

LANDSCAPE

Three more groups affiliate with ALCA

The Wisconsin Landscape Contractors Association, the Landscape Contractors of Utah, and the Arizona Landscape Contractors Association have become Sponsoring Members (state affiliates) of the Associated Landscape Contractors of America. They join seven other state/regional associations, bringing the total to ten.

The Sponsoring Member category is the term for organizational membership in ALCA, and is the mechanism through which state and regional groups may affiliate with ALCA. Under the Sponsoring Member arrangement, member firms of WLCA, LCU, and AzLCA gain direct access to all ALCA publications and meetings.

Other state/regional groups holding Sponsoring Membership in ALCA are: California, Illinois, Colorado, Washington, D.C., New York, Texas, and Florida.

PESTICIDE

Orthene registered for California scale control

Orthene Tree and Ornamental Spray has received a California Special Local Need (SLN) registration for control of scale on ice plant ground cover along highway rightofways. The registration allows the use of Orthene as needed for scale control in the crawler stage at the rate of two-thirds pound of formulation per 100 gallons of water, applied with conventional hydraulic sprayer.

ARBORISTS

ASCA names Schultz as 1979 President

The American Society of Consulting Arborists recently elected new officers to serve in 1979. Those elected included Jack A. Schultz, New York, president; John Z. Duling, Indiana, president-elect; William J. Griffin, California, vice-president; and Edwin E. Irish, Michigan, secretary-treasurer. Spencer H. Davis, Jr., New Jersey, was named executive director.

Dow withdraws from suspension hearings

The Dow Chemical Co. recently announced its withdrawal from EPA's 'suspension' hearings concerning the herbicides 2,4,5-T and Silvex. At the same time, Dow filed several motions with EPA's chief administrative law judge seeking prompt initiation of a broad fact-finding hearing on EPA's proposed cancellation of the registration of the herbicides.

Dow attorney Michael J. Traynor said the company withdrew from the 'suspension' hearings because the "fundamental issues" of the long-term safety and benefits of the products were not being considered by the panel.

"This action is not an abandonment of the products or their defense," he said, "but simply a means to expedite the final resolution of their futures by beginning the cancellation hearings immediately."

"Specifically," Traynor said, "our requests are that EPA promptly assign an Administrative Law Judge (ALJ) and schedule a pre-hearing conference so we can move forward with a full examination and ultimate government decision on the risks and benefits of these products." A pre-hearing conference was scheduled for June 5 in Washington, D.C.

In related news, agency officials said the major issue now confronting EPA is how they will pay for and carry out the Silvex indemnification agreement it signed with the Chevron Chemical Co. Agency enforcement officials said if the agency doesn't obtain additional funding through supplemental budget requests, the issue will likely end up in the courts. One official said, "I don't know why the government should agree to pay for products that the companies probably knew were hazardous to begin with."

EPA rules Evergreen an applicator

Evergreen Pest Control is not a "distributor" based on the definition of the word in FIFRA Section 14(a)(1), according to Paul De Falco, EPA regional IX administrator. The decision reaffirms an earlier ruling by EPA Judicial Officer Anthony O. Garvin, but contradicts a decision by Administrative Law Judge Gerald Harwood.

De Falco's ruling that the company is an "applicator" of pesticides versus a "distributor" means that Evergreen Pest Control will be subject to less stringent FIFRA penalty provisions for its alleged misuse of methyl bromide. Further, the ruling could have an affect on future court rulings concerning the distributor vs. applicator debate.

In making his final decision, De Falco said, "... although the evidence indicates that Evergreen regularly kept stock of pesticides on its premises for use in its business, there is no evidence in the record to indicate that Evergreen ever resold or otherwise distributed these pesticides to other companies or individuals."

Drinking water regulations proposed

EPA has proposed regulations designed to prevent pollution of the underground sources of drinking water that now serve one-half of the United States population.

EPA will provide up to \$6 million this year to help states set up and enforce programs to insure that the underground injection of liquid wastes and other fluids does not endanger subsurface drinking water.

The agency has estimated that there are more than 500,000 injection wells that now have the potential to contaminate groundwater and that number increases by about 5,000 each year.

Basically, EPA's regulations call upon the states to set up programs to review all underground injection operations and take any remedial action necessary to protect groundwater. Injection wells would be inspected to make sure they are properly constructed and maintained. Safe injection operations that are not potentially dangerous could continue, but they would have to comply with permits and rules issued by the states or EPA.