



SOME NEW POLICIES AND A FEW SUGGESTIONS

By Monroe S. Miller

This feature has tried to keep WGCSA members informed about the Town of Casey lawsuits and how each could potentially affect Wisconsin golf course operations.

It bothered a number of us that the GCSAA seemed to "ignore" the impact the Supreme Court decision could have nationwide, before the opinion was given last year.

A year ago, just about this time (early summer), I quizzed a GCSAA staff person on the matter and again it seemed to be dismissed as either unimportant or unlikely that the Supreme Court would rule in favor of local preemption.

Questions directed to Charlie Passios during the question/answer phase of his presentation at the 1991 Wisconsin Golf Turf Symposium shed little light on GCSAA concerns, positions or even basic understanding and awareness of the issue.

Well, two GCSAA news releases—the first on March 11 and the second on May 4—clarify the matter, both directly and indirectly. For those who haven't seen these position statements, here they are:

GCSAA Supports Coalition Barring Local Ordinances On Pesticide Restrictions

The Golf Course Superintendents Association of America has joined the Coalition for Sensible Pesticide Policy (CSPP). GCSAA's board of directors recently voted to join the coalition, which supports proposed federal and state legislation that would prevent local governments from creating and enforcing pesticide ordinances.

The coalition's stated objective is to "secure sensible, uniform federal/state regulation of pesticides by passing preemptive legislation, while allowing local input into the federal/state regulatory process." CSPP membership includes representatives from manufacturers and users of turf and ornamental chemical specialty products.

GCSAA president Bill Roberts said it is important that federal and state legislators recognize the importance of lim-

iting the authority of pesticide regulations to state and federal agencies. "The complexities of pesticide regulations and the education process needed for compliance make it imperative that these regulations be consistent—at least on a state-level basis," Roberts said.

GCSAA Takes Stand Against Local Pesticide Ordinances

The Golf Course Superintendents Association of America has issued a position paper stating that only federal and state governments should be allowed to administer pesticide laws.

GCSAA does not favor local government regulation of pesticide use due to the multitude of different and complex rules that could proliferate small geographic areas. The association believes that consistent regulation, provided by federal and state agencies, is needed to ensure successful education and safety training for pesticide applicators.

A Supreme Court ruling last June found that federal legislation had not specifically excluded local governments from regulated pesticide use, thereby enabling local governments to proceed with restrictive ordinances.

"Golf course superintendents do not object to reasonable pesticide regulations—as long as they are consistent," said Charlie Passios, GCSAA director and board government relations liaison. "Inconsistent and random regula-

tions across a state could actually result in more violations because area-specific compliance information may not be well communicated to the end user." "Consistent state and federal regulations allow effective educational training that concentrates on the science and safety of pesticide use," Passios said. "Myriad local regulations would dilute this educational process."

Russ Weisensel's EXECUTIVE SUMMARY of the F/RoW/T Coalition notes that preemption is moving forward in Washington, D.C. Russ reports that "the DORFA subcommittee of the House Agricultural Committee was scheduled to mark-up the FIFRA reauthorization bill (HR 3742) on May 19th and May 20th. As originally proposed, the preemption language in this bill was very weak compared with HR 3850. But, since the strict preemption bill now has some 90 co-authors, we are hoping to get favorable action in the subcommittee. Moving the bill out of the full committee probably will not happen until we have a strong certainty that the full House of Representatives would support the bill. With the congressional scandals, the election year, the many newly drawn districts, and the more than 50 federal legislators deciding not to seek reelection, there is a strong theory that members of congress would prefer not to take up a controversial bill this session."



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Those in attendance at the Evergreen C.C. meeting in April will recall that Pat Norton took the floor to share his experience of a recent OSHA inspection of the Cedar Creek golf course shop. It wasn't a real pretty story that Pat told.

The following suggestions, entitled "When OSHA Comes Calling", were received from WISCONSIN SAFETY AND HEALTH NEWS, published by the Wisconsin Council of Safety.

"The Safety Council of Palm Beach County, Inc., recommends that all organizations establish policy and define procedures for dealing with regulatory inspection visits. At a minimum, the Council says in its newsletter *The Safety Pen*, when an inspector arrives you should do the following:

1. Identify the inspector.
 - a. Ask to see credentials.
 - b. Write down the relevant information including the inspector's name, agency affiliation, address, telephone number and statutory authority under which the inspection is being conducted.
2. Make an appropriate company official responsible for interacting with the inspector.
3. Determine the scope of the inspection: ask the inspector what areas of the company activity are of interest. Discover what has triggered the inspection.
4. Advise legal counsel of the presence of the inspector.
5. Take notes on: what is seen. What is said. Who is spoken to. Any samples or copies taken.
6. When in doubt on any question, do not answer. Ask the inspector to put the question in writing, addressed to the company counsel.
7. Prepare a memorandum of the visit as soon as the inspector leaves.

This feature is information only and is not legal advice. If you need legal advice, see your organization's attorney.

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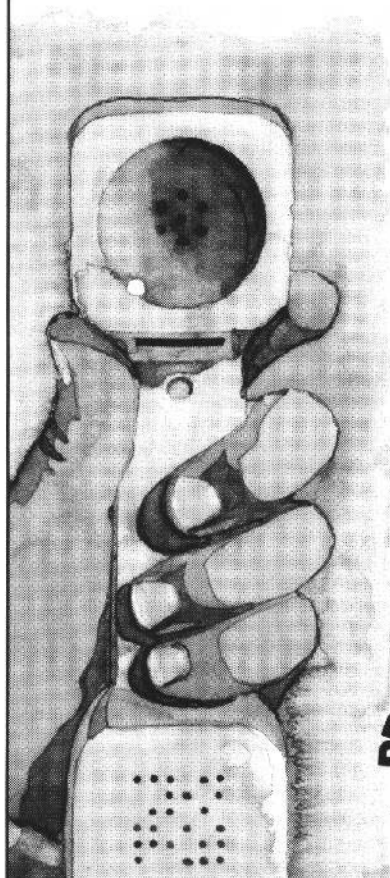
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