



**A** MAJOR CAUSE of uncertainty over environmental regulations is the sheer number of laws, regulations, agencies, and issues involved. These summaries by no means exhaust the subject:

**LAWS**

■ **Revised Clean Water Act**

Federal legislation governing water pollution control, including both storm water discharge and non-point run-off. Related new regulations were implemented in 1992. This law increased regulations governing the manufacturing, mixing, and formulating of fertilizers and pesticides.

■ **Safe Drinking Water Act**

This 1977 law regulates the quality of water in public drinking water systems and the disposal of wastes in injection wells.

■ **Emergency Planning & Community Right to Know Act**

This 1976 law, resulting from the chemical accident in Bhopal, India, mandates state development of plans for chemical emergencies, accident and release reporting, and related trade secret issues.

A related bill expected to be re-introduced at some point is the Notification Control & Application Act, which would establish a registry of chemical "sensitives" and increase posting requirements on home applications.

■ **Federal Insecticide, Fungicide and Rodenticide Act (FIFRA)**

This 1976 law regulates the manufacture, distribution, and use of pesticides and research into their health and environmental effects. It is administered by the EPA.

In general, FIFRA increased training requirements for certified pesticide applicators, increased fines for violations, and increased training for state enforcement personnel. It is also the law under which the new Worker Protection Standard (WPS) and related labelling requirements were developed.

A FIFRA re-authorization bill was introduced, but not passed, in 1991. A new bill may be introduced this year, but controversies over its provisions and likely amendments, regarding minor use chemicals and pre-emption of local use restrictions, make smooth sailing unlikely.

Another focal point of debate between indus-

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**Regulations reflect a host of cofactors**

ENVIRONMENTAL REGULATIONS AND LAWS are like celestial bodies. They are pocked with impact craters—depending on whether a business group or an environmental lobby or a well-covered incident made a decisive mark on the final letter of the law. Court decisions and academic studies also have impact on the process. As a result, the quality of regulations tends to vary.

Hard as it may be for people on the firing line to have perspective on this issue, for front-line turf grass managers, the development of federal environmental regulations actually has been, and will likely continue to be, a fairly gradual process. Fifteen years after the EPA was established in 1970, small volume generators of hazardous waste began having to meet environmental regulations. Three years later, in 1988, the new Worker Protection

Standard (WPS) was first proposed. Five years later the 70 pages of the new WPS regulations were finally released in August, 1992. The new WPS labels went on pesticides in April, and implementation of portions of the new standard will be phased in over the following year.

Part of what has made this relatively gradual increase in environmental regulations such a source of worry to turf managers is that environmental concerns are not narrowly defined. They encompass a whole range of complex related issues. For example, the National Golf Foundation report cited above also noted that developers of new golf courses face heightened public concerns about wetlands and people or groups who favor limits on development. These factors tend to lengthen the process involved in major construction or expansion plans, because a period for public comment is required. They can also stop a project from happening. Managers involved in such projects

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## Environmental laws, agencies, and terms

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try and environmental groups is possible changes in the re-registration program governed by FIFRA. This program involves updating safety data on existing pesticides. It was initiated in 1988, and originally expected to be completed by 1997. A General Accounting Office (GAO) report issued in April pointed out problems with the program. Of 20,000 products subject to re-registration only 33 have been re-registered. Moreover, 600 of the products—more than 18 times as many products as have been re-registered—have been cancelled or otherwise moved toward suspension.

The fees manufacturers must pay to register their products have increased substantially. Speeding up the re-registration process may require more funding, according to the EPA, but the costs involved already have led manufacturers to pull some minor use pesticides off the market. Another bill (HR 967) would reduce the re-registration requirements for minor use pesticides. It is supported by industry, such as Responsible Industry for a Sound Environment (RISE), and opposed by environmental groups, such as the National Audubon Society.

Six states have passed pre-emption laws limiting local ordinances, and industry groups favor an amendment to FIFRA that would provide a national mandate on pre-emption.

### **Pesticide Safety Improvement Act (HR 3742)**

If passed, will increase training requirements for applicators, customer right to know and customer service agreement requirements, and notice of applications. Would also mandate federal rather than state regulation of the lawn care industry.

### **Resource Conservation & Recovery Act (RCRA)**

This 1976 law established programs and regulations designed to insure safe waste treatment and disposal. Under it over \$20 million in fines have been levied, and increased enforcement and criminal and civil prosecutions are expected.

A related trend among states is the increasing number of bans on the use of landfills for yard wastes.

## AGENCIES

### **Occupational Health and Safety Administration**

(OSHA) Federal agency involved in restrictions on workplace chemicals and other workplace health and safety issues. The policy of grouping such chemicals was blocked by suit in federal court. The decision required return to slower chemical by chemical approach.

### **U.S. Department of Transportation (DOT)**

Federal agency involved in regulating the transportation of hazardous materials. Issued new regulations in 1992.

### **U.S. Army Corps of Engineers**

Federal agency involved in issuing wetlands protection permits. Many states also have agencies involved in regulation of activities that involve or impact wetlands.

## TERMS

**non-point run-off** . . . Water that is discharged from a site in general rather than from a specific source on the site.

**P.P.E.** . . . Personal protective equipment required by the new WPS.

**pre-emption** . . . A rule that limits local government agencies from passing regulations that may conflict with state and federal environmental regulations.

**registrant** . . . Registered pesticide manufacturers.

**R.E.I. (Restricted Entry Interval)** . . . A period of time after a pesticide application is made to a site during which workers are excluded from treated sites. R.E.I.s are set for all pesticides, ranging from 12-72 hours depending on toxicity of material applied.

**ROPS (Roll over protection standard)** . . .

A requirement, dating to 1984, that tractors and certain other equipment include protection for the driver in case the vehicle rolls over.

**sensitives** . . . People with extraordinary sensitivity to chemicals such as pesticides. The Notification, Control and Application Act would establish a registry of sensitives whom businesses would have to notify if they plan to apply a pesticide near the home of a person on the list.

**WPS (Worker Protection Standard)** . . . Designed to eliminate worker exposure to pesticides, to mitigate exposures that do occur, and to insure that employees are informed about pesticide hazards. Sets rules for worker safety in 70 pages of regulations that were released in 1992 and became effective in April, 1993, including new worker safety labelling requirements for approximately 8,000 products. Full compliance is mandated by April, 1994. ■