

### LEGISLATION

# Green industry petitions for practical regulations

WASHINGTON, D.C.— Green industry representatives campaigned here on May 9 for lawn care product legislation that simply makes sense, during Senate hearings on pesticide use. And despite an emotional offensive from alleged victims of pesticide poisoning, industry spokespersons believe their voices were heard.

"I felt good about the approach the senators took," said Ann McClure, executive director of the Professional Lawn Care Association of America (PLCAA). "They were on a fact-finding mission. They are willing to take a look at the issue. There's no doubt that public citizens want to know if they're in danger. They deserve to know, but there's a broad spectrum of choices of ways to solve it."

It's not that PLCAA doesn't want notification standards, it just wants those standards to be practical.

McClure outlined for the subcommittee the notification and training programs it supports for both commercial and non-commercial users of lawn care products.

"PLCAA endorses the concept of reasonable and responsible national regulation of the lawn care services industry," said



**PLCAA's McClure: "I can't overemphasize our concern when we hear stories about reactions to chemicals."**

McClure, "and is pleased to share with this subcommittee an outline of the very positive program we support."

The PLCAA program includes standards for:

- Pre-notification, one day in advance, to customers who tell the applicator they wish to be notified; persons whose property abuts an applicator's customer's property who notify the applicator that they wish to be pre-notified; and persons whose names are registered as

"chemically sensitive."

- Posting a 4 x 5-inch sign at the primary point of access to the property immediately following an application. Residential properties of more than four families would be marked at all primary points of entry.

- Licensing and training for all commercial pesticide applicators, regardless of whether the pesticides applied are classified for general or restricted use.

"What we're disagreeing

on," said Sen. Joseph Lieberman (D-Conn.), "is the nature of the right-to-know."

"We do highly recommend to our members that they tell customers exactly what they are doing," replied McClure, when asked by Lieberman why the burden of seeking information is placed on the customer. "The question we're addressing now is, who else needs to know?"

"We think that other people who may suffer a reaction to the chemicals certainly ought to know also. It's got to be done in some practical way."

The Notification of Chemical Application Act of 1991 (S.B. 849), introduced by Lieberman and Harry Reid (D-Nev.) would require commercial applicators of lawn care and other non-agricultural chemicals to provide detailed written contracts to all customers. Others who may come in contact with lawn care products would also have to be notified. Notification would include persons within 1000 feet of the property, a draconian provision that would play havoc with company time and scheduling.

"When you get into broad contexts of the bill," said Warren Stickle, presi-

dent of the Chemical Producers and Distributors Association, "you would find you'd have to notify 25,000 people for one application of pesticides."

Stickler suggested the bill include a requirement for a registry list, much like the registry now used in seven states.

As an alternative to the 1000 feet provision, McClure recommended to Sen. Reid that the treated property be posted, adjacent residents be notified, and a registry of chemically sensitive persons be established.

McClure opposed the mandatory contract provision in the proposed bill on two grounds. One, customers don't want to be bound to a contract; and, two, because of the part nature plays in the business.

"We are dealing with something that is alive and changing," said McClure. "The weather is variable, and it's very difficult to say that every first week in June, we will apply something."

Senator John Warner (R-Va.) pursued the issue of homeowner qualifications, questioning McClure in detail about the training requirements for commercial applicators. He then asked whether homeowners are subjecting themselves to risk through misapplication.

"I happen to think the homeowner is subjected to risk, and has the potential to subject his neighbors to risk," responded Fred Hundt, vice president of marketing for the Ringer Corp., a maker of organic lawn care products.

"I would just offer that the only instruction the homeowner may receive is from what's on the bottle, assuming he or she reads it," said William Roberts, vice president of the Golf Course Superintendents Association.

"Beyond that, I'd wonder about time of application and rate of application. Do homeowners actually take the time to go out and calibrate equipment so

that it's applied properly?"

Said Stickler: "There are a number of companies spending millions of dollars to look at alternatives to pesticides. In the 1990s, we may very well see some of these products come on the market. In the long run they will provide an opportunity to those who want organic or biological control product to avail themselves of that kind of product. We will see a balance between the synthetic pesticides and the new bio-



**Warren Stickle, left, president of the Chemical Producers and Distributors Association, and Mike Stevens, chief executive officer of Howard Johnsons Enterprises, presented information on the benefits of lawn care products when they are used safely.**

logical control type products."

"Business is driven by the market," said McClure, who said some PLCAA members have been receiving more inquiries from customers interested in organic products.

#### The other side

Dr. Janette Sherman of Alexandria, Va., a specialist in internal medicine, said America was at risk of fostering an "impaired population: with respiratory problems, neurological problems, learning disabilities, kids who can't go to school."

"The widespread use of chemical means to prevent or to rid a building of insects is also suspect when the corporations pushing these chemicals are also those that benefit from their sales."

Sherman expressed great mistrust of chemical company research, which

she compared to "having Dracula guard the blood bank."

Thomas Latimer of Dallas testified he was poisoned and disabled by the interaction of the prescription drug Tagamet and diazinon insecticide he applied to his lawn.

"I do not want diazinon banned, nor do I want Tagamet removed from the market," said Latimer. "I am simply requesting that the corporations and government agencies work to

Hussein threatened to use during the Persian Gulf war. That prompted Warner to caution the group to go easy on the sensationalism.

"We have a duty not to unduly scare the public," cautioned Warner. "Alar was depicted as the killer of all children. And let's be very careful in our references to historical military use. There is a non-partisan bureaucracy struggling to get to the issue."

#### Balance and sense

Tom Delaney, PLCAA director of government affairs, said later that he thought the hearings went "fairly well," and that Senator Warner brought "some balance and common sense to what's going on. He interviewed each of the witnesses, and asked what kind of advice they would give to people using the products. Just about without exception, they said they want (users) to read and follow the labels," not totally eliminate the products.

"We're not against regulation," said Delaney. "We could work on every one of Lieberman's points, but not the way he wants them. We were very strong on the point that these are the same products homeowners are using. I think I got the point across."

Next item on the agenda is negotiations among industry representatives and the committee, to see if they can reach a compromise. "In its present form," said Delaney, "not even the senators were agreeing that it could work."

Sources inside industry say the Lieberman bill will not pass, thanks to intensive company lobbying, and the possibility that homeowners might themselves come under scrutiny. For any law to be fair and practical, homeowners who apply control products would have to obey notification and posting requirements as well, which might sour them from buying products altogether.

—Terry McIver □