

A Letter to the United States Environmental Protection Agency

Ms. Carol Browner
Administrator
United States Environmental Protection Agency
401 M Street S.W.
Washington, D.C. 20460

Dear Ms. Browner:

Recently, an inter-Agency working group studying the scope of the Worker Protection Standard (WPS) concluded that the Standard should be applied to the small turf and ornamental nursery areas operated by some golf courses for their own internal use. I am writing on behalf of the Golf Course Superintendents Association of America (GCSAA) to ask you to direct Agency staff to reconsider and reverse this action.

We agree that the WPS properly applies to facilities that grow turf or ornamentals for off-site sale. However, we believe that it should not apply to golf courses with small nurseries or greenhouses for on-site replacement and repair, for the following reasons:

1. **The decision exceeds the intended scope of the WPS, as communicated to us by the officials who drafted the Standard.** The decision hinges on the definitions of two key phrases: "production agriculture" and "commercial." "Production agriculture" clearly refers to a crop that is grown and harvested for sale. "Commercial" implies a transaction or exchange.

Bits of sod grown for the purpose of replacing damaged sections of putting surfaces (greens) do not meet these clear, common-sense definitions. Neither do flowers or shrubs used on the course. Products used strictly for internal replacement and repair purposes.

The EPA programming officials who drafted the Standard repeatedly told us that they never intended to include golf course turf plots and greenhouses under WPS. Based on recent discussions with working group participants, it seems that the enforcement officials on the panel felt differently. Apparently, the enforcement officials out-voted the programming officials who defined the rules and wrote the language.

2. **Golf course turf plots and greenhouses are typically very small areas, and are not necessarily segregated from the playing area and grounds.** The working group seems to have envisioned a "sod farm" when considering turf plots at golf courses. However, these plots, which are used primarily to replace very small areas of damaged turf on greens, are rarely more than one-quarter acre in size (or 1/600th of an average 18-hole golf course property). Some plots are smaller than 200 square feet. Many golf course "greenhouses" are nothing more than lean-to shelters

built with heavy plastic and timber. At their biggest, golf course greenhouses might be roughly as large as those operated by amateur gardeners across the country.

We believe the application of WPS rules to a tiny fraction of the overall property is unreasonably burdensome to golf courses and registrants.

3. **The decision has a substantial economic and business impact on registrants and creates a serious dilemma for golf course managers.** Based on all previous Agency statements about WPS and golf courses, many registrants labeled or re-labeled products designed specifically for golf courses to clearly exclude WPS uses. Now, they face the expensive and time-consuming prospect of re-labeling or "split labeling" to allow the use of their products on a tiny but important fraction of the golf course.

Similarly, we as superintendents face the prospect of not being able to treat our turf plots with the same non-WPS products we use on the other 599/600ths of the course. Therefore, a non-square-foot section of turf taken from the plot to replace a damaged area on a green may not have the same growth properties as the rest of that green and may not knit or blend properly.

4. **Most importantly, this decision offers no additional protection to our workers.** Golf course chemical applicators are among the best-trained and equipped of any user groups. Virtually all are state-licensed, even if it is not necessarily required by state law. The products used on greenhouse ornamentals and turf plots would, of necessity, be identical to those used on the playing field and grounds. Thus, a worker using the same registered product under the same label-directed management practices would suddenly be subject to different rules and a different label — simply for stepping over an imaginary line.

We believe the potential for mistakes and injury increases, rather than decreases, with the addition of confusing complications.

This decision is particularly upsetting because it was made with virtually no input from the affected constituents. A check of the record will show that GCSAA and its members have always been supportive of the Agency and its goals. On WPS issues specifically, GCSAA has worked diligently and cooperatively with the Agency over the past eight years. Throughout that time, we were assured by the programming officials that the Standard would not apply to golf facilities, as they were seen to be clearly outside the scope and intent of the law.

When our association offered to provide information to
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the working group about the realities of the areas in question and the potential impacts of this decision, we were told this was not appropriate or necessary. Now, it appears that the working group lacked the necessary information to gauge the true impacts on both users and registrants.

GCSAA's members are strongly committed to worker safety and regulatory compliance. They have structured their management, training and communications programs around non-WPS regulations. Now, we face the difficult task of telling them that the Agency has changed its position. This turn-about may damage the trust and goodwill our members have always shared with the EPA. Such a result would be particularly unfortunate at a time when the Agency has a mandate to serve constituent needs more effectively and to reduce unreasonable regulation.

GCSAA is a progressive organization that cares deeply about worker safety, risk reduction and environmental protection. It is our objective to be recognized as a model environmental industry. We do not object to reasonable regulation merely because it may involve some inconvenience. However, we fail to understand the Agency's rationale in this decision. Under this ruling, registrants spend money unnecessarily and our management practices are complicated substantially, but workers are not protected any more effectively — and perhaps less effectively.

We champion the EPA's role in protecting and preserving human health and the environment. However, we do not believe that this ruling fulfills the intent of the law or furthers the EPA's mission. Therefore, we respectfully request that the Agency take prompt and appropriate steps to reconsider and reverse this action before enforcement begins in earnest.

Thank you in advance for your consideration in this matter. If you or your staff desire any additional information, GCSAA is always happy to oblige.

— Sincerely,
Gary T. Grigg, CGCS
President, GCSAA



Joe Moris, Tartan Park, congratulates Tom Fischer, Edinburgh USA, on a job well done at the Edina Realty LPGA Classic.

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