

Does the Tree Care Industry Need a Decay Inspection Standard?

By Christopher Luley

There are at least two sides to most every position and the question of the need for an industry-wide decay inspection standard is no exception. Decay inspections are performed in many different work situations in the tree care industry, such as during pre-climbing or work routines, sales calls for new or existing clients, in tree inventories or during formal risk assessments. These various situations may have different inspection processes for level of detail, interpretation and communication of result, and regarding the need for further inspection.

Currently, there are no specific industry standards (i.e. American National Standards Institute, or ANSI, or otherwise) for either tree risk or for decay inspection. (Photo 1) Guidelines in ANSI Z133.1 (ANSI, 2006) recommend inspecting a tree before work commences and considering the potential impact of decay when cutting a stem, but no specifics are provided with these general recommendations. The International Society of Arboriculture recently published a Tree Risk Assessment CD as part of their educational series (ISA, 2008). Neither of these could be con-



Photo 1: There are currently no industry standards for decay or tree risk assessment.



Photo 2. A decay testing standard would help establish the type of inspection, level of detail, and communication of results that would be expected of arborists in various work categories.

strued as providing standards for decay inspection.

A tree risk assessment standard is being worked on by TCIA's ANSI-accredited A300 Standards Committee (www.tcia.org/standards/PINS/Part9.pdf).

In anticipation of this ANSI A300 release, the ISA has established a tree risk best management practices committee. However, tree risk and decay assessment are related but different topics both in procedure and outcome. Establishment of a risk assessment standard is likely to be considerably more complex than a single-factor standard such as decay assessment. Risk assessment involves multiple factors such as target, site, past history, load analysis, additional testing, remediation, re-inspection and reporting among

other factors.

In many cases, initial decay inspection may prompt a more detailed risk assessment. Full risk assessments are seldom used when arborists are simply working in a tree, or when sales calls are being made. But recognizing the presence of decay and conducting an initial inspection of its severity are often needed in both these sales and working situations. This brief article will therefore just look at the question of the need for an industry-wide decay inspection standard.

The argument for a standard

Is there a need for some standardized assessment practices for trees with decay or suspected of having decay? On the "yes" side of this question are some strong arguments.

A standard could specify what is expect-

ed of an arborist doing decay assessments in different work-type categories such as a sales call, or a pre-climbing inspection, tree inventories or even within a formal tree risk assessment.

A standard would help establish the type of inspection, level of detail and communication of result that would be expected in these various work categories. (Photo 2) This would benefit arborists working in each setting as it would establish what they are expected to do if decay is encountered or suspected.

Another strong argument for a standard inspection procedure is that, after an initial inspection, it could help establish the responsibility of an arborist in identifying the need for additional assessment procedures.

Most decay inspection procedures, such as use of decay detecting tools, root crown inspections for root decay, aerial inspections for decay or pull-testing, are not typically performed in sales calls, pre-climbing work inspections or even some risk inspections. A decay inspection standard would clearly define an arborist's role in identifying the need and conducting the use of more advanced assessments. (Photo 3) One possible outcome is to transfer the burden for the final decision on more advanced testing back to the tree owner or manager. The arborist would be responsible for notifying the owner or manager of the inspection results and explaining the potential need for such testing.



Photo 3. A decay testing standard would help identify arborist responsibilities in the need for additional testing, and the communication of that need for further tests.



Photo 4. A decay testing standard could burden arborists for testing trees that have hidden defects or have ephemeral signs of decay such as mushrooms that only appear for a short period in the autumn or fall.

An argument could also be made that setting a standard would help the industry in legal situations by establishing the inspection procedures that an arborist has the duty to employ in different inspection settings.

Currently, the lack of any accepted standard inspection procedure can place an undesired and often unrealized burden on working arborists when detailed inspections (for example the use of decay detecting tools) are suggested as the norm in legal or other matters. Legal matters are complex, but a standard could help identify more clearly the arborist's role in decay assessment.

The presence of a standard could also help clarify the limits of a general decay inspection (i.e. an inspection without the use of advanced techniques or procedures, although simple probing and sounding may be part of a general inspection).

There are a number of situations where decay cannot be adequately assessed in a general inspection. For example:

- ▶ where internal decay is not visible and cannot be assessed by sounding or probing,
- ▶ where root decay is present, or
- ▶ where decay is high enough in the tree that it cannot be adequately inspected from the ground.

The limitations of a general decay inspection could be established in a standard to help reduce legal exposure in the cases where decay is hidden or cannot be

inspected adequately.

The arguments against a standard

The argument against an industry-wide inspection standard follows similar lines as the arguments for it, except that the reasons are reversed.

Establishing a standard places a burden on arborists, particularly if an accident occurs and standard inspection practices were not applied.

This could be a concern where hidden defects exist, such as root decay, or where subtle symptoms of the decay were overlooked. Furthermore, arborists less experienced in decay assessment would be burdened by doing inspections with which they are not comfortable or for which they are not trained or experienced. (Photo 4)

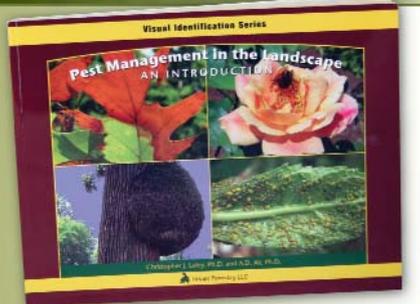
One could argue that the arborist is the expert on the property and that the need for any inspection and for additional testing of decay in a tree is the decision of the arborist as consequence of their presence.

Tree owners or managers routinely have no knowledge of when additional decay assessment is needed, and current practices that allow the arborist discretion on when, where and how to evaluate decay are adequate.

Probably the strongest argument against a decay testing standard is what to do with any information gathered in a general or more advanced decay inspection.

There is little agreement in the industry (i.e. see Bond 2006) on what amounts of

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Photo 5. The strongest argument against a decay inspection standard is the absence of agreement amongst arborists and researchers about action thresholds when decay is present. In fact, there is little research to base recommendations on for many of the situations where decay is present, such as within a crotch as shown here. All photos courtesy of Christopher Luley.

decay trigger specific action, such as pruning, cabling or removal. In most cases where decay is present it is not severe (Luley 2009). Establishing acceptable action thresholds for each situation where decay might be a concern (for example, roots, butts, trunks, crotches or branches)

while also accounting for tree species, decay fungus interactions and external factors such as exposure to wind, seems highly unlikely. Uncontested research on which to base these decisive recommendations does not exist for the most part. Therefore, if the information obtained during an inspection does not allow a conclusive recommendation based on standard guidelines, why require an inspection procedure to obtain this information? (Photo 5)

Conclusion

I suggest that if a decay inspection standard were viewed industry wide simply as a means to ensure that an inspection was conducted and basic practices followed, many of the arguments against a standard could be minimized. Since there is little research or industry agreement on action thresholds, it would seem unreasonable to try and establish them. Professional judgment would still prevail as it currently does in most cases.

A standard could help the industry in defining what is expected of an arborist in various work situations. This would be a significant step in helping arborists better define their role when interacting with clients, when preparing to assess or work in trees with decay, and in legal matters

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Court Upholds Tree Ordinance in New Jersey

By Lew Bloch

The Supreme Court of New Jersey recently handed down a unanimous decision that will have a very positive effect, nationally, in our arboriculture community. They virtually gave credence to local municipal tree preservation ordinances. Up to now, the news has been quite dismal because the trial court of New Jersey had ruled against such a local ordinance and the appellate had upheld this lower court decision.

Jackson Township in 2003, under its police powers, enacted an ordinance to address adverse effects of tree removals on private property, intended to protect the environment and promote health safety and the general well-being of the inhabitants. The process involved applying for a permit to the township forester followed by a review by the shade tree commission and others. Any tree over 6 inches in diameter that is to be removed must be replaced based upon size, or pay a replacement fee. This also involved construction sites and allowed for trees to be replaced on or off site (usually on government land) or a cash payment could be made. Similar ordinances are in effect all over the country.

In 2004, New Jersey Shore Builders Company sued Jackson Township and, as stated above, the trial court held that the ordinance was invalid. The appellate division affirmed that decision, but

the Supreme Court of New Jersey, in case 193 N.J. 586 (2008), unanimously held that the ordinance was a valid exercise of police powers.

This decision is obviously important to the Jackson Township community and the State of New Jersey, but it is equally important nationally as it will add credence and precedent to the legality of these tree preservation ordinances.

However, this is the real world and many of us know or have heard of developers who, when told the fine would be, for example, \$10,000 if he does not protect the trees, would just ask, in advance, who to make the check out to. In other words, they do not want to spend the money for tree protection that may or may not work, and instead just adds the cost of the fine to the cost of the project as a cost of doing business.

Perhaps, just perhaps, if these fines were based on an appraisal using The Trunk Formula Method as described in The Guide for Plant Appraisal, written by The Council of Tree and Landscape Appraisers, instead of some of the municipal methods of appraisal, the fines would be more meaningful, substantial and realistic. Just perhaps!

Lew Bloch, registered consulting arborist and author of "Tree Law Cases in the USA," lives in Potomac, Maryland.

where inspection procedures are often challenged.

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