

Testimony_Wolff Tree.pdf

Uploaded by: Benjamin Wolff

Position: FAV



February 22, 2023

HB-612 Natural Resources – Licensed Tree Experts - Alterations

SPONSOR: Delegate Courtney Watson

POSITION: Favorable

Good afternoon, Chairman Barve, Vice Chairman Stein, and members of the committee. Thank you for allowing me to present House Bill 612.

I have been in business and held a Maryland Tree Expert License since 2010. It has been in my professional experience as a business owner that our industry has been facing an increasing amount of unlicensed, improperly insured, and completely non-legal businesses.

This seems to be more apparent when large storms hit our area and the need for experienced tree professionals is in high demand; these “businesses” see a short-term way to make quick money. To do this, many companies/ individuals who are not licensed seek out other licensed individuals to buy the ability to use their license information and work as a “licensed” tree expert. This gives homeowners and businesses who hire these “licensed” tree experts the illusion that these individuals have the know-how and the proper insurance to safely and properly perform tree services at their homes and properties.

I personally know of several individuals and small businesses who are operating every day in this manner. These individuals/ companies are advertising and operating as if they are legitimate Maryland Licensed Tree Experts and carry the correct form of insurance coverage specifically workers compensation. Additionally, I know first hand of individuals doing this that have tested to earn their license and have not passed the examination (knowing they had this loophole).

It is in my opinion that allowing individuals/ companies to operate in this manner not only hurts the consumer but also hurts legitimate businesses who need to compete with these individuals/ companies for employees and for jobs (contracted tree services). Our company has lost 3 quality employees for this very reason. Within my group of colleagues, I know they are experiencing the same situations across the industry.

While I do not believe that this bill addendum is enough to completely solve this problem, I believe it is a step in the right direction to start giving the DNR more authority to enforce our laws. The next step for the state may be to provide additional funding and resources to the DNR to improve enforcement of this new law and the previous law. Without enforcement, we will be in the same situation we are in currently and our industry will continue to be degraded.

I respectfully ask that you provide a favorable report on House Bill 612.

Please feel free to contact me through email or phone if you would like to have a further conversation on this matter.

Sincerely,
Ben

Benjamin Wolff, Owner
ISA Certified Arborist # MA-5526A
Maryland Tree Expert (LTE #1779)
Certified Treecare Safety Professional (CTSP)

Wolff Tree and Landscape
Phone: 443-340-9732
Email: bwolff@wolfftree.com



SB-0586 Testimony - Charles Remines - Signed 3.01.

Uploaded by: Charles Remines

Position: FAV



2076 Montevideo Road
Jessup, MD 20794
Office: (410) 796-TREE (8733)
Email: fvttoffice@gmail.com

March 1st, 2023

SB-0586 Natural Resources – Licensed Tree Experts - Alterations

SPONSOR: Senator Katie Fry Hester,

POSITION: Favorable

Dear Senator Katie Fry Hester

I would like to share my personal and professional experience as the owner of a small tree trimming and removal company.

As a fully licensed and insured tree company, we have trouble bidding against non-licensed and non-employed people bidding tree work without proper licensing or liability and worker's compensation insurance. It's important because the more that it happens in the residential industry the more that they are going to start tapping into the commercial and municipality industries.

Consumers are not aware of the laws that are required to do tree work and Maryland and they also are not enforced and not treated the same as other construction industries and often the severity is a lot greater. There is a lack of supervision and enforcement. A lot of time these unlicensed tree workers do not have the best interest of the homeowners or the trees, they are just trying to make a quick buck. Unlicensed tree workers take away 30% of residential business from licensed and professional tree companies.

The current laws are very vague and hard to understand, especially when it comes to policing and reinforcing these regulations.

Because of this, I am in favor of Senate Bill 0586.

Sincerely,

A handwritten signature in cursive script that reads "Charles Remines".

Charles Remines
Sole Managing Member
Forest Valley Tree & Turf

Testimony - SB586.pdf

Uploaded by: Frank Dudek

Position: FAV



March 1, 2023

SB-586 Natural Resources – Licensed Tree Experts – Alterations

SPONSOR: Senator Katie Fry Hester

POSITION: Favorable

Good afternoon, Chairman Feldman, Vice Chair Kagan, and members of the committee. Thank you for allowing me to present Senate Bill 586.

My name is Frank Dudek and I am a licensed tree expert (LTE #477), employed in the practice of arboriculture for the last fifty (50) years in the state of Maryland. I have been personally licensed for over thirty five (35) years. I am currently the owner of Arbor Valley Tree Service. As most people in the industry are aware, arboriculture is one of the most dangerous occupations in the state. As you can verify by checking with workers compensation companies, we have extremely high workers compensation rates. Over the years I have seen many serious accidents resulting in extremely severe injury to employees throughout the industry. Chainsaw cuts generally cannot be taken care of with a band aid. I know one gentleman who fell 60 feet out of a tree; thankfully he survived after many, many months of medical treatment and rehabilitation. Unfortunately, there are too many incidents of employees that have suffered loss of limb, loss of ability to work, and loss of life. My point is – this is an extremely dangerous business.

If someone is operating a tree company and allowing their employees to work for your constituents or even you, if they are not properly trained in the art and science of pruning trees, they can do considerable damage by improperly pruning your favorite tree or an historical tree. If those untrained, uninsured employees working for someone renting a license are removing a tree without proper training, that tree could end up on top of a car, on top of a house, on top of a daycare center, in the middle of the road, or on top of an employee or pedestrian. Incidents such as these can and have happened – many times over the years.

The follow-up to all of these incidents is usually the homeowner and the employees are assuming all of the risk because the person operating under a rented license is not a licensed tree expert, according to the Department of Natural Resources. Therefore, if you are not a licensed tree expert, you legally cannot obtain workers compensation insurance, liability insurance, and unemployment insurance for your business and employees.

According to Maryland law, the definition of a licensed tree expert is:

“a person who has received, from the Department of Natural Resources, a license displaying the person’s qualification to practice as a tree expert.”

“‘Tree expert’ means a person who represents to the public that the person is skilled in the science of tree care or removal and who, whether in the business of the person or as the employee of another person and whether under the title of arborist, tree specialist, tree surgeon, tree expert, or otherwise, engages in the business or work of the treatment, care, or removal of trees for compensation by:

- (i) Making diagnoses, prescribing, and supervising the treatment for trees; or
- (ii) Trimming, pruning, thinning, cabling, shaping, removing, or reducing the crown of trees.

As you can see, according to the Maryland Tree Expert Law, someone receiving a tree expert license must receive it directly from the Department of Natural Resources. The person that is renting his/her license is NOT legally authorized to grant a license to anyone. There is no guarantee that the person renting his/her license has the knowledge and ability to evaluate the person that he/she seeks to rent his/her license to as a tree expert.

It is my understanding that in the State of Maryland, if you are not properly licensed to operate a business as required by Maryland law, even if you pay for insurance and workers compensation, it would all be null and void if the insurance company finds out that you are not officially licensed by the Maryland Department of Natural Resources.

Your job as legislators and my job as a concerned professional and a citizen of this state, is to look out for the consumer. As an active professional for many decades in this industry, I have been a huge advocate of strengthening the Maryland Tree Expert License laws, accomplishing many changes over the years. When someone is operating a business and they are not properly licensed and insured, that person is making all of the money, undercutting legitimate business operators, and putting all of the risk and liability on their employees and the consumer.

I have two true stories I can share with you. The first is about an employee that left my employ to go to work for an illegitimate tree company for \$1.00 per hour more, no benefits, and being paid under the table. Within several months, that employee, at the age of 33 with two young daughters, fell out of a tree, landing on a concrete driveway, feet first, shattering his feet and legs. He experienced such damage to his body that he was never able to work again in any capacity that requires him to be on his feet. To the best of my knowledge, he is still in a wheelchair today. His lawyers wanted to sue the homeowner. This employee refused to allow his lawyers to ruin the life of the homeowner by suing them. His extensive medical bills were all paid for by the Maryland State Uninsured Employees Fund. This is a perfect example of how the consumer and the employee assume all of the risk, while the so-called businessman, running an illegitimate business, makes all of the profit and feels none of the risk.

One more true story. There was a family in Annapolis where the father rented out the family home after the children grew and moved out. He and his wife downsized, renting the house out for many years. At one point, they were renting to their daughter. There was a large, dead Oak tree in the front of the house. The legitimate companies quoted around \$3,000 to safely remove the tree. One day, two men in a pickup truck knocked on the door and told the daughter that they could take the tree down for \$800. They tied a rope in the top of the tree, attached the rope to the

back of their pickup truck, and put a notch in the trunk to fell the tree into the street. When they started to cut on the back side of the tree, instead of the tree falling into the street, the tree fell backwards, on to the house, causing extensive damage to the home. The men doing the work did not have insurance. The homeowner tried to turn it into his homeowners insurance. His claim was denied.

Both of these incidents are on record from when I was down here working to change the Tree Expert Law to require a license for tree removal.

I respectfully ask that you provide a favorable report on Senate Bill 586.

Sincerely,

Frank E. Dudek

Maryland Tree Expert License #477
Member, Maryland Arborist Association

Testimony- Dubois Tree.pdf

Uploaded by: James Dubois

Position: FAV



Woodbine, MD 21797

LTE#1032 & 1733

February 22, 2023

HB-612 Natural Resources – Licensed Tree Experts - Alterations

SPONSOR: Delegate Courtney Watson

POSITION: Favorable

Good afternoon, Chairman Barve, Vice Chairman Stein, and members of the committee. Thank you for allowing me to present House Bill 612.

Dubois Tree Service, INC. has been serving the community for over 15 years now. Over the years we have come across many less skilled landscapers, damaging trees across the state.

Unfortunately, many customers aren't aware of the rules and regulations that should be implemented when executing services, such as ours. But landscapers and some tree care companies allowing others to work under their license. That should not be practicing such skills, without a license.

One more thing to mention, the safety issues that can occur on the jobsites. Landscapers, and or sub-contractors are not trained correctly. Many are not properly insured for homeowners/ and employees. We feel something needs to be implemented to show the severity of such practices without proper knowledge.

Just a few reasons why we are in favor of the House Bill HB612.

James M. Dubois Jr.

Tree_Bill_Testimony_JohnMiller-HB0612.pdf

Uploaded by: John Miller

Position: FAV

February 22, 2023

HB-612 Natural Resources – Licensed Tree Experts - Alterations

SPONSOR: Delegate Courtney Watson

POSITION: Favorable

Good afternoon, Chairman Barve, Vice Chairman Stein, and members of the committee. Thank you for allowing me to present House Bill 612.

To Whom it may concern,

Over the past few years, I have seen the number of unlicensed tree companies in the Montgomery and Howard County areas in which we operate increase significantly. This is concerning on many levels as it poses a threat to property owners, the public, those employed by these companies, and the health of the trees in our community. Below I have elaborated on a few specific items in greater depth:

Lack of Insurance: These companies often lack the adequate workers compensation insurance coverage, putting themselves, their employees, and the property owner (consumer) at risk in the event of an accident or injury.

Employee Safety: Unfortunately, almost every time I have encountered one of these companies in the process of a job, the employees tend to lack basic PPE (helmets, eye protection, etc.) and are exposing themselves to unnecessarily hazardous situations, as they lack proper equipment and training needed to complete the job safely.

Consumer Protection: In addition to the risk that the lack of insurance poses to consumers, it is concerning how many of these companies openly violate many aspects of the law in regard to consumer protection. For instance, many do not provide a formal written contract with a specific scope of work for a set dollar amount. Many are sending a simple and extremely vague text messages with no date, company info, scope of work, etc. This often leaves homeowners with an unfinished or partially complete job which they are then forced to hire a qualified contractor to complete.

Threat to Tree Health & Urban Tree Cover: The lack of knowledge and training to properly assess a tree's health in many cases leads to improper pruning techniques (Spiking trees while pruning, topping, etc.) exposing our valued urban trees to pests and disease, which then often results in the tree dying creating safety concerns and additional unnecessary expense for the consumer.

Furthermore, I have seen a few cases in which these individuals have intentionally misled property owners, causing them to think a structurally sound and perfectly healthy tree needs to be removed, once again posing a threat to our urban tree cover (by healthy trees being unnecessarily removed), while imposing financial harm on consumers.

Based on the reasoning above, I respectfully ask that you provide a favorable report on House Bill 612.

Sincerely,

John Miller – Owner/Managing Member Rock Creek Tree, Turf, & Landscape.

Magnolia Tree Testimony .pdf

Uploaded by: Kaitlyn Bogash

Position: FAV



February 20, 2023

HB-612 Natural Resources – Licensed Tree Experts - Alterations

SPONSOR: Delegate Courtney Watson

POSITION: Favorable

Good afternoon, Chairman Barve, Vice Chairman Stein, and members of the committee. Thank you for allowing me to present House Bill 612.

I believe there needs to be tighter regulations on licensing. First, we have gotten numerous business cards and fliers in the mail from companies presenting themselves as “licensed and insured”, when I look them up on DNR, their companies are nowhere to be found. Also, they are illegally opening mailboxes to place cards and fliers. Second, we offer competitive price matching to our customers from other licensed and insured tree companies. When our customers have sent us their quotes from other companies, they are not actually licensed but advertise themselves as so.

There have been several instances where another unlicensed company has recommended the removal of a healthy living tree. When the customer contacts us for a second opinion there is no necessary need to remove the tree. They do not have the proper education to properly diagnose tree diseases. They also do not have proper education of correct times of the year to prune and trim trees to keep up with their levels of optimal health. This also leads to incorrect treatment of diseases, unnecessary tree removal, and trees unproperly trimmed leading to overall poor health of the tree. This can cause a higher risk in climate change, as well as the loss of animal habitats.

I feel like customers are at risk because if their trees are incorrectly trimmed or treated, it will result in having to have the tree removed because of poor care. In the event that there is damage done to their property or home, these companies that are unlicensed and not insured may not be able to repair the damage done. They also run a major risk to themselves in the event of an injury to themselves. The customers are being lied to and false advertised to. This could run a great risk to them in the event of an accident.

We are a very small family owned and operated company who takes great pride in our work and customer relationships. Ryan has gone on many estimates where people wanted a misdiagnosed tree taken down and we have had to educate the customer. I do believe the continued education

should be in person only and not online. I feel there needs to be more rules and laws enforced on this topic.

I respectfully ask that you provide a favorable report on House Bill 612.

Katie Bogas and Ryan Williams with Magnolia Tree and Landscape Specialists.

House Bill letter.pdf

Uploaded by: Nelson Villafuerte

Position: FAV

The logo for Nelson Tree Specialist features a stylized green tree icon above the text "NELSON TREE SPECIALIST" in a serif font. The entire logo is set against a dark, rectangular background.

NELSON TREE SPECIALIST

February 22, 2023

HB-612 Natural Resources – Licensed Tree Experts - Alterations

SPONSOR: Delegate Courtney Watson

POSITION: Favorable

To Whom it May Concern:

My name is Nelson Villafuerte, I am the owner of Nelson Tree Specialist and holder of Tree Expert License No. #1610. I have hold my license for over 10 years now.

I do believe it is important to hold a license if you want to care for trees and to dedicate your knowledge to one company only so you can supervise all jobs to be done, specially when it comes to trimming. When trimming a tree it is extremely important to know what you are doing, if you remove the wrong branch or branches you can easily “kill” the tree. It is important to educate your customers when it comes to that, must customers do not know what you can or cannot do to a tree.

I also believe that if a company has been fined for not having a license, if they get caught working without a license for a second time fine has to be higher than first time. A lot of “companies” without license do not know what they’re doing when it comes to trimming due to lack of education.

It is important in my opinion that a person who holds a Tree Expert License only works for one company, as I do believe that if you have more than one company under your care you cannot have enough time to supervise all jobs getting done.

With that been said, I am in total favor on House Bill 612 and believe it is important to pay attention to this matter.

Truly yours,

A handwritten signature in black ink that reads "Nelson Villafuerte". The signature is fluid and cursive, written over a horizontal line.

Nelson Villafuerte

Nelson Villafuerte

Testimony Template 03-01-2023.pdf

Uploaded by: Robert Mead

Position: FAV

Mead Tree& Turf Care, Inc.

March 1, 2023, 2023

SB-0586 Natural Resources – Licensed Tree Experts - Alterations

SPONSOR: Hester

POSITION: Favorable

Good afternoon, Chairman Feldman, Vice Chairman Kagan, and members of the committee. Thank you for allowing me to present on SB-0586

I have been in the tree care business in Maryland for 44 years as a professional Arborist, And Licensed Tree Expert. I am an instructor for Tree Care Industry Assoc. Past President of Maryland Arborist Assoc. The Sharing of a Tree Expert License is causing harm to the industry and the consumer. There are several operators who share the license for a fee with no supervision of the unlicensed. There are several including I who lives in far western Maryland who sharing his license with someone in Baltimore county with absolute no supervision among numerous others. These operators many time leave property damage and never return to repair as there is no recourse for the homeowner as there is no license to hold them accountable to.

These operators are most likely Un-insured , Under Insured or insured in a whole other classification, leaving the consumer and their employees without adequate protection. If an incident happens while working on their property.

As I owner/operator in Maryland we are required to provide 40 hours of sick leave in the first year of employment and with occasion when one who comes from one of these companies they are requesting to be paid cash, partial cash and a small payroll check and 2 have never heard of the sick leave requirement. As a legitimate business we offer all the benefits to attract talent and participate in an apprenticeship program in Maryland. This level of licenses provides an unfair or unlevel playing field to operate as they have created a level of very low or no overhead to operate a business.

I respectfully ask that you provide a favorable report on Senate Bill SB-0586

Robert A. Mead

CA, LTE # 280, CTSP, QCL, TRAQ Qualified.

MBIA Letter os Support SB 586.pdf

Uploaded by: Lori Graf

Position: FWA

March 2, 2023

The Honorable Brian J. Feldman
Senate Education, Health & Environmental Affairs Committee
Miller Senate Office Building,
2 West Wing 11 Bladen St.,
Annapolis, MD, 21401

RE: MBIA Letter of Support with amendments- SB 586 Natural Resources – Licensed Tree Experts - Alterations

Dear Chairman Feldman:

The Maryland Building Industry Association, representing 100,000 employees statewide, appreciates the opportunity to participate in the discussion surrounding **SB 586 Natural Resources – Licensed Tree Experts - Alterations**. MBIA **Supports** the Act with Amendments.

This bill requires that any person that receives compensation for acting as tree expert be operating under an expert license. Is the intent that the License applies to people physically performing the work? MBIA would like clarification on if this bill is intended to cover consultants such as landscape architects, foresters, and arborists, etc. These professionals often make decisions about trees during the inventory and planning stages of development entitlements and landscape design.

MBIA respectfully requests some clarifying language on page 3, line 11.

“A PERSON MAY NOT **PHYSICALLY** ENGAGE IN THE WORK OF THE TREATMENT, CARE, OR REMOVAL OF TREES FOR COMPENSATION UNDER A TREE EXPERT’S LICENSE UNLESS THE PERSON IS EMPLOYED BY THE LICENSED TREE EXPERT”

For these reasons, MBIA respectfully requests the Committee give this measure a favorable report with the above amendment. Thank you for your consideration.

For more information about this position, please contact Lori Graf at 410-800-7327 or lgraf@marylandbuilders.org.

cc: Members of the Senate Education, Health & Environmental Affairs Committee

SB0586_MAA_UNFAV.pdf

Uploaded by: Danielle Bauer Farace

Position: UNF



Maryland Arborist Association, Inc.

Danielle Bauer Farace
Executive Director

SB 0586 – Natural Resources – Licensed Tree Experts – Alterations

Committee: Education, Energy, and the Environment
MAA Position: **OPPOSED**

Date: March 1, 2023

The Maryland Arborist Association, Inc. (MAA) works to promote education in the field of arboriculture, support the success of arborists and promote the importance of proper tree care. As the trade association representing Maryland Licensed Tree Experts, MAA has significant concerns about unintended consequences that SB 0586 would have on Maryland's tree care industry.

MAA has met with bill sponsors from both the Senate and House regarding this bill and understand that amendments are forthcoming. However, the scenarios being cited as the catalyst for changes to the Maryland Licensed Tree Expert law are already illegal under current law, and would not be addressed through this legislation. Instead, the legislation will make it more difficult for individuals to become Maryland Licensed Tree Experts and will lead to more companies operating unlawfully.

We routinely hear from our membership about the difficulties to become a Licensed Tree Expert. Currently, a situation where a Licensed Tree Expert retires or sells their company and would like to mentor a savvy young tree and landscape professional who wants to become a Licensed Tree Expert so that they can start a tree company is allowable and is common practice. The proposed legislation and further amendments would not allow for this situation and would negatively impact small and minority-owned businesses. A valid Licensed Tree Expert should be able to provide legitimate supervision and guidance for a fee without become an "employer" or "employee" of the new company.

Additionally, the requirements for Workers Compensation insurance in this bill are onerous as the state of Maryland already requires by law that employers carry Workers Compensation insurance. Workers compensation insurance requirements should be negotiated between the purchaser and the service provider. The Department of Natural Resources does not have the expertise to determine the form and amount of workers compensation insurance that is required by each company or for the job. Furthermore, this bill does not allocate any additional funds for the additional responsibilities expected of the Department of Natural Resources.

Due to its negative impact on minorities, small businesses, and Maryland's tree care industry, MAA requests your unfavorable report on SB 0586.

Sincerely,

Danielle Bauer Farace
Executive Director

7151 Hubbard Road, Federalsburg, MD 21632
410-928-4888 • office@mdarborist.com • www.mdarborist.com

SB0586_DNR_LOI_EEE_3-2-23 .pdf

Uploaded by: Emily Wilson

Position: INFO



Wes Moore, Governor
Aruna Miller, Lt. Governor
Josh Kurtz, Acting Secretary
Allan Fisher, Deputy Secretary

March 2, 2023

BILL NUMBER: Senate Bill 586 – First Reader

SHORT TITLE: Natural Resources - Licensed Tree Experts - Alterations

DEPARTMENT'S POSITION: LETTER OF INFORMATION

EXPLANATION OF DEPARTMENT'S POSITION

The Department provides this letter of information on SB 586. The bill includes penalty provisions for certain violations of licensed tree expert law. Proposed language that removes the ability to supervise more than one company while including language that requires that the licensed tree expert only supervise employees implies that the owner is the licensed tree expert, which is a discernible shift to the industry. The Department will also work to clarify what is required of a licensed tree expert with regard to workers' compensation insurance.

BACKGROUND INFORMATION

The Department is charged with implementation and enforcement of the Tree Expert statute which is considered a consumer protection law. The law licenses only individuals and not companies. A license is required by any person who performs tree care work, including removals, on trees over 20 feet tall for compensation. In order to obtain a license, the person must have three year's work experience under a licensed tree expert, pass the exam and show proof of liability and property damage insurance prior to being issued a license. The Maryland Forest Service posts the licensees' contact information on the MD Licensed Tree Expert website which can be queried by license number, company name and their work area by county(ies). This website is to assist the public with hiring licensed companies as well as verifying licenses.

The statute had been previously amended during the 2014 Session (CH 101) to enable licensed tree experts to supervise more than one company. Currently of the approximately 1,300 licensed tree experts, 40 supervise 99 companies in addition to the initial one. Of this, 29 work for one company and then also have their own tree care company. The remaining 11 supervise more than two companies. These companies may be family members trying to obtain the mandatory three years of experience, or other companies also trying to reach that goal.

BILL EXPLANATION

This bill would increase the fines paid by those individuals found guilty of noncompliance with the statute. The bill also removes the ability for a licensee to supervise more than one company by requiring the employer to be licensed and requires the license to carry workers compensation insurance on their person while engaged in tree care work.

Contact: Emily Wilson, Director, Legislative and Constituent Services (Acting)
emilyh.wilson@maryland.gov ♦ 410-260-8426 (office) ♦ 443-223-1176 (cell)