

Canons of Professional Ethics and Standards of Conduct for Registered Businesses

A Registered Business shall abide by the following Canons of Professional Ethics:

1. Adhere to established standards of advertising and selling;
2. Honestly represent products and services;
3. Conduct business in an honest manner and abide by the law;
4. Openly identify the principal office, any branch office, and the ownership of the business;
5. Abide by all written agreements and verbal representations;
6. Address marketplace disputes quickly, professionally, and in good faith;
7. Protect any data collected against mishandling and fraud;
8. Approach all business dealings, marketplace transactions, and commitments with integrity, and conduct business in a fair and just manner;
9. Provide for the safety and training of employees to ensure a healthy work environment;
10. Stay current and educate employees and clients in the most current research and practices available to the industry;
11. Comply with all applicable laws and rules including quarantine restrictions established by a State or Federal agency having jurisdiction in New Jersey;
12. Adhere to the industry standards set forth at N.J.A.C. 7:3A-8.1(a).

Wrongful conduct by a Registered Business includes:

1. Failure to demonstrate that at least one licensee, who may be the employer, or an employee engaged in the performance of or supervision of employees who provide LTE or LECO services, is assigned to the principal office and to each branch office of the business from which tree care services are provided for hire in New Jersey. If services that are exclusively LTE services are performed, the licensee shall be in possession of a tree expert license;
2. Failure to reasonably ensure the safe operation of all equipment used in the performance of tree expert or tree care operator services;
3. Allowing work to be conducted in a manner not in compliance with the standards set forth at N.J.A.C. 7:3A-8.1(a) and (b);
4. Failure to provide instruction and training for its employees as required by N.J.A.C. 7:3A-2.14;
5. Failure to hold the requisite amount and type of worker's compensation and general liability insurance or a letter of credit as required at N.J.A.C. 7:3A-2.11;
6. Engaging in the use of dishonesty, fraud, deception, misrepresentation, false promise, or false pretense in the course of his or her business;
7. Having been found guilty by a court of law of gross negligence or incompetence in the rendering of tree care services;
8. Having had its authority to engage in tree expert or tree care operator services revoked or suspended by any other state, agency, or authority;
9. Failure to comply with the provisions of the Tree Experts and Tree Care Operators Licensing Act and this chapter;
10. Engaging in any form of false or misleading advertising or promotional activities; or
11. Failure to maintain records as required at N.J.A.C. 7:3A-2.12.

N.J. A. C. 7:3A-8.1 (a) or (b)

Conformance with certain industry standards and applicable OSHA regulations:

- (a) Each licensee and each registered business providing tree care services for hire in New Jersey shall adhere to the version of the following standards in effect at the time the tree care services in question were performed:

1. The Dictionary of Standard Definitions for the Green Industry, 2009-2010 edition, which is incorporated herein by reference, as amended and supplemented, and available from the Tree Care Industry Association, 136 Harvey Road, Suite 101, Londonderry, NH 03053 shall be the reference standard for nomenclature and terminology for all practices that fall under this chapter unless otherwise defined at N.J.A.C. 7:3A-1.5;

2. The following standards of practice, available from the Tree Care Industry Association, 136 Harvey Road, Suite 101, Londonderry, NH 03053 and the International Society of Arboriculture, PO Box 3129, Champaign, IL 61826, shall be incorporated by reference, as amended and supplemented:

- i. ANSI A300 American National Standard for Tree Care Operations – Tree, Shrub, and Other Woody Plant Management, including: (Part 1) – 2014 Pruning, (Part 2) - 2011 Soil Management (modification, fertilization, and drainage), (Part 3) – 2013 Supplemental Support Systems, (Part 4) – 2014 Lightning Protection Systems, (Part 5) – 2012 Management of Trees and Shrubs During Site Planning, Site Development, and Construction, (Part 6) - 2012 Planting and Transplanting, (Part 7) – 2012 Integrated Vegetation Management (Electric Utility Rights-of-Way), (Part 8) – 2013 Root Management, (Part 9) – 2011 Tree Risk Assessment (Tree Structure Assessment), and (Part 10) – 2016 Integrated Pest Management;
- ii. ANSI Z60.1-2014, American Standards for Nursery Stock;
- iii. ANSI Z133-2012, Safety Standards for Arboricultural Operations; and
- iv. The applicable OSHA, Federal Motor Carrier Safety Administration, and Federal Highway Administration regulation, which are set forth in ANSI Z133-2012.

3. Each of the Best Management Practices in the series published by the International Society of Arboriculture, incorporated herein, as amended and supplemented, including Tree Planting (2005), Tree Lightning Protection Systems, Second Edition (2008), Tree and Shrub Fertilization (2007), Integrated Pest Management (2007), Managing Trees During Construction (2008), Tree Support Systems: Cabling, Bracing, Guying, and Propping Second Edition (2007), Utility Pruning of Trees (2004), Tree Pruning Second Edition (2008), Tree Inventories Second Edition (2013), Integrated Vegetation Management Second Edition (2013), and Tree Risk Assessment (2011), as applicable to the practices being performed.

(b) Failure to conform to the standards of practice and safety requirements set forth in (a) above shall constitute a violation of the Tree Expert and Tree Care Operators Licensing Act and this chapter and may result in suspension or revocation of the business's registration or the licensee's license and/or imposition of civil administrative penalties as set forth at N.J.A.C. 7:3A-9.6(a).

