

Referenda to reduce field-burning fail

BY MARK LESLIE

A pair of statewide initiatives that would have drastically or totally reduced field-burning in Oregon have failed.

The petitions were filed with the Oregon Secretary of State's Office on July 6, but fell short of the 63,578 signatures needed to put the matter before voters in November.

"We have a reprieve for a year maybe," said Dennis Hays, executive vice president of the Oregon Seed Trade Association in Portland. "We're sure a bill will be proposed in the state Legislature in January. If they (field-

burning opponents) don't get that through, they'll bring up this initiative again.

"These people are not going to stop."

The case is important to the golf industry in the United States. Oregon's 70 seed companies provide all U.S.-produced ryegrass, bentgrass, Chewings and creeping red fescues seed, half the U.S.-grown tall fescue seed, and about one-fourth its bluegrass seed.

For the growers, field-burning is the proven method to ensure a healthy crop.

"When you burn, the root stays alive and it comes back next year.

The burning gives it a new life so that it comes back pure and clean," Hays said.

"If there's no burning, you get disease-filled crops. The burning purifies. It kills disease and insects."

One of the initiatives called for a total ban on burning in five years. That failed to get the needed signatures but was still turned in to the secretary of state.

The second initiative would cut the number of acres that could be burned every year for four years until it lowered the maximum from the current 250,000 to 50,000 acres. That one got just more than

65,000 signatures, but some 1,500 allegedly were forged by petitioners who were being paid per vote.

Research continues

Hays said "tons of research" is being done to find new ways to purge the fields of disease and pests.

"The state is financing some of the research, a lot of private companies are researching it, and Oregon State University is studying it.

"They're looking for some way to deal with all the straw. Some straw goes to Japan now for ani-

mal feed, but there's not much nutrient in it. And there's not nearly enough demand."

Asked about the possibility of more propane burning, Hays said the process can create more

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Tax case

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debate.

"A Supreme Court decision is the law of the land. This decides the issue," he said.

Singerling feels Congress might be persuaded to rewrite the Code, but it is not the CMAA's role to lobby. "We encourage our members to assist congressmen to write positive legislation," he said.

The IRS is undefeated in the Supreme Court on tax-exempt tax code matters over a number of years, according to Walsh and Kelly. Walsh placed the number of cases at 18.

Added Kelly: "Yes, we've gone 12 or 13 (cases) over the last 15 to 20 years without losing. Most every case was a close issue that could have gone either way. And this one as well because we lost in several circuits."

In fact, the IRS lost this issue in three of six court decisions.

The IRS won in the 2nd Circuit (vs The Brook, Inc. in 1986), but lost in the 6th Circuit (vs Cleveland Athletic Club, Inc. in 1985) and twice in the Tax Court (vs North Ridge Country Club in 1989 and vs Portland GC). The IRS successfully appealed both Tax Court decisions to the 9th Circuit Court.

"It (Supreme Court decision) is disappointing," Walsh said. "Especially because when we left the oral arguments we at least had our fingers crossed that we might win. As it turns out we got three of the nine. We weren't that far off, especially given the IRS success rate-kill ratio on taking anyone to court on tax-exempt matters."

CMAA's Singerling doesn't think anyone "won" this case.

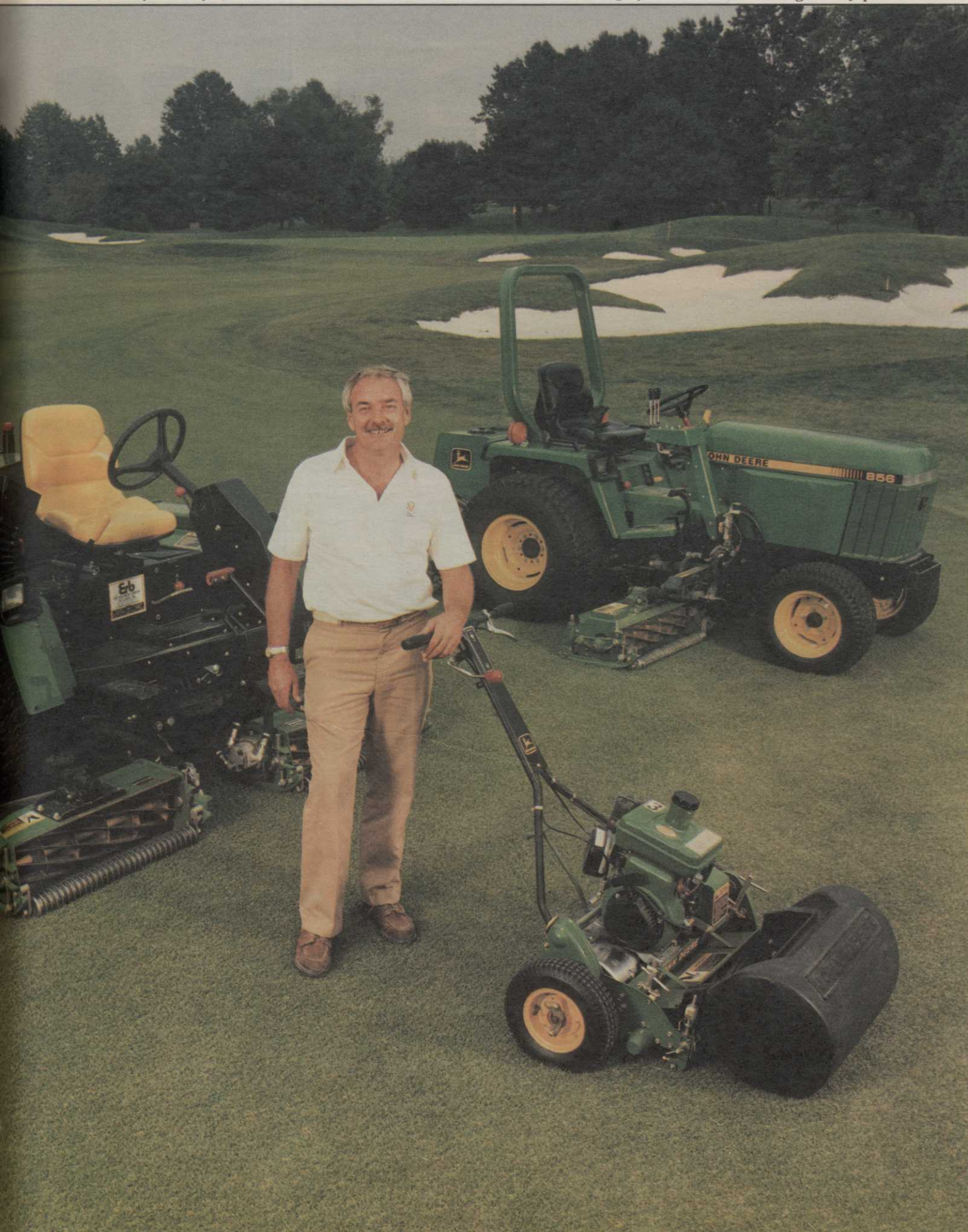
He said the IRS and courts are judging clubs by circumstances 20 years ago, when, in some cases, there was competition with local businesses. But, he added, clubs have vastly changed since then.

"Clubs today aren't in competition with local business but provide a place for special functions... As club business has expanded, we have further defined what a private club is. In a given community it may be the only place to hold a special dinner, or charity event," he said.

Singerling said: "Private clubs don't generate profits. No member of a private club has ever received a dividend from that club. Any revenue goes directly back into the community—to hourly employees and businesses who supply goods to that club. So by inhibiting these dollars, the community loses.

"Those who look at this as a victory, I'd like to know who they think will benefit..."

Singerling said CMAA is financing a study to determine the impact of the court decision. That study should be complete by September.



Washington county enacts burning law

While turfseed growers struggle against field-burning opponents in Oregon, the county of Spokane in Washington State puts a strict field-burning law into effect this year.

The Spokane County Commission established a tough new law that seed producers fear may spread to neighboring counties and the state of Idaho.

Doyle Jacklin, vice president of marketing for Jacklin Seed in Post Falls, Idaho, said the Spokane County law "does not affect Idaho or the surrounding counties but it's only a matter of time before those counties probably adopt the same rules."

"It definitely is a worrisome factor. It will affect us. And it appears there will be a gradual phaseout of burning in the Northwest."

The Spokane County law limits the number of "burn days" to 14 and they must be consecutive. "If rain comes and you can't burn, then that's tough," Jacklin said.

The law "also places a cap on the number of acres, and, in essence, says that existing acres can be burned but newly seeded acres cannot," he said.

A group called the Clean Air Coalition has been formed in Jacklin's home state of Idaho to oppose field-burning.

Jacklin said its members claim "burning could cause cancer because they don't know what toxins could be emitted by fields that have been treated by herbicide or insecticide. Well, in the first place they are very short-lived chemicals that are biodegradable and they don't even exist when we burn. If they did exist, burning would turn them to carbon dioxide and water."

"But they have raised the issue in the media as if it could be a cancer-causing process."

Jacklin guessed that in Idaho

the question of burning will be one or two years behind the states of Washington and Oregon, "but it will fall into line, and we'll have to deal with it in the same way as they have."

In the meantime, private companies are researching the subject, and the state has funded \$350,000 this year to the Department of Ecology to study to discover the effects of burning; if any toxins are emitted during the process; and the best climatic conditions to burn in.

Field days show industry progress

Record, even international, attendance was reported at the seed industry field days held this summer in the Northwest, the capital for turf seed.

Since the first field day, held eight years ago by Turf-Seed in Hubbard, Ore., the events have been growing in popularity and attendance.

Jacklin Seed Co. in Post Falls, Idaho, and Turf Merchants in Tangent, Ore., are also now holding annual field days.

Many seed distributors are turning the field days into a one-week tour of the region. This year, Jacklin hosted its "Discovery Tour" on Monday and Tuesday,

Turf-Seed held its event Thursday and Turf Merchant closed the week with a Friday presentation.

"We had an excellent turnout. Just under 200 (wholesale distributors and media people) attended," said Doyle Jacklin, vice president of marketing for Jacklin Seed.

Jacklin said his firm set a different sort of agenda this year, its third. It spent time on its "burn trials" which tested 90 turfgrass varieties on 40 acres for their production when the field is not burned.

The company also took people on a tour of its greenhouse, research laboratory and condition-

ing plant. Jacklin said a separate tour will be scheduled, if needed, for sod growers and golf course superintendents.

Tom Stanley said 500 attended Turf-Seed's event, equaling 1989 when the American Seed Trade Association Conference was held in Seattle, Wash.

Sod producers, golf course superintendents, landscapers, university professors and most of the firm's regional seed distributors attended the session.

"It was truly an international event," Stanley said, referring to guests from Finland, Japan, Aus-

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BENTGRASS

Field-burning

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problems than the field-burning, because "the residue doesn't go up in smoke but just lays on the ground."

He said: "A lot of growers are just plowing up the fields. But where they've done that, it's like a dust bowl."

Mike Robinson, president of Seed Research of Oregon, said the initiatives' failure "has made the growers and state agencies realize that something really has to be done. I think we'll see more effort into research. The farmers are doing more on their own to reduce burning."

"I think eventually within 10 years we're going to have to phase out field-burning."

Robinson said propane burning could be the answer, but burning foes include it in their call for a ban.

"If it's properly done, there's very little smoke produced, and that's ideal," he said.

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