



A season for change?

"Turn, turn, turn," wrote The Byrds. "There is a season..."

The recent U.S. Supreme Court decision signals what could become an immense change in the way pesticide applicators are allowed to do business. Unless you've been on Mars, or had your head stuck in the sand for the past couple of months, you know that the high court ruling allows states and municipalities to enact regulations to supplement the Federal Insecticide, Fungicide and Rodenticide Act (see "Green Industry News").

This is not good news. As a matter of fact, it could put many small lawn care and landscape companies out of business.

Consider the plight of the company that applies pesticides to four or five large properties in each of six or seven communities. A worst-case scenario would have that company lobby its cause with six or seven city councils, comply with six or seven different sets of regulations, and maintain six or seven sets of application records.

How does the green industry cope with this action? Legally, there is no recourse to a Supreme Court decision. Well, maybe there is a viable alternative.

What the justices said with this decision is that the intent of FIFRA is to allow local regulations. This, then, is the law.

What we can read into the decision—a 9-0 whitewash at that—is that the judges are giving our U.S. Senators and Congressmen a much-needed kick in the pants. Since 1972, FIFRA has been a comprehensive regulatory statute that has been largely unworkable on many levels. The government's legislative branch has potted around for nearly six years now with proposed amendments that would make it a much more effective piece of legislation. But our law-makers have not yet been able to push through any of the much-needed changes.

The Supreme Court justices are telling the Senate and House: "You made the law. You don't like it, you change it."

It's the same message our legislators have been hearing for years from the agricultural community, the Environmental Protection Agency, the green industry, agricultural and chemical manufacturers, and just about everyone else with a vested interest in the application of pesticides.

Maybe one of these days our legislators will get the message. Until then, all the professional pesticide applicator can do is cross his or her fingers, then comply with the legislation that is bound to be passed by the Podunk Centers and Burgervilles of the country.

It's the law.

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