

# Trucking regulations may apply to turfgrass managers

Turfgrass managers' vehicles may fall under two provisions of U.S. Transportation Department (DOT) regulations. They are the Hazardous Materials regulations (HAZMAT) and Motor Carrier Safety regulations.

Federal regulations require that the transporter comply with the regulations if the product being transported is identified as a DOT regulated product. The Material Safety Data Sheets (MSDS), which are available from either the product supplier or the manufacturer, should identify the product as such. If the MSDS does not identify the product as being DOT regulated, then the transporter should contact the manufacturer for that information. The Code of Federal Regulations (CFR) has a hazardous materials table. Title 49, parts 100 - 180 of the CFR list all of the compliance requirements for transportation of HAZMAT listed products. If the product being transported is not listed as a HAZMAT material, it may still be subject to the requirements of the federal Motor Carrier Safety regulations.

### Drug and alcohol rules set

Also, the Federal Highway Administration (FHWA) has finalized the rules for drug and alcohol testing of interstate and intrastate truck drivers with commercial driver's licenses. The rules prohibit the use of any drug, unless prescribed by a doctor, and prohibit on-the-job consumption of alcohol. The rules require that employers must test employees before employing them, after any accident, and when the employer has reasonable suspicion that the employee may be violating the rules. Employers are subject to random record-keeping audits by the FHWA beginning Jan. 1, 1995 for companies with more than 50 employees and by Jan. 1, 1996 for companies with less than 50 employees.

### Conditions under which vehicle may be regulated:

- vehicle is self powered or towed
- used to transport people or material
- gross vehicle weight more than 10,000 pounds
- used to transport more than 15 people, including the driver
- used to transport hazardous materials in large enough quantities to require that the vehicle be placarded.

### Motor Carrier Safety rules include these categories:

- drivers required to have a commercial driver's license
- driver drug screening, physical exams, etc.
- driver working hour limitations
- safety inspections of vehicles by state and federal transportation agencies
- vehicle noise limitations
- liability insurance requirements
- examination of company records on vehicle safety inspections, repairs, and maintenance
- company policies that delineate HAZMAT rules and requirements.



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# EPA to place emphasis on enforcement

The Environmental Protection Agency (EPA) has said that it will place greater emphasis and devote more resources to the stricter enforcement of existing environmental laws, such as the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). Any environmental law violator

and fined \$15.5 million dollars and ordered to pay \$3.7 million in restitution to former clients. Additionally, 14 former employees were given either probation, weekend prison terms, or were made to do community service and were issued fines that ranged from \$10,000 to \$30,000.

The EPA said that the employees had systematically falsified lab notebooks and fixed scientific testing equipment to produce erroneous results which were then submitted by the pesticide manufacturer to the EPA in the pesticide registration process.

In Arizona, an aerial pesticide applicator was sentenced to a one year prison term for treating, storing, and disposing of hazardous wastes without a permit. Additionally, Mark Steven Stewart, the applicator and owner of OMNI Applicators, Inc., was ordered to refrain from employment in the application industry for five years. His company was prohibited from operating in the aerial application field for 25 years. Finally, the company's two crop dusting planes were sold to help pay for the estimated \$70,000 in

## EPA planned actions:

- consolidate its many different enforcement activities into one
- change the emphasis of prosecutions from companies and to individual violators
- increase the number of EPA enforcement agents from 64 now to 200 by 1996
- train state and local law enforcement officials to recognize environmental crimes
- issue new guidelines to enforcement agents to outline those factors that they should use to determine whether a case should merit criminal investigation
- improve the enforcement agencies' capabilities to target repeat violators by combining the many EPA databases to develop repeat violator's histories and identify those individuals for closer enforcement monitoring
- eliminate the practice of allowing voluntary environmental audits as a means of avoiding prosecution for past environmental violations.

would be subject to possible criminal trial with possible heavy fines and jail terms, depending on the severity of the violation.

## Two examples of increased enforcement

In federal court in Texas, Don Allen Craven, owner of Craven Laboratories, was sentenced to five years in prison and given a \$50,000 fine for falsifying pesticide residue test results. The company was put on probation for five years

clean-up costs resulting from the illegal activities.

*TGT's view - The EPA is finally putting some teeth into an enforcement program. Turf managers must be aware they can no longer deal with meeting environmental regulations at a later date. This increased emphasis on compliance indicates that time has run out. The December 1993 issue of Turf Grass Trends lists many of the agencies that can help turf managers become better informed. -CS*



## New federal legislation

### Would curtail pesticides even more

Rep. Henry Waxman (D-CA) has introduced a bill entitled "The Pesticide Food Safety Act of 1994", HR 4091, that would amend provisions of the existing Federal Food, Drug and Cosmetics Act (FFDCA), the current law controlling the safety of foods, drugs and cosmetics. The new legislation would "cancel the registration of pesticides determined to be highly hazardous to human health or to be a possible human carcinogen within five years".

Exemptions to this provision for three additional years would be extended if it were shown that cancellation would limit the availability of foods for which no alternative pest management strategies existed. A second provision within the legislation would cancel the registration of any pesticide that was not shown to be "safe" within seven years.

*TGT's view: Rep. Waxman, who spearheaded the recent congressional hearings on the addictive nature of cigarettes, has his heart in the right place but this proposal has some huge holes in it. Questions immediately arise:*

- who decides what is the threshold for determining the safety of a pesticide?
- is that threshold acute or chronic?
- what is the threshold to be, LD 50's oral below 200? 100? or 50?
- who does the safety testing and who pays for that testing?

*The EPA is years behind in its basic testing of many of the currently available pesticides that were grandfathered in the original pesticide registration process. What will happen to that timetable if additional human safety requirements are added? -CS*

## Univ. of Illinois study

### More weeds mean lower crop yields

Field studies conducted at the University of Illinois have shown a statistical correlation between weed infestations and crop yields.

Researchers found that one weed per seven square feet in corn plantings reduced crop yields by an average of 10%. Mixed broadleaf weed species infestations produced even greater losses. Broadleaf infestations of as few as 30 weeds per 100 square feet or less than one weed per three square feet reduced corn yields by about 20%. Crop economists estimate that, for every \$1.00 spent on weed control materials, yields increased by \$2.50.

## Integrated pest management

### Definition suggested

The National Coalition on Integrated Pest Management (NCIPM), a group of agriculture, horticulture, and environmental groups, is suggesting a standard definition for the term "integrated pest management." It has suggested that the accepted definition should be: "integrated pest management is a sustainable approach to managing pests by combining biological, cultural, physical and chemical tools in a way that minimizes economic, health, or environmental risks."

The group also proposes that the U.S. Agriculture Department establish regional integrated pest management centers and that the job of developing new strategies be delegated to an Agriculture Department deputy administrator. This would give the implementation of the Clinton administration's reduced pesticide initiative through the use of integrated pest management within the Environmental Protection Agency. The NCIPM also recommended the adoption by the Agriculture Department of these seven integrated pest management principles in the development of these new strategies:

- assess plant problems
- develop a management plan
- establish action thresholds
- implement a monitoring procedure
- establish a corrective action
- establish documentation system
- establish an evaluation and verification procedure.

## EPA failures

### Standards delayed

The implementation of most of the federal Worker Protection Standards (WPS) has been delayed from the scheduled date of April 15, 1994 date to January 1, 1995. The delay, signed into law by President Clinton on April 6, was necessitated by the failure of the Environmental Protection Agency (EPA) to interpret the original legislation, promulgate regulations, and distribute the new regulations to field agencies in sufficient time that those subject to the law could get worker protection programs into place. With the exception of certain labeling requirements, all of the other aspects of the original legislation must be in place by the new implementation date.

Although turfgrass management activities are not currently covered by the WPS, the EPA has said that turfgrass managers should make every effort to comply, as the implementation of these standards to turf operations is coming in the near future.