



THE RULES NEED CHANGING

By Monroe S. Miller

I left Cleveland, Ohio early in the morning on the second day of my trip home from the Massachusetts Turf Conference in March. It's a lonely drive, believe me, and my car radio was the sum total of my company. I tuned in to America's favorite and best radio station — WGN in Chicago — and, despite a separation of some 350 miles, their 50,000 watts of clear channel power came through perfectly. Max Armstrong, the station assistant farm director, held the microphone at this early hour and was conducting an interview with a gal who was the FMC Agricultural Chemicals Division director of pyrethrin insecticides. It was a wide ranging and very interesting discussion of pesticides, much of which I related to directly. My interest really soared, however, when she addressed a serious problem that all agricultural chemical manufacturers are facing. That problem has to do with the short life of a new product patent. It is a problem that can, if it hasn't already, affect the golf course management business.

The current law gives inventors and researchers a 17 year life on any patent granted by the government. The catch is that the Feds begin the countdown on those 17 years as soon as a company is given a patent; in the case of an agricultural pesticide, it is normally and usually for a new chemical formula. Holding the patent is one thing. Governmental approval for its use is entirely something different. According to the National Agricultural Chemicals Association, it typically takes the government bureaucracy 5 to 7 years to review, test and approve the new product that results from the patented chemical formula. That leaves the manufacturers a meager 10 to 12 years to recover his R & D investment, costs that

average \$25 million or more per product.

When the 17 years of the patent end, a competitor, who never put a cent toward the product development, can begin manufacturing and selling the product, usually at a price below that price the pioneering firm is able to sell the same product. This situation is simply unfair.

Three years ago Congress passed legislation that gave back to pharmaceutical patent holders some of the time they were losing through the long and burdensome governmental regulatory process. Legislators recognized the unfairness of this time forfeiture and corrected it. The law did not relax drug product testing nor reduce the time of that testing. It merely gave researchers more time to recover their investment and earn a profit for their work.

I feel we have seen in our golf course industry some of these same ramifications. The short patent life effectively limits in-

novation and sets the stage for a low level of incentive for competition and creativity, both of which are critical to us in pest management. The law affecting the pharmaceutical business extended patent life by 7 years. There is similar legislation — The Agricultural Chemical Patent Restoration Act — pending and we have an obligation to forcefully put our support behind it.

Denial by a vocal segment of our society doesn't change the fact that agricultural chemicals play an important role in food production, pest control and disease spread reduction. As Dr. Houston Couch pointed out during a presentation at the Massachusetts Turf Conference, there are some exciting new products on the horizon. There are some that may allow us to make only two fungicide applications per year for effective disease control, and they are products that are environmentally cleaner than those we've used in the past. Let's give the agricultural chemicals business a chance to develop and prosper from pesticide introductions that will be safer, more cost effective and more efficient. New breakthroughs are important to our business of maintaining quality turf. The legislation before Congress will give researchers the motive and the means to continue pioneering work. Anything less will be to our detriment.

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