

ENVIRONMENTAL LEGISLATIVE UPDATE

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Professionals involved in the turf and landscape industries in Michigan have become accustomed to changing legislation in recent years and 1993 did not upset this trend. The most important events this year were the enactment of House Bill 4344 and Senate Bills 74 and 675, called the Michigan Groundwater and Freshwater Protection Act.

House Bill 4344 was regarded as the "Pre-emption Bill" for the state of Michigan. Remember that prior to and during the writing of Regulation 637 there were several communities who had some form of local pesticide legislation in place and a host of others who had begun to draft some language. East Lansing, Milford, Bloomfield Hills are a few that come to mind. Several communities had also included annual fees for commercial applicators to apply pesticides within their boundaries. House Bill 4344 was effective on July 23, 1993 and pre-empted all local legislation from conflicting with Act 171, the Pest Control Act which the Michigan Department of Agriculture (MDA) enforces. This immediately disabled all current local pesticide legislation. However, there are some important allowances for local governments in this bill. First, local units can contract with the MDA up to uphold Act 171. In order to do this, they must demonstrate that they employ properly trained individuals and they are only capable of issuing cease and desist orders - they can not issue fines. Of course there is one exception - local units can enact an ordinance which is identical to the posting and notification portion of Regulation 637. Within that provision, local units can issue fines up to \$500.00. Aside from pre-emption, there is another aspect of this bill which has an impact on the turf and landscape industry. Recall that recent changes to Act 171 described that all applicators in a commercial setting had to be either registered or certified applicators. This bill now allows an exception for those applications that take place with products in a ready-to-use formulation. A ready-to-use pesticide is a product which is applied directly from its original container like an aerosol or bait box, which does not require mixing or loading prior to application. This may be useful for employees who occasionally use hornet and wasp spray or a squirt bottle of Roundup® herbicide.

The next major legislative event was the enacting of Senate Bill 74 and Senate Bill 675. These bills have separate functions, but work together to enable a groundwater monitoring and protection system for pesticides and fertilizers. There were several events in recent years where the herbicide atrazine was detected in groundwater and surface water which provided the thrust for these bills. To make this system work, a fund will be established from pesticide and fertilizer registration fees. These costs will be paid by the manufacturers of pesticides and fertilizers which currently have a fee relationship with MDA. The fee structure has been increased to create approximately 1-3 million dollars of additional revenue. This revenue will fund a variety of activities for all facets of agriculture. A groundwater monitoring system will be initiated to detect contaminants. If a product is detected, then a response system will be mobilized into the region of the state where the product is detected. This activity will further describe the problem and enlist all available agencies and associations to make the users aware of the problem and allow for voluntary changes in use patterns. The emphasis on this strategy is on local control and problem solving. Portions of the funds will be available for educational programs and site improvements in the problem area. Another segment of these bills is the development of groundwater stewardship practices for agricultural industries like the turf and ornamental industry. If your operation is enlisted in the groundwater stewardship program, you will be offered liability protection from certain contamination event. I will be involved in the coming year in developing these stewardship practices for the turf and landscape industry. An immediate impact on the industry is in regards to recordkeeping. You will be required to submit records of restricted use pesticide applications annually.