. The company is working on smaller units as well.

For excavators, Fecon also offers a self-contained add-on power unit – an extra engine and hydraulic pump dedicated to

“What I see is a trend to purpose-duty machinery. Lots of people have mulch heads for skid steers, which do an adequate job, but with the purpose-built machinery we see significant increases in productivity.”

Mark Ferguson
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fluid flow to the excavator head. Featuring up to 350 hp, the add-on engine can actually be of a larger horsepower rating than the excavator’s main power plant.

We’ve said before that small things count, and to increase both durability and productivity, Fecon has made technical advancements that evenly distribute material taken in across the cutting mill, thus producing a finer material grind on the first pass. Also added to the armory are recently developed chipper knives, two types of which can be applied to the mulching rotor to grind/chip a tree an inch or two below ground level and maintain their durability.. A third type, Ferguson says, is for severe stone or rock environments.

The purpose-built philosophy is also at the core of new mulcher technologies from Rayco, according to the company’s mulcher specialist, Jon Flournoy. He cited specifically the C100LFM Super Crawler introduced this year after two years in R&D. It features a Rayco D4-class chassis and Kubota 100 hp diesel turbo engine.

“What we have done is develop an industrial grade machine as a replacement for all kinds of skid steers and track loaders for the mulching market. We build them tough to be industrial grade in the 100 hp class,” Flournoy says. “Currently, we see nothing to match it in this weight class.”

The company is known for its mulching Predator, a Rayco head with FAE rotor, Flournoy explains, capable of grinding 6- to 8-inch material flush to the ground or slightly below.

Features that make the new purpose-built machine different are in the...
construction, according to Flournoy. “Everything is triple-pass welded, fabricated from hardened highest grade steel, and every component is powder coated for protection against the elements,” he adds.

“One of the biggest problems we’ve seen using standard track loaders is overheating in the summer months, especially in the South. They can’t run long without having to shut down. There’s not enough cooling for the hydraulics,” he maintains, which is why Rayco has installed two wide-fin engine radiators and an oversize industrial grade radiator with reversing fan to blow dust and debris out of the screens. This also helps prevent accumulated debris from catching fire, Flournoy says. “It’s as close as you can get to a self-cleaning mulcher!”

Finally, the new Rayco unit features cab “glass” made from an inch and a quarter, bulletproof Lexan, and three entries/exits, one each at the front, top and back, accessible from either side with the flip of a lever and re-lock capability. This is critical for three reasons, Flournoy explains. First, an operator has more than one means of getting into or out of the machine, depending on conditions. Second, in the event of an emergency, the operator can be reached quickly by other crewmembers from the exterior of the machine, and, finally, unlike emergency window exits used on some skid steers that have to be re-installed in the event of a quick escape, any exit can be used and then re-used without any shop time, which means down-time.

“Barko,” says Rick Bloom, director of sales, “sees the market for brush cutting and right-of-way maintenance continuing to grow as regulations begin to grow, particularly as they pertain to government lands. Federal and state government groups have an understanding and a requirement to preserve the habitat and also for the need for fire prevention,” he says.

That is one of the reasons Barko has manufactured several machines over the past year to meet differing site requirements, including rubber tired, wheeled machines (the Models 930 and 937) and the industrial 640 crawler. “All are designed specifically for difficult terrain where you must get in with a lengthy boom with a mulching head,” Bloom says.

With the specific purpose of mulching in mind, both of the Barko machines are designed to create and deliver sufficient high hydraulic horsepower to the mulching head. “An excavator converted to mulching likely cannot deliver enough hydraulic power,” says Bloom. Features also include load sensing technologies, which keep the machines operating optimally.

“It’s really all about smaller crews getting more done with equipment that’s been purpose-built for right-of-way clearing,” Bloom concludes.

The good news is that the business is changing in ways that continue to offer opportunities. The better news is that manufacturers of tree care equipment continue to anticipate our needs and respond with tools that will make us, or save us, money.
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A child plays by the trunk of the tulip poplar planted by George Washington in 1785 along Mt. Vernon's walk.

By Anne Galer

Trees planted by George Washington at Mount Vernon and by his family at River Farm in Alexandria, Virginia, are now more than 200 years old. How do the arborists entrusted with the care of these historic giants maintain them in the 21st Century?

In 1783, after eight years as Commander in Chief of the Continental Army, George Washington resigned his military commission and headed back to Mount Vernon to resume his life as a farmer and landowner of more than 8,000 acres in Virginia. As part of a major redesign of the mansion’s landscape in 1785, he planted trees to line the Serpentine Walk leading to the house.

Visiting today, you can still see the legacy of Washington’s arboricultural efforts. Native tulip poplars (Liriodendron tulipifera) planted by Washington stand more than 140 feet high along the green as you approach the house from the west. A tall old pecan tree (Carya illinoinensis), thought by historians to be one of the pecans given to Washington by Thomas Jefferson, provides a striking backdrop to the mansion and its view of the Potomac River. Midway down the steep slope to the river, a native chinquapin oak (Quercus muehlenbergii) breaks the descent with its massive trunk and craggy shape.

Four miles north of Mount Vernon along the George Washington Parkway is another historic site on land from one of George Washington’s original five farms. River Farm is now home to the American Horticultural Society and its grounds are open to the public to enjoy the Washington-era trees and contemporary plantings that flow down to the river.

An ancient Osage orange (Maclura pomifera), believed to be a gift from Thomas Jefferson to the Washington family, adjoins the house and a large native burr oak (or burr oak, Quercus macrocarpa) and lower-standing Frankinia (Frankinia alatamaha) have provided welcome shade for generations. Foxes have made a home burrowing near the decaying trunk of one of two majestic walnuts (Juglans) dating from the time Washington owned River Farm.

More than a million visitors each year enjoy the shade and the beauty of Mount Vernon and River Farm trees, but few realize the role of arborists in preserving them. Caring for these trees, as well as helping to protect the visiting public and historic buildings from the potential dangers of any structural weakness in them, is the task of Bartlett Tree Experts at Mount Vernon and The Care of Trees at River Farm.
Each firm has a slightly different approach and a different arborist-to-client relationship, but arborists for both firms are committed to, and successful in, prolonging the lives of the historic trees that are George Washington’s legacy.

Working for Mount Vernon’s horticultural staff, Bartlett has responsibility for trees known to have been planted by Washington himself and uses all its resources – including its own research labs and special equipment – in the maintenance. According to Stewart Bunn, Bartlett’s chief arborist for Mount Vernon, the computerized tree inventory developed by Bartlett Labs is the mainstay for managing the care and maintenance of the Mount Vernon trees. Each tree is mapped to its exact location by GPS and details of the tree’s size, condition and recommendations for care are entered in the computerized database of the inventory to form the basic maintenance strategy for each tree.

The inventory not only provides an easily accessible record for all the individual specialists working on the trees, but also can produce overlays of the locations of similar trees, conditions and disease patterns for diagnostic work. For instance, when the emerald ash borer was found across the river in Maryland, the GPS tree inventory made it possible to call up not only the old ash trees near the mansion, but to locate all the ash trees on the property so that preventative imidacloprid treatments could be applied.

Lightning systems are being updated to place spacers for the lightning cable farther from the trunk, install blunt tips that better attract the charge to run down the cable and, in some cases, to install fuse/breaker-like devises to document lightning strikes.
could be initiated. Each of Washington’s trees is subject to continuing visual analysis by Mount Vernon staff, using binoculars for the higher limbs. A climber-arborist inspects each tree in detail on an annual basis. To avoid unnecessary drilling that could introduce disease or weaken structure, the arborist first makes mallet soundings. Resistograph drilling is performed only for suspect areas of decay located by soundings.

Additional, sophisticated new technology that minimizes risk to the tree is also available to the Bartlett arborists. The non-invasive picus sonar can map out decay without harming the tree. Expensive and time consuming, this MRI-like technique is available for use on very valuable trees—such as Washington’s 1785 tulip poplar—when it is necessary to assess condition without any risk to the tree.

During the annual inspection, according to Bunn, the arborist’s findings are entered into the tree inventory and form the basis for analysis of the tree’s condition and recommendations for care in the year ahead. A recent “check-up” found the need for cabling of limbs in the upper reaches of the 1785 tulip poplar, which towers above the area where visitors line up to enter the mansion. Bartlett will use lag bolts, nuts and washers to fix custom-fitted cable between the limbs.

The most important trees surrounding Mount Vernon are fitted with lightning protection. Based on new specifications developed by Bartlett researcher Dr. Tom Smiley, lightning systems are being updated to place spacers for the lightning cable farther from the trunk, install blunt tips that better attract the charge to run down the cable and, in some cases, to install fuse/breaker-like devices to document lightning strikes.

Safety for the million-plus visitors to Mount Vernon and preventing damage to historic buildings must be balanced with the great historic value of many of the trees. Although still structurally sound, nonetheless, the giant pecan has been pruned to reduce its spread on the mansion side. An old ash damaged by hurricane winds had a major section removed to save the tree and those treading beneath it.

At a recent tree-care seminar, Dean Norton, Mount Vernon’s chief horticulturist, described with great emotion the decision to remove one of the Washington-planted ash trees whose advanced decay endangered the main approach of visitors to the house. For these venerable specimens, multiple specialists may be called in to confirm the need to remove such an important part of American history.

River Farm is only a few miles away from Mount Vernon, but far removed from the throngs of tourists and extensive grounds and tree groves of Washington’s mansion. Home to the nonprofit American Horticultural Society (AHS), there is a shift in both philosophy and budget evident in the approach to tree care on the 25-acre plot, but the same abiding respect for the history marked by their many old trees.

Phil Snyder is The Care of Trees’ chief...
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The Right Way To Treat A Tree
arborist for River Farm. He says the AHS philosophy of collaboration and building partnerships to provide learning opportunities for gardeners and horticulturalists drives a practical, less formal working relationship. The Care of Trees donates thousands of dollars a year in its work at River Farm, and finds it benefits from the exposure to expand its clientele in the neighboring area that is a significant market for the firm.

“Our basic approach is a fairly straightforward one, acknowledging that as trees reach maturity or maximum age they slow in their overall growth and they become more vulnerable to insects, disease, wind and other physical challenges. So with that basic premise, our management of mature trees at River Farm focuses on creating as stable an environment and structures as possible.”

“It’s not dramatic. It involves basic care fundamentals. The key for mature trees is in maintaining as complete a canopy as possible, removing deadwood throughout the crown and canopy, supplementing available nutrients depending on the site, structural support and, as much as possible, avoiding any disruption in the critical root zone.”

The Care of Trees does a visual check of the historic trees and adjacent property every several months. They scout for disease, scales, mites and a whole host of other chewing and sucking insects, says Snyder. If there are issues, they decide whether the damage threshold or health impact makes it necessary to treat. “The goal is to maintain issues at tolerable levels so that there is more impact from natural processes than our own,” he says.

Part of their observation is looking for physical signs of structural challenges. The 200-plus year old Osage orange is an example of a tree with structural weakness that has benefitted from proper pruning and the addition of structural support. Thought to be grown from Osage orange seeds brought back to Thomas Jefferson from the Lewis and Clark expedition, it sits within a few feet of the historic house. The Care of Trees has installed extensive cabling and bracing to hold the tree together and protect people walking on the garden path under its limbs.

But what you see above ground is only half the story, according to Snyder. The Care of Trees places a major emphasis on root system and soil health as part of its care philosophy. “We work from the belief that urban soils typically lack organic matter that the biology of woody plants and trees need.”

Because the walnuts, Osage orange and
other historic trees are in an environment where they are competing with the root systems of surrounding turf. The Care of Trees' goal is to drive the fungal components that are needed to break down the organic matter, which allows a more natural nutrient recycling to occur for the woody plants. A primary part of this process, according to Snyder, is the selective use of "compost tea" to introduce biological elements to the soil to help make nutrients more available to the tree. The compost tea is applied over the trees' root systems several times a year in place of direct fertilization of nitrogen or other chemicals.

The compost tea used has been adapted to The Care of Trees' requirements by researcher Dr. Rex Bastian. It starts with selecting the right kind of compost, compost that has been carefully developed so it is dominated by the sorts of fungal and biological organisms that are suitable for a woodland-type environment. The compost is heated and aerated to multiply the living organisms and then brewed like tea. The liquid is applied directly to the soil along with some pre-treatment with fungal foods to help jumpstart the natural life cycles in the soil.

Snyder points out that because River Farm runoff drains into the Potomac and the Chesapeake Bay, the leaching of phosphates and nitrogen into the watercourses is of particular concern. "We're aware of the impact, our footprint. This is behind our using compost tea as opposed to traditional fertilization." And this philosophy fits nicely with the environmental awareness and teaching of their American Horticultural Society partners.

Two different tree companies, two somewhat different approaches for different clients, yet examples of providing long-term good needed for some of America's most historically valuable trees. Bartlett's Stuart Bunn sums up the attitudes of the arborists in both historic properties when he says, "To me, George Washington's trees are as important as the house."
TCIA members and their trade association are extremely fortunate. Many organizations are heavily dues dependent, requiring significant dues increases for additional services.

Dues for TCIA are 23 percent of our annual operating budget, compared with other organizations of similar budget size, whose members personally pay 40.5 percent of the total (American Society of Association Executives Operating Ratio Report 2008). Clearly, a majority of TCIA’s revenue is coming from a number of other places. For us, the largest percentage of our 2007 gross revenue was derived from TCI magazine and TCI EXPO. This means that two key member services TCIA provides to our associate members, those who provide the products, equipment and services that help you do your job, are creating a value for them that they continue to invest in annually. This in turn provides our members and the industry with other services.

Why do I bring this up? Because TCIA owes a tremendous thank you from each and every one of our members to our associate member community. Yes, associates belong to our community, because we create a worthwhile value for them. However, they also continue to support our industry in a manner that is critical to our ability to serve tree care companies at the level of quality that you have come to expect.

Associate members’ interest in a dynamic marketplace at TCI EXPO creates the opportunity to provide our members and the industry with some of the best education in the profession; to bring more than 300 students to Student Career Days to meet potential employers (you) and train them the way the industry wants them to be trained; to raise funds for our Voice for Trees Political Action Committee for Washington; to train employees on the Electrical Hazards Awareness Program (EHAP); to hold business seminars; to run a Certified Treecare Safety Professional (CTSP) workshop; and to give arborists the chance to network with other arborists from all over the world.

Your validation of TCI magazine as the most widely read, audited arborist publication creates an opportunity for associate members to support quality arboriculture information being delivered to you. In return, we create a communication mechanism for them to reach you, their valued customer.

There are a number of associate member companies that go even further in their commitment to the tree care industry by supporting the Partners Advancing Commercial Treecare (PACT) program at four different levels: Seed, Root, Branch and Crown. Our PACT pro-
gram moved from an activity-specific sponsorship program to an industry “vote of confidence” program to support the long-term objectives to increase professionalism in the industry. Aside from recognition throughout the year for our partners, the program aims to return the investment that our associate members are making by improving tree care companies. This in turn creates stronger companies that grow; increasing the overall marketplace for our associate member companies in the long-term.

Each of these companies annually contribute to TCIA’s further commitment to transform the industry. Those at the Crown level support ALL additional programs and services that TCIA develops every year.

Associates also support development of our future employee base by golfing in, and sponsorship of, the Robert Felix Memorial Golf Tournament, which provides scholarships and attendance at Student Career Days; by attending the Winter Management Conference; by marching on Washington with us during the Legislative Conference; and by supporting our voice in Washington through our Voice For Trees Political Action Committee fund-raisers.

When you are at the world’s largest tree care industry trade show this year in Milwaukee, or when you are at the best business conference for arborists, the Winter Management Conference in the Bahamas, or when you are on the phone with a TCIA associate member seeking a product or service, be sure to say thank you for their support of your company and this industry.

TCIA is dependent upon your membership, upon associates members’ memberships, and upon your constant accessing of programs and services. Much of what we do for you does not generate revenue to support helping you with OSHA citations, or working toward a separate standard for arboriculture, or developing safety programs, or represent-
As members of the Green Industry, we are often considered to be in the forefront of the movement to “Go Green” that is currently popular in our country. We are the authorities that the media goes to when an issue becomes popular. We include “green” advertising copy in our marketing efforts. We are the caretakers of all things green in our environment. But there are many shades of green.

As an enthusiastic young college student in the mid ‘60s, I was influenced strongly by the movements for peace, love and flower power that were just beginning in the country. I was going to be a forest ranger, living alone with nature in a remote national forest, protecting and managing the ecosystem that provided many of the raw materials needed for modern living. I have seen the role of the forest change from being something that was to be protected and managed for the raw materials it could provide to being the savior of the world with its ability to sequester carbon dioxide, provide oxygen, stabilize the climate and calm the soul.

Since every young person seemed to want to save the world, I never followed plan A. Plan B came about quite by accident, when I was offered a position with the Davey Tree Expert Company as a climber for an obscene amount of money, $2.15/hour. Over the course of the next two summers, my interest changed from protecting the wild lands of the country to creating safe, healthy, beautiful trees in our urban areas. I soon realized that I was on the front lines of the green movement.

I once read this description of my profession: “A n arborist facilitates the co-existence of people and trees.” This was the lesson that I soon learned on the streets, in the lawns and on the estates of the Youngstown, Ohio, area. Under the careful tutelage of Bernard Newsome and Walter Shields, I learned state-of-the-art tree care. We made every cut flush with the trunk so that no large protruding lump blemished the straight, smooth trunks of the clients’ trees. We carefully sealed each and every wound with a waterproof, bug proof, disease proof coating of tar. We deep-root fertilized trees, being sure to get a goodly amount of 12-4-4 down deep enough (12 to 18 inches) to reach all those deep roots that kept the tree alive. And we fought, with DDT and lead-arsenate, the hordes of insects that were out to kill every tree in the world. We were the protectors of all things green and used the best knowledge, techniques and equipment available to fulfill that mission.

Luckily, for the trees and every other living thing in the world, we soon saw the error of our ways and either discontinued or modified each of these practices. We went from doing a lot of things to trees, to doing more things for trees. It was not a sudden, overnight epiphany that we experienced.

As researchers and talented observers learned more about how the natural world...
actually functioned, we applied this new knowledge of tree biology, pest-host relationships and the balance of nature to our craft. We found out that there was a reason that Mother Nature put all those little twigs and leaves in the center of the tree. We found out that we could not feed trees; only a leaf could produce the carbohydrates that fueled growth and defense. We found that trees did not heal, but carefully sealed damaged areas to slow their spread and record for posterity the trials and tribulations they had faced in their long lives. And we found that there were relationships forged by years of coexistence in the forests between diseases, insects, trees, shrubs, forbs, grasses and all other forms of life.

We soon learned that an all out war on insects and disease with total domination as the only objective was probably not an attainable goal. Besides being impractical to achieve, it was also noted that often the elimination of one pest lead to its replacement by something even worse. We decided to follow the lead of agriculture and adopt a system of integrated pest management. Each “pest” was assessed and a threshold level set, below which, although present, the organism did no significant long term damage to the landscape. By integrating this knowledge with that of chemical and cultural controls, we were able to establish programs to have limited impact on the environment while maintaining our landscapes in a beautiful and sustainable manner.

But there was a problem in this newly “green” approach. People did not want their pests managed; they did not want pests – period! Often the industry changes before the buying public.

To address this public outcry, the TCI A (then NAA), ISA and USFS developed a new approach to give people what they really wanted – healthy plants! The concept of plant health care, or PHC, was introduced to the industry through a series of meetings around the country. These sessions brought together teams of three individuals from each state to participate in a train-the-trainer based program to spread the word. With this new holistic, proactive approach of combining people, plants and science, we had at last reached one of the darkest shades of green imaginable. We thought!

Luckily, for the trees and every other living thing in the world, we soon saw the error of our ways and either discontinued or modified each of these practices. We went from doing a lot of things to trees, to doing more things for trees.

The concept was easy to see when one took a walk in the Turtle Mountain region of North Dakota and looked at the relationship between the paper birch and bronze birch borer. The birch, growing in moist, well shaded areas, with several inches of mulch covering their shallow root systems, which nestled in 60F soil, created a hostile environment for the borer to try to lay eggs and raise a brood of young. These borers had a rough existence until the stress of old age, severe drought or other factors weakened the tree to the point where the borer found a more hospitable welcome, at which point that weakened tree was quickly removed from the system to be replaced by young vigorous sprouts.

Then we moved the birch to town. Gone was the shade, thick mulch, cool, moist soil replaced by closely cropped grass, blazing sun, 100F+ soil temps and irrigation systems designed for turf, if they existed at all. All of these were stressful and when added to drought, provided an ideal environment for the bronze birch borer. And this tree, we saw die, unlike the one in the forest. The last thing we saw was the poor bug that was just doing its part to recycle the tree in a very “green” manner.

If we had copied the environment to which the birch is native, we could have eliminated the factors that predisposed it to borer damage and most likely lessened the ultimate strain imposed by the drought.

It would seem that lessons such as this would have lead to the quick adoption of PHC as the treatment of choice in the industry. Many people heard the words but not the message. The old spray program of the past – four sprays per year presold - often became the “new, green” integrated pest management (IPM). And this was rolled over as plant health care in the next step.

PHC was a giant step forward in the practice of all facets of landscape management. No longer could you just look at the tree, the lawn, the vegetable or flower garden or the hardscape. Pressures from fertilization, pruning, construction, weather extremes and rogue lawn mowers all need to be considered. They are all woven
together in the fabric of the landscape. Each is influenced by and influences the others. It is a totally ecological approach with the health of each component integral to its success. So why was such a totally basic, totally green approach not embraced by all in the industry?

Perhaps some of the trainers did not take or get the opportunity to present this new and wonderful plan to the rank and file tree care personnel. In my case, besides a constant reference to PHC in college classes, a talk to a group in Montana was the only one that was aimed specifically at this subject.

Perhaps the economy is just too good, with more work than the crews can handle based on the practices of the past and no pressure to move into the future. When do you find time to retrain an entire staff? It is not billable time. Having run a business of my own, I definitely understand this scenario.

Perhaps it is just too hard to re-educate the customers. In a business in which value was often based on how much was cut off and hauled away, the value of opinions and advice is a very foreign concept. They have resided in the “free estimate,” the cost of which was often added to the bid. They were obtained at the local garden shop or the garden club or freely given by the next door neighbor. We are willing, although often grudgingly, to pay them for telling us that all is well in our world.

Now that I have painted such a gloomy, pale green image of the green industry, what are we to do?

First, I ask you and your crews to be observant. If a tree is failing, ask why. Yes it may need removing, but what lead to that end. Some of the most common problems faced by trees include: planted off site, in a hostile environment, impacted by manipulations of the landscape following establishment, subjected to unrealistic expectations on the part of the owner, and maintained by uncaring, or more often, hopefully, unknowing “professionals.”

We need a full set of “tools” to do a good job. Tools that include not only the hardware, but also the knowledge of tree biology, soil science, geography (physical and ethnic), ecology, history, sociology, communications and environmental chemistry, to name a few. None of us have a “full” set of these tools. Hopefully we have the network of contacts and a library of references that will provide us with the answers when we do need them.

We have seen that there are a lot of shades of green in the green industry. They range from a full rich, green, through lime, olive drab, sea green to, regretfully, hues leaning toward brown with only a faint hint of green. But being the eternal optimist that I am, I think there is still hope for many of us. With a little water from the well of knowledge and compost from recycling our past, I think we can green up quite nicely.

Bob Underwood is an associate professor of forestry at the North Dakota School of Forestry at Minot State University–Bottineau, and operates Underwood & Associates Consulting in Bottineau, N.D. For information on the MSU forestry program or on instituting a PHC program, e-mail bob.underwood@misu.nodak.edu or underwood.assoc@gmail.com.
**Vermeer**

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**Trimmer dies after falling from tree onto his head**

A tree-trimmer was killed June 23, 2008, in San Diego, California, after he fell from a tree. Witnesses said the man, Quang Ha, fell from the tree and landed on his head, according to an article in the *Union Tribune*. He was 29 and lived in the neighborhood. No additional information was available.

**Tree worker struck by truck and killed**

A 20-year-old tree worker was killed June 20, 2008, when utility truck veered off Highway 99 in Modesto, California, and struck him.

The driver of a utility truck first suffered a medical problem and lost control of the vehicle, veering onto the shoulder and striking one of two workers. Angel Hernandez of Redwood City was pronounced dead at the scene, according to a www.news10.net report.

It was unclear why the two-man tree-trimming crew was parked alongside Highway 99 when the accident occurred. Investigators discovered the victim worked for a Bay Area company that collects eucalyptus branches for decorations, but the crew was not authorized to be on the highway. The driver who struck Hernandez was not injured.

**Man Rescued From Tree**

Rescue crews in Orange County, Florida, on June 22, 2008, rescued a tree worker stuck up in a tree after his hands were pinned by a piece of the tree he was taking down.

The man was cutting a large section of the tree when it fell, pinning his hand, according to Central Florida News 13.

Orange County Fire Rescue used a wrecker to lift up the branch. It took crews about 45 minutes to get the man safely out of the tree. The tree trimmer was taken to the hospital to get checked out, but was expected to be fine.

**Climber injured when tree falls**

A tree worker was injured at a private residence June 30, 2008, when the tree he was tied into uprooted and fell over. The man suffered multiple injuries, according to a Midland Daily News report. He was taken to MidMichigan Medical Center-Midland and then transferred to another hospital for care. His condition and personal information were not available.

**Tree cutter hurt when rope-and-pulley system snaps**

A Farmington, N.H., man was critically injured while cutting trees in New Durham June 18, 2008, after the rope-and-pulley system he was using snapped, flinging the pulley into his face.

Police responding to a call for a medical response found Matthew Laney, 28, lying on the ground bleeding heavily, according to a report in the *Manchester Union Leader* newspaper. Laney was working for a local tree service, according to the article.

It appeared that the rope snapped from the weight of the tree, according to the initial investigation. The force took Laney “right off his feet,” police told the newspaper.

Laney was taken by helicopter to Maine Medical Center in Portland, where he was listed in critical condition immediately after the accident. OSHA is investigating.

**Tree worker killed by struck-by**

A Kentucky tree worker was killed in Charleston, West Virginia, June 30, 2008, when a heavy tree limb fell about 45 feet, landing on him.

Steven Robinette, 35, of Catlettsburg, Ky., worked for a tree service based in Ashland, Ky., according to published reports. Robinette was working with another man to cut down a beech tree for a power company. The men were working on a steep hillside and Robinette was operating a chain saw. As the tree fell, it knocked loose a large limb of an oak tree. Robinette
was on the ground when the oak limb, which fire officials guessed weighed between 500 and 800 pounds and fell about 40 feet, landed on him. Police believe he was killed instantly.

The other worker was operating a cable and couldn’t see Robinette when the tree limb fell, according to the report.

**Man injured in fall from bucket**

A Toms River, N.J., man was thrown 35 feet to the ground from a bucket truck while cutting a tree limb June 27, 2008. The man was allegedly resuscitated by his son before being rushed to a hospital, where he was listed in serious condition.

Robert J. Tutella, 42, broke his femur, an arm, ribs and bones in his face when he was ejected from the truck while trimming a tree. After the fall, Tutella’s 19-year-old son, Robert Tutella Jr., was able to perform CPR until police and paramedics arrived on scene, according to a report on www.APP.com.

Tutella was transported by ambulance from a local hospital to Jersey Shore University Medical Center, where he was expected to undergo surgery.

Police investigators said that a cut tree branch hit the arm of the bucket truck, causing the accident.

A person commenting on the article posted on the Web site and claiming to be a witness to the aftermath of the incident said that it appeared the tree was topped at midpoint and fell toward the bucket, snagging a limb and pulling the bucket down.

**Tree cutter electrocuted**

A Freehold Township, New Jersey, man was killed July 1, 2008, after being electrocuted while trimming a tree.

The tree service worker was about 30 feet off the ground when his pole saw came in contact with a power line, according to a report on www.pressofatlanticcity.com.

He remained in the tree until two workers from the Ocean County Road Department who were passing the scene in a bucket truck spotted him. One of the Road Department employees pulled the injured man from the tree and brought him to the ground using the bucket truck.

Another report said that the man fell from the tree, but because he was connected to a safety rope, he was left suspended about 30 feet in the air until brought down by the road crew. The would-be-rescuers, who were coming from a tree-trimming job in another section of the county, did make sure it was safe to do so before attempting to rescue the man, the report said.

The man was given CPR once he was safely on the ground, according to the report, but the victim was transported to Community Medical Center in Toms River, where he was pronounced dead.
Creating your Legacy

By Rob Fanno

People who take the time to plant and care for a tree are creating a legacy of beauty, shade, cleaner air and many other things. People who make “planned gifts” to a charity of their choice are also creating a legacy.

The Heritage Oak Society of the Tree Research and Education Endowment Fund is a special group of people who have made arrangements to include the TREE Fund in their estate plans. They are creating a legacy by making a “planned gift” to help arboriculture research and education in the future while maintaining control over their assets during their lifetime. These people play a significant role in shaping the future of arboriculture research and urban forestry by providing funds that will make a lasting difference.

In describing her reason for making a planned gift, Sharon Lilly, ISA director of Educational Goods and Services, said, “My entire career has been based on my passion for trees and our profession of caring for them. When the Heritage Oak Society was formed, it took me about two seconds to decide to participate. I’m proud to have the opportunity to make a difference for generations to come.”

You may be wondering, what exactly is a planned gift? Well, it may take the form of:

Bequests - Historically, two thirds of all planned gifts come in this form and are usually part of a will. If this option interests you, please talk to your attorney and consider using the language we provided in the shaded box.

Gifts of Appreciated Stock - This allows you to take a charitable deduction for the full market value on your income tax form. The TREE Fund gets the full value of the security and nobody has to pay capital gains tax on the appreciation.

Beneficiary Designations - There are two main options listed below and please check the shaded box for additional advice.

IRAs and Retirement Plans - Uncle Sam is a special group of people who have made "planned gifts" to a charity of their choice while maintaining control over their assets and creating a legacy by providing funds that will make a lasting difference.

In 2000, the TREE Fund invited individuals to become founding members of the Heritage Oak Society. Many people responded to the invitation. Some chose to become founding members and others simply asked for more information. Since the Founders’ Drive, more people have become founding members and others simply asked for more information. Since the Founders’ Drive, more people have joined the Society and we will be featuring members’ stories in the TREE Fund newsletter throughout the year.

As part of the TREE Fund’s 2008-2010 Endowment Campaign, we are inviting you to join this group of special people. If you have already made a provision for the TREE Fund in your estate plan, please let us know so that we can include you in the Heritage Oak Society, and thank you.

Rob Fanno is owner of Fanno Saw Works, a TCIA member and a TREE Fund trustee.

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TCIA wins a reprieve for member cited for crane violation

By Peter Gerstenberger

The arboriculture industry has won a critical “skirmish” on the ongoing conflict it has with federal OSHA concerning crane operations. It involved one employer with an exemplary crane operation who was willing to endure the inconvenience and uncertainty of a legal assertion of his company’s rights - and the trade association that had his back.

On December 20, 2007, Brian King and his crew of three arborists were preparing to remove a 60-foot, live cottonwood and assorted smaller trees with a crane from a bucket-inaccessible low area near Peoria, Illinois. Just after King was hoisted into the tree and was setting up for the first pick, OSHA compliance officers stopped the operation and investigated.

Ultimately, OSHA issued a citation alleging a “Serious” violation of 29 CFR § 1926.550(g)(3)(v), with a proposed penalty of $750. The cited general industry crane standard prohibits lifting a worker on the crane’s load line.

The crane was a late model 40-ton-capacity Terex. At the time of the activity, only its 94-foot main boom was in use. The load radius was approximately 60 feet and the crane’s rated capacity for the conditions was 5,400 pounds; however, the pick being planned was estimated to be 1,500 pounds, or 28 percent of capacity. Thus, the planned lift and subsequent lifts would have been well within safe limits.

As a rule of thumb in other industries, cranes will be used to lift up to 75 percent of their capacity even on “critical lifts.”

King was tied-in above the ball with an ANSI-compliant system that consisted of a large shackle (clevis) with screw-in pin, a friction-saver over the pin of the shackle with both legs through a locking carabiner that was also placed through the eye of the shackle pin, locking all the components together.

OSHA has long recognized that cranes may be used to gain safe access

In this case, the cottonwood and assorted other trees were growing in a low area sufficiently off the roadway that the trees were inaccessible even with a 60-foot aerial lift. The trees were slick from freezing rain and snow, increasing the hazards associated with climbing. Without the crane, tree sections would have to have been manually carried up a slippery and steep slope, greatly increasing fatigue and the probability of injury to the three crew members. With the crane, all but the largest cottonwood were “single-cut picks” that could be easily hoisted to the landing zone for processing.

OSHA has long recognized that access to a work location is limited and other means of access are hazardous, a crane that otherwise complies with applicable crane standards may be used. This was established in a letter dated February 17, 1993, issued by Roy F. Gurnham, former Director of the Directorate of Construction, Office of Construction Standards and Guidance. In addressing whether to allow the use of a personnel basket, sometimes called a man-cage, to hoist workers on the load line, OSHA responded, in pertinent part, as follows:

“OSHA has determined, however, that when the use of a conventional means of access to an elevated worksite would be impossible or more hazardous, a violation of 1910.180(h)(3)(v) will be treated as de minimis if the employer has complied with the provisions set forth in 1926.550(g)(3), 1926.550(g)(4), 1926.550(g)(6), 1926.550(g)(7) and 1926.550(g)(8).”

Obviously, the latitude that this interpretation affords the employer who can use a man-cage is useful. However, the tree care industry has attempted to use man-cages to enter trees under certain conditions; at times the man-cage can actually place the tree worker in an extremely hazardous situation. Often, the lack of balance as well as the interference from the cables and metal structure while attempting to use a chain saw creates a situation that increases risk, even jeopardizing the lives of the workers. Furthermore, the arborist typically secures him/herself to the tree and detaches from the crane before the cranes come under load for obvious reasons. Use of a man-cage precludes this safe work practice. The arborist would either be captive in the man-cage while the crane is under load and attempting to swing and lower a piece to the ground, or the arborist is forced to employ two cranes - one for the man-cage and one for the tree. Because cranes require such a large working area, this latter scenario is typically infeasible for tree work.

The company’s ANSI Z-133 compliance was exemplary

Crane safety issues have been addressed comprehensively by industry safety professionals in ANSI Z133.1, the consensus standard for tree care practices. The standard prohibits riding the load line of a crane, except where a qualified arborist, “has determined that it is the safest and most practical way to perform the work or gain access to the tree.” The standard contains detailed requirements to assure that in such circumstances, the crane is safe, and the work is performed safely. The industry
has been using cranes this way for almost 40 years in many areas of the country. OSHA made no claim that King violated any other OSHA or Z133.1 requirement. In fact, local enforcement personnel were prepared to let King off without a citation, but the case was kicked over to Washington, D.C., for federal review. That is about the time that King called Tree Care Industry Association, and TCIA’s Board decided to get involved.

TCIA supplied some of the most qualified legal representation in Washington. Our argument was that where an employer complies with a current version of a consensus standard in lieu of an OSHA standard, a de minimis notice is appropriate. This is an acknowledgement that the activity in question violated the letter of an OSHA regulation but upheld its intent.

We asked OSHA to withdraw the citation, to remove any suggestion that there may have been a violation.

We asked OSHA to withdraw the citation, to remove any suggestion that there may have been a violation. We suggested that to avoid similar future citations and unnecessary expenditure of resources by OSHA, the Solicitor’s Office, and arborists, it would be worthwhile for OSHA to issue an interpretive document stating that where a worksite is inaccessible and/or other means create greater hazard, the ANSI Z133.1 procedures for using a crane are acceptable.

In early June, OSHA stopped just short of a total concession when it abruptly withdrew the citation with no further comment.

Even though the crane issue will likely re-surface in another venue at some point in the future, the industry established important precedent for safety with a win in this case.

Peter Gerstenberger is senior advisor for safety, compliance & standards for the Tree Care Industry Association.
Money does grow on, and in, trees – most trees, anyway. Appraising the value of trees and landscapes can provide a service for your clients, your business and your community.

This value, defined as “the present worth of future benefits,” is appraised for many reasons. Among these are neglect, trespass, boundary line issues, destruction by humans, destruction by the rest of nature, and condemnation: when private property is taken for public use. Our mission, if we choose to accept it, is to calculate, clearly communicate, and defend tree value. This article will briefly describe one appraisal report, and then look at the process of presenting and defending this kind of report. The philosophy of appraisal and the formation of reports are beyond its scope.

Summary

Seven neighbors owned a forested floodplain around a stream that ran through their back yards. The developers upstream planned to bury a sewer line along the streambed, and the city agreed. To resist the threat of condemnation, two neighbors hired lawyers, and they all hired consultants. Tree and landscape appraisals were used in their negotiations with the town and the developers. The timber value of the trees that were in the path of the proposed pipe is $X. The appraised value of the trees was $Y. The cost of restoring the landscape was $Z.

Observations and discussion

Walking paths indicate that the site is used for light recreation. The sponge-like “A” horizon (the first soil layer) is 8 inches deep. The site contains a carpet of running-cedar, wildflowers and spicebush, strawberry-bush and wild blueberry trees. The canopy consists of two tuliptrees, four pines, one red oak and one white oak. The value of their wood, according to estimates from local mills, is $X.

Appraisal: Trunk formula method

First, the trunk formula method (TFM) of appraisal will be used. It is taken from the ninth edition of the Guide to Plant Appraisal, authored by the Council of Tree Appraisers and available at www.tcia.org. TFM starts with the size of the tree, multiplied by the dollar value per cross-sectional inch of a replacement tree. Adjustments for species, condition and location are made to reach the value of the tree on the site.

The wind from recent major storms in this area – hurricanes, “nor’easters,” ice storms – came from the northeast. If these trees are removed, there may be a wind tunnel effect, and the remaining trees between the sewer line and the house will be strained in new ways. It will take time for these trees to add new tissue to resist new loading, so the planned clearing would increase the risk posed to the home site. The trunk formula method yields an appraised value of $Y.

Appraisal: Cost of cure method

The Guide also provides for a cost of cure method (CCM), which “…determines the cost of replacement and/or repairing of plants and restoration of property to a reasonable approximation of its original condition…” No matter what protection methods are taken, soil will be compacted by construction. It takes time and work to restore the soil structure and the biological activity necessary for the native groundcovers. As stated in the “Field Form” for CCM, necessary steps for plant restoration and establishment include:

- Control vegetative composition and competitive vegetation by the removal of inferior species. Protect against erosion as needed.
- Establish and operate irrigation and drainage systems.
- Test the soil and fertilize and/or amend or replace as indicated.
- Minimize other environmental impacts, i.e., wind, cold, salt, intense sunlight (mulch, etc.)
- Protect original recreational features of area.
- Minimize insects, disease, cultural problems (plant health care program)

Estimates for doing the above work were factored into the Cost of Cure appraisal of $Z. Despite efforts to divide them and conquer their land, the neighbors negotiated as one. Town staff and the developer first ascribed no value to the trees, because they were in the way of progress. Then they submitted market appraisals that gave very little value to the trees.

The value described in the appraisals held firm, and the condemnation effort failed. The sewer line was routed with the other utilities along the road, and the stream and the forest remain unspoiled.

The climate is changing, cities are sprawling, and trees are increasing in value every day. Using reliable references and proven expertise, arborists can describe, and defend, tree value.

**Describing your opinions**

Appraising tree value has a lot in common with assessing tree risk. Both tasks require confidence in the value of the trees involved. After recording your observations, you review all the available evidence, such as pictures, surveys, measurements and video. Was anything missed? Reviewing the literature is essential. You must know the basic texts and references - the tools of the consulting trade - and be familiar with the leading authorities. Diseased, damaged and declining trees should not be considered liabilities when most of their assets are still, in fact, intact.

Neville Fay of Treeworks Environmental Practice reports that the legal process in the UK has been influenced by the officially recognized retention of trees with mechanical defects. The public can perceive risk and get defensive about tree damage or decline, even when trees are reasonably sound. Only real risk, not perceived risk, should arouse defensive behavior. The system does not expect perfection, in arborists or in trees. Many arborists are not comfortable with the risk of putting opinions like that on paper, but it need not be that way. As Fay observes, "The industry (professionals) that creates the risk (and the appraisal of value) is in the best position to control it." This control comes through communication.

There are many resources to inform and support our writing efforts. The Consultant’s Guide to Writing Effective Reports (www.tcia.org) provides step-by-step directions, from initial organization of information through final report presentation, and from a one-page quickie to a booklet report. Included are three report models that utilize the principles and strategies provided in this publication. "Writing and Defending your Expert Report" (www.SEAK.com) was authored by experienced attorneys. "There are innumerable ways to draft high-quality, defensible expert reports," they assure us. The last 140 pages of this book are model reports. These examples show why the language was effective or why it was problematic, the consequences, and how the language could have been improved easily.

To demonstrate significant experience, advanced information and the ability to apply an in-depth knowledge of landscape plants, you could seek certification as an ISA Board-Certified Master Arborist (BCMA). The BCMA credential documents competence in tree consulting concepts. Its real-life, scenario-based exam explores dozens of domains across the depth and breadth of arboriculture.

A comprehensive training experience focused on report writing is offered to arborists who want to consult by the American Society of Consulting Arborists (ASCA). Its Consulting Academy combines lectures on all aspects of consulting arboriculture with small-group discussions and practice exercises. ASCA's academy shows how you can incorporate these topics into your business:

- Technical Writing and Report Preparation
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- Oral Communications
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Presenting your opinions

Some arborists are not eager to appraise tree value for their clients because they are concerned about being called to testify. Expert witnessing has been a part of the U.S. legal process since 1789, but the odds that appraising trees will lead to testifying in court are slim.

First, not all appraisals are contested, and very few of those are litigated. More any cases - more than 90 percent, according to judges and attorneys - are settled before trial. It's rare that the arborist is even deposed to testify out of court. However, every appraisal should still be detailed and defensible enough to withstand close scrutiny. Once a report is entered into the record, attorneys can review it and get details about the entire case for $15. They also can review any consultant's credentials at Web sites such as www.trialsmith.com, www.idex.com and www.dauberttracker.com. Currently under development on this front is a product that will be a package of everything that is out there involving each expert.

If it sounds like expert witnessing will open a Pandora's box of risk to your privacy, look at what lawyers can already find out about anybody. Big Brother is already onto you - www.Accurint.com, owned by the legal search engine LexisNexis, only needs your name and age. It will divulge very personal information about you, your family and your associates. It used to show the entire social security number, until the director of JurisPro, an expert witness listing service, pointed this out. Now only the first five digits are shown, but don't feel too protected - the last four are discoverable elsewhere. The cost of all this data is trivial - 25 cents for the search, and $6 for a full report. It may be no surprise that law enforcement personnel have full access, but bill collectors and other businesses can also purchase the rights to see much of this same information.

There is a wayback machine on the Internet, www.archive.org. It is tasked with cataloging everything posted on the Internet. Even if something has been taken off the Web, it is admissible in federal court. The good news is that the good news about you and your work is as easy for people to find as the bad news! Also on the Web is www.ExpertCommunications.com, with a free e-mail newsletter containing tips for managing your business. Expert consultants are expert at their own professions; they are not often experts at practice management. It makes sense to call for a specialist when we are lacking in any area, such as soil science, entomology - or business.

Refining your opinions

- Don't take positions that are morally indefensible, following the gold (because your client is paying). One bad statement on transcript follows you forever. Avoid no-win situations, just like politics and religion.
- Don't explain that common belief is not truth. You will be sound-bited and mocked.
- Don't exaggerate when you advertise. Claims on a Web site must be verifiable.
- Don't oversimplify or dumb down your case. Keep it simple but do not make it stupid. You can use terms of art - jargon - just define them.
- Don't try to look like more than what you are. Trust is built by what people know and can measure against.
- Don't fail to admit when you are not perfect. Take responsibility for your errors and omissions.
- Don't fudge facts. Once your methodology is betrayed as poor, you are open to personal attack.

How Experts Protect Themselves

Courtesy of Daniel Horowitz, Esq.

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Defending your opinions

American culture has long featured the aggressive attorney in court, from Perry Mason to F. Lee Bailey to Johnnie Cochran to Law and Order's Jack McCoy. The prospect of defending one's opinions while under attack on a witness stand may induce fear and loathing, but it need not be that way.

"As experts, this is the subject we train for the hardest but use the least, since most cases do not go to trial. However, when we do have to defend our opinions under oath, we are well prepared to do the job," reports a registered consulting arborist (RCA) and senior ASCA member who was attending the META Expert Witness Conference this past June in Hyannis, Massachusetts. Conference faculty consisted of judges, attorneys and successful experts in professions from engineering to accounting to roller coasters to medicine to construction to psychology, so attendees got a wide range of opinions on how testimony is delivered effectively, and how it is not.

Following are some concepts described at the META Conference, to give you a glimpse of the legal end of the tree business:

A View from the Bench, by Judges Walton and Bernstein

Most experts are admissible, but the issue is, will your opinion go forward and get admitted? If it is not "all there" in your report, you may not be there testifying. "Judges only know you by your paper," they said. Cover the evidence, do your own documentation as well as reviewing all other opinions, and review the literature to make a sound theory. Retain all notes - these are discoverable. Subpoenas "duces tecum," which is Latin for "bring your stuff," can be delivered to the expert by the mail, or in some cases by a deputy sheriff. If you leave something out of your report or do not bring what is asked for, your opinion and your report will be weakened.
You’re already a tree care expert...

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Listen carefully to the questions and speak loudly and clearly. Look at the fact-finder, judge or jury, because that is who you are answering to. Dress for success and credibility. Elevate your status by looking the part. Exhibit confidence, not arrogance. Be friendly, but firm. Be nice; be Mr. Neutral. Use visual aids – keep it interesting. You are teachers – show and tell. Use the tools.

Do not be misled by leading questions. You can ask the attorney to explain the question. You can ask the judge to allow you to explain answers that cannot be given in “yes or no” form. You can give quick answers to shut down questions that seem combative. Don’t respond to vague hypotheticals – limit what you do to what you are an expert at. It’s the bases of your opinions that count, so “reasonable minds must agree.” Get beyond the personal. Never deal in absolutes, only probabilities. Fifty-one percent is fact. When possible, use the opposition’s views, logic, testimony to substantiate your own opinion and your testimony. Do not attack – anger clouds your judgment.

Recommend to attorneys that they hire you early in the case so you will be a stronger expert. Be an advocate for your opinion! Beware of attorneys who would bend and shape it. After the case is over, judges are typically open to questions from expert witnesses on their testimony and presentation. They may even offer advice. Judges want expert witnesses to succeed.

Successful Strategies, by Gerald S. George

Gerald S. George, Ph.D. is professor emeritus, Department of Kinesiology, at the University of Louisiana and an experienced expert witness. He spoke on “What to Do and Not to Do as an Expert: Time Tested Successful Strategies.”

The “Written Opinion Report” will follow your career. Use a standard format – order and system are very important. “Executive Summaries” often come first. Write them carefully, so they look like and are objective reviews of all the facts. Then you can give a brief rendition of the undisputable facts prior to your involvement in the “History and Background” section. The “Assignment” defines the type of value being appraised, the use and purpose of the report, and your limitations. “Observations and Discussion” can be combined or done separately, then comes the “Conclusion,” which in appraisal reports would contain the dollar figure. Attachments might contain a more thorough disclaimer of your limitations, and a listing of references that support your report. Apply accepted standards and principles from textbooks and other authoritative sources, and experience. Deal in probabilities, not possibilities; anything is possible. Limit your scope to fact material, and read and summarize it very carefully.

Attend to details, such as sentence structure and the wording of the questions. Keep opinions separate. Conclusions come later, in a separate document. Use asterisks and underlines to make a note of for inclusion in bases. Carefully study every word you write – sleep on it and revisit it occasionally. Content validity – do you say what you mean? Keep it clear, simple and to the point. Think deep, but deliver on the surface where people live and work.

Deposition Strategies – hard and soft: Become familiar with opposing counsel. Review the way questions are delivered; these show a unique way of working and thinking. Never answer a compound question. Let them rattle on, then ask them to repeat. Slow down the deposing attorney to your comfort level. Calmly be the boss; you control the deposition. Relax – the attorneys are on your turf. What the gods would destroy, they first make mad. Just because they are lawyers does not mean they are superior. You know what you know; develop it slowly, clearly and concisely.

Staging strategies

In the courtroom: Understand how a lawsuit works – what is critical, what is tangential. You must understand the game “Monopoly” before you know whether or when to buy “Boardwalk.” Study the stage – visit the courtroom, sit in the chair, get a feeling for what it will be like. This helps you come across calm and knowledgeable, with no distractions. Judges and juries rely on first impressions. Maintain an identical demeanor in direct and cross-examination. Listen carefully to the underlying purpose of the question. Where is it leading?

As in sports, we do not worry about mechanics – that is habit. The thinking is ahead, and goes to strategy. Engage the jurors; keep an ongoing relationship with them, the judge, the room. Do not be fooled by their reaction to you. Be friendly but not overreaching. Be an effective teacher – this is your classroom – take the opportunity to come down off the chair and demonstrate with visual aids, graphics and animation. Make it a point to project love to opposing counsel – then they cannot get to you. As Gerald George said, “I love the courtroom – the most beautiful stage there is.”

If you are willing to perform on this stage if and when you are called, you can advocate tree value for your clients, your business, your community, and your profession.

Guy Meilleur is owner of Better Tree Care Associates in Apex, North Carolina.
Helping to build a stronger marketplace can have significant benefits for your company.

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On June 12, a proposed rule requiring federal contractors to use the Department of Homeland Security’s (DHS) E-Verify employment verification system was published in the Federal Register. This rule, and a similar executive order issued by President Bush on June 6, will change the way federal contractors manage their workforce.

Federal contractors will have to monitor their workforce and the projects employees are working on in order to comply with the rule, and will have to consider which business entities they use to bid on federal contracts.

Background on E-Verify

Today, E-Verify is a voluntary, Web-based system that verifies the employment eligibility of employees electronically. This electronic verification is in addition to an employer’s obligations to verify employment authorization and record that verification on Form I-9.

In E-Verify, an employer enters I-9 data in the system via the Internet, which is then checked against data from Social Security Administration and DHS. The system will either return an immediate notification that the worker is authorized to work, or return what is known as a tentative non-confirmation. A worker who receives a tentative non-confirmation must resolve the issue or else receive a final non-confirmation, after which the employer must terminate the worker.

What does the rule do?

The rule would require all federal contracting officers to include in covered contracts language requiring the contractor to use E-Verify to verify the employment authorization of employees “assigned to the contract,” as well as all new hires.

The contractor will enroll in the E-Verify program within 30 days of the date a contract is awarded, and within 30 days of that date use E-Verify to verify the employment authorization of all employees “assigned to the contract.” If the contractor is already enrolled in E-Verify, it must use E-Verify for these employees assigned to the contract within 30 days.

The contractor will use E-Verify for all new hires within three days of the date of hire for all new employees hired after the contract is awarded as well as for all existing employees who later are “assigned” to the contract.

The contractor will require all subcontractors performing work under the contract that exceeds $3,000 to adhere to the E-Verify requirement.

Application to existing contracts

The rule applies to solicitations issued and contracts awarded after the effective date of the final rule. It thus not apply to existing contracts. It will be at least several months before the effective date of a final rule and thus some time before bidders start to see these requirements in federal contracts.

Who must be run through E-Verify?

All employees who perform work under a federal contract, regardless of whether they are new hires or existing hires, must be verified through E-Verify. The rule does not require contracting employers to verify all of its employees once the employer becomes a federal contractor.
We’re not yet all safe

In the fall of 2006, TCIA launched the Until We’re All Safe movement with the intent of promoting safety awareness in the tree care industry. Despite industry-wide efforts toward improving safety and decreasing the number of accidents that plague our field, tree work continues to be one of the most dangerous professions in the U.S.

Until We’re All Safe demonstrates our shared commitment to saving lives in tree care by providing visual reminders to make working safely priority No. 1. The campaign features green wristbands, helmet decals and brochures to spread the word about safety to both co-workers and the public.

Since the movement’s inception, we’ve distributed thousands of wristbands and decals imprinted with the words Until We’re All Safe in both English and Spanish. At shows, conferences and jobsites nationwide, industry professionals are joining this movement and showing that the status quo is no longer acceptable.

Accompanying the mailed version of this Reporter was an information card on the UWAS program along with a wristband and a helmet decal. If you haven’t already, please show your commitment to safety in tree care by ordering additional decals and wristbands for yourself and your team. It’s time for our industry to take action to save lives – and we won’t stop Until We’re All Safe.

Call 1-800-733-2622 to order yours today – free for TCIA members (pay only shipping).

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Products: Market Hardware provides affordable and professional Web sites for tree care professionals. Member Benefits: TCIA Members receive a $100 discount off a customized Web site package from Market Hardware. In addition, Market Hardware, Inc. will contribute an amount equal to 5 percent of total products/services sold to TCIA members – 2.5 percent to be applied toward next year’s TCIA renewal dues of those members using the services, and 2.5 percent to development of safety and educational programs for the tree care industry. Example: If your company purchases $2,000 in products/services (does not include monthly service charges), Market Hardware, Inc. will send TCIA a credit of $50 to be deposited into your membership account. Credits accumulate throughout the 12 months of membership and when you receive your annual renewal statement, the total credits will be subtracted from your membership dues. Thanks to the support of Market Hardware, Inc., your company can reduce its annual dues and help offset the costs involved with keeping the industry safe.

Requirements: In order to receive a dues credit, you must let Market Hardware, Inc. know you are a member of TCIA and want to take advantage of the Affinity Program to reduce your dues. Visit www.tcia.markethardware.com or call 1-888-262-8761 to learn how they can give your business the credibility it deserves.

E-verify

(Continued from page 74)

The requirement to use E-Verify for existing employees is currently being modified by the E-Verify Memorandum of Understanding (MOU) that all employers participating in the program must sign, as well as its Web site and training materials. This is needed because prior to the executive order and this rule, employers were prohibited from using E-Verify for existing employees. As federal contractors will now be required to verify all employees, both new and current, working on covered federal contracts, the program rules must be changed by USCIS.

The requirement to use E-Verify for existing employees, referred to as “re-verification,” may turn out to be a watershed moment. The employment verification regulations have always limited the events that would trigger a re-verification of existing employees, and the E-Verify program rules have until now prohibited the use of E-Verify for existing employees. This marks the first time that the government will be requiring large numbers of workers to be re-verified and run through the E-Verify database even though they are not changing jobs and have already been verified through the I-9 process.

When must a covered employee be Verified?

An employer who is not currently enrolled in E-Verify will have 30 days after the award of a federal contract in which to enroll in E-Verify and an additional 30 days in which to use E-Verify for all employees “assigned to the contract” at the time of enrollment. An employer who is already enrolled in E-Verify has 30 days from the date of award to verify all employees “assigned to the contract” at the time of the award. After that time, an employer has three business days in which to use E-Verify for new hires or existing employees who become “assigned to the contract.”

Subcontractors and related entities

A federal contractor will be required to impose the E-Verify requirement to its subcontractors under the federal contract if the subcontract:

1. Is for commercial or noncommercial services or construction;
2. Exceeds $3,000; and
3. Includes work performed in the U.S.

It should be noted that the responsibility for the flowdown lies with the principal contractor, not the subcontractor. In other words, the principal contractor must insert the E-Verify language in its contract with the subcontractor and must see that it is adhered to.

Conclusion

This proposed rule has the potential to dramatically affect how federal contractors structure their operations, manage their workforce, and determine whether to bid on federal contracts. There are significant interpretive questions raised by the proposed rule that will need to be addressed in the final rule. Federal contractors should review their workforce and their current federal contracts to determine the best way to structure those relationships going forward.
On the evening of June 17, TCIA members, associate members, directors, staff and friends gathered at the new TCIA headquarters in Londonderry, N.H., for an evening of celebration. More than 90 guests and staff were on hand to recognize the 70th anniversary of TCIA and to be introduced to the new home of their industry's trade association.

Guests were greeted with tours of the new office as they arrived, and had the opportunity to meet each staff member and learn about his or her role in the organization. A barbecue dinner with all the fixings was served and followed by a cake cutting ceremony with a few words from Scott Packard, TCIA chair, and Cynthia Mills, president & CEO. Mills read aloud from a letter sent from New Hampshire Senator John Sununu, who was invited but could not attend. In the letter, Sen. Sununu congratulated TCIA on its 70th anniversary and complimented the association for having become “the go-to resource for professional standards in the industry and a reliable trade association for its members.”

Throughout the evening, guests visited the office of Mark Garvin, TCIA chief program officer, to hear updates on the strides the industry’s political action committee, the Voice for Trees, is making in Washington, D.C. Upon arrival, each guest was asked to fill out a prize drawing entry that included questions about how far they had traveled to attend (aside from Board members, who came from all around the country); how long they had been a member, and more. Prize winners were announced every half hour:

Janet Bornancin of the TREE Fund was the non-Board member who travelled furthest to attend – from Chicago.

The Collins family of Collins Tree Service, Inc. won for longest-running member – 30+ years.

Mark Barselle of Townsend Insurance Agency won for newest member in attendance (less than one year); and Ken Celmer of Davey Tree won for the company with the most employees (6,000).

The evening was a huge success and a great way to kick off the summer season. TCIA looks forward to holding more Open House events in the future – and with the advances this industry is continually making, we’re sure there will be plenty of more reasons to celebrate!
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Motorist killed by hazard tree

A man was killed July 5, 2008, in Long Beach, New York, after a tree fell on his car during storm, crushing him.

When Jose Machicado, 52, did not arrive home on time, his wife, Sara, went looking for him, traveling the same route he drives from work. She found the accident scene, still surrounded by police cars.

Nassau County police had received a call saying a large oak tree had fallen on Machicado’s white Toyota Corolla, crushing its roof and instantly killing him, according to a report on www.newsday.com. Part of the tree also fell on another car, injuring a woman.

Sara Machicado said she had driven with her husband many times along his route to work, and they had often casually remarked to each other that the tree appeared to be unstable, according to the report. It was not clear at the time of the accident who was responsible for maintaining the tree, identified by residents as a pin oak. The oak fell as Machicado was waiting in traffic to turn onto another roadway.

Tree fatality leads to push for safety director

In the wake of several on-the-job fatalities involving city workers in the past year, including a tree worker, the Tuscaloosa, Alabama, City Council Administrative Committee recommended in July to hire a safety director to oversee safety for municipal workers.

Currently, the city’s police and fire departments have full-time training officers that emphasize safety. However, the city has no other training staff, safety program or policy. The city hired a consultant to prepare a report on safety issues.

“It’s not that we didn’t have safety before,” said Mayor Walt Maddox, according to an article on www.Tuscaloosa.com. “It’s not that we didn’t practice safety before. But it wasn’t a culture.”

The city is too large not to have a safety director, according to Brian Butler, human resources director.

“You should have someone dedicated to safety training,” Butler said in the report. “The person hired would be responsible for checking all city job sites for unsafe working conditions and implementing improved safety practices. The safety director would have the authority to order work to stop on any city job site until safety concerns were cleared up.

In addition to hiring a safety director, Butler recommended that the city enforce the use of personal protective equipment. Tree trimmer Charlie Hobson died in October 2007 when he was knocked from his bucket truck by a limb he was cutting. He was not wearing a safety harness.

“That was one of the major causes of the fatality we had in the tree trimming crew,” Butler said. “Had he been wearing his safety harness, he might have survived.”

Tree service owner indicted for negligent homicide in employee death

The owner of a New Hampshire tree service company is facing charges for his alleged role in the death of a worker who was killed when a tree fell on him.

The owner was indicted by a Rockingham County Superior Court grand jury in June on one count of negligent homicide in the death of Jon Paul LaVigueur, of Kingston, N.H.

LaVigueur, 22, was clearing trees with other workers at a job site in Kingston on Aug. 7, 2006, when he was pinned under a fallen pine tree. The owner already agreed to pay more than $12,000 in federal fines after the Occupational Safety and Health Administration accused his company of workplace safety violations, according to a report in the New Hampshire Union Leader.

The indictment, the first criminal action taken against the owner, accuses him of requiring his employees, including LaVigueur, to “stand in front of trees that were being felled, hold onto a rope and pull the tree directly toward them, and maintain that position under the tree, until the tree began to fall,” according to a report. The alleged practice violates “any reasonable standards of the industry and ignored safe alternatives that were available,” the indictment said.

The company owner faces a second charge, for reckless conduct.

Falling tree tragedy leads to more cuts

The June 8, 2008, death of a 26-year-old Spring Lake, Michigan, man killed when a portion of a tree crushed his car during a storm has prompted Spring Lake Village officials to announce short- and long-term plans to trim and remove old and diseased trees in the village.

City officials announced June 16 that eight city trees, including four damaged by the June 8 storm, will be removed, according to a report in the Muskegon Chronicle. In addition, the village will look at ways to better identify diseased or damaged trees during its annual inspection of trees on village right of ways.

In response, the village council approved spending for the removal of diseased and

Award of Merit nominations due September 26

TCIA’s Award of Merit is the highest honor paid by the Tree Care Industry Association to an individual or company that has positively impacted the field of arboriculture, regardless of membership in the Association. The award may be bestowed on a living person, or an individual whose legacy has positively influenced the practice of arboriculture — past or present.

To nominate your candidate, you must complete a form available from TCIA and return it by mail or fax no later than September 26, 2008. For a form, contact TCIA at 1-800-733-2622 or at TCIA, 136 Harvey Road - Suite 101, Londonderry, NH 03053.
according to a June 12, 2008, Associated Press report.

The date palm, whose parents may have provided food for the besieged Jews at Masada some 2,000 years ago, sprouted in 2005 from a seed recovered from Masada, where rebelling Jews committed suicide rather than surrender to Roman attackers, according to the published report.

Radioisotope dating of seed fragments clinging to its root, as well as other seeds found with it that didn’t sprout, indicate they were about 2,000 years old – the oldest seed known to have been sprouted and grown.


Tree grown from 2,000-year-old seed

Just over three years old and about four feet tall, Methuselah is growing well, according to a June 12, 2008, Associated Press report.

Chad DuShane was killed as a thunderstorm whipped through the area and snapped several trees June 8. The large limb that fell on DuShane’s car came from a tree that appeared hollow inside, according to the report.

Damaged trees immediately. Officials also pledged to present in July a long-term plan for improved tree inspection.

Tree grown from 2,000-year-old seed

One thing they don’t know yet is whether the tree is a boy or girl. Date palms differ by sex, but experts can’t tell the difference until the tree is 6 or 7 years old.

Scientists hope to one day use the young seedling to restore the extinct Judean date palm, once prized not only for its fruit but also for medicinal uses. The researchers have had a look at the plant’s DNA, however, and found it shares just over half its genes with modern date cultivars.

The oldest documented seed to be grown from 2,000-year-old seed
My first call from the Society for Prevention of Cruelty to Animals was in 1970. The woman calling asked me if I could get a cat that had been up a tree for five days. They were worried that it was getting weak, from lack of food and water, and that it would fall out of the tree.

I liked cats, but I wasn’t sure I wanted to go get this one out of that tree. She must have sensed I was weakening, because she kept at me until I agreed to do it. I got the address and took off.

I found the tree and, sure enough, there was the cat, way up in the top. I got my climbing gear on and started up, thinking about how I was going to get hold of it. The cat, seeing me on my way up, worked its way out as far on that limb as it could. I kept going up as high as I could. Putting my rope in the highest crotch that would hold me, I roped my way out to the cat. He was crouched down, clinging to the limb.

"Nice kitty," I started sweet talking it, trying to get close enough to get my hands on it, so I could pet him. Actually, I didn’t know if it was a him, but it sounded good. Closer now, I gently petted him. He stayed calm, so I carefully picked him up; he clung to me, not wanting to fall.

Now I needed to get back to the center of the tree, then down to the ground. How was I going to work my rope while hanging on to that cat? I got the idea of putting him inside my shirt.

Unbuttoning it, I tucked him in, and buttoned it up, hoping he would stay calm. He did. Well, why wouldn’t he – nice and warm, not worried about falling.

Then it was a simple matter of lowering myself to the ground. I put my 10-foot ladder against the trunk, and started up. Mr. Cat, waiting for me as I got top of the ladder, came to me rubbing against my head, then getting on my shoulder. I came down the ladder, with Mr. Cat riding my shoulder. The owner took the cat off my shoulder, thanking me several times. Then she paid me. To be truthful, I felt guilty taking her money, but I took it, telling myself this makes up for some of the tough ones!

One last comment on cat rescues. I never shook any cats out of trees or off branches, as some “rescuers” have done. If the cat gets injured, what’s the point in the rescue?

Elmer Pyke is founder of Elmer Pyke Tree Specialist in Syracuse, N.Y. This except is from what he hopes one day will be a book.
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