

MDA to Play Hardball in 2006?

By PAUL DIEGNAU, CGCS, Keller Golf Course

It has come to my attention that the "playing field" may be changing in the great state of Minnesota. What do I mean by this? The end of the 2005 golf season produced some interesting, yet perplexing inspections by the Minnesota Department of Agriculture on a handful of Minnesota golf courses. I will attempt to provide a "heads up" on some of the emerging issues in the following paragraphs.

An attendee to a November 2005 pesticide re-certification class informed me that the MDA announced the hiring of 10 additional agricultural inspectors. That, in itself, might be considered a small miracle during these tight-fisted financial times. But, more importantly, how many new inspectors will be targeting golf operations? That remains to be seen, but judging from events that occurred last November, change may be in the air.

Late last fall, several golf courses were visited by MDA personnel to conduct "use-observation inspections" of their

pesticide application operations. Mind you, these visits occurred, to the best of my knowledge, after the spray rigs were put away for the winter. Interestingly enough, the inspector(s) was not interested in speaking with the golf course superintendent, but with the individual that made the last pesticide application. Here is an example of how an inspection played out at one of these facilities:

The inspector arrives on site and asks to speak with the individual who made the last pesticide application.

Upon meeting the individual, the inspector requests a copy of the label of the product that was last applied (in this case it was a chlorothalonil product).

The inspector proceeds to read the label and simultaneously quiz the applicator.

Specific questions asked during the inspection included: What type of safety eyewear was worn? What type of foot protection was used? What type of gloves

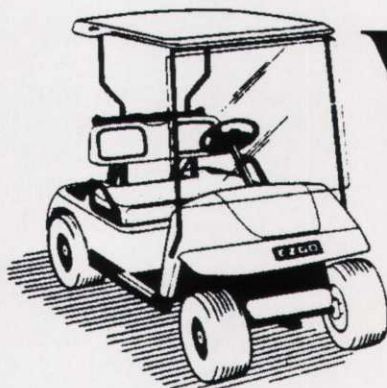
was worn? Was a respirator worn? Was anyone playing on the golf course during the application? How close to surface water did you spray? What was the wind speed during the application? Do you have a record of this application and can I see it?

In this particular example, the golf course was cited for improper gloves (leather - it was cold out!), improper respirator (respirator was sold to golf course by a local safety company as a pesticide respirator - inspector said cartridges were wrong type), and over application of product (6.0 oz. / M vs. the 5.5 oz. / M label rate). Additional citations were avoided because the golf course was able to prove that the eyewear worn during application met ANSI safety standards. Additionally, the golf course was closed during application, thereby avoiding possible re-entry violations. The inspector also identified several other "requirements" that may be grounds for future application violations. Wind speeds must be measured using a hand-held wind meter or an on-site weather station during the application period and recorded on the application record. If an applicator does not measure wind speeds during

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application, MDA inspectors will reference wind speeds at the St. Paul / Minneapolis Airport and cite accordingly. All product containers must display the entire product label until the container is destroyed. If the label is removed from the container for reference prior to application and the partial container is returned to storage, the label must be re-attached to the container (taped, glued, etc.) It should be noted that the golf course referenced above has not been fined (*as this article went to press*) pending completion of the review process.

After reading the scenario above, do you see the inconsistencies surrounding this inspection? Grab your Daconil label and follow along. The PPE requirements for non-WPS use makes no mention of a respirator requirement. The protective eye wear requirement makes no mention of specific safety requirements. Daconil carries a "warning" label and is a general-use pesticide. As I understand it (please correct me if I am wrong!), Minnesota pesticide law does NOT require non-commercial golf course applicators to maintain application records for general-use prod-

ucts. So the BIG question becomes...how can MDA inspectors ask to see records we are not required to keep or to record wind speeds on these same documents? I'm confused. I won't even begin to comment on where the honesty factor figures into this cross-examination, Gestapo-like inspection process when, in reality, a more open-minded, constructive, working relationship would be far more productive.

Another incident occurred on a Minnesota golf course this past summer that has the potential to significantly impact golf course maintenance operations and revenues. A golfer was playing a golf hole that ran parallel to a fairway on another hole that was being sprayed with plant protectants. The golfer hit a wayward shot into the adjoining fairway where the spray had not yet dried on the plant. This golfer filed a formal exposure complaint with the MDA. An MGCSA member contacted the MDA to discuss the situation. This conversation revealed the fact that the Department of Agriculture was unaware of common spraying practices that are carried out on golf courses across our state on a daily basis. Instead, they believed that golf courses did the

bulk of their spraying during nighttime hours.

The labels on the most commonly applied golf course pesticides require the product to dry on the plant prior to re-entry by the golfer or other maintenance staff. If this re-entry interval requirement is strictly enforced, one can only imagine the repercussions to our maintenance operations and the facilities' bottom line. Currently, the direction/action that the MDA will choose is unknown. One can only hope for status quo.

There are lessons to be learned from all of this. Make sure you, as superintendent, are familiar with the state pesticide laws and let that knowledge guide the decisions you make during the course of an inspection. Make sure your applicators know the label, inside and out, of the product(s) they are applying and, more importantly, they adhere to the requirements of the label. Make sure your incident response plan is complete and up to date. As was also demonstrated above, the laws appear to be open to individual inspector interpretation.

Good luck in 2006!!!

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