

1995 LEGISLATIVE UPDATE
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The regulatory activity was different in 1995 when compared to past years because it was not actual legislation that was passed at the federal or state level that was important, but rather interpretation of existing laws, activity within the agencies, or pieces of legislation currently being drafted that provided the most impact. First, let's cover an issue that is being played out on the national level that has the potential to affect golf course operations. It has to do with the federal Worker Protection Standard (WPS). This law was adopted a couple of years ago and was directed toward agricultural operations in four primary areas; farms, forests, greenhouses, and nurseries. It was designed to protect employees who handled pesticides or worked in areas where they were applied. The WPS provides training, posting, notification, and protective equipment requirements for "workers" and "handlers" of pesticides used in those four agricultural settings. When this law was written and enacted, golf course properties were never considered within its scope. One of the most notable requirements is the "Restricted Entry Intervals" imposed on all products. The minimum re-entry period is 12 hours after application for the workers in the operation. You may have noticed WPS information on the labels of some of your products in the last couple of years. The big rub arose when a group identified that golf courses who operate a sod or tree nursery on site would be required to comply with the WPS. As a result of this interpretation, the GCSAA has been actively involved at the federal level to overturn this decision. From my perspective at the state level, this interpretation is misguided because we have already addressed most of the WPS intentions through state legislation and sod nurseries are such a small part of the operation that imposing another layer of requirements is overkill. I expect that the decision to impose the WPS on golf courses will be overturned or relaxed in the near future. The GCSAA and the Michigan Department of Agriculture are actively seeking that outcome and I will keep you posted of any changes.

Now, let's review some of the activity within our own state agencies - the Department of Natural Resources (DNR) and the Michigan Department of Agriculture (MDA). One of the major events this year was the reorganization of the DNR by splitting the agency into two departments. One part of the organization is still named the Department of Natural Resources and is responsible for the wildlife, land management, parks, and conservation efforts. The new department is called the Department of Environmental Quality (DEQ) and is responsible for compliance and enforcement of the major environmental laws like the Clean Air Act, Clean Water Act, RCRA, CERCLA, ect. The DEQ side of the agency is where folks in this industry will be spending their time when dealing with wetland issues, construction permits, and irrigation reporting. I expect that this move to reorganize the DNR will have a positive effect on the turf industry in the future.

Some additional news within the DEQ is the irrigation reporting system. If you remember back to early 1995, the DEQ (then the DNR) sent a letter to all golf courses requesting that they report the amount of irrigation water used in 1994. For a quick refresher on the circumstances that surround that issue, in the mid-1980's a Great Lakes Charter was formed by all the states that border the great lakes. Part of the charge of the charter was for each state to report the amount of water that it used in a variety of areas. Michigan then passed a law in the early 1990's which called for water use reporting in four areas; hydro-electric generation, manufacturing, agricultural irrigation, and turf irrigation. Now with that short briefing, let's thicken the plot a bit. While the law was passed in the legislature to collect water use information, there was no money allotted to the DNR to conduct this task which resulted in very little activity for the first couple of years. After this period, some limited funds were dedicated to jump-start the system. Next year the money will dry up and the DEQ is searching for options to keep this operation

functioning. One of the obvious options is to impose a fee to generate the necessary funds. This will probably come in the way of an application fee that you send in with your report. Your leadership in the MTF is very active in these discussions and I will keep you posted of any advancements. In addition, the reporting scheme will expand from golf courses irrigators to other segments of the industry like grounds maintenance. The criteria for those that need to report lies in your capacity to pump water. If you have the ability to pump more than 100,000 gallons of water per day for thirty days, then you are required to report your irrigation water use.

Within the Michigan Department of Agriculture (MDA), there has also been some notable activity. First, a new system for spill reporting has been created with cooperation between the MDA and the DEQ. The "old" protocol was to call the Pollution Emergency Assistance System (PEAS) when a spill had occurred. This system was operated by the DNR and was designed to assist any spill or event that could threaten environmental resources. The number is 1-800-292-4706. The new system does not replace the PEAS hotline, yet refines it by addressing spills that occur in the agricultural industries. The new number is 1-800-405-0101 and is operated by the MDA. The important impact from the refined system is that the MDA personnel responding to your call are familiar with agricultural products. Their intent is to assure that the spill is contained and secured from entering surface or groundwater. Once secured and the degree of the problem is understood, you will most likely be given authorization to land apply the spill and cleanup materials. Stay tuned for phone posters or other trinkets from the Michigan Turf Foundation that outline the new reporting system.

Next I wanted to pass along some helpful tips from Regulation 637 that stem from common questions or recent interpretations. The first item has to do with ready-to-use formulations (RTU) of pesticides. These products are packaged in a manner which requires no mixing and are ready to apply in their original container. A common example is a squirt bottle of Roundup®. Those operations that are not considered licensed pesticide application businesses do not need a certified or registered applicator to apply an RTU product. For example, any employee of a grounds maintenance or golf course operation could use the squirt bottle of Roundup® to spray the weeds in the cracks of the sidewalk. They would not need to be a certified or registered applicator. Lawn care operations however, are considered licensed businesses and all employees using pesticides need to have an applicator credential. Finally, a word on spot treatments. The definition for spot treatments in Regulation 637 is a treatment of not more than a two square foot area and no more than 20% of the total area. The message about spot treatments is that they do not require posting. For example, targeting a few dandelions in a lawn care situation or applications around the base of a tree would be considered spot treatments and you are not required to post the area with flags or signs.