

# LITIGATION

## - Employee Responsibility - Consumer Safety

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In court cases involving people who are injured on public lands, about 65 percent of the defendants are government or university employees - a number that is rapidly growing. Thus landscape managers of public lands must be concerned about both employee safety and consumer safety, particularly from a liability standpoint.

To be safe, an employer must know his or her responsibility, accountability and communication process. Let's examine each of these terms and what it means to the landscape professional:

### RESPONSIBILITY

Many municipalities or businesses avoid even thinking about safety. Legally, however it is becoming negligent to take this approach. Omission is as bad as commission in negligence.

Top level management, if not establishing a safety philosophy, must support the one proposed and assign it as policy to implement. Policies, tailored to the organization, define the goals and objectives of the 'safety effort'

### ACCOUNTABILITY

Many municipalities or businesses don't

Of course you're not negligent. But in court, all of a sudden, you'd better be prepared to prove it!



know what is safe or what is unsafe, either for the employees or for the customers.

The organization must possess the following:

- A complete inventory of its property or plant, especially areas subject to public use. Standards for these areas must be identified.
- A complete schedule of its activities or functions that are subject to public use. Standards for such use must also be identified and associated with such public involvement.
- A complete record of all incident forms, accident reports, logs, inspection sheet, patrol reports, medical and insurance forms, safety audits, insurance memos and other

fact reporting files.

- A file of outside agency reports and record forms so that police, ambulance, hospital and other records can be coordinated.
- A manual which contains the aforementioned items and minutes of the Safety Committee meetings, including action and implementation schedule for follow-up on concerns discussed. It should contain personnel information of the safety officers, guidelines for investigating accidents or other safety related problems.

### COMMUNICATION

The communication system must include:

- Information: getting the awareness of safety to the public.
- Discussion: creating a means for feedback from the public.
- Negotiation: establishing win/win situations by responding, accommodating, attending to and following up on any type of incident or accident. Nothing is too small.

[Editors Note: This is a summary of the address by Dr. Mittelstaedt at the 1993 Guelph Turfgrass Symposium. Dr. Mittelstaedt speaks from the American prospective where the propensity for litigation is much greater than in Canada. Unfortunately we tend to follow the American lead; so prepare your defence by keeping a paper blizzard on file]

## RUST EPIDEMIC STRIKES GTI

By late July an off colour became apparent on the five hectare planting of 16 different ryegrass cultivars on the GTI research area. The colour was reddish brown and dead tissue became evident among the plants as the condition worsened. Examination of the leaves showed reddish to orange leaf pustules covering in excess of 50% of the leaf surface. The infection became so severe a red cloud could be seen rising over the reel mower. At the end of mowing the mower was coated with the reddish-orange spores. Growth ceased by the 2nd week in August; a combined result of dry weather, lack of nitrogen and the disease which was now rampant over the entire area.

The disease was identified by Prof. Tom Hsiang of the GTI as rust caused by the fungus, *Puccinia* spp. Leaf, stem and crown rusts may occur, each the result of a specific species of *Puccinia*. While leaf and stem rusts may attack all turfgrass species except bentgrass, the crown rusts are more prevalent on perennial ryegrasses and tall fescues. The disease is most common on Kentucky bluegrass, particularly the cultivars 'Merion' and 'Touchdown'.

The complete life cycle of rust involves five distinct kinds of spores, not all of which occur on the grass plant. For example, common barberry is a secondary host on which the fungus spores overwinter. The spores are disseminated by wind and drift northeasterly, causing severe infections during warm,

humid weather.

The appropriate control measure is good management, that is, maintaining vigorous growth through the use of nitrogen and water. The influence of nitrogen is related to the rate of vertical leaf growth. Rapidly growing leaves, although infected, are being removed by the necessary frequent mowings which essentially allows the grass to outgrow the disease. Adequate water is also necessary to maintain the rate of leaf elongation, thus irrigation may be necessary during the drier part of the summer. The return to cooler, more moist conditions in the fall generally result in a disappearance of the symptoms and a return of the grass to its original vigour.

Where infections occur which cannot be controlled by good management a preventative fungicide program may be necessary. Fungicides containing the chemical, Maneb, are recommended (see O.M.A.F. Publ. 162).

The disease seldom kills a turf stand, nevertheless, the reduction in photosynthetic tissue reduces the overall vigour of the turf. The occurrence of this disease on pure perennial ryegrass cultivars should be an alert to sports field managers that their management practices are lax. Where good management is practised - no problem! Where water is limiting or nitrogen rate and timing has been incorrect, a weakened turf may enter the high use period of the fall. Although the fall rains and a dressing of nitrogen may improve the cosmetic appearance of the grass, it will not be as robust and as resistant to wear.