

GOVERNMENT

UPDATE

cently named a marketing associate by Elanco. He joined the company in 1972 after graduating from Purdue University. Finally, **John R. Guthrie** was named a market analyst for international market research. Elanco is the agricultural marketing division of Eli Lilly and Company.



Ann Pang



Mike Schaefer

Mike Schaefer is the new vice president of sales and **Roger Meyer** the new vice president of engineering for the F.D. Kees Manufacturing Company, Beatrice, NB. Schaefer was the company's national sales manager while Meyer served as the chief engineer. Schaefer will direct the sales and marketing efforts for the entire Kees line of lawn and turf equipment. Meyer will be supervising all engineering and new product development.

Ann Pang, a graduate of Cal Poly, San Luis Obispo, is the new liaison between the Orange County construction operations and the landscape



Karl Fiander



L. Donald LaTorre

architectural community, according to a release from Environmental Industries, Inc., Calabasas, CA.

Otto Pick & Sons Ltd, Richmond Hill, Ontario, Canada, announced that **Karl Fiander**, a graduate of Carleton University, has been appointed manager of the Alberta region. Fiander is vice president of the Canadian Land Reclamation Association.

L. Donald LaTorre has joined Engelhard Corporation's Specialty Chemicals Division as senior vice president, minerals. Prior to joining Engelhard of Iselin, NJ, LaTorre served as executive vice president of Velcro USA.

Supreme Court rules for EPA in long-awaited Monsanto decision

A long battle between the Environmental Protection Agency and Monsanto over use of "trade secret" health and safety data to support registration by competitors remains partly unsettled despite a June Supreme Court decision in favor of EPA.

The case was filed in 1979, heard by the Court this past winter, and took Justice Harry Blackmun four months to write the decision. The Court overturned a U.S. District Court decision calling EPA's data compensation arbitration process unconstitutional.

While waiting for a decision, EPA has held up pesticide registration applications using data originated by other companies. Existing registrations supported by "me-too" data have been threatened with nullification due to claims by data originators of inadequate compensation.

The Court ruled, however, a dissatisfied data originator can sue EPA for "just compensation" if the arbitration process results in an unacceptable figure. The Court ruled changes in the Federal Insecticide Fungicide Rodenticide Act (FIFRA) between 1972 and 1978 gave registrants an impression of confidentiality. Therefore, companies submitting trade secrets to EPA in that period could sue EPA for 'taking of property' if EPA used the data against the company's will. Most of Monsanto's data on Roundup (glyphosate) was submitted between 1972 and 1978. Data submitted to EPA before 1972 or after 1978 is subject to FIFRA-set arbitration rules.

EPA is waiting for the Court to rule on a similar case against it by Union Carbide. Justice Sandra O'Connor wrote in a separate opinion that she considered use of pre-1972 data as taking of property too.

Bottom line is EPA is still holding up registration of 'me-too' chemicals for the Union Carbide case, Monsanto can block EPA use of its data submitted between 1972 and 1978, and EPA faces another pile of lawsuits when data holders begin to contest compensation.

David Crossman, a Monsanto spokesman told *Weeds, Trees & Turf*, "The most important aspect of the case is the Supreme Court has recognized trade secrets as property. We would have liked the District Court's ruling to stand and for Congress to revise data compensation sections of FIFRA."

Government contractors beware

If you apply pesticides to Federal or state property under contract you soon may be forced to stop until an environmental impact statement based upon worst case analysis can be completed. Oregon and Washington contract pesticide applicators have been stopped from spraying lands managed by the Bureau of Land Management or the U. S. Forest Service by a Federal Circuit Court. Voluntary bans have been implemented by these agencies in other parts of the country as well. The Pesticide Public Policy Foundation calls this the most significant pesticide issue confronting the the Green Industry.