

EPA considering emission regulations for off-road equipment

By PETER BLAIS

The Environmental Protection Agency is **proposing emission control regulations for major off-road vehicles**, a move that could affect manufacturers of earth-moving equipment, tractors and other vehicles used to construct and maintain golf courses.

The EPA is completing an internal review of available information dealing with pollution from diesel engines of at least 50-horsepower and **will likely publish proposed regulations in November**, according to Mike Scott, the agency's public liaison officer for golf.

A 6-to-12-month public comment period will follow and should result in new regulations sometime in late 1993, he estimated.

The EPA has focused on conventional vehicles because they are the largest pollution source, Scott said. Having been successful in reducing emissions from on-road cars and trucks, the agency is turning its attention to off-road vehicles because, "we know there are other vehicles that pollute," Scott said. "They are a particular problem in big-city areas."

Smaller engines will not escape EPA oversight for long, Scott predicted. While recreational vehicles, such as golf cars, could be exempted, proposed regulations for smaller engines are expected **late next year**. Utility vehicles, lawn mowers and even weed trimmers could be affected.

"We've found that some small engines are incredibly inefficient and very polluting," Scott said.

A court **ruling giving EPA jurisdiction over stand-alone wetlands** could greatly affect golf course development, Scott said.

Three members of the U.S. Court of Appeals, 7th Circuit (Chicago) ruled Sept. 4 that a wetland does not have to be hydrologically connected to an interstate waterway to fall under EPA auspices, the agency official said.

The case originated in administrative law court, where the judge agreed with the EPA that **Hoffman Homes Co.** violated wetlands degradation regulations by developing 0.8 acres classified as protected wetland in Cook County, Scott said.

Hoffman Homes appealed the decision to the appellate court, where a single judge reversed the earlier finding and ruled in favor of the developer's contention that EPA had no jurisdiction over stand-alone wetlands unless they were substantially involved in interstate commerce. The fact that migratory birds landed there did not constitute interstate commerce, the judge determined.

The three appeals court judges disagreed with their fellow justice and sided with the EPA's argument that the wetland's role in the birds' migration pattern did indeed involve interstate commerce, Scott said. The three-judge

panel **ordered Hoffman Homes and EPA to negotiate a settlement before another court hearing**. If the parties agree on damages to be paid by the developer, a rehearing won't be necessary, Scott said.

"Theoretically," Scott explained, "the full [appeals] court could rehear the case and find against EPA once again. However, as a practical matter, it seems that by ordering the parties to negotiate damages to be paid by Hoffman Homes, the court is saying it thinks Hoffman was at fault."

EPA ROUND-UP

The agency has announced **new steps to protect workers from occupational exposure to pesticides**.

Among the new provisions of the **revised Worker Protection Standard for Agricultural Pesticides** are requirements employers provide workers with ample water, soap and towels for washing and decontamination, and that

emergency transportation be available in the event of a pesticide poisoning or injury.

It also establishes restricted-entry intervals — specific times when worker entry is restricted following pesticide application — and requires personal protection equipment for all pesticides.

Other major provisions require employers to inform workers and handlers about pesticide hazards through safety training; that handlers have easy access to pesticide label safety information; and that a listing of pesticide treat-

ments is centrally located. Handlers are also prohibited from applying pesticides in a way that could expose workers or others.

The new standard is published in the Federal Register.

EPA's office of Underground Storage Tanks has released a **new video** showing what happens when **petroleum leaks** into the subsurface.

The agency has sent copies of *Petroleum Leaks Underground* to state UST programs and regional EPA offices. It is also available for \$75 by calling 800-522-0362.



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