

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



Cutting Edge Tree Experts - testimony.pdf

Uploaded by: Chad Zirk

Position: FAV

Cutting Edge Tree Experts

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.

For the last almost 20 years, I have owned and operated Cutting Edge Tree Experts. I had initially started the company with my father and mother. I worked hard to develop the company while working as a law enforcement officer for a local jurisdiction. This encompassed numerous hours of training and continued education in tree care. My focus was always to build a company that offered quality tree care and service to the customers we served.

Over the last few years, I have seen a dramatic increase in unlicensed tree companies as well as companies working under someone else's tree license with no supervision. We have been requested for a second opinion on multiple occasions where an owner had been given a recommendation by an unlicensed tree company to cut down a tree as it was dead. After thoroughly inspecting the tree, it was discovered that the tree was not dead but rather needed minor pruning / care. This saved the customer several thousands of dollars while also saving several mature trees which benefits the environment. These unlicensed tree trimmers are damaging trees because of a lack of education, experience, and licensing. In addition, we have witnessed climbers for unlicensed companies, spiking trees they are trimming and conducting improper trimming techniques, which can cause harm or death to the tree.

I have taken great pride in my company and the exceptional tree service and care we offer. But it offends me to see community members that are taken advantage of by unlicensed companies. Even while employed as a law enforcement officer, I was asked to consult on a case in which an elderly couple were bilked out of thousands of dollars after answering a knock on their door from an unlicensed company that told them there were dead trees in their backyard and they could fall on their house. I was asked by the officer handling the case to evaluate the trees. I determined the trees were healthy and should not have been cut down. To avoid any conflict of interest, I also provided resources through the University Of Maryland who also became involved and confirmed the trees were healthy and should not have been taken down.

After numerous calls to Department of Natural Resources (DNR) on unlicensed tree companys, I was advised that the fine was not considerable enough to sway any unlicensed tree company from operating in Maryland. In almost every case of unlicensed operations, the homeowner is provided with business cards or have observed equipment that is marked as having a license and

being insured. Many customers are not aware of DNR's website that provides a list of licensed tree companies. And those customers who are aware of the website, actually have a false sense of security as the insurance policies these companies have may actually not be for tree work.

Tree work has been ranked one of the most dangerous occupations in America. Companies working under other insurance policies, outside of tree work policies, jeopardize the employees and the customers. These policies are typically purchased because they are cheaper for the company.

There are many reputable tree companies that operate within the State of Maryland but those companies need the support of state legislators to ensure they continue to operate with due diligence to tree care and ensuring individuals aren't being taken advantage of by those that abuse the system. In summary, to protect the homeowners and businesses within the State of Maryland who utilize tree service companies, we respectfully request the following:

- increase in fines for violators to deter those violators from committing more offenses,
- limiting one license to one company
- Requiring a licensed tree expert to carry, show proof of, and maintain valid worker's compensation insurance

Charles Remines Testimony - HB612.pdf

Uploaded by: Charles Remines

Position: FAV



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

February 20th, 2023

HB-612 Natural Resources – Licensed Tree Experts - Alterations

SPONSOR: Delegate Courtney Watson

POSITION: Favorable

Dear Delegate Courtney Watson,

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 House Bill 612.

Sincerely,

A handwritten signature in black ink that reads "Charles Remines". The signature is written in a cursive, flowing style.

Charles Remines
Sole Managing Member
Forest Valley Tree & Turf

Tree Trimming Testimony.docx.pdf

Uploaded by: Courtney Watson

Position: FAV

COURTNEY WATSON
Legislative District 9B
Howard County

DEPUTY MAJORITY WHIP

Appropriations Committee

Subcommittees

Oversight Committee on Pensions

Vice Chair, Transportation
and the Environment



Annapolis Office
The Maryland House of Delegates
6 Bladen Street, Room 214
Annapolis, Maryland 21401
410-841-3077 · 301-858-3077
800-492-7122 Ext. 3077
Courtney.Watson@house.state.md.us

THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

February 22, 2023

HB-612 Natural Resources - Licensed Tree Experts - Alterations

SPONSOR: Delegate Courtney Watson

POSITION: Favorable

HB-612 is a consumer protection bill regarding licensed Tree Experts - and other companies who represent to the public that they are Tree Experts, but they are not licensed and do not meet the stringent standards of licensing in Maryland. This bill prohibits a person from engaging in the treatment, care, or removal of trees over 20-feet tall for compensation under a Tree Expert's license unless the person is employed by the licensed Tree Expert.

Tree trimming and tree care of trees over 20 feet tall is one of the most dangerous occupations in the country. Improper tree care of large trees is damaging to the environment. This bill prohibits an unlicensed company from operating under the license of a Tree Expert in Maryland.

To date, there are approximately 1300 licensed Tree Experts in the state. However, Maryland law allows any company to act under the license of a licensed Tree Expert. There is a concern among members of the industry that there is a lack of oversight, lack of training resulting in damage to large trees, and lack of safety procedures putting workers and land owners at risk. Unlicensed companies caring for trees often employ poor practices, such as tree spiking, to the detriment of the consumer and to the environment. Tree spiking leads to infectious infestations like bacterial blight or fire blight spreading between tree species.

The issue with "any" unlicensed company using a licensed Tree Expert's license number is one problem causing environmental damage. The other problem is unlicensed contractors who are performing work on trees. For that reason, at the suggestion of the Department of Natural Resources, this bill increases the second fine for performing unlawful unlicensed tree work.

This bill would keep the initial fine for practicing without a license at the initial standard rate of \$250 and raise the subsequent charge from \$1,000 to \$2,000 to deter repeat offenders.

In summary, tree trimming is one of the most dangerous occupations in America. It follows that with such an occupation the state should verify that licensees have workers' compensation insurance in place along with the already required property and casualty insurance specifically for Tree Experts. This bill would make that requirement.

Stakeholders in the industry believe these alterations to current standards are effective solutions to deter individuals from operating a tree care business without proper licensing, while protecting consumers, trees, the environment, and importantly - employees in this line of work.

Thank you for your consideration of this bill. I am happy to answer any questions.

Courtney Watson

Delegate Courtney Watson
Howard County District 9B

HB612 Testimony - Frank Dudek.pdf

Uploaded by: Frank Dudek

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.

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 House Bill 612.

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.

HB612.pdf

Uploaded by: Keith Cotter

Position: FAV

Chesapeake Tree & Crane Services, LLC

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.

There are a large number of licensed tree experts in Maryland that are selling, or renting out their license number to unqualified, untrained, uninsured, contractors, permitting them to perform tree services to the unsuspecting consumers.

This is causing the consumer to be taken advantage of and putting them at a great risk. These unqualified, inexperienced contractors are taking advantage of the consumer by improperly diagnosing or recommending work that may be unnecessary. Most times these contractors are not properly insured to cover any damages that may occur from said work.

Tree work is very dangerous. It takes a lot of experience, training, knowledge, know how, safety equipment and gear...even with all of those accidents still happen. That is why it is important to leave it up to the ones who have been through, and must to go through continuing education as mandated by law to maintain our licenses. Continuing to allow contractors to be about to operate without this training, not follow safety guidelines, not be properly insured, is a risk that needs to be stopped. These guys should have to carry their own Tree Expert license, and pass the state exam to do so. By allowing them to “shortcut” the system it is unfair the companies that are following the law, working hard and following guidelines. We are struggling to keep work coming in. The costs of all insurances, and workers compensation is constantly increasing along with all overhead for the business. This causes us legitimate companies to have to increase costs, to balance out. The other contractors are operating without these types of expenses. They are able to sell the work at ridiculously low rates. Taking work from guys doing it legally. This is a very hard and dangerous industry. This bill would help to reduce some of the risks and help to protect the guys doing it right, and most of all the consumer.

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

Keith Cotter
Keith Allen Cotter

Licensed Tree Expert #1018

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 written in a cursive style with a long, sweeping underline.

Nelson Villafuerte

Nelson Villafuerte

Testimony Template 02-22-2023.pdf

Uploaded by: Robert Mead

Position: FAV

Mead Tree& Turf Care, Inc.

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 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 share his license with someone in Baltimore county with absolute no supervision.

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 level 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 House Bill 612.

Robert A. Mead

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

MBIA Letter of Support HB 612.pdf

Uploaded by: Lori Graf

Position: FWA

February 23, 2023

The Honorable Kumar P. Barve
Environment & Transportation Committee
House Office Building, Room 251,
6 Bladen St., Annapolis, MD, 21401

RE: MBIA Letter of Support with Amendments HB 612 Natural Resources – Licensed Tree Experts – Alterations

Dear Chairman Barve:

The Maryland Building Industry Association, representing 100,000 employees statewide, appreciates the opportunity to participate in the discussion surrounding **HB 612 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 House Environment & Transportation Committee

Integrated Plant Care letter 2-17-23.pdf

Uploaded by: Danielle Bauer Farace

Position: UNF



February 17, 2023

2279 Lewis Avenue □ Rockville, Maryland 20851

301-881-8130 □ Fax 301-881-3695

As a licensed tree expert (LTE) 319, I am writing in opposition to House Bill 612, Natural Resources- Licensed Tree Experts- Alterations.

Section 5417 (2) (1)

I'm not certain, under current law, what fines are incurred by those caught operating without a valid LTE in Maryland. I do know that in 2022, only 17 companies were cited for operating without such a license. It seems to me that the chances of getting caught without a license are fairly remote and a \$500.00 fine is simply a cost of doing business to those who are unlucky enough to be apprehended.

I also don't know what the cost to the State is in prosecuting a person operating without a license but I would think that it would be considerably more than \$500.00.

My thought is that the State significantly raise the fine for an offending company to actually cover their costs or make the fine so high that it would actually deter a company from operating in the first place without a license.

Section 5-417 C

I'm certain there are more but I can think of two scenarios where this is a bad idea. In the event of a major storm, this would preclude licensed tree expert (LTE) companies from hiring non-LTE companies from outside our area to assist in the rapid removal of trees on houses, across driveways and streets. It has been my experience as an LTE for 45 years that Maryland residents want a return to normalcy as rapidly as possible. This would also eliminate the employment of utility line crews from outside the area from aiding in clearing downed power lines from trees.

There are over 400 companies in Maryland that employ only one LTE. Should that person suddenly die, there are provisions in the current law that allow those employees to continue to work but under a license from another company until an employee can pass the LTE exam. What I believe is most important to the citizens of Maryland is the work being performed is still being performed under the supervision of an LTE who is obligated to make certain the work is being performed correctly.

Section 5-418

The State now requires that LTE's show proof of both liability and Workers' Compensation Insurance. Our Worker's Compensation category is established by our insurance carrier based on the type of work we perform. I believe the intent to change the existing wording of the law is that all LTE's should now be in the 0106 SIC code allocated for those engaged in tree climbing, removals, etc. Should this be the case, this new provision would unnecessarily quadruple my companies' annual cost for workers' compensation insurance.

It is the insurance companies responsibility to monitor through audits where companies should be placed for workers' compensation insurance. This should not be a function of State.

Please issue an unfavorable report for this bill.

Sincerely,

A handwritten signature in blue ink that reads "Paul L. Wolfe, II". The signature is written in a cursive style with a large, stylized "P" and "W".

Paul L. Wolfe, II

President

Integrated Plant Care, Inc.

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Position: INFO



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

February 22, 2023

BILL NUMBER: House Bill 612 – 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 HB 612. 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.

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