

The Green Pages

A compendium of news and opinions about government, golf and the environment

EDITOR'S NOTE

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FGCSA committee strengthening agency ties

Tim Hiers, CGCS, chairman of the FGCSA Government Relations Committee, reports that the main emphasis of his committee right now is to establish a relationship and rapport with the various regulatory agencies.

Jeff Hayden, co-founder of the new Seven Rivers Chapter,

has been attending meetings of the Pesticide Review Council and others concerning endangered species in Tallahassee and Gainesville. He reports that one-time attendance is neither beneficial or informative. Regulation is a continual process that requires constant participation to be meaningful for our industry.

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EPA encourages development of safer pesticides

EPA's Office of Pesticide Programs once again stresses the introduction of "safer pesticides" in the four-year strategy it recently released. The safe pesticide strategy suggests the establishment of two separate tracks for processing chemical registrations.

Safer pesticides would be allowed on the "fast track," thus insuring quicker introduction to the user market, while more hazardous pesticides would have to remain on the slower registration track.

The safe pesticide strategy also seeks to increase the availability of information and public awareness concerning pesticide risks, the effectiveness

of pesticide management programs, and the availability of options for pest control.

EPA amends UST technical requirements

The deadline for UST owners and operators with pressurized piping systems to install automatic line leak detectors has been extended to Sept. 22.

The deadline extension applies only to the installation (on new or existing underground pressurized piping systems) of automatic line leak detectors that meet the minimum performance requirements.

Container study findings to be released soon

Final revisions are being made to the soon-to-be-released pesticide container study, according to Nancy Fitz of EPA's Office of Pesticide Programs.

Draft regulations, which will soon follow as part of the 1988 reauthorization of FIFRA, will include significant changes in the amount of residual product that can be left in refillable and non-refillable containers.

EPA will encourage the use of refillable containers, but call for a structural integrity test and performance standard of these refillable containers to avoid cross-contamination of product and secondary protection against releases. The most desirable containers are, in order of EPA preference, water-soluble packaging and refillables, then non-refillable, recyclable containers; and lastly, non-recyclable containers.

The draft regulations also require that:

- a closed transfer system be used for non-refillable containers.
- performance standards be established for dispersion capability while pouring from the container.
- containers be made of recyclable materials.
- residue removal standards be supplied by the registrant on the label. At this time, the standard for rigid containers holding dilutable pesticides is a 99.9999 percent rate of residue removal.

High court hears FIFRA pre-emption case

The U.S. Supreme Court has agreed to decide whether federal laws regulating pesticides prevent cities from making their own rules.

Last spring, the Wisconsin Supreme Court ruled that the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) pre-empts a 1985 ordinance adopted by the town of Casey, Wis. The Casey ordinance requires a town permit to use pesticides on public lands or to perform aerial pesticide applications on private lands.

The appeal argues that the rule is legal because of the state's authority to work through local governments under the Safe Drinking Water Act, and that FIFRA pre-emption would hinder local governments in protecting groundwater recharge areas from pesticide pollution.

The federal appellate courts have ruled that FIFRA pre-empts local pesticide rules, while state supreme court rulings in Maine and California said that FIFRA does not preempt local regulation.

Few legal authorities believe that the Supreme Court will

Environment a stagnant issue

Let's be brutally honest.

I'm getting tired of hearing about golf and the environment. I'm bored with speakers and studies that tap golf as a friend of the environment and not an enemy, out to pollute the air we breathe and the water we drink.

That is not to say, however, that I'm anti-golf or anti-environment. The belief here is that golf is indeed a friend of the environment and that most of the so-called environmentalists don't believe the facts... or don't want to believe the facts.

What I'm getting tired of hearing and seeing is the golf industry going around in circles. Superintendent seminars and meetings of the American Society of Golf Course Architects recently in Las Vegas were good examples of what is becoming a vicious cycle.

Nobody is telling anybody anything

they don't know, at least regarding golf and the environment...

...The case was basically the same at Golf Summit this past summer in Palm Desert, Calif. The National Golf Foundation, which sponsored the Summit, presented an encyclopedia of facts about the golf industry, but to people who already knew the evidence.

In most cases, golf's message on the environment and other issues is simply not getting to the proper people...

...The golf industry doesn't have to apologize for its environmental record or its efforts in designing and building courses that protect such things as wetlands and wildlife preserves.

The industry, particularly organizations such as the architects' Society, GCSAA and the USGA have done a fine job of compiling information concerning golf and the environment.

That was Step 1.

The next step is to get that information

to the public and government agencies that make the environmental rules and laws.

A lobby for the industry as a whole? Possibly. Associations such as the Florida Golf Council and Arizona Golf Association are trying to make a difference within their respective states.

The industry needs one collective voice, which doesn't necessarily mean it needs a lobby. Industry leaders, architects, superintendents, builders, owners, and others can work as a lobby, speaking to legislators and regulators on behalf of golf. In that respect, they're much more credible than a lobby.

But most of all, the industry needs to work as hard at getting its message out as compiling ammunition the message contains. It doesn't do anybody any good to continue going in circles.

-Steve Pike, business editor of Golfweek. Excerpted from a March 2 editorial.

weaken the doctrine of federal pre-emption.

Senate schedules hearing on pesticide notification

A Senate hearing concerning a notification system for pesticide use will be held in April.

The Senate Subcommittee on Toxic Substances, Environmental Oversight, Research and Development, which last year heard testimony on lawn care chemicals from GCSAA Vice President William R. Roberts, CGCS, is responsible for planning the hearing.

It is believed that Senator Reid (D-Nev.), subcommittee chairman, and Sen. Lieberman (D-Conn.) both favor the development of a national notification

system to inform chemically sensitive people before pesticide applications. Connecticut recently imposed a similar system.

GCSAA will be seeking comments about this proposed notification system from its network of government relations liaisons. The association also plans to participate in the hearing.

RCRA, OSHA set penalty criteria

New penalty formulas for environmental violations and worker safety cases are expected to improve punishment effectiveness and consistency.

In the past, OSHA and EPA — under the Resource Conservation and Recovery Act — issued fines on a violation-by-violation basis. Recently, both

agencies re-evaluated their systems and set up formulas for determining penalty amounts.

EPA realized that some companies had been saving money by paying the fines rather than complying with RCRA. Because of these new policies, stronger penalties will probably be issued and less negotiating will occur.

EPA, OSHA will conduct joint inspections

EPA and OSHA have announced that they will combine inspection efforts to enforce national workplace and environmental statutes more effectively.

Even though EPA inspectors will not perform OSHA inspections, they will refer worker

health and safety issues to OSHA.

The agencies are developing a 1991 fiscal-year workplan for the joint inspection activities. The likely result will be more routine OSHA citations.

EPA toughens with more investigators

Amidst the budget cuts and imposition of higher taxes, the 101st Congress passed legislation to increase the number of EPA criminal investigators.

The Pollution Prosecution Act of 1990 directs the agency to increase, in steps, the number of investigators to total at least 200 by Oct. 1, 1995. This new legislation is designed to increase inspections — with a particular focus on small business violations.