

Sizing up trees for possible dangers

**If you say a tree is safe,
and it falls apart, there's
hell to pay.**

by James E. Guyette

■ Let's say you and your crew are on a property thinning shrubs and pruning dogwoods. The homeowner comes out to ask about the big maple in the back corner; he's concerned about that overhanging branch. It's probably human nature to take a stab at assessing the risk, but if you're not trained in this type of work, you could bring a major financial problem on yourself and your business.

Landscape managers who give advice to customers on whether a certain tree represents a hazard can face serious legal and liability problems if they are incorrect in their assessment.

Although you may be tempted to help out—or you at least want to avoid sounding ignorant—it's often better to resist the urge. The experts say it's best to back off if you lack formal training in risk assessment.

"If I were in that type of situation, I'd get to the point where I'd have no opinion," says Dr. Kenneth C. Miller, a tree pathologist with Miller and Associates, Ravenna, Ohio.

Legally, someone offering an opinion can be considered an "assumed professional."

"The assumed professional is the semi-qualified tree worker, whether a public employee, a utility forester or a private arborist," says Miller. "It is *assumed* that a



The owner of this house in the Cleveland area wasn't very happy with a tree that succumbed to high winds earlier this year.

person who works with trees every day should know everything about them. Increasingly, these individuals are becoming the target of legal liability in hazard tree cases. They are held to a higher level of responsibility than an ordinary citizen."

Even an entry-level ground person can get snagged if an opinion is offered "because you are 'the expert,'" Miller explains. "If you say the tree is safe, the tree is safe. If it falls apart, there's hell to pay.

"Leave it to the arborist with the liability insurance."

Business owners need to warn their crews, Miller advises. "The employees are going to have to be cautioned by the employers not to make any definitive statement.

"And it's not the easiest thing to do. You either have to come up with a statement or tell them you don't know. Either way, that's not something you really want

to do. I know of no way to get you gracefully out of that situation."

Make a referral—For bracing, cabling or work other than a simple takedown, making a referral to a local firm that belongs to the National Arborist Association may be a good place to start, says Paul McFarland of McFarland Landscape Services, Philadelphia, Pa.

"That's a good thing to look for: the NAA (membership) or a company with a certified arborist on staff who would supervise the job."

A call to the NAA, a local arboretum, your county agent or a city arborist should be able to get this information.

"If anyone should get into the business of assessing trees," says Dr. Alex Shigo, noted arbor-author, "they should be top-of-the-line. This is not something that you read in a book. Those who don't under-

continued on page 26

ELSEWHERE

**Green up your
turf with iron,
page 26**

**Turf desiccation:
a lasting 'gift,'
page 36**

**Winter brings
turf diseases,
page 36**

stand trees will get themselves in trouble."

Potential risk—Shigo suggests changing the term "hazard tree" to determining "degree of potential risk."

Step one in this process involves asking "if this structure tree failed, is it really a hazard?" Are there people or homes around, or is it in a field?

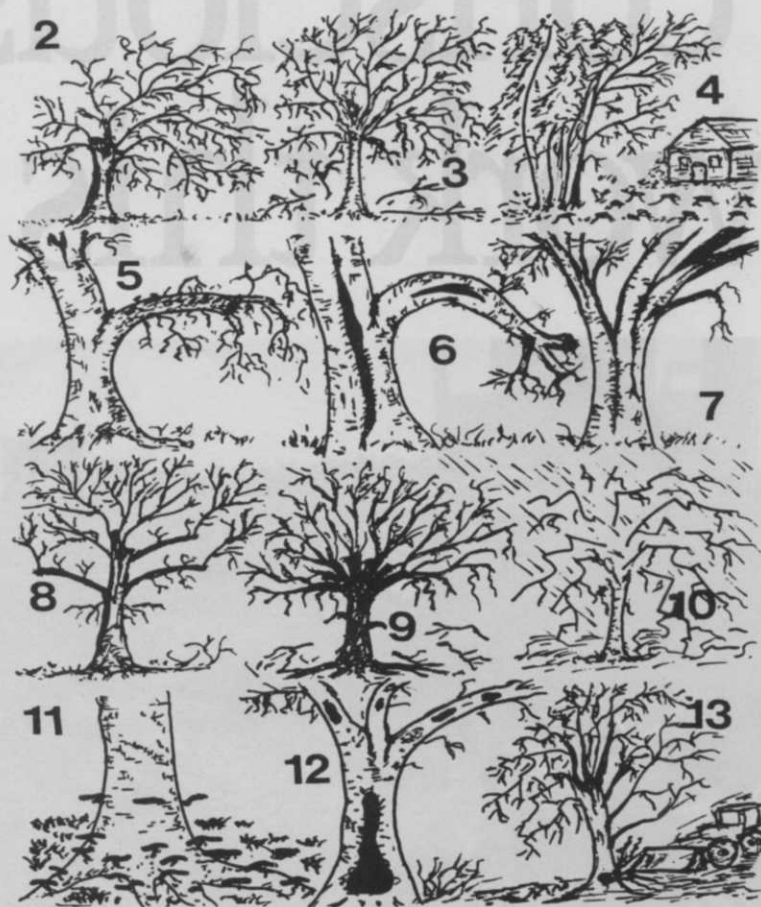
Step two is to use common sense. "The same tree in the same (tree care) manual can be left for a hundred years or be cut tomorrow," Shigo observes. "If we did everything our manuals say, we'd clear-cut our cities."

Branch "loading factors"—the amount of stress placed on a branch that may be prone to failure—are an important consideration.

"Is it a hurricane, a windy day or a sunny day?" asks Shigo. "It's not trees that kill people, it's the (branch) fractures that take place during moderate loads that kill people."

Snow and foliage are other loading factors to note, says Shigo, adding that some loads can actually amount to less of a risk factor when the entire picture is examined. For example, during a hurricane, people usually have enough sense to leave the area.

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Tree hazards: 13 questions that could save a life (see illustrations above)

1. **TARGET** (page 22): If the tree falls, will it hit cars, houses, power lines or people?
2. **ARCHITECTURE**: Has the tree grown beyond its normal form into a dangerous form?
3. **HISTORY**: Has the tree lost large branches lately?
4. **EDGE TREE**: Were neighboring trees cut away recently, leaving tall trees at the edge?
5. **DEAD BRANCHES**: Are there dead tops or branches? Is the tree dead?
6. **CRACKS**: Are there deep, open cracks in the trunk and branches?
7. **CROTCH CRACKS**: Are there deep, open cracks below joining stems?
8. **LIVING BRANCHES**: Do living branches bend abruptly upward or downward where tips of large branches were cut off—tipping?
9. **TOPPING**: Are large branches growing rapidly from topping cuts on big trees?
10. **STORM INJURY**: Are there broken branches, split trunks or injured roots? Are branches close to power lines?
11. **ROOT ROT**: Are there fungus fruit bodies—mushrooms—on roots? Were roots injured by construction?
12. **ROTS, CANKERS**: Are there hollows or cankers—dead spots—some with fungus fruit bodies? Is the tree leaning?
13. **CONSTRUCTION INJURY**: Have roots, trunk or branches been injured? Is there a new lawn or garden over injured roots?

Source: 'Tree Hazards' by Shigo & Trees, Associates

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continued on page 36