

# Beat suits by being proactive, Hurdzan urges supers

By MARK LESLIE

COLUMBUS, Ohio — The word "accident" no longer exists in this litigious society, so the slogan on U.S. golf courses is Superintendent Beware!, according to Dr. Michael Hurdzan.

Hurdzan, a course architect headquartered here, cited soaring insurance costs and court settlements as reasons superintendents have to take special care to make their facilities accident-safe.

"As golf course architects, we've never had a claim against our insurance," Hurdzan said, and yet Hurdzan Design Group's premium for \$2 million in insurance has sailed from \$750 two years ago to \$14,000 today.

Increases like this are driven by such incidences as the Florida case in which a jury awarded a man \$3.2 million for loss of an eye when hit by an errant golf ball.

The person suing will go after the people or institutions with the most money, Hurdzan said.

From an individual's point of view, "You are responsible once the golf ball leaves your club," he said. "You may have a homeowner's policy that will pay \$50,000 or \$100,000. But what of the costs beyond that?"

He added that unless a superintendent is an independent contractor, they are "an agent of the club and the club has the responsibility to back you. In the same way, if you send an employee out on a club vehicle, he is the club's agent," Hurdzan said.

The superintendent and other club officials should take nothing for granted — even the idea that people should act with common sense — although common sense is also a best defense in court, Hurdzan said.

In the past, contributory negligence — that is, a person contributed to his own injury — was a defense. Now, Hurdzan said, juries decide cases on the basis of comparative negligence. If a course is 10 percent to blame, it is penalized accordingly.



*'Every designer and every person who decides where something is going had better be prepared to answer why they put it there.'*

— Dr. Michael Hurdzan

Hurdzan said superintendents should study their courses with an eye for safety in every area imaginable, and be prepared to defend themselves and their actions.

"Every designer and every person who decides where something is going had better be prepared to answer why they put it there," he said. "The fact that it used to be OK doesn't cut it in court. It doesn't even matter that a golf course was there first, before a [neighboring] house."

Hurdzan singled out golf cars as "the best and worst thing that ever happened to golf."

On one hand, they allow people to play in all kinds of weather; people to play who otherwise could not; and are a source of revenue.

But poorly constructed cart paths have led to numerous accidents — and court actions. And serious injuries, including at least one death, have occurred when the back-up buzzer on a cart did not work and a golfer was run over.

"Keep in mind, they are golf cars and roadways, and there are standards," Hurdzan said. "A good golf cart path has signs like Steep Slope and Dangerous When Wet. Treat bridge approaches like you would a regular bridge, with wing walls to keep them on course."

He pointed out a number of areas in which superintendents and designers can reduce accidents on their golf courses:

- Watch for trees needing trimming. "Responsibility falls on the superintendent. Are you trained to work on trees? Get someone who is to do it. But you can't ignore it."
- Print warnings on the scorecard regarding fairways that are side-by-side or

other such things for which to watch.

- Signs. Signs. Signs. "Signs work, and some day you may have to convince a reasonable 10 people on a jury that you've been prudent, or that a prudent person would pay attention to signs."

- If you have a fence around the property to keep trespassers out, "you have an obligation to maintain it."

- Groove or acetate a golf path so that it is not slick.

- Install a handrail on stairways of three or more steps.

- Landscape to force people away from potentially dangerous areas.

- Do not make steps from railroad ties because they are uneven and wear unevenly.

- Put padding on tee markers, handrails, signs and posts so that errant golf balls don't fly off them and strike people.

- Fix sink holes.

- Ensure that rain shelters are equipped with lightning rods.

- Buy a storm-warning device, which can be purchased for \$400.

- Use bilingual signs if people of another language play the course. And "do not assume people can read. You have to have a graphic symbol as well."

- Along steep banks, install fencing, break down the banks, grow the grass higher, and/or install caution signs.

- Put a main disconnect near the pump house.

- Inform local emergency and fire personnel how to get to the buildings on your course in case of emergency.

To combat the unforeseen, Hurdzan suggested that superintendents perform a risk assessment of their courses to recognize problem areas; train employees

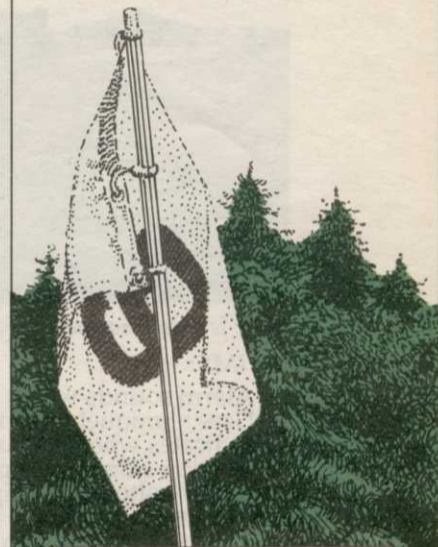


and write an employee handbook; try to get the major hazards out of their lives; and "don't assume liability you can't support."

Hurdzan also implored superintendents to maintain a journal, keeping notes on every safety, security and risk management item on their course.

He added that, in case of an accident, "get as many eyewitnesses and pictures as possible to support your case."

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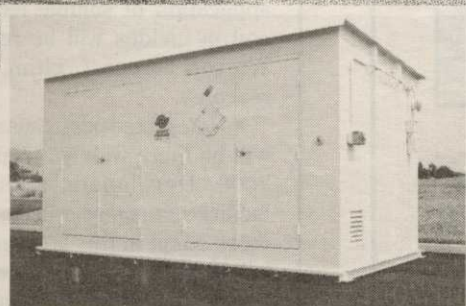
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# Major strides expected in turf industry by year 2000

By MARK LESLIE

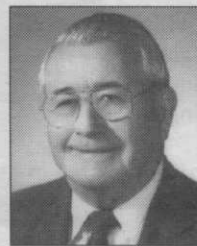
COLUMBUS, Ohio — Green industry researchers are on the verge of major advances in biocontrol agents, bioengineered grasses and compost, while “many of the same concerns we have today will still be with us in the year 2000,” according to Dr. James Watson.

Speaking at the Ohio Turfgrass Conference and Show here Dec. 7, Watson said: “Many of the good things that are going to happen ...

will not happen until after the Year 2000. I think we will have some solutions to some of our concerns, and I anticipate we will have new products that will mitigate some of the more serious concerns of today.”

Composts and other organic-based materials — what Watson calls biocontrol agents — will be key players in the future fight against turfgrass diseases, especially in an era when chemical use is seen declining.

“For example,” he said, “antagonistic organisms have been isolated from compost and field areas that attack or at least mitigate the virulence of pathogens that cause dollar spot, brown patch and other organisms. Organisms have also



Dr. James Watson

been found that are antagonistic to root diseases.”

Besides biocontrol agents, he also cited beneficial nematodes, parasitic wasps, and bacteria that attack insects as showing “considerable promise.”

The problem of creating an environment that will ensure adequate supplies of these biocontrols and favorable organisms has not been solved. “But it certainly will be,” Watson predicted.

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— Dr. James Watson

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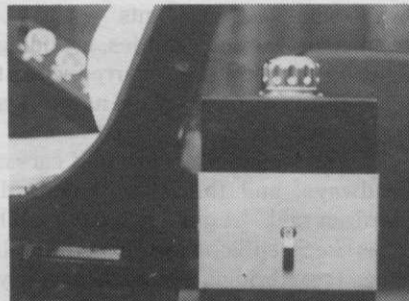


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**BIOENGINEERING A FOCAL POINT**

Grasses that contain fungi, endophytes, enzymes and other entities that repel insects also will minimize the use of pesticides, he said.

“Expect to see bioengineered grasses — probably well beyond 2000 but they are certainly much closer today than they were even a year ago. This is very rapidly developing technology,” Watson said.

With this technology, genes containing favorable characteristics of one type of grass could be infused into another type and transmitted onto successive generations.

“That may sound far-fetched, but by the year 2000 or 2025, don't be surprised to see that type of plant available,” he added. “We are talking about genes that will impart immunity to diseases, resistance to insects, drought tolerance, cold hardiness and many other favorable characteristics.”

Rutgers University researchers are already working on gene mapping of turfgrass — a vital, but slow, tedious and costly process which has been completed on rice, corn and tomatoes.

**NON-POTABLE WATER**

Watson said the green industry must also meet the challenge of using effluent and storm water to a much greater extent.

“Imagine how well-off we would be for the next several years if we could have conserved some of the waters that fell on the Midwest [in 1993],” he said.

The amount and frequency of application of soluble fertilizers and pesticides will be reduced, Watson forecast, citing three reasons:

- “Integrated pest management will be more widely accepted by 2000. Developers, architects, facility managers will be much more adept in this area and they will be able to persuade owners a few pesticides are acceptable.”
- “Already, plant breeders are developing grasses that do not require the high-water and high-fertility regimes that were the case a few years ago.”
- “Natural or organic-based fertilizers will be more widely used.”

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GOLF COURSE NEWS



## Watson: Green industry failures evoke need to change

COLUMBUS, Ohio—Dr. James Watson, president of the International Turfgrass Society and former vice president of The Toro Co., admonished colleagues in the green industry in his talk at the Ohio Turfgrass Conference and Show for not informing the public about the benefits and shortcomings of turfgrass. “Be assured, the green industry will be severely taxed and challenged the remainder of this century and beyond,” Watson said. “Researchers, professionals,

practitioners, extension personnel, consultants and all others who purvey information will be challenged in the political, ethical, environmental, safety and standards arenas. “Why? Because of something I think is wrong with our industry. Too often we fail in construction techniques. Too often we don’t get the right kinds of seedbed materials. “We use wrong grasses. Perhaps our management procedures and techniques are not always the best. But are these the areas that are

wrong, or is it simply the manner in which we use or are told to use various factors? “I happen to think it may be our publicity campaigns are not the best.” He added: “Why, for example, are the experts in the green industry not recognized, not perceived as authorities and often overridden in decisions that can make of break turfgrass consulting? “Why are the knowledgeable experts not called before problems arise on new or renovated sports

fields? Why, when the turfgrass industry has new and improved grasses, procedures for specifying soil texture and techniques in construction and establishment, are managers still blamed when grass is lost?” With new maintenance equipment, supplies and materials, and more knowledge about cultural practices, grass should not die, Watson said. “One major factor may be the economics — not the economics associated with turf management

but with facility management. Most managers and investors have to generate a return on their investment. But whether or not excuses are valid, “they adversely reflect on the green industry, often because the industry has not done a good job of explaining that there are limitations to turfgrass areas. We talk only to ourselves, not to the public,” he said.

## Changes by 2000

Continued from previous page

Among Watson’s predictions for the industry are:

- Increased use of native grasses like buffalograss.
- Superior salt grasses that will tolerate 7,000 to 8,000 parts per million of salt. “That will permit us to use brackish water supplies. These grasses have substantial promise, especially in the West and Southwest.”
- A proliferation of organic-based fertilizers.
- New laws, “ostensibly to protect the environment. And you must be aware of them and take steps to make certain you are not prohibited from using water that might even be on your golf courses.

“Some of these regulations may be detrimental. Methyl bromide is being considered to be taken off the market. Yet 90 percent of methyl bromide that goes into the atmosphere comes from the ocean. Man’s contribution is minute, like a grain of sand on the beach. Yet, they may take it away from those who need it.”

Urging the industry to be active and outspoken, Watson said: “Green industry facilities are an integral part of our present and future lifestyle and needs. We must not let this future be decided by political entities, environmental extremists, or anyone not familiar with the green industry. They must not dictate our future.”

## Sweda takes office

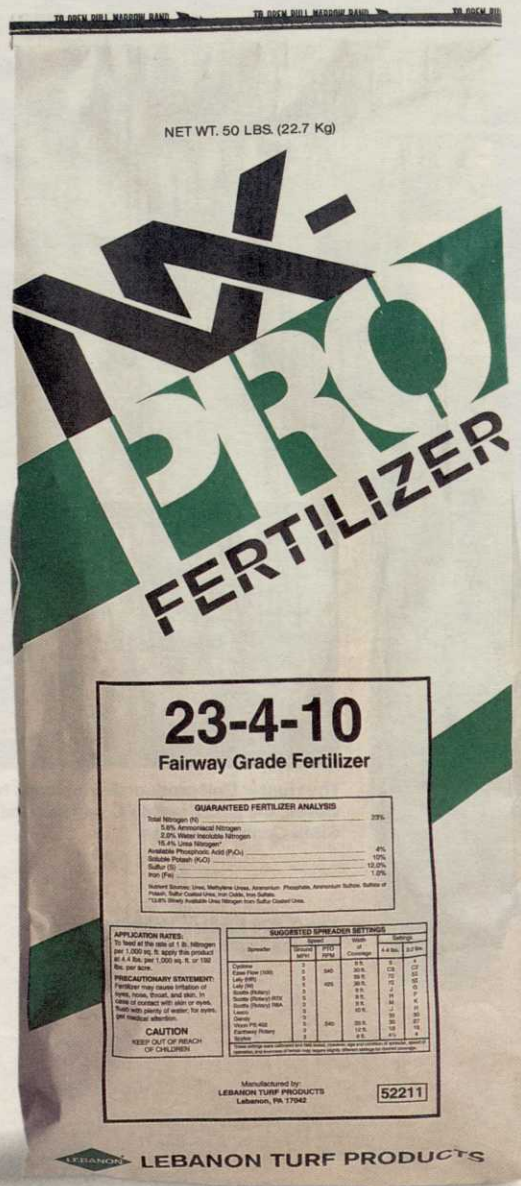
Continued from page 25 by the year 2000.

Citing the many professors retiring from other universities, he said, “Ohio State has a golden opportunity to become the leader in turfgrass research.”

“Research is our key number-one priority,” he said. “We’re funding the new biotechnology center [at OSU]. They’re going to genetically alter a plant and try to develop a drought-tolerant plant... Maybe in the near future we’ll have our Buckeye grass.

Sweda, who left Beechmont Country Club in Cleveland to join Columbia Hills CC last spring, said he views his service as president as returning “what somebody gave me 26 years ago. Somebody gave me a wealth of knowledge and got me started. I want to give it back.”

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