



THE GRASS ROOTS



an official publication of the Wisconsin Golf Course Superintendents Association

Volume XVI, No. 1

January/February 1989

AG 29 — What's All the Talk About?

By Monroe S. Miller

There has been a flood of conversation of late about "AG 29" and the changes coming in the future that are going to affect us and how we do business on our golf courses. Like many WGCSA members I've visited with, I've been uninformed on what this all means.

When a person needs to know something, nay **anything**, about agricultural policy and legislation in Wisconsin, the person to talk to is Russell Weisensel, Executive Director of the Wisconsin Agri-Business Council. According to Russ, AG 29 governs the use and control of pesticides, the licensing of pesticide manufacturers and labelers, the registration of commercial applicators and sellers, and the storage, sale and display of pesticides. The authority for this rule is from the Wisconsin State Statutes (Wisconsin Pesticide Law). The rule hasn't been revised since 1983 and is undergoing that process now.

The proposed rule changes include some which are straight forward, appropriate and non-controversial. Other changes, especially those that will affect the lawn care industry and possibly golf courses, are more controversial. The purpose of the amendments

is to accomplish the following objectives, according to DATCP officials:

1. Reorganize and clarify existing rules. The proposed rule package includes definitions for terms that previously have not been defined in the rule. The inclusion of chemigation in the rule necessitated definition of several terms. Other sections of the rule are being modified to reflect statutory changes in the Pesticide Law. For example, an uncertified applicator may no longer apply pesticides even under the direct supervision of a certified applicator. Therefore, current reference in AG 29 allowing this practice must be corrected.

2. Provide notice about pesticide application to the consumer. Several sections of the rule address this issue. The purpose of these changes is not only to inform the consumer, but also to eliminate application on the wrong property and to reduce exposure to pesticides. While applicators must provide more information for the consumer, they may not make safety claims about the pesticides they're applying such as "safe" or "harmless". Consumers are demanding that they be provided with detailed information so that they are able to make informed decisions. The department believes that consumers have a right to know the identity and amount of pesticides that are to be applied, as well as all precautions that should be taken to avoid exposure. The rules contain provisions for applicators to notify property owners prior to application of a pesticide.

The revision proposal also includes requirements for notification through posting. The applicator would be re-

quired to post notice when making a commercial application to control pests on turf, ornamentals or in and around structures. Several lawn care companies have already contacted the department about this issue. They believe that the proposal should also apply to homeowners who apply pesticides to their lawns. We anticipate that this topic will generate a great deal of discussion during the ad hoc committee meetings.

3. Expand information base on use of restricted-use pesticides. The department believes that enforcement of the rules pertaining to use of restricted-use pesticides by inappropriate individuals is important. At the present time, very little information other than "kinds and amounts" must be recorded about sales or distribution of restricted-use pesticides. The revision

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sion would require expanded reporting to include pertinent information identifying the purchaser and brand name and the EPA registration number for the pesticide.

4. Prevent harvesting crops at improper times. Cases have been reported where agricultural commodities have been harvested before a preharvest interval has expired following application of a pesticide. The rule proposal places the responsibility to adhere to the preharvest interval on the grower.

5. Require loading pads for mixing/loading sites. DATCP and DNR investigations have documented that improper handling of non-bulk as well as bulk pesticides has resulted in ground-water contamination across the state. The requirement mandates that a loading pad or spill containment be constructed at any site where a threshold quantity of pesticide is mixed annually. This provision would apply to any mixing/loading site (private or commercial) that exceeds the threshold amount.

6. Establish a set of rules governing chemigation systems. Chemigation systems incorporate the application of pesticides in an irrigation system. Unless certain protective devices are used, there is a very good chance of contamination from cross connection and contamination of the water supply with chemicals. The rules allow pesticides to be introduced in an irrigation system but require the use of back-flow preventers in the system, of which there are several types.

7. Clarify that veterinarians are not required to be certified or licensed. Review of EPA's policy concerning certification of veterinarians indicates that they are considered to be exempt from individual applicator certification requirements. Therefore, the department proposes to clarify that individual commercial applicator pesticide certification and license requirements do not pertain to licensed veterinarians applying pesticides during the normal course of their practice.

It's fairly clear that we'll primarily be concerned with notice and posting provisions, re-entry periods, and mixing/loading site requirements. The licensing and certification requirements should already be part of everyone's management program. Our own Red Roskopf and the WTA's Terry Kurth are involved in advisory capacities to the DATCP. Russ, as always, will play a key role.

The Agricultural Resource Management Division of the DATCP has a tentative timetable of the changes and implementation of AG 29 revisions. The ARM staff reviewed proposals and analyses in October and November. These were then forwarded to the Pesticide Advisory Council. Below is what the calendar of events for this January and forward looks like:

January 1989

— ARM Division staff, Legal staff and Ad Hoc Committee review and modify rule draft.

February 1989 and March 1989

— Pesticide Advisory Council reviews rule draft prepared by staff and the Ad Hoc Committee

— Secretary's office reviews comments from Ad Hoc Committee and the Pesticide Advisory Council.

— Approved draft is provided to Board Subcommittee and to the full Policy Board Members

— Board Subcommittee reviews draft.

April 1989

— Request Policy Board's approval at April board meeting to take the rule to public hearing.

— Preliminary suggested locations (note these locations may change

slightly depending on the key issues that are identified in the hearing draft):

Milwaukee
Appleton
Eau Claire
Wausau
Madison

La Crosse or Prairie du Chien

— Mail draft to Legislative Council for review the day after Board gives approval for public hearing. Legislative Council has 20 working days to review and comment.

May and June 1989

— Submit to Revisor of Statutes for Public Hearing Notice (10 days notice required).

— May 25, 1989 end of period for Legislative Council and revisor and administrative register.

June Public Hearings:

Location	Days/Dates
Milwaukee area . . .	Tuesday, June 13
Appleton area . . .	Wednesday, June 14
Wausau	Thursday, June 15
Eau Claire	Tuesday, June 20
La Crosse	Wednesday, June 21
Madison area . . .	Thursday, June 22

Scheduled Hearing Times: We will schedule hearings during the morning, afternoon and evening at all locations, if needed, in order to give all interested parties an opportunity to speak.

June 26 thru July 1989

— A.R.M. and Legal staff review and redraft if necessary and prepare hearing summary

— Review with:

1. Pesticide Advisory Council
2. Policy Board Subcommittee
3. Secretary and Deputy

August 1989

— Department Policy Board for final approval

— Pesticide Review Board approval

September 1989

— Early September submit rule in final form to appropriate Legislative Committee (Committee has 30 calendar days to review and comment.)

October 1989


— Submit rule to Revisor for publishing.

November or December 1989

— AG 29 revision published

January 1990

— January 1, 1990 rule becomes effective.



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