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# Environmental Rules Challenge Wisconsin's Small Engine Makers

Wisconsin's small-engine manufacturers are facing a change in the way they build their machines, thanks to a victory chalked up by environmentalists in not-so-sunny California.

The smog pollution there has led the state's powerful Air Resources Board to restrict emissions from lawn mowers, chain saws, leaf blowers and other small-engine-driven equipment.

"We view this as the biggest concern we're going to have in the next decade," said Bill Bazen, manager of mechanical components at Briggs and Stratton in Wauwatosa. Bazen has spent time in California during the past year helping regulators shape the new rules.

Briggs is taking the view that other states will either take up the California rules on emissions or come under federal guidelines likely to come from the Environmental Protection Agency in the near future.

Either way, he said, "the engines are going to have to be modified. You just can't do a couple things to them and (hope) they'll pass."

The company is already pouring money into research and development to get ahead of competition and stay there. Briggs spent \$150,000 to set up a dynamometer room to measure

horsepower and emissions, and is laying out \$17,000 a month to run a test facility, he said. Briggs plans to build up to three more test sites.

Other companies are aware of the changes as well.

"The industry is taking this very seriously," said Don Henderson, manager of engineering at the John Deere plant in Horicon. "Both Deere and (its) engine suppliers are dedicating a great deal of engineering effort at evaluating (products) and determining what changes need to be made in the future."

"We're watching (events in California) very closely," said Steve Dunlap, vice president for marketing at Ariens, Co., a Brillion-based maker of snow blowers, tillers and other small-engine machinery. Like Deere, Ariens buys its engines from other companies.

Whether the new regulations will boost the price of the products, he said, "depends on the technology that is developed by the engine manufacturers."

The Wisconsin manufacturers contacted said they have been sending representatives to California regularly to monitor the hearings.

Some industry leaders have said the new rules could double the cost of

some lawn mowers, and the Board staff said prices for walk-behind lawn-mowers could rise by 25 percent.

The rules would take effect in two steps, 1994 and 1999.

Even with the R&D, Bazen said, he only expects to have ready by 1994 eight of Briggs' line of 38 engines it makes.

"We're trying to take engines as they are. . . to see what major systems have to be modified," he said.

Bazen expects Briggs will have to make two of each engine someday—one to meet federal rules, and another to meet California's, which other states may adopt.

Even tougher rules are scheduled for 1999, when catalytic converters will be needed on small engines. Converters heat up, posing fire and burn hazards unknown to small-engine manufacturers to date.

One of the casualties of the new rules will be the two-cycle lawn mower engine, Bazen said. Such two-stroke engines, which are less efficient than four-stroke models, will eventually be limited to hand-held machines—which were granted a more lenient set of emissions restrictions.

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## Feds Want U.S. Supreme Court to Hear Casey Suit

The federal government wants the U.S. Supreme Court to rule in favor of a northern Wisconsin community that argues municipalities have authority to restrict the use of pesticides.

Solicitor General Kenneth W. Starr, the government's top lawyer, has petitioned the court to hear a case involving a pesticide ordinance adopted by the Washburn County town of Casey.

The Wisconsin Supreme Court ruled 4-3 that federal law prohibits municipalities from enacting their own pesticide regulations.

The state court overruled the ordinance, which required residents to get a municipal permit before spraying pesticides.

Starr told the U.S. Supreme Court that federal law isn't as clear as the Wisconsin Supreme Court made it

seem.

"It is our view that Congress has not established with requisite clarity an intent to preempt all local government (pesticide) regulation, particularly in a field involving safety and health," Starr said in a 16-page document released Wednesday.

Local pesticide regulations, he said, are entirely consistent with the purpose of the Federal Insecticide, Fungicide and Rodenticide Act.

Casey's 1985 ordinance required a permit for aerial spraying of pesticides on public or private lands, or any pesticide application on lands open to the public.

When a landowner applied for an aerial spraying permit, the town ruled he could apply pesticide to part of his land but could not spray it from the air.

Backed by the Wisconsin Agri-Business Council, the landowner challenged the town's right to regulate pesticides. The Wisconsin Supreme Court ruled that while federal law permits state pesticide regulation, the law's wording and its history indicated that Congress meant to leave local governments out of the picture.

However, the court acknowledged that there was no specific mention of local regulation in the law.

Starr said the issue deserved U.S. Supreme Court review because of conflicting lower court interpretations.

He said two federal appeals courts have ruled the federal law does preclude local regulation, while the supreme courts in Maine and California have allowed local regulation.