

stated simply and specifically as the club's governing purposes. Therefore, an individual probably joins a golf club because he likes golf."

Whether this is a valid argument or not, the OFCC and its 29-year-old Director Larry Lorber don't buy it.

Interviewed in his office by GOLF BUSINESS, Lorber told Managing Editor Nick Romano he didn't agree with the NCA arguments. He mentioned that federal contractors were advised on such discriminatory actions against their employees as far back as 1971, when the Labor Department initiated an affirmative action plan for employees in its federal contracts. Previous policy statements on this manner were developed under an Executive Order from the White House. In fact, private clubs were excluded under the prime anti-discrimination document, the Civil Rights Act of 1964.

Although Lorber admits the climate of this political year in

Washington would probably hold up any policy statement until after the election, all indications are such action would occur even if President Ford was not in the White House. Jimmy Carter is not a likely opponent of such action.

Publicity the policy has already received has gotten several professional organizations, such as the American Bankers Association, to submit their own opinions on the government's plan. Accusations from opponents of the Labor Department point to the OFCC sending up a trial balloon to test reaction on the proposal. Hurley and his clubs contend even now contractors that do business with the government and have employees at such clubs are considering pulling out to avoid the hassle.

Even if the OFCC enacts its plan, Lorber admits it will be tough to enforce it. "We would have to depend primarily on individual citizens to report complaints to our office and then take action against federal contractors involved at such facilities."

Not sure of his own power in the matter, Lorber has asked the legal minds of the Justice Department to decide whether the OFCC has the power to make this policy. In July, OFCC asked Justice for its opinion on legal review of the policy and still no indication has come from Justice's attorneys whether Labor has the authority.

The true question here is whether federal agencies have the right to issue interpretive rulings (which have the effect of law) if such rulings exceed the agency's statutory authority.

There is the possibility that if Justice concurs with Labor's ability to apply such policies to federal contractors, the policy could eventually fall on all employers.

Political considerations are being made in this case. This is probably why the OFCC has dragged its feet on telling contractors what the policy will be. "People don't like the government telling them what to do," says Lorber. "We don't like to do anyone's housecleaning, but it is something that has to be done."

If Labor is stalled in its decision, so is the Treasury Department. In fact, since May. In a statement, Warren Brecht, assistant secretary and director of Treasury's Equal Opportunity Program, said he was anxious to get together with the Labor Department to review the whole question. Under the Executive Order, Labor has the responsibility of making the policy statement for the 16 agencies that hand out government contracts. Brecht hoped for a coordinative approach on the matter.

Alternatives as a way around the OFCC policy have been offered in discussion. Instead of employers

picking up the tab for employees directly, raises covering the costs of club membership could be given. Again, though, Lorber's office would take a dim view of such practices.

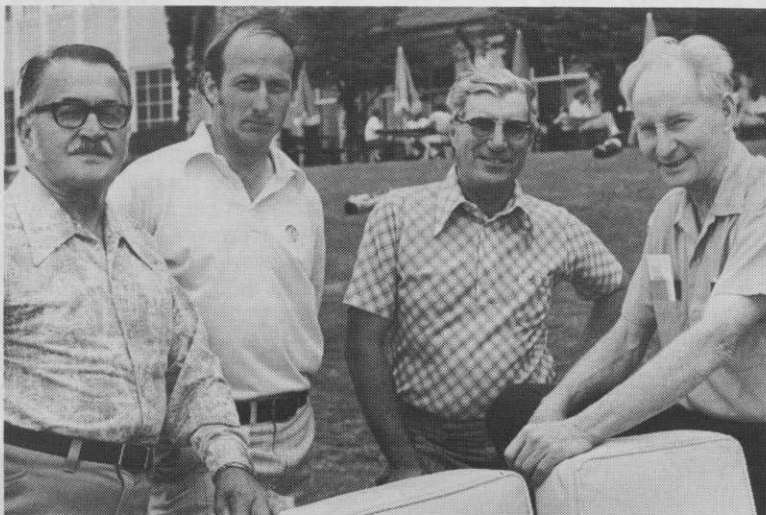
As far as GOLF BUSINESS can ascertain, there is no collective pressure from activist or feminist groups on this question, but there are reports such groups have contacted Lorber's office for comment. Hurley and the NCA have been quoted as saying the policy would probably destroy a lot of clubs, with the loss of more than 100,000 jobs involved. Lorber disagrees with that assessment and calls the NCA case overstated.

Attention will continue to be riveted on the problem and attacks by those in the industry on the Labor Department will continue. Milton E. Meyer, national secretary of the NCA out of Pinehurst Country Club in Littleton, Colo., was quoted as saying, "The question now remains whether Labor will act according to its own bias or whether it will respond to the reasoned opposition of the parties most directly affected."

Golf car safety probed by agency

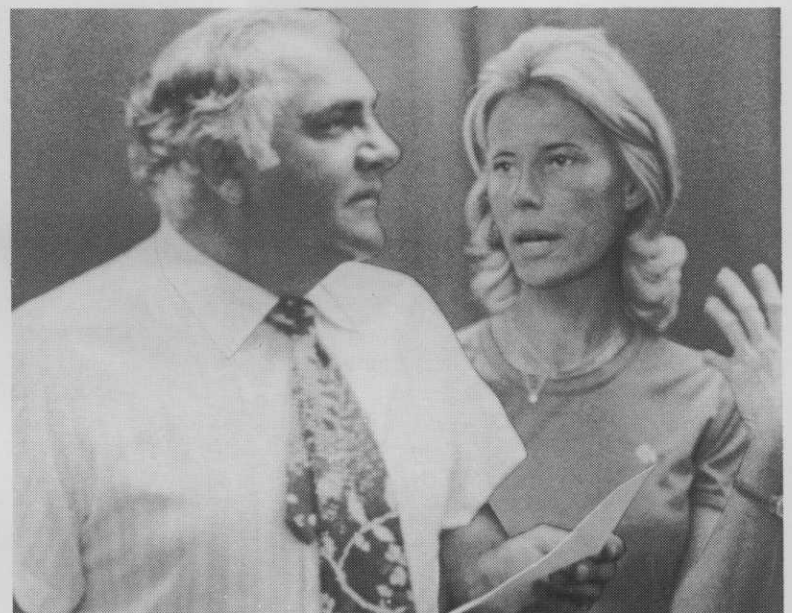
Product liability suits are becoming a fact of life for many in industry today. The same may soon become more of a problem for those in the golf business, especially where the renting of golf cars is involved.

Not only is a club or course responsible for the physical damage an unsafe car can bring to the driver or passenger, but the



Turfgrass research was the winner in the first Research Benefit Golf Tournament held recently at the Wilmington (Del.) Country Club. Added dollars for the program of the H. B. Musser International Turfgrass Foundation were provided by the golfers in the outing. Involved in the program, from left, are Dr. Fred Grau, Musser Foundation president; David Kroll, assistant superintendent at Wilmington CC; George Osborn, turf contract services manager at the Hercules Country Club, Wilmington; and Harry McSloy, Wilmington superintendent.

Bolstering its staff of fashion-conscious women, DiFinì Originals has added LPGA Professional Judy Rankin, right, to its board of "Lady Pro-Staffers." Rankin is welcomed into the fold by DiFinì President Joseph J. DiFinì. The LPGA star joins seven other professional women golfers.



government has kept tabs on the incidence of such accidents through the Consumer Product Safety Commission.

Recently, in Washington, D.C., GOLF BUSINESS talked to John Liskey, a CPSC official who works in the agency's voluntary standards department as they relate to sports equipment.

"We have noticed accidents occurring in the golf car area through our system of monitoring emergency rooms in hospitals around the country for accidents that may occur through the use of unsafe products," Liskey said.

Through an information gathering unit called NEISS (National Electronic Injury Surveillance System), the CPSC can calculate and project the incidence of accidents and why they happen through backup field reporting. Golf car accidents are not extremely numerous, but according to NEISS data, high enough to be included in the commission's top 100 causes of accidents.

Liskey has asked the golf car industry to develop a voluntary

worked diligently on the project, but was thwarted by indifference in the association. Twice the standards were presented and major manufacturers balked at the program.

In 1973, the AGCM went out of active business, and the function of gathering statistical information on that part of the golf business was picked up by the National Golf Foundation.

Written safety standards went pretty much unnoticed until the CPSC was established in 1972 and started their statistical investigation in a variety of areas where consumer products were concerned.

Liskey and those at the commission admit golf cars are not the biggest danger to the American public, but since there was no industry-wide safety standard for the vehicles, the CPSC was interested in seeing one established. So, the commission got in touch with Inman and asked that the old draft proposed by his subcommittee be sent in for study. That was in late June and when GOLF BUSINESS talked to Liskey a month later, he

Most of the in-depth reports were two to three years old, but accidents were reported at a Memphis daily fee course with a Cushman car, at a White Plains, N.Y., private club with an E-Z-Go and at another eastern club with a Johns-Manville Club Car. Extent of the injuries was limited to contusions and broken bones in the upper trunk of the body.

Deaths have occurred also in recent years, according to the CPSC. A 65-year-old man was killed when his car hit a tree and he was crushed and a 16-year-old girl was involved in an accident where she received cranial damage that eventually lead to her death.

Manufacturers will say most accidents are the result of driver error and in most cases the car's mishandling is the cause of the accident. E-Z-Go's Inman added studies his company had done showed the possible addition of roll bars to cars looked to be more of a hazard than it was worth.

The liability suit is there, though. E-Z-Go, AMF Harley-Davidson, and others have been to court to fight such product liability charges, and on most occasions they have been followed into court by the dealer who sold or leased the car to the course and course management itself.

According to National Club Association legal counsel Tom Ondeck, people suing in such cases will cite all involved. "The owner of a course or the members of a private club can be sued if their course can be proven unsafe to run such vehicles on. For example, if a grade of a hill is too dangerous for cars to negotiate and an accident occurs, the club is liable," Ondeck commented.

Ondeck also added that under the law, management of a club should know all danger spots on the course for such vehicles and route drivers away from them. The owner/leasee of the cars has the duty to make sure all cars are safe.

Whether or not there is a trend to such suits in the industry is not clear at the moment. Certainly, though, if the government would prove cars unsafe, at this point manufacturers would not have much recourse without a published set of standards to adhere to in the industry.

Liskey and the CPSC state they do not want to set standards for the golf car industry, but unless the industry formulates some, it could come to that.

As far as clubs and courses around the nation are concerned,

advice from legal counsels on the liability assumed on renting golf cars might be a necessary question to bring to club attorneys and insurance companies that write such policies.

Government attention into the matter may prod action on all fronts. Liskey and those at the CPSC admit, though, that they are more interested in seeing industries take care of such safety standards on their own.

EPA changes stance on mercuric bans

The Environmental Protection Agency has lifted a ban on mercuric compounds used in some paints and moved back the effective date of those used in golf course treatment.

Earlier this year, the EPA banned phenyl mercuric compounds used in paints and turf treatments as fungicides and bactericides. A recent reversal lifted the ban on mercurics used in water-base paints because of pressure from the paint industry and mercuric producers.

Bans on phenyl mercurics used in turf and golf course treatment and in other types of paints are still on, but EPA's chief Russell E. Train postponed their effective date from June 30 to November 30.

Train conceded "nonmercurial substitutes . . . are not sufficiently adequate and effective to warrant cancelling mercurial registrations."

FEA writes guide, steams up company

Much energy is being expended in an argument over whether or not a certain steam cooker conserves energy, and both the credibility of a government publication and reputation of a new product are at stake.

Late in 1975, the Federal Energy Administration finished its handbook *Guide to Energy Conservation in Food Service* which contains suggestions on energy efficiency applied to club foodservice. A year earlier the Cleveland Range Co., a unit of Alco Standard Corp., had started producing the Cleveland Convection Steamer, an unpressurized steam cooker. The meeting of the two was less than amicable. A truce



Club and course operators around the nation are discovering they are just as susceptible to liability suits as manufacturers. Legal opinions point out that under the law, these managers may be as much as fault in golf car accidents as the manufacturer.

safety standard, but the industry itself seems so segmented, not much has been accomplished since the now somewhat defunct American Golf Car Manufacturers group attempted to put something together back in 1970.

According to E-Z-Go's George Inman, who chaired a AGCM subcommittee to get standards written six years ago, there were those in the industry that dragged their feet on getting standards written and published by ANSI (American National Standards Institute), a clearinghouse for such information.

Inman told GOLF BUSINESS his Z-130 subcommittee had

admitted the draft hadn't been looked into yet.

How many accidents have occurred? According to estimates for the last six months of 1975, the government projected 36,000 on their NEISS data. Still, in relation to the more than 400,000 golf cars on courses today, is that a lot?

Records in the CPSC indicate there was very little followup data on the golf car accidents reported through the NEISS system. Again, golf car accidents are not a high priority as far as the agency is concerned. Accidents do occur, though, and were reported by CPSC field people.