

Fall 2020  
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## Arborist Licensure in Florida;

Will our third try be the charm?

Norm Easey, CEO



One of President Rob Calley's presidential initiatives during his year as our President was to pursue, once again, lobbying the Florida legislature to regulate the practice of arboriculture. The Florida Chapter tried making this appeal twice before in 2005 and 2006; both efforts were unsuccessful. Unfortunately, the frequency of deaths and morbidity that is so common in the care of trees has not gotten better.

President Calley made a passionate plea to the Florida ISA Board and the Board agreed to try again. The first step was to

determine Florida ISA's lobbying limitations as we are a 501c3 non-profit. An attorney was hired to research the issue and define our limitations. The research revealed some limitations, however, there was a clear legal path for us to lobby on behalf of the tree care industry. At that point President Calley appointed a Task Force whose job it was to continue the process towards lobbying the Florida Legislature and Governor to regulate the practice of arboriculture.

The Tree Care Licensing Committee was

*[Licensure continued on page 2](#)*

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*Licensure Trees continued from page 1*

charged with investigating the opportunities, methods, timing, and merits of pursuing another attempt to petition the Florida Legislature to regulate the practice of arboriculture in the State of Florida. The committee was officially formed by President Calley during the June 12 Board Meeting. President Calley appointed Barry Grubb as Chair. Chairperson Grubb appointed committee members Rob Calley, Ronnie Simpson, Andrew Koeser, Bonnie Marshall, Norm Easey, and Erik Nobs to serve on the committee.

The committee decided to pursue four steps to help the Board make this decision. Their first step was to design and implement a membership survey to assess how the membership currently feels about undertaking another licensure effort. Secondly, the committee conducted a lobbyist search to seek out an experienced and qualified lobbyist to recommend to the board. Third, the committee researched other states that license arboriculture to look for a model to pattern. Finally, the committee synthesized the data collected and debated the pros and cons to the Florida Chapter regarding arborist licensure.

*Licensure continued on page 4*

### MEMO BOARD

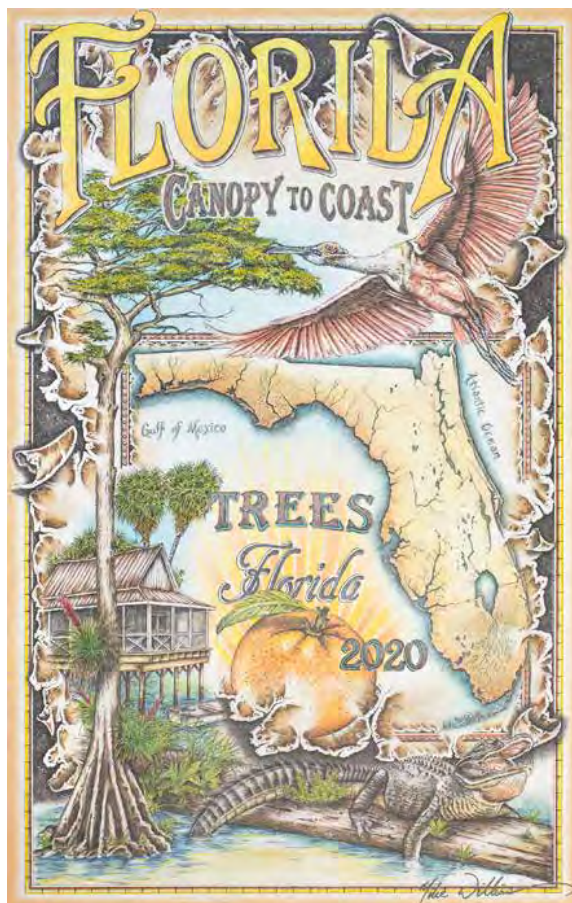
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2014 - Dr. AD Ali

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1998 - Richard Bailey  
1997 - Joe Samnik  
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*Licensure continued from page 2*

The survey results indicated that in general 76% of the membership is in favor of pursuing licensure, however of those 12% do not agree with the timing because of the current political climate. Of those that said it was ‘not very important’, or ‘not important’, 14% of them explained that they were for licensure but the timing due to the political climate is their reason for not moving forward. Also, it was clear from the survey results that many in our membership do not fully understand what arboriculture licensure means. The survey was sent to 1415 Chapter members and 256 responded.

The committee researched the names of lobbyists and reduced them to three companies to interview. Interviews were conducted and a lobbyist evaluation process was designed and executed. **The Committee recommended that the Board hire lobbyist Jim Spratt with Magnolia Strategies, LLC.** The committee was advised by me to research the success achieved by the State of New Jersey. New Jersey is the latest state to license the practice of arboriculture.

A conference call was conducted with Steve Chisholm to discuss New Jersey’s efforts and methods for success. More information will need to be collected from arborists from New Jersey. Visit [www.njtreeexperts.org](http://www.njtreeexperts.org) for more information on NJ law. Steve reported collaboration with other organizations was key to successful NJ law. The New Jersey arborists were also able to keep lobbying expenses over seven years to less than \$50,000. **The Committee recommended that we use New Jersey as a model for our arboriculture regulations.**

Finally, the committee debated whether we should recommend moving ahead with a licensure effort now. All on the committee agreed that licensure will be needed to lower the fatalities, severe injuries, and poor arboriculture that is now all too common in Florida. In the end it was determined that for the last 27 years ISA has offered voluntary arborist certification to the arborists in Florida as a means of improving the industry but only 20% of arborists got the certification. The committee also discussed that the Florida ISA has aggressively taught numerous arboriculture seminars (24 per year) statewide from Key West to Ft. Walton Beach for the last 20+ years. And while all this education effort has made a significant impact to the 20% of the industry that participate as certified arborists, it has not made much of an impact on arborist safety or the quality of arboriculture in Florida overall. The Committee also discussed how our previous lobbying efforts did not use grass-roots support nor did it emphasize the death and morbidity associated with this industry. Some on the committee did not feel the timing was right as the legislature and governor are strongly opposed to licensing new industries, and in fact, just recently announced they were de-regulating several existing industries. Never-the-less, the committee ultimately agreed that many more lives will be lost while we wait for the time to be ‘right’ to improve the practice of arboriculture in Florida. **The Committee recommended that the Board move ahead with another licensure effort beginning with the upcoming 2020/2021 legislative session.**

At a special board meeting held on July 9, 2020 the Florida ISA Board of Directors reviewed the report of the Tree Care Licensing Committee, and after considerable discussion, voted to pursue arborist licensure *Licensure continued on page 5*

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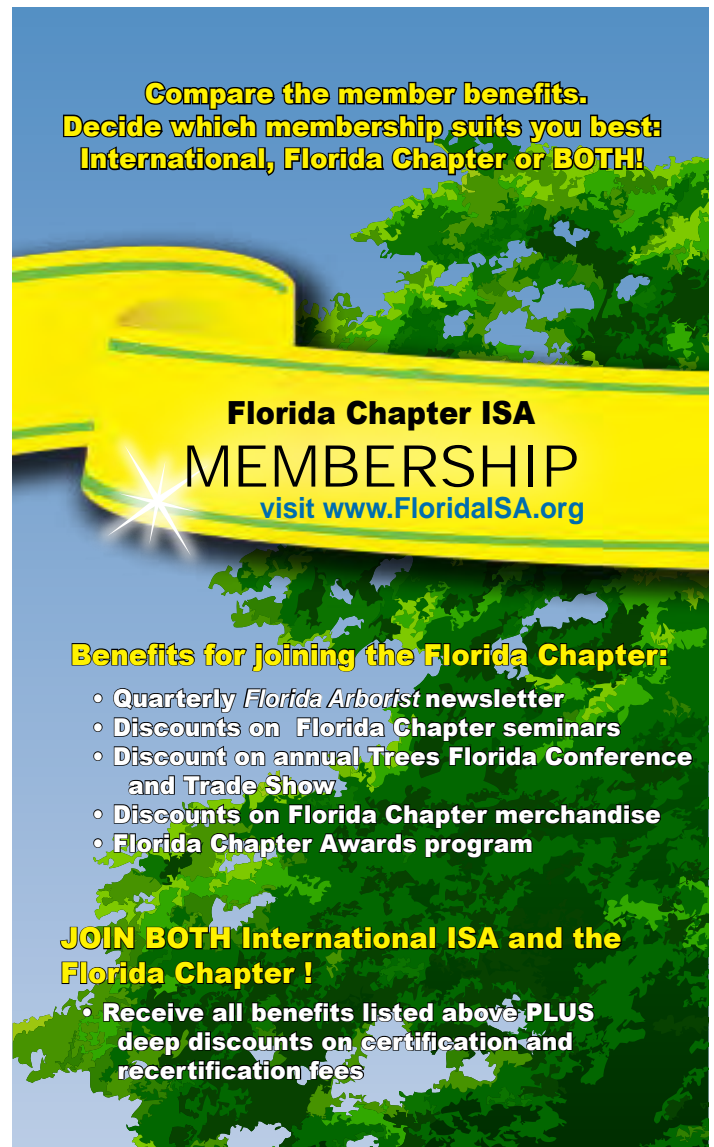
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[Licensure continued from page 4](#)

during the upcoming 2020/2021 Florida legislative session. The board also approve hiring lobbyist Jim Spratt of Magnolia Strategies.

The Board also requested that our lobbyist work on refining the new Florida tree law Chapter 2019-155, 163.045, F.S. that preempted local regulation of tree removal or pruning. ISA Certified Arborists were now asked to provide assessments of trees for risk. Unfortunately, the laws language and the language in our Industry Standards (A300 Part 9) do not comport with each other. Specifically, we want to define what is meant by the words “residential property”, “danger” and “obtains documentation”. We would also like to better define what is meant by “an Arborist who is certified by the International Society of Arboriculture”. ISA certifies individuals for several specific skills like Aerial Lift and Climber Specialist, however, those credentials measure an arborists skill at climbing and aerial lift use. The group of arborists that are the most qualified to assess tree risk are those with ISA’s Tree Risk Assessment Qualification. Unfortunately, as it is a ‘qualification’ and not a ‘certification’ this credential does not comport with the text of the law.

The next step is for our lobbyist to formulate a plan with our Tree Care Licensure Committee to begin lobbying efforts. ❖



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## SALUTING BRANCHES 2020 event CANCELLED



We regret to inform you that the 6th annual 2020 Saluting Branches Day of Service has been cancelled, due to the ongoing issues and uncertainty of COVID-19. Through much deliberation, our team concluded that hosting this event would not provide the level of safety that our organization is committed to providing for all involved.

We appreciate the work and dedication our volunteers have put forth into planning this event. Your efforts are what makes this organization thrive each year to reach our mission to “Honor American service men and women by organizing volunteer tree and landscape care for the property dedicated to our veterans.” We look forward to working with each of you again in 2021.

# A Forest of Invisible Trees

by Amy Androff for USDA Forest Product Lab

The urban jungle could one day be a forest of invisible trees.

The Forest Products Laboratory (FPL) is pushing the technological concepts of science fiction into reality. A scientist at FPL is helping progress the feasible development of an alternative transparent material to glass that is made from wood.

When picturing the densely populated cities of the world—London, New York, Shanghai, Tokyo, Mumbai—the mind’s eye might bring up images of endless behemoths towering with glinting plate glass. By far, glass is currently the most ubiquitous building material for windows. Gazing through our windows, the economic and ecological cost of this building material is not immediately perceptible.

Unless its winter—and the cold seeping through brings on a shiver.

Glass, especially single paned glass, has a high intrinsic thermal conductivity. Or in other words, it has a natural ability to transfer heat through it. In cold months, that equates to a heftier heating bill. And during the summer, homes heat up faster creating pricier cooling costs. Energy flows through glass as if all the windows have been left open.

Additionally, manufacturing current building glass comes with a heavy carbon footprint. Yearly manufacturing emissions are approximately measured at 25,000 metric tons.

An invisible forest sprouts—

Finding alternatives to glass has been an ongoing research exploration. However, transparent wood has emerged as one of the most promising, feasible materials of the future. Wood as a transparent material did pose some challenges—haze, durability, and thermal insulation for energy efficiency were previously barriers to a workable product.

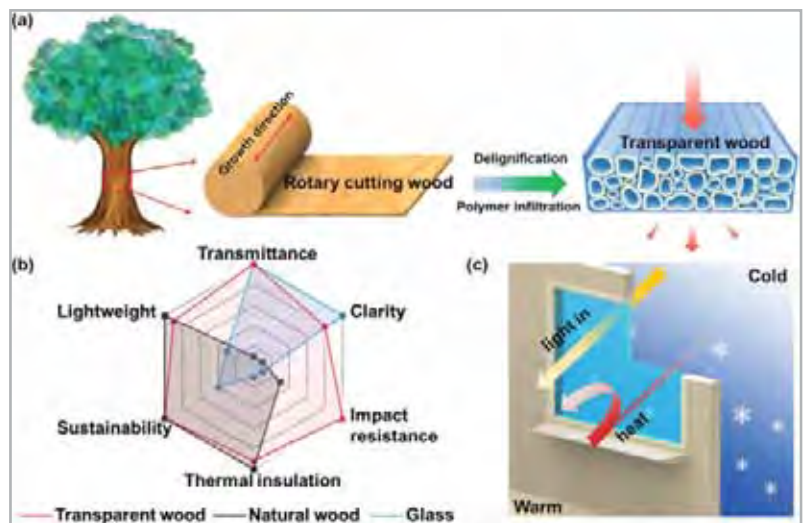
Forest Products Laboratory scientist Junyong Zhu and his colleagues from the University of Maryland Department of Materials Science and Engineering, and Department of Mechanical Engineering, and the University of Colorado Department of Mechanical Engineering have developed a process for a transparent wood composite that

simultaneously enhanced transparency, increased thermal insulation, and improved durability. They reported their findings in the *Journal of Advanced Functional Materials* in their paper, “A Clear, Strong, and Thermally Insulated Transparent Wood for Energy Efficient Windows.”

How are transparent trees even possible?

Wood from balsa, one of the lowest density trees in the world due to its fast growth rate, is treated to a room temperature bath of sodium hypochlorite (NaClO). NaClO is a strong oxidizing agent that can remove the compounds in wood responsible for light absorption. After a long oxidizing bath, the balsa wood structure becomes more porous and cell walls are significantly thinned. In essence, it is bleached and leached of nearly all visibility.

After its bath, the wood is then infiltrated with polyvinyl alcohol (PVA), a synthetic polymer, which creates a product with high optical transmittance and low haze. The transparency produced from the PVA addition is approximately 91%, which is comparable to today’s glass translucency standard.



*Schematic illustration of the fabrication process of the transparent wood, which features various outstanding characteristics compared to glass windows. a) The large-scale naturally aligned wood is obtained by a scalable industry-adopted rotary cutting method. The transparent wood features optimized optical properties after delignification and PVA infiltration. b) A radar chart compares the various properties of the transparent wood, natural wood, and glass when used as building materials. c) A schematic of the energy saving process while using the transparent wood in the exterior windows of a building in cold weather.*

Moreover, the addition of the synthetic polymer has made for a far more durable, lighter, transparent material than glass. It can sustain strong impact primarily because of its

*Invisible Trees continued on page 8*



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*RPG Growers are committed to enhancing the image and quality of field-grown trees through the hardening-off process. Research continues to show that hardened-off field-grown trees are more wind resistant, use water more efficiently at planting, establish faster after planting, and when planted with container trees in a situation of limited water or irrigation will have dramatically higher survival rates.*

To Subscribe to the RPG Times Newsletter or to request copies of the Tree Grading, Planting or Pruning Cue Cards contact an RPG member or visit [www.rootsplusgrowers.org](http://www.rootsplusgrowers.org)

Invisible Trees continued from page 6

naturally dense wood structure combined with cellulose and the energy absorbing polymer filler. This gives it higher ductility, the ability of a material to undergo significant stress before deformation. And unlike glass, when it does fail under stress it bends or splinters instead of sharply shattering.

Transparent wood also outperforms glass in thermal insulation. Its low thermal conductivity means that it transfers less heat and energy. It is estimated to be more than five times less thermally conductive than glass. As the world looks for ways to make a positive impact on climate change, that equates to real world economic and environmental benefits.

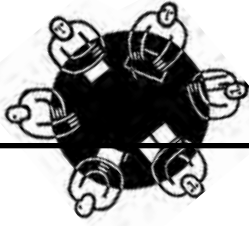
Economically, it won't break the bank either. Transparent wood is made from a sustainable, renewable resource with low carbon emissions. And because of its compatibility with existing industrial processing equipment, it has the potential for an easy transition into fabrication.

With all the potential benefits transparent wood has to offer, an invisible forest could create our greenest planet yet. ❖

**FLORIDA CHAPTER SCHOLARSHIP**

Students! Remember to submit your [scholarship application](#) to the Chapter office no later than November 15th for the 2021 Spring scholarship.





# Florida Chapter Board Updates

## BOARD SHORTS:

### VIRTUAL BOARD MEETINGS CONTINUE



Rest assured; we are all still hard at work for our Florida membership. The board held a second successful Zoom Board meeting in June. Various committees have problem solved virtually too. CEO Norm Easey remains in close contact with ISA International on a regular basis so that we stay well-informed on news and any changes at headquarters.

The board has tentative plans to meet in-person for the September meeting, depending on ongoing COVID-19 restrictions at the UF-IFAS Orange County Extension office in Orlando.

In addition to the regularly scheduled board meeting, the Board met for a special virtual meeting in July to make a decision about moving forward with Florida licensure for arborists. A thorough report was provided by the Licensure Committee and after much discussion, the board voted to continue on the path of lobbying for the 2020/2021 state legislative session.

[Read the full article on page 1.](#)

### CONGRATULATIONS TO RYAN KLEIN



The Florida Chapter Board of Directors has congratulated Dr. Ryan Klein for being chosen to fill the position as Assistant Professor of Arboriculture at the University of Florida starting August 17, 2020; Ryan fills the spot vacated when Dr. Ed Gilman retired. Ryan is a recent PhD graduate under the tutelage of Dr. Andrew Koeser. Ryan’s interests center around exploring the impacts that urban forests have on the health and safety of urban populations. He views the relationship between people and their natural surroundings as being especially significant since most of the world’s population live in

urban areas and urban sprawl continues to consume our remaining natural spaces. Ryan’s new position will have research, extension and teaching duties. His future research program will focus on the risk associated with urban trees and their survival following intense storms. His extension program will focus on educating the public on current issues in Arboriculture, as well as working closely with stakeholder groups to develop training opportunities for industry professionals. He will teach a course devoted to Arboriculture. Ryan’s additional research interests include: tree worker safety training programs; propagation of species from outside of established hardiness zones; and cultural views and personal preferences regarding urban tree plantings.

### CONGRATULATIONS TO DR. ANDREW KOESER



Congratulations to Dr. Andrew Koeser for his recent promotion to Associate Professor and the granting of tenure. Dr. Koeser is well known as a speaker at many Florida Chapter educational seminars and the annual Trees Florida Conferences. He is a current Florida Chapter board member as the Educator Representative and is active on the Florida Chapter Education Committee. Hats-off to Dr. Koeser.

### CONGRATULATION TO MS. KIMBERLY PEARSON



Congratulation to Ms. Kimberly Pearson for recently being elected as the Chair of the ISA International Council of Representatives. After being on the CoR for about 3 years, Ms. Pearson is the first woman to hold this chair position. Kim is an active member of the Florida Chapter as the Vice President on the Florida Chapter board. She has also been active as the Trees Florida chair for several previous conference events. Congrats to you!

## Key Differences Between Expert Witnesses and Fact Witnesses

James Komen, Board Certified Master Arborist & Registered Consulting Arborist

A two-part series

### Part I

Consulting Arborists are hired to provide opinions and information about trees. Often, they are called to do so in the context of litigation as experts or even as lay witnesses, also known as fact witnesses. Consultants may be designated as experts for litigation, or they may provide more limited consulting services for the parties involved. How consultants are classified can have significant consequences for their testimony, involvement, and compensation.

A witness is an individual who testifies, under oath, to facts that will aid a court of law in resolving a case. In general, “every person is competent to be a witness, unless [the rules of evidence] provide otherwise.” Fed. R. Evid. 601. Witnesses will be limited to their own personal knowledge unless they have special qualifications as experts in the subject matter. Fed. R. Evid. 602. Statements given by witnesses are evaluated by the court’s finder-of-fact—the group or individual charged with determining the answer to a factual question based on evidence admitted at trial.

Resolving questions of fact often requires specialized knowledge, experience, or training in order to interpret facts. Thus, there is a need for expert witnesses, those who are qualified by “knowledge, skill, experience, training, or education” to “help the trier of fact to understand the evidence or to determine a fact in issue.” Fed. R. Evid. 702.

The differences between expert witnesses and fact witnesses may seem subtle, but there are some key distinctions:

Expert witnesses can be well compensated, but most fact witnesses are paid only nominally for their time and expenses.

Fact witnesses can be legally obligated to attend trial or deposition, but in most cases, experts have discretion over which assignments they take.

Expert witnesses can testify to a broad range of topics and assertions, whereas assertions by fact witnesses are

very limited in their admissibility in court.

Expert witnesses and fact witnesses are governed by different sets of rules with respect to the admissibility of their testimony, the pre-trial disclosure of their identities and opinions, and their compensation. This article addresses some important differences between the two through the lens of consulting arboriculture. Though this article focuses mainly on the Federal Rules of Evidence and Federal Rules of Civil Procedure, most state procedural laws regarding witnesses share a number of close similarities. An in-depth discussion of various states’ procedural laws is beyond the scope of this article.

### Testimony

According to Federal Rules of Evidence Rule 602, fact witnesses may testify to a matter only if they have “personal knowledge” of it. Fed. R. Evid. 602. This includes not only sensory and perception, but also opinions “rationally based on the witness’s perception” and “not based on scientific, technical, or other specialized knowledge.” Fed. R. Evid. 701. Rule 701 essentially draws a line between the content of the testimonies of fact witnesses and expert witnesses.

Fact witnesses can offer such testimony as:

- *“The tree’s canopy was green.”*  
The witness observed the tree. This observation is based on the witness’s sense of sight. If the witness did not personally observe the tree, then this statement would be inadmissible as hearsay (an out-of-court statement used to prove the truth of the matter asserted).
- *“The tree was 5 feet from the property line.”*  
This assumes the witness actually measured or perceived the tree’s distance from the property line. Although it may include the use of a tool (a measuring tape, in this case), the results of the measurement were directly perceived.

*[Keys continued on page 11](#)*

Keys continued from page 10

- *“The tree appeared healthy.”*  
Unlike the prior two assertions, this one is an opinion. Opinion testimony from fact witnesses is admissible if the opinion is rationally based on the witness’s perception. Here, the fact witness perceived the canopy was green and inferred the tree was healthy. This assertion is admissible for the finder of fact to evaluate during trial even if another witness claims the tree was not healthy despite its green canopy.

Fact witnesses cannot offer testimony such as:

- *“Tree cables should be inspected annually.”*  
This is an assertion of the standard of care – conduct that would be expected of a reasonably prudent person. It is an opinion based on existing documentation such as Best Management Practices and industry standards. Since these are not common knowledge, a fact witness would not be allowed to testify to them. In contrast, an expert witness in the field of arboriculture could make this assertion if she was qualified by adequate experience, knowledge, and training to do so.
- *“If the tree were not pruned in this way, it would not have died.”*  
This assertion is a hypothetical; the tree was actually pruned, so the witness is offering an opinion of a scenario that he did not directly perceive. This assertion would not be admissible by a fact witness but would be admissible by a qualified expert witness.
- *“He deliberately poisoned the tree.”*  
This assertion is inadmissible whether the witness is a fact witness or an expert witness. It is asserting another person’s state of mind, which cannot be known—only inferred. While the witness may testify to facts that support such a conclusion, it is up to the finder of fact to make the determination of a person’s state of mind.

In federal court, expert witnesses may testify opinions based on information that they received and did not directly perceive, provided that each of the four requirements in Rule 702 are met:

- The specialized knowledge [helps] the trier of fact

to understand the evidence or to determine a fact in issue.

- The testimony is based on sufficient facts or data.
- The testimony is the product of reliable principles and methods.
- The expert has reliably applied the principles and methods to the facts of the case.

Fed. R. Evid. 702.

Some states have a more stringent requirement for expert designation. California requires experts have knowledge that is “sufficiently beyond common experience...” Cal. Evid. Code § 801.

Unlike a fact witness, an expert is not required to have “personal knowledge” of the matter at hand, and the expert may base his or her opinion on facts or data “that the expert has been made aware of or personally observed.” Fed. R. Evid. 703. For example, although the expert may not have personally witnessed the irrigation provided to a tree, the expert may opine on the sufficiency of irrigation based on another person’s recollection of the irrigation schedule. “Unlike an ordinary [fact] witness..., an expert is permitted wide latitude to offer opinions, including those that are not based on firsthand knowledge or observation.” *Daubert v. Merrell Dow Pharm., Inc.*, 509 U.S. 579, 592.

Based on these requirements, expert witnesses may offer testimony such as:

- *Standard of Care:* The level of performance at which a reasonably prudent person would be expected to act is critical in determining whether a party’s duty of care was met in a tort negligence case. Testimony regarding the standard of care expected of an individual will assist the finder of fact in determining whether there was a breach of duty, which is a fact at issue in such a case.
- *Tree Appraisal:* An appraisal of the value or cost of a tree will help the trier of fact determine the amount of loss in a controversy. It must be based on sufficient facts or data, such as nursery stock pricing and tree measurements. It must be the product of reliable principles and methods, such as those

Keys continued on page 15

# The Benefit of Trees

Henry Mayer, UF/IFAS Miami-Dade Urban Commercial Horticulture Extension Agent



Environmental Benefits of trees.

Credit: <https://www.treesaregood.org/treeowner/benefitsoftrees>

Have you ever imagined what the world without trees would be like? The benefits of trees are more than beauty. Trees planted today will offer social, environmental and economic benefits for many years. There is a popular Chinese proverb that says: “The best time to plant a tree was 20 years ago. The second best time is now.”

We can summarize the benefits to planting trees as:

**1. Social benefits:** Humans feel a relaxing effect by being near trees. The comfort and tranquility we feel can significantly reduce stress, fatigue, and even decrease recovery time after surgery or illness. Green spaces can also help reduce the level of crime in urban settings. Lack of interaction with trees and nature alter the mechanisms that regulate mood, sleep and hormones in our bodies, causing tiredness, sadness, weight gain, lack of motivation, among other symptoms. On the other hand, exposure to trees and green space provides a wide range of health ben-



Health Benefits. Credit: <https://www.washingtonnature.org/fieldnotes/advocacy-urban-trees-puget-sound>

efits, with significant reductions in blood pressure, heart rate, cortisol production, and the development of diabetes.

2. **Community benefits:** Trees provide many benefits such as providing privacy, improving views, reducing noise and glare. Wildlife and natural elements are promoted, which increases the quality of life of residents within the community.
3. **Environmental benefits:** Trees change the environment in which we live by moderating the climate, improving air quality, reducing stormwater runoff, and hosting wildlife. Some examples include:
  - a. Thanks to the shade they provide and the water they release into the atmosphere through transpiration, trees reduce the air temperature in summer; this can mitigate the warming effect of pavement and buildings in an urban environment.
  - b. Tree foliage can serve as a windbreak, as well as provide protection from rainfall.
  - c. Trees in cities reduce concentrations of particulate matter, the most damaging type of air pollution by removing dust and other particles and improving the air we breathe by releasing oxygen. A study of ten US cities found that urban trees remove enough particulate matter to reduce annual health impacts in amounts ranging from \$ 1.1 million in Syracuse, New York, to \$ 60.1 million in New City. York.
  - d. Tree leaves primarily remove air pollutants such as carbon monoxide (CO), nitrogen dioxide (NO<sub>2</sub>), ground level Ozone (O<sub>3</sub>), sulfur dioxide (SO<sub>2</sub>) by directly absorbing them or indirectly capturing them on their surfaces.
  - e. Trees help combat the negative effects of stormwater runoff by capturing rainfall in their leaves and on their bark, therefore reducing the amount of water hitting impervious surfaces.
  - f. During photosynthesis, trees take in atmospheric carbon dioxide and store it as carbon in their trunks, branches, and roots alleviating global climate change.

**4. Economic benefits:** home ownership values can increase from 5 to 20 percent depending on the spe-

*Benefits continued on page 14*

# Los Beneficios que los Arboles nos dan

Henry Mayer, UF/IFAS Miami Dade -Urban Commercial Horticulture Extension Agent



Beneficios ambientales de los arboles, credito: <https://www.treesaregood.org/treowner/benefitsoftrees>

¿Alguna vez has imaginado cómo sería el mundo sin árboles? Los beneficios de los árboles son más que la belleza que proporcionan. Los árboles plantados hoy ofrecerán beneficios sociales, ambientales y económicos durante muchos años. Hay un proverbio chino popular que dice: “El mejor momento para plantar un árbol fue hace 20 años. El segundo mejor momento es ahora “.

Podemos resumir los beneficios que los árboles proveen como:

**1. Beneficios sociales:** Los humanos sentimos un efecto relajante al estar cerca de los árboles. La comodidad y tranquilidad que sentimos puede reducir significativamente el estrés, la fatiga e incluso disminuir el tiempo de recuperación después de una cirugía o enfermedad. Los espacios verdes también pueden ayudar a reducir el nivel de delincuencia en los entornos urbanos. La falta de interacción con los árboles y la naturaleza altera los mecanis-

mos que regulan el estado de ánimo, el sueño y las hormonas en nuestros cuerpos, causando cansancio, tristeza, aumento de peso, falta de motivación, entre otros síntomas. Por otro lado, la exposición a los árboles y al espacio verde proporciona una amplia gama de beneficios como reducciones significativas en la presión arterial, la frecuencia cardíaca, la producción de cortisol y el desarrollo de diabetes.

**2. Beneficios para la comunidad:** los árboles brindan muchos beneficios, como proporcionar privacidad, mejoran las vistas, reducen el ruido y el reflejo. Se promueve la vida silvestre y la naturaleza, lo que aumenta la calidad de vida de los residentes dentro de la comunidad.

**3. Beneficios ambientales:** los árboles ayudan a cambiar el ambiente en el que vivimos al moderar el clima, mejorar la calidad del aire, reducir la escorrentía de aguas pluviales y sostener vida silvestre. Algunos ejemplos incluyen:

- a. Gracias a la sombra que proporcionan y al agua que liberan a través de la transpiración, los árboles reducen la temperatura del aire en verano. Esto puede mitigar el efecto de calentamiento del pavimento y los edificios en un entorno urbano.
- b. El follaje de los árboles puede servir como protección contra el viento, así como proporcionar protección contra la lluvia.
- c. Los árboles en las ciudades reducen las concentraciones de material particulado. Este es el tipo más dañino de contaminación! Los arboles eliminan el polvo y otras partículas y así mejorar el aire que respiramos al liberar oxígeno. Un estudio de diez ciudades en USA descubrió que los árboles urbanos eliminan suficiente material particulado para reducir los impactos anuales en la salud en cantidades que van desde \$ 1.1 millones en Syracuse, Nueva York, hasta \$ 60.1 millones en New City. York.
- d. Las hojas de los árboles eliminan contaminantes del aire como el monóxido de carbono (CO), el dióxido de nitrógeno (NO2), el ozono a nivel del suelo (O3) y el dióxido de azufre (SO2) absorbiéndolos directamente o cap-



Beneficios para la salud, credito: <https://www.washingtonnature.org/fieldnotes/advocacy-urban-trees-puget-sound>

*Beneficios continued on page 14*

*Benefits continued from page 12*

cies, size, condition and location of the trees included in the landscape. Trees also provide shade, which can reduce your home’s cooling costs and reduce winter heating costs by acting as wind protection.

As we can see, trees provide incalculable benefits, but to maximize them, a routine maintenance plan is required and, of course, an adequate budget. **It is recommended that at least one percent of the city’s average budget go to tree canopy investment (for cities with a population of 100,000 or more).**

Although these benefits begin the moment a tree is planted, they are minimal compared to the benefits of a mature tree. The costs associated with removing a large tree and planting a young tree can outweigh the costs of regular tree maintenance practices such as a tree inspection, pruning, and mulching.

In a municipal government, to achieve successful policies towards tree programs, a coalition of various departments must be created. The public works, environmental protection, and parks and recreation departments must work together. Furthermore, to close the urban forest financing gap, the goals of the health goals must be linked to trees and parks.

Literature:

Trees are Good: <https://www.treesaregood.org/treeowner/benefit-softrees>

Plant Vine: <https://www.plantvine.com/2019/10/10/how-can-plants-affect-your-mental-health/>

The Nature Conservancy: <https://www.nature.org/en-us/> ❖

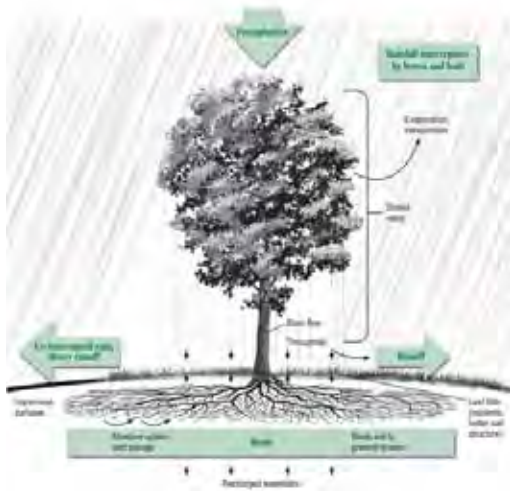
*Beneficios continued from page 13*

- turándolos indirectamente en sus superficies.
- e. Los árboles ayudan a combatir los efectos negativos de la escorrentía de aguas pluviales al capturar la lluvia en sus hojas y en su corteza, reduciendo así la cantidad de agua que golpea las superficies impermeables.
- f. Durante la fotosíntesis, los árboles toman dióxido de carbono atmosférico y lo almacenan como carbono en sus troncos, ramas y raíces aliviando así los efectos del cambio climático..

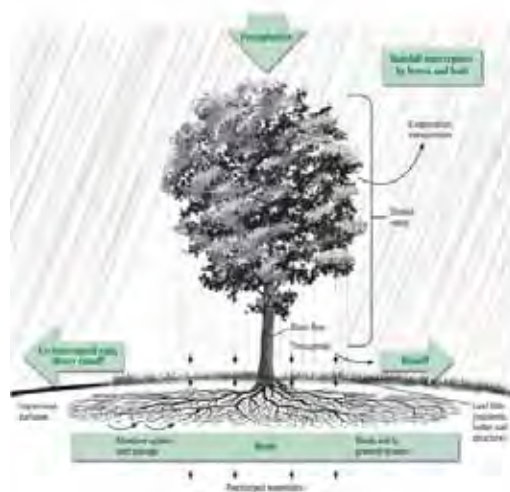
**4. Beneficios económicos:** los valores de las propiedad pueden aumentar del 5 al 20 por ciento dependiendo de la especie, tamaño, condición y ubicación de los árboles incluidos en el paisaje. Los árboles también proporcionan sombra, lo que puede reducir los costos de enfriamiento y los costos de calefacción en invierno al actuar como protección contra el viento.

Como podemos ver, los árboles proporcionan beneficios incalculables, pero para maximizarlos, se requiere un plan de mantenimiento y por supuesto, un presupuesto adecuado. **Se recomienda que al menos el 1% del presupuesto promedio de la ciudad se destine a la inversión para los árboles (para ciudades con una población de 100,000 o más).**

Aunque los beneficios del arbolado comienzan en el momento en que se plantan, estos son mínimos en comparación con los beneficios de un árbol adulto. Los costos asociados con la eliminación de un árbol gadulto y la plantación de un árbol joven pueden evitarse, al proveerle



Water Interception. Credit: <http://treecanopybmp.org/tree-canopy-bmps/stormwater-benefits-of-trees>



Intercepcion del agua, credito: <http://treecanopybmp.org/tree-canopy-bmps/stormwater-benefits-of-trees>

Keys continued from page 11

outlined in the Guide for Plant Appraisal. And the expert must also reliably apply the principles and methods to the facts of the case.

- *Scientific or Technical Knowledge:* An expert witness may explain the results of a relevant scientific study and how they apply to the facts of the case. For example, a study showing the efficacy rate of different trunk injection methods could be used as evidence to show that a party met its duty of care when it chose the method with the highest efficacy rate.

In addition to an expert’s opinions regarding the matter at issue, the expert will also be asked to testify to his or her credibility. This may include the expert’s credentialing level, past education, or experience in the field. But, while experts can discuss their qualifications outside the facts of the case at hand, fact witnesses cannot testify as to their own honesty and credibility unless their reputation has been attacked. (Easton 2000).

Article to continue in the Winter Florida Arborist ❖

Beneficios continued from page 14

al arbol adulto mantenimiento adecuado como poda, mulch e inspecciones por plagas y enfermedades.

En un gobierno municipal, para lograr políticas exitosas hacia los programas de arboricultura, se debe crear una coalición de varios departamentos. Por ejemplo los departamentos de obras públicas, protección ambiental y parques y recreación deben trabajar juntos. Además, para aumentar el financiamiento forestal urbano, el logro de los objetivos de salud deben estar vinculados a los árboles y parques.

Literatura

Trees are Good: <https://www.treesaregood.org/treeowner/benefit-softrees>

Plant Vine: <https://www.plantvine.com/2019/10/10/how-can-plants-affect-your-mental-health/>

The Nature Conservancy: <https://www.nature.org/en-us/> ❖

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# News From International

## ISA International Conference Update

ISA has made the difficult decision to cancel their in-person 2020 ISA Annual International Conference and Trade Show slated for 15-17 December 2020. The safety and well-being of our attendees, members, employees, partners and vendors remains our top priority. This decision was made due to recent developments in COVID-19 cases, the restrictions placed by public health officials on large gatherings through 2020 in Albuquerque, New Mexico, and the overall climate surrounding travel and meetings.

While we are disappointed we will not be able to meet in person this year, **we are excited to announce that ISA is working towards a virtual experience** where attendees will have the opportunity to earn continuing education units, listen to Key-note Speakers, engage with presentations and presenters, and network with their peers from the comfort of their homes.

ISA thanks all of its members, attendees, and partners for their continued support and enthusiasm for this event, and we look forward to meeting virtually this year, and in-person as soon as we are able to do so safely. [Learn more about the 2020 conference.](#)

## Tree Cities of the World Important Update

Cities from around the world have been honored with the Tree Cities of the World recognition by the Food and Agriculture Organization of the United Nations (FAO) and the Arbor Day Foundation. These cities are among the first to be recognized for their commitment to urban forestry management.

The Tree Cities of the World program is a partnership of FAO and the Arbor Day Foundation that began in 2019 and is supported by the ISA. This shared vision is to connect cities around the world in a new network dedicated to adopting the most successful approaches to managing urban trees and forests. To earn recognition, each city must meet five core standards for urban forestry.

If your city represents one of the 68 members of the first class of Tree Cities of the World, congratulations! As an “early adopter,” your city is among an elite group of cities helping to build a strong urban forestry network around the globe. This annual honor is designed to keep your work at the forefront of your city’s communications plan, so cities recognized in 2019 must re-certify each year to retain their status as a Tree City. However, you have a head start over first-time applicants; all the information regarding Standards 1, 2, and 3 will already be part of your application (see note below on Standard 5)! The online application system will open in September.

For new applicants in 2020, it is important to take time this summer to prepare your application. You can work with your city’s leadership to review the standards for the program, begin compiling documentation, and connect with one of our national partners to get assistance. We look forward to seeing all of the new, and returning, Tree Cities of the World in 2021.

\*Due to the onset of the global coronavirus pandemic, the Tree Cities of the World program is waiving Standard 5.

## The Results of the ISA Board of Directors Special Election Are In

The ISA Board of Directors consists of 15 Directors. Ten (10) Directors are elected by ISA members and three (3) are elected by the ISA’s Council of Representatives. The other two Directors are the President and President-Elect, who are elected by the current Board of Directors.

As a result of a recent board vacancy, a special election was held beginning on 22 May 2020. This election concluded on 6 July 2020. The remaining term for this board seat began at that time and runs through August 2022. Elected by the ISA Membership: Janine Lester, president of Landscape Design Consulting and Urban Forester for the City of Richmond Department of Public Works in Richmond, Virginia, USA; Mid Atlantic Chapter. Janine is serving her first term. Click here for a full list of ISA Board of Directors.

## Board Certified Master Arborist Study Guide Update

**NOW AVAILABLE:** the BCMA Guide for Exam Preparation is designed to help you study for the ISA Board Certified Master Arborist® (BCMA™) certification. *Member: \$95, Non-member: \$130 plus tax and shipping*

A preparation section at the beginning of the book provides study guidance and a sample of the types of multiple-choice questions that could be found on the ISA BCMA™ exam. Additionally, a 50-question preliminary assessment test will guide you to the chapters where you may need to focus more of your study time. The final section of the book features a 150-question practice exam to provide additional test-taking experience. Unlike the Arborists’ Certification Study Guide, this guide does not present a narrative text of the content domains; instead, it guides readers to additional resources when desired.

Available at the Florida Chapter bookstore: <http://www.florida.org/products.php> ❖



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**Tour des Trees 2020 Postponed**

The TREE Fund Board of Trustees, in response to the effects of the pandemic restrictions and risks, **has postponed the Colorado Tour until 2021**. Your support of the Tour and donations are vital to the life of TREE Fund, and we are deeply grateful. Registration for the new 2021 tour in Colorado will open in January.

Please note that, because registration fees cannot be refunded or deferred, anyone who previously registered for Tour des Trees 2020 “Rollin’ the Rockies” will receive a Tour des Trees “Rollin’ in Place” jersey.

To enable the TREE Fund family to fully express its support despite the pandemic, we have created a **new virtual tour, “Rollin’ in Place”**. Our priority now is to get this virtual campaign underway which will offer engagement and tree camaraderie as we carry on this year.



Are you a dog walker, bike rider, runner, or pogo stick jumper? The challenge is simple: join the campaign, fundraise, and run/ride/exercise like you’ve never done before. Just track your accomplishments on your fundraising page and automatically be enrolled for prizes. Instead of riding 321 miles in the Rockies this year, we challenge you to take on 321 your own way! Ride 321 km a month the entire duration of the campaign, run 3.21 miles a day, do 321 pushups a week, walk your dog 321 miles, pogo-stick jump to a new record of 321... you get the idea. 321 is the magic number!

The campaign will span through November 15. There will be livestream events, at-home challenges, and more, so watch for updates and new offers on our event calendar and via email. [Click here for more online information.](#)

**CEU Opportunities**

TREE Fund is offering one-hour webinars **free** of charge and providing **1.0 CEU** (only for live broadcast) from the International Society of Arboriculture (ISA), the Society of American Foresters (SAF), the National Association of Landscape Professionals (NALP) and sometimes the Landscape Architecture Continuing Education System (LACES). See webinar descriptions for specifics. **Space is limited and pre-registration is highly recommended**; in doing so, you’ll receive a reminder email the day before the broadcast.

Two upcoming programs include:

- **Soil Management for Urban Trees Part 2: Actions**  
 Sept. 29, 2020, at 2 pm (Central)  
 Bryant Scharenbroch, PhD, Assistant Professor of Soil Science, University of Wisconsin – Stevens Point, Research Fellow of The Morton Arboretum
- **Measuring Multi-Stemmed Trees**  
 Oct. 13, 2020, at 12 pm (Central)  
 Yasha Magarik, Yale School of Forestry and Environmental Studies  
 Lara Roman, PhD, USDA Forest Service

[Click here for more online information.](#) ❖



## Scientists Identify Genes Tied to Ash Trees' Resistance to Emerald Ash Borer

Discovery holds promise for the future of ash trees



Over the two decades since an invasive insect called the emerald ash borer (EAB) arrived in the United States, scientists have searched for ways to stop the bright green pests that have killed billions of the Nation's ash trees and continue to gnaw through many more. An international team of scientists working together over several years has studied EAB resistance of ash species and has identified the types and locations of genes involved in that resistance. The findings, published yesterday in the journal *Nature Ecology and Evolution* and available at <https://www.nrs.fs.fed.us/pubs/60114> suggest that breeding could be used to increase resistance in ash species currently susceptible to EAB.

In the United States, USDA Forest Service researchers evaluated EAB-resistance of 26 ash species in greenhouse experiments by placing EAB eggs onto the trees, then tracking the fate of the larvae. Resistant trees gen-

erally killed most of the larvae, while the majority of larvae survived in susceptible trees. The most highly resistant species were all native to Asia, where EAB originated. Variation in the level of susceptibility was observed in the remaining species. The five species of North American ash that are considered endangered, were confirmed to be highly susceptible using this bioassay while other North American and European ash species had relatively less susceptibility.

While susceptibility of the different ash species was being assessed by scientists in Ohio, the genomes of 22 of them were sequenced by researchers at Queen Mary University of London and the Royal Botanic Gardens, Kew. Scientists compared the sequences of over 1,400 genes across species looking for evolutionary patterns of variation that

co-occur in species with resistance. Using this novel approach, 53 candidate genes were identified, many of which were known to be involved in insect resistance in other plants.

“Our findings suggest that it may be possible to increase resistance in susceptible species of ash via breeding with their resistant relatives or through gene editing,” said Laura Kelly, an academic visitor at Queen Mary, Research Leader in Plant Health at the Royal Botanic Gardens, Kew and the study's lead author. ❖

## Consultant's Corner

by Joe Samnik, Expert Forensic Arborist



## TREE FAILURES AND WRONGFUL DEATH CLAIMS

Tree failures and wrongful death and landscape claims typically fall into the category of valuations. A tree or landscape was damaged, and somebody wants to be paid. And there is much to be considered regarding the valuation of trees and landscapes, which goes to a different level if the tree failure caused personal injury or death. Then the ground rules change. Much more is now at stake for both the insured, the claimant, and of course the person or entity responsible for paying alleged damages.

When wrongful death or personal injury claims caused by tree failures come to your desk, there are many considerations to be contemplated, one of which is “Who owns the tree?” Other considerations evolve about whether the tree failure could have been prevented; was the failure of the tree or its branches predictable in the before situation of failure?

The answer most always revolves around “duty of care.”

There is a duty for a tree owner to inspect his property, and trees are a part of real property because trees are growing in the ground. There is a greater duty of care where there are fewer trees and more people than more trees and fewer people. Duty is the defining answer to the question, “Is somebody responsible for this death or injury?”

In the urban forest, where most all of us live and work, the duty to inspect is extremely high. In rural areas where fewer people live, work, and travel, the duty to inspect is lowered. But there is, nonetheless, a duty in most situations.

Duty to inspect for risk of tree failure in part or whole is published and explained in a national publication, the American National Standards Institute, *ANSI A300*, specifically, Part 9: Tree Risk Assessment. There is even a credential in the International Society of Arboriculture called *Tree Risk Assessment Qualification (TRAQ)*.

Arborists with this designation have been trained and continue to be trained in identifying the risk associated with trees. This Part 9 and the accompanying Best Management Practice (BMP) manual is the rule and guide for tree risk assessment, particularly as it relates to the specificity of risk assessment. The absence or ignorance of this Standard does not predispose duty.

Duty is the first among the four pillars of negligence, followed by breach of duty, causation, and damages to person or property. Of course, the simplistic list must be identified and administered by an attorney in a court of competent jurisdiction.

The management of a claim might well consider duty in the settlement. An arborist or other trained professional is typically brought to bear after the question of duty has been established and causation is sought or required. Causation is often identified by a desktop review of supporting evidence to the claim such as before situation pictures of the tree, other documentation, and the environment in which the tree was or is growing.

Causation has its own set of rules and procedures supported by guidelines that must be followed in the pursuit of facts and truth. As one example, the defect(s) that caused the tree to fail in part or whole must have been conspicuously obvious and open to observation before it failed.

There is a great probability that a qualified arborist can be located in your state or region with assistance from the International Society of Arboriculture (ISA) or the American Society of Consulting Arborists (ASCA). Each of these fine organizations has published a list of qualified arborists to identify risk. Of course, the qualified arborist credentials are preempted, in the opinions of many attorneys and insurance companies, by experience in the litigation process itself. Knowing what caused the tree to fail, in part or whole, causing the death or injury does not necessarily translate into the qualified arborist being able to withstand the rigors of deposition, seeking truth in fact-finding, and presenting that knowledge to a jury under the professional and watchful eye of opposing counsel.

Before the question of what caused this tree to fail comes the question of who owns the tree. That typically defines upon whom duty is placed. Then the cycle regarding the four pillars of negligence comes into play. ❖

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# Welcome!

## New Florida Chapter Members

Here are the individuals that joined the Florida Chapter during the second quarter of 2020. If you see a name from your area of the state, look up their phone number online\* and give them a call. Introduce yourself and find out what aspect of arboriculture the new member is involved in. Let's make the Florida Chapter friendlier. We're all working in different ways for the same goals. Get to know other Chapter members. You might make some helpful connections for the future.

Jeanne Fisher Allen, Indialantic, FL  
 Henri Andrews, Largo , FL  
 Ethan Xavier Baldino, Lehigh Acres, FL  
 Jeff Allan Baugher, Winter Springs, FL  
 Ryan Breheny, Odessa, FL  
 Justin M. Carris, Tampa, FL  
 Anthony Cavallaro, Homestead, FL  
 Autumn Cavallaro, Homestead, FL  
 Nicholas D Cornelius, Saint Petersburg, FL  
 Matthew Cramer, Palm Coast, FL  
 Bridger Elijah DeMars, Apollo Beach, FL  
 Steven Louis Diaz, Miami, FL  
 Raphael Dominguez, Rochester, NY  
 Angella Antoinette Douglas, Lauderdale Lakes, FL  
 Kevin James Ealy, Lakeland, FL  
 Christopher Enright, Titusville , FL  
 Corvin Farmer, Clermont, FL  
 Gavin A Findlay, Boca Raton, FL  
 Jennifer Gamez, Naples, FL  
 Richard Joseph Gray, Jacksonville , FL  
 Jennifer Izaguirre, Plantation, FL  
 Kevin Jackson, Palm Coast, FL  
 Gayle Kaufman, Longwood, FL  
 Kerry Lee Kelly, Palm Bay, FL

Andrew Krupinski, Ocala, FL  
 Martin Larios, Wabasso, FL  
 Christopher Leon Levins, Orlando, FL  
 William Thomas Liner, Tallahassee, FL  
 Andrew Edward Lueling, Fort Pierce, FL  
 James Mahoney, Decatur, GA  
 Matthew McDermott, Winter Garden, FL  
 Charles Nix, Los Banos, CA  
 Richard Pena, Bradenton, FL  
 Daniel Piercy, Loxahatchee, FL  
 Phillip Poucher, Wauchula, FL  
 Scott Preston, Lakewood Ranch, FL  
 Nicholas G. Ramos, Delray Beach, FL  
 John Roseberry, Tampa, FL  
 Saif Shahrukh, Dhaka, Bangladesh  
 Steve Smith, Wesley Chapel, FL  
 James Colby Smith, Jacksonville, FL  
 Jason Sobota, Brandon, FL  
 Austin Spivey, Deland, FL  
 Kelsey Standridge, Wellborn , FL  
 Casey Burr Stevens, Orlando, FL  
 Albert Vargas, Denver, CO  
 Johnathan White, Saint Cloud, FL  
 Robert James Wiwi, Tampa, FL

*\*Go to <http://www.isa-arbor.com>, then go to "Members Only" and log in. Then go to ISA membership directory. If you do not know your log in for members only, contact ISA headquarters at (888) 472-8733. Once you log in, you can update your address, check your CEU's, edit or verify Certified Arborist information and search the membership list.*

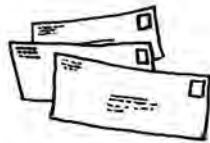
### Letters to the Editor

We welcome your thoughts about Florida Arborist articles, about your Florida Chapter, or about tree issues in general.

Email your letters to:  
[jan@floridaisa.org](mailto:jan@floridaisa.org)

or mail to:  
 Florida Chapter - ISA  
 7853 S. Leewynn Court  
 Sarasota, FL 34240

Please remember: Letters should be no longer than 300 words. We reserve the right to condense letters, or to edit as necessary.



An invitation to all members  
 to attend a

### Board of Directors Meeting!

Call 941-342-0153  
 for specific times and locations

### Up-coming 2020 Board Meeting - Dates & Locations

September 13, 2020: Clearwater  
 November 13, 2020: Orlando

# Arborist Certification Committee Report

By Norm Easey, Florida Certification Liaison

[Click here to view all scheduled exams](#) ; clicking on the “state” column will group all Florida exams together for easy searching. The ISA Certified Arborist exam at Pearson Testing Centers throughout Florida.

See the ISA International website [www.isa-arbor.com](http://www.isa-arbor.com) for more information about the various ISA arborist credentials and how to earn them.

Florida Chapter currently has 2076 Certified Arborists.

The Florida Chapter would like to congratulate the following 15 Florida or Florida Chapter individuals for earning their certifications during the 2nd quarter of 2020 as Certified Arborist, and Utility Specialist:

## Certified Arborist

Chase Dalton, Panama City, FL  
 Thomas Gauss, Pioneer, FL  
 Snousha Glaude, Orlando, FL  
 Gary Gray, Hudson, FL  
 Matthew Milliron, Lithia, FL  
 Dondra Owens, Tallahassee , FL  
 Phillip Poucher, Wauchula, FL  
 Brandi Rangos, New Port Richey, FL  
 Jason Sobota, Brandon, FL  
 Jose Manuel Soto Abreu, Tallahassee, FL  
 Casey Burr Stevens, Orlando, FL  
 Christopher Stratman, Hollywood, FL  
 Robert James Wiwi, Tampa, FL

## Utility Specialist

Nicholas Fanelli, Saint Petersburg , FL  
 Robert Funderburk, Quincy, FL



Are you thinking about becoming certified?

[Visit the International ISA website](#) To access the certification application handbook with further information.

## **Florida Chapter ISA - 2020 Education Schedule**

**\*The schedule below is tentative and subject to changes.**

[View Florida Chapter Seminars Online](#)

<b>Date</b>	<b>Seminar/Class</b>	<b>Location (s)</b>	<b>Open for Registration</b>
POSTPONED	2-Day Arboriculture Short Course	Tampa Area	
POSTPONED	TRAQ Renewal 1-day	Fort Lauderdale	
POSTPONED	TRAQ Full course: 3-days	Fort Lauderdale	
POSTPONED	Climber School	Fort Lauderdale	

# International Society of Arboriculture Florida Chapter

Our Mission: "To Promote and Improve the  
Scientifically Based Practice of Professional Arboriculture"



## Arborist Code of Ethics

Strive for continuous self-development by increasing their qualifications and technical proficiency by staying abreast of technological and scientific developments affecting the profession.

Not misuse or omit material facts in promoting technical information, products or services if the effect would be to mislead or misrepresent.

Hold paramount the safety and health of all people, and endeavor to protect property and the environment in the performances of professional responsibilities.

Accurately and fairly represent their capabilities, qualifications and experience and those of their employees and/or agents.

Subscribe to fair and honest business practices in dealing with clients, suppliers, employees and other professionals.

Support the improvement of professional services and products through encouraging research and development.

Observe the standards and promote adherence to the ethics embodied in this code.



Florida Arborist  
Florida Chapter ISA  
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