

UPDATE

FIFRA revisited: Bad dreams don't go away

When Harper's Ferry fizzled out last year many hoped the issue had died a lobbyist's death. Hope increased when the chairman of the House Subcommittee on Department Operations, Research and Foreign Agriculture, George Brown (D—California) was replaced.

Like a bad dream, the legislation, backed by William Proxmire in the Senate, returned this spring and hearings have begun. The Green Industry is there, however, testifying against the inequity of local ordinances and the oversight of local governments to the ignorance and danger of the do-it-yourselfer.

Robert Miller, vice president of technical services for Chemlawn Services Corp., Columbus, OH, spelled out the situation during hearings in late May. "Local pesticide regulations are having a harmful and discriminatory impact on the ability of our members to continue to provide a safe, convenient and cost competitive alternative to the do-it-yourselfer use of outdoor products."

Most pesticides applied by professional lawn care companies are classified for general use under FIFRA (available to the do-it-yourselfer). Ironically, ordinances promoted by these individuals typically do not apply to the larger do-it-yourself market segment...where, because of a lack of training in the use of pesticides, the possibility of mishap is the greatest."

Miller outlined five problems with current pesticide regulation and urged the subcommittee members to limit the power of uninformed, ill-equipped local governments.

Miller's first point was the lack of uniformity among local pesticide ordinances and the problems this causes companies operating in more than one area. Second was the absence of scientific expertise at the local level causing pesticide regulation to be political rather than factual. Third, local governments lack adequate enforcement capability for laws they create and these laws cause an unjustified loss of public confidence in professional lawn care.

Fourth on Miller's list was the misperception that most professional products are more toxic than do-it-yourselfer products. Local governments, therefore, wrongly provide incentives to the do-it-yourselfer over the professional. Finally, Miller said current local pesticide ordinances are an unjustified burden on commerce.

3PF flags supervision rule

The Pesticide Public Policy Foundation, a non-profit lobbying organization for professional pesticide applicators, is alerting the industry to possible changes in FIFRA for on-site supervision by a certified pesticide applicator.

In a very thorough report on FIFRA, 3PF Executive Director David Dietz said the President favors a simple reauthorization of current FIFRA rather than the overhaul involved in Harper's Ferry.

problem we've been working on for a long time. We've been prepared for it."

MCPP is used on sports and ornamental turf for selective control of surface-creeping broadleaf weeds such as red and white clovers, chickweed, knotweed, plantain, dandelion and ground ivy, and in cereals, alone or in a mixture with other plant growth products.

Skaptason declined to give an exact figure for the cost of passage.

"MCPP is the most important herbicide in turf," Skaptason says. "Nothing does as good of a job. We will work with the people who make it for us."

The process MCPP will be going through for re-registration is similar to the passage of 2,4-D, which will cost approximately \$3 million.

A prerequisite for re-registering MCPP involves a "call-in" to the EPA, expected to begin this month.

In a call-in, the EPA requests additional information and studies (usually specific, such as environmental or toxicology), along with a response from the company that they plan to either provide the information, rely on others to provide it, combine with others to provide it, or cancel.

Companies have 90 days to respond to the EPA. All companies who have MCPP registrations will get notice from the EPA.

"This one looks like it may be a very, very expensive call-in," says Ray Russell of Dow Chemical, which also has an MCPP registration; Russell's guess is \$4 million to \$7 million.

"It just doesn't look like the product is worth the expense," Russell continues. "Dow will not assist in financing the call-in. We have determined that it is not something we can afford to do."

Russell notes that the EPA already has a lot of data on the product stored away, and that the remaining work required is almost complete.

The re-registration will involve two data call-ins, according to Skaptason. One relates to groundwater.

"We and people that we work with think we have all the information to answer that problem," he says. The second is the actual re-registration.

The requirement for re-registration evolved from a federal insecticide act in 1972 which imposed a new set of standards on the amount of data necessary to establish safety requirements. The act allowed all of the old products to stay in the channels of trade, while requiring the EPA to systematically go through the files, examine the data and bring the insecticide up to the new standards.