



March 1, 2023

SB-586 Natural Resources – Licensed Tree Experts – Alterations

SPONSOR: Senator Katie Fry Hester

POSITION: Favorable

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sincerely,

Frank E. Dudek

Maryland Tree Expert License #477
Member, Maryland Arborist Association