

1996 Legislative and Regulatory Issues Summary

A Year-End Review of Government Actions Affecting Golf Course Maintenance

Endangered Species Act

The Endangered Species Act received much attention in both Congress and state legislatures. There were at least three major versions of ESA reform bills. Compensation for property "takings" and enforcement authority were hot subjects of debate; however, no ESA legislation was passed. State legislation focused on the cost of administering ESA at the state level and the economic impact of protecting threatened and endangered species.

Environmental Audits

The 104th Congress failed to pass legislation that would protect environmental audit reports from discovery in legal actions, opting instead to wait and evaluate the effectiveness of state environmental audit privilege plants. To date twenty states have adopted laws allowing immunity or privilege for environmental audits. The EPA opposes granting of privilege, although it expanded its policy on immunity from fines when violations are discovered in audits and corrected.

Health Care

Beginning July 1, 1997 workers who lose or change jobs will be able to continue to purchase health insurance for themselves and their families under the Health Insurance Portability and Accountability Act. The bill will also limit the ability of insurance companies to deny insurance for pre-existing conditions.

Immigration

"Pink cards" replaced the old green cards as a new method of employment verification for immigrants, making it more difficult for employment documents to be falsified. In Congress, bill language that would have reduced legal immigration levels was not included in the broad illegal immigration reform measure passed by Congress as a rider to the omnibus appropriations bill.

Methyl Bromide

The Methyl Bromide Working Group, which lobbies for the continued use of methyl bromide, abandoned its efforts to get a federal amendment on the phaseout in 1996, but says it will try again in the 105th Congress. In California, legislative efforts to extend the 2001 deadline on the ban on methyl bromide failed.

Multiple Chemical Sensitivity/Idiopathic Environmental Intolerance

Environmental activists chose New Mexico as the testing ground to further the acceptance of multiple chemical sensitivity (MCS), also known as idiopathic environmental intolerance (IEI), in public policy. Actions resulted in the establishment of a governor's task force that will study the syndrome and make recommendations regarding public safety.

NTEP

GCSAA and others successfully lobbied to restore National Turfgrass Evaluation Program funding that had been cut from President Clinton's FY 1997 budget. Efforts resulted in \$55,000 being allocated to the program, a ten percent increase over the previous budget.

Posting/Notification

Posting and notification bills were considered in several state legislatures last year with measures ranging from posting of lawn care applications to notification periods of up to 72 hours for all pesticide applications. The Georgia legislature enacted legislation requiring notification and posting of pesticide applications in all public-owned buildings, which is becoming a common way for environmentalists to introduce the issue to the public.

Regulatory Reform

Congress passed the Congressional Review Act (CRA) establishing a 60-day waiting period following agency publication of final rules, giving Congress an opportunity to pass a joint resolution of disapproval. The CRA requires a two-thirds majority vote for Congress to kill mandates it deems unnecessary or overly burdensome. The Food Quality Protection Act also became law, repealing the 1950's era "Delaney Clause" and opening doors to future risk-benefit analysis of regulatory proposals. A regulatory reform bill that would have scaled back OSHA's inspection power and would have decreased EPA's enforcement authority lacked momentum and was subsequently abandoned. Regulatory reform efforts are expected to resurface in the 105th Congress.

Retirement Plans — 401(k)

In the last week of the 104th Congress, legislation was

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Government Actions—

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passed reinstating 401(k) retirement plans for all 501(c) tax-exempt organizations, including 501(c)(7) private clubs. Effective January 1, 1997, non-profit employers can now offer the 401(k) plans enabling employees to put pre-tax dollars towards retirement and allowing employers to make matching contributions.

Safe Drinking Water Act

Congress passed amendments to the Safe Drinking Water Act, refocusing the government's policy and giving more attention to contaminants that pose the greatest risk to groundwater. The newly reauthorized SDWA requires EPA to develop a list of drinking water contaminants that raise public health concerns and may be considered for future regulation. EPA plans to develop a long-term, risk-based approach for identifying which contaminants need to be regulated. EPA must also evaluate state groundwater protection plans and report back to Congress its findings.

State Management Plans

EPA issued a regulation on State Management Plans (SMPs) designed to manage pesticide contamination of groundwater from five specific pesticides: alachlor, atrazine, cyanazine, metolachlor and simazine. States must submit SMPs for approval by EPA for users in the state to be able to continue to buy and use the pesticides, which have been identified as probable or possible human carcinogens. If the pesticides are still found in unacceptable levels in groundwater after an SMP is implemented and evaluated, re-registration of the pesticides could be denied in the state. The decision not to develop an SMP or failure to get EPA approval could result in the pesticides being completely prohibited in that state. EPA is also able to add other pesticides to the list.

Wage and Hour

A bill that would have allowed employers to offer employees compensatory time off instead of overtime was abandoned after labor groups strongly opposed it and President Clinton threatened a veto. Congressional Republicans have said that the measure will be introduced again in 1997. Congress raised the national minimum wage from \$4.25 to \$4.75 in October, 1996 and it will go up to \$5.15 in September 1997. Several states also passed minimum wage hikes.

Wetlands

Congress avoided taking any action on controversial wetlands issues in the 1996 election year. Under pressure from environmentalists, the Army Corps of Engineers revised its nationwide permits system in December. A nationwide permit that previously covered projects affecting one to ten acres of wetlands now only covers less than three acres. The exemption from permits that allowed developers to impact as much as one acre of wetlands is now limited to one-third

of an acre. Opponents question whether the Corps can manage the larger responsibility. State legislation varied from easing restrictions on wetlands use to making permitting more onerous. At issue in some states was the definition of what constitutes a wetlands area. Several states considered legislation that would create mitigation banks to compensate for wetlands destruction resulting from heavy industry and land development.

Worker Protection Standard

The golf industry continues to anticipate EPA action confirming the exemption of golf courses from application of the worker protection standard to golf course replacement turf plots and nurseries. GCSAA has been told that a policy statement is being circulated.

JOB OPENING

Madden's Resort is now accepting applications for the 12-month position of ASSISTANT SUPERINTENDENT at its Pine Beach East, Pine Beach West and Social Nine courses.

Applicant should have a formal turf education, be experienced and qualified in all aspects of golf course management and be career oriented.

Salary up to \$30,000 with benefits including health and dental insurance as well as state and national dues paid.

Application deadline: March 15, 1997.

Send resume to Scott Hoffmann, 8001 Pine Beach Peninsula, Brainerd, MN 56401. Phone: (218) 829-2811.

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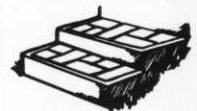
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