

NECROLOGY

On January 8, 1976 Merle Morelan, 56, passed away in his sleep. Merle was the Golf Course Superintendent at the Goodrich Golf Course in Ramsey County. He had also served at the Keller Golf Course in the same capacity. Merle was also a member of the Golf Course Superintendents' of America as well as the Minnesota Association. He had been associated with the Ramsey County Park Board for nine years.

On January 24 Irwin C. Fuller, Sr., 65, died just a few months after his retirement from the Mankato Country Club. Mr. Fuller had spent forty-three years on the job. He was a member of the M.G.C.S.A. since 1936 and in 1974 received his Quarter Century Club membership pin from the G.C.S.A.A. His son, Irwin C. Fuller, Jr., has succeeded him as the Golf Course Superintendent at the Mankato Country Club.

MERCURY DECISION CANCELS SOME PRODUCTS; ALLOWS OTHERS TO REMAIN ON THE MARKET

If the initial decision filed in the Mercury cancellation case by Administrative Law Judge Bernard D. Levinson is upheld, about half of the present pesticidal uses of Mercury will be cancelled and the remainder could continue. Levinson recommended that the following Mercury containing pesticides should be cancelled because even "When used in accordance with widespread and commonly accepted practices, they will, generally cause unreasonable adverse effects on the environment within the meaning of Section 2(bb) of FIFRA". (1) All uses in paints and coating except as in can preservatives in water base paints and coatings and as a fungicide in water base paints and coatings used for exterior application. (2) All uses as a fungicide on golf courses except to control fungi of the snow mold complex. (3) All uses for seed treatment. (4) As a treatment for the control of Dutch elm disease. (5) All uses for any material that would be used for wearing apparel and other uses for textiles fabrics except those for outdoor use.

The uses that Levinson would allow to continue are (1) As an in-can preservative in water base paints and coatings. (2) As a fungicide in water base paints and coatings used for exterior application. (3) As a fungicide on golf course greens for the control of fungi of the snow mold complex. (4) As a fungicide in the treatment of textiles and fabrics for outdoor use. (5) As a fungicide to control brown mold on freshly sawed lumber.

The Administrative Law Judge explained that he was permitting the use of Mercurials in pesticides where most of the Mercury is used (paint and snow mold) and prohibiting certain uses where relatively small quantities are used on the basis of a risk benefit assessment. Judge Levinson stated: "The respondent (EPA) has presented considerable evidence to support its contention that the use of Mercury in pesticides will generally cause unreasonable effects on the environment. The registrants (Chemical Companies) have presented considerable evidence to the contrary. It is not a black or white situation...there are gray areas. It cannot be said with certainty, now and for all times, that the use of Mercury in pesticides poses no risk at all. In deciding whether particular uses should be permitted or prohibited, I have weighed the risks against the benefits. In those cases where there are no adequate or effective substitutes, I have decided that the benefits from the use of Mercurials outweigh the risks. On the contrary, where there are adequate and effective substitutes, whatever risks there are outweigh the benefits."

Judge Levinson observed that the application of the risk benefit test to the facts in a particular case is by no means simple. He further observes that a wide flexibility of choice exists where a hard look is taken at hard problems. He added, "The court suggested that the Administrator (EPA) should consider regulations selectively with restrictions on kind or extent of use".