

## OSHA discovers 49,098 violations

Employers have been cited for 49,098 violations of the Hazard Communication Standard since Nov. 1, 1985, according to recently released information from the Occupational Safety and Health Administration.

Approximately \$1.5 million in penalties have been assessed against employers violating those standards.

The most common violations are:

- failure to establish a written hazard communication program;

- failure to establish an employee training and education program;

- failure to comply with labeling requirements; and

- failure to maintain records of material safety data sheets;

The Golf Course Superintendents Association of America in Lawrence, Kansas, and Professional Lawn Care Association of America in Marietta, Ga., have information available to help golf course superintendents comply with the laws.

## Seed group formed

The American Seed Trade Association is forming a committee to serve as a source of information on environmental issues and the application of laws that affect the industry.

Jim Fangman of Ciba-Geigy Seed Division will chair the Environment and Safety Committee, which will hold an organizational meeting at 4:30 p.m. Dec. 6 at the downtown Hyatt Regency Hotel in Chicago, Ill.

## GOVERNMENT UPDATE

### PLCAA challenging local authority

The Professional Lawn Care Association of America has begun to file lawsuits challenging the authority of local governments to regulate pesticide use.

While not opposed to regulation or legislation of pesticide use, PLCAA does oppose regulation by

local governments — more than 88,000 communities in the United States.

The trade organization contends that current federal regulations (Federal Insecticide, Fungicide and Rodenticide Act) preempt any local statutes. Individualized regulations would make it extremely difficult for lawn care companies operating in more than one municipality to comply.

"It (local regulation) increases the cost of doing business and doesn't provide any additional protection for the public," said PLCAA director of state government affairs Thomas Delaney.

Federal Judge Horace W. Gilmore recently ruled in the PLCAA's favor in Milford, Mich.

"It looks like the city will appeal, with the help of the (Ralph Nader-founded) Public Citizens's Congress Watch," he said. "That doesn't surprise us. We think the decision will be upheld. They have no real basis for the complaint. It's just a question of jurisdiction and the judge saw that the federal statute preempted the local one."

The PLCAA was heartened by Gilmore's decision to consider the 1986 Maryland Pest Control vs. Montgomery County case in his ruling.

"It's important to have cases at the federal level so precedents are set. If we win enough of these cases, and can build up enough precedents, then it takes little time for a judge to remove a case involving a local regulation," said Delaney.

The PLCAA is considering filing for a summary judgment to throw out a local regulation in Mayfield, Ohio.

"We're on hold there," said Delaney. "The federal judge has a large docket at the moment. Timing is very important in a case like this and we want to make sure it's the right time before we file."

The PLCAA dropped its proposed suit in Mashpee, Mass., when the city voluntarily removed its ordinance.

Delaney said his group is considering where to file its next suit.

"We want to show that if localities can pass regulations, there will be no uniformity in what a lawn care specialist can do from county to county or town to town. . . It's a tough way to do business, having to figure out where a customer is and what you can do there before deciding if you can take the job."

"That's not what Congress intended. They wanted it to be a federal issue that would involve the states. Having it decided below that level is onerous. . . The federal government and states have the experts with degrees in the field. They should be making the decisions, not municipalities that don't have the expertise."

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