

EPA alleges FIFRA violations by DuPont

WASHINGTON, D.C. — The federal Environmental Protection Agency (EPA) has issued a civil administrative complaint to E.I. du Pont de Nemours & Co. (DuPont) of Wilmington, Del., for alleged violations of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA).

In a 24-count complaint, EPA has alleged that DuPont violated FIFRA by selling and distributing three Benlate (benomyl) fungicide products that differ chemically from the original formula the company had registered with the agency, according to EPA spokesperson Gwendolyn Brown. FIFRA prohibits the sale and or distribution of any registered pesticide in which the composition, at the time of sale or distribution, differs from its composition as described in the statement required in connection with its registration.

"They have requested a hearing," said EPA attorney Jim Chen. "Whenever a judge gets assigned, the hearing will go forward. It could be several months, up to a year. In the meantime, I expect the DuPont attorney to file a series of motions."

The three products in question are Benlate 50 DF (dry flowable) Fungicide, Olympic Benomyl 50 DF and DuPont Benlate Fungicide. The complaint proposes a penalty assessment of \$120,000. Prior to its November 1992 corporate statement that none of the plant damage was due to use of Benlate, the company paid approximately \$500 million to growers to settle Benlate related damage claims, said Brown.

The EPA has issued its FY 1994 Enforcement and Compliance Assurance Accomplishments Report, which highlights major policies in addition to national, regional and state enforcement/compliance initiatives. It also summarizes significant cases and provides aggregate statistics on enforcement action and penalties. The report is available from EPA by calling 202-260-2080.

EPA emissions

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uncertified engines, there should be no problem," said Walsh.

The phrase, "As California goes, so goes the country," holds here. Two years ago, the California Air Resources Board (CARB) passed emissions standards widely perceived to be ahead of the regulatory curve. Though golf cars received a short extension, all turf-industry equipment used in California is also required by law to switch over to more fuel-efficient, cleaner-burning engines by Jan. 1, 1997.

Now the whole country will be forced to similarly conform. The only difference between the CARB regulations and those mandated by federal EPA concerns hand-held machinery (EPA considers something hand-held if it is carried by the operator throughout its use or it's used in "multiple orientations"; CARB requires hand-held machinery to meet both criteria).

The EPA arrived at the new guidelines after soliciting input from a number of firms and trade associations in the small-engine market. Those connected to the golf course industry included Briggs & Stratton Corp., CARB, Echo Inc., the Engine Manufacturers Association, American Honda Motor Co., Kohler Co., Kubota Corp., the North American Equipment Dealers Association, and The Toro Co.

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