

# Panel: 2,4-D, cancer link 'weak'

**Report from scientific panel this summer to say relationship of herbicide, cancer is 'weakly possible,' and 'weakly suggestive.'**

**WASHINGTON**—A panel of scientists is expected to tell the U.S. Environmental Protection Agency that evidence suggesting 2,4-D is a carcinogen is limited.

The EPA's 10-member Special Joint Committee on the Weight of Evidence of Carcinogenicity of 2,4-D convened, in a two-day meeting here in early April, to assess several published connections between exposure to 2,4-D and cancers in dogs and farm workers.

It zeroed in on the results of National Cancer Institute studies on farm workers in Kansas, Nebraska, and Iowa; a key dog study; and a continuing investigation of

the health of chemical manufacturing plant workers provided by Dow Chemical Co. (now DowElanco).

The panel will issue a report by late June. After the report is presented to EPA Administrator Carol Browner, the agency will make a decision whether to put the herbicide in special review or take other measures to restrict its use.

Although Sheila Zahn, the principle author of one of the NCI studies, defended the study's quality, the scientists decided the evidence didn't appear to be as definitive.

Five of the scientists felt the evidence was "weakly suggestive" of a herbicide-cancer link, three opted in favor of the term "weakly possible" and one voted for a "possible" link.

Dr. Genevieve Matanoski, Johns Hopkins University School of Hygiene and Public Health, said she felt the human epidemiologic data "in and of itself is very weakly suggestive."

She also pointed out that the dog study linking non-Hodkins lymphoma to 2,4-D exposure stands alone and hasn't been confirmed by other studies. The panel agreed that 2,4-D was "an improbable animal carcinogen" based on the toxicological data.

Several of the scientists said they felt the epidemiological studies didn't explain 2,4-D's mechanism of action.

The scientists agreed that more data will probably be needed regarding multiple chemical exposures to farm workers.

Daniel Wartenberg, Environmental Health Division of the Environmental and Occupational Health Sciences Institute, said while the evidence against 2,4-D isn't compelling, it should still be considered.

2,4-D is believed to be the third most used pesticide in the United States. About 70 million pounds are used each year in agriculture, turfgrass, rights-of-ways, etc., says the EPA.

—Ron Hall

## Oklahoma LCO and TruGreen square off over 'non-compete'

**OKLAHOMA CITY, Okla.**—When Donn Smith bought his ServiceMaster Lawn Care (SMLC) franchise in Oklahoma City, Okla. in 1989, he figured he had a winner. He was right.

Central Oklahoma's economy was looking up, and lawn care was one of its bright spots. Contractors were building homes and the homes were selling. Curb appeal had returned to the oil patch.

In fact, Smith says his operation was one of the top SMLC franchises in the country. Early in 1991, he also bought the TruGreen operation in his market area. (By this time TruGreen, and all its branches, had become a part of ServiceMaster Consumer Services.)

In making the deal, Smith had signed another SMLC franchise agreement, one containing a non-competition clause. The clause was one of the conditions of the sale, he says.

Now this clause is the focus of a legal battle between Smith and TruGreen.

That's because on May 23, 1992, TruGreen bought ChemLawn, including a ChemLawn operation that competed against Smith's SMLC franchise. Within weeks of the TruGreen/ChemLawn merger, TruGreen approached Smith with an

offer, but Smith says he didn't like the terms of the offer.

"All I wanted was a reasonable settlement," he maintains.

"After that, things just went sour," says Smith, who says he just wants to run his business as usual.

In July, 1992, Smith says his attorney called TruGreen and asked them to either settle the matter of a SMLC franchise (Smith's company) competing against a parent company operation (ChemLawn) or face the possibility of a lawsuit.

But TruGreen, Smith says, beat him to the punch and sued him in the Chancery Court of Tennessee, Memphis. TruGreen's complaint charges Smith with breaking his franchise agreement and asks for a judgement for franchise royalties plus costs and attorney fees. The complaint maintains that TruGreen is not a wholly-owned subsidiary of ServiceMaster Consumer Services, and that the franchise agreement that Smith signed "is for a non-exclusive franchise."

Smith's counter-claim, requesting a jury trial, seeks a total of \$4 million in compensatory and punitive damages from TruGreen Limited Partnership, The ServiceMaster Company Limited Partner-

ship and ServiceMaster Consumer Services L.P.

The counter claim maintains that the "company-owned" ChemLawn in Oklahoma City competes against his franchise in violation of the non-competition clause he signed when he purchased the local TruGreen branch.

—Ron Hall

## GREEN INDUSTRY EVENTS

### MAY

**April 23-Oct. 17:** IGA Stuttgart Expo '93 (int'l. garden show), Germany. Contact: Walter Gehring, (0711) 25709-0.

**18:** Florida Chapter, Sports Turf Managers Association meeting and tour, Palm Beach, Fla. Polo Grounds. Contact: John Mascaro, (305) 938-7477; or Ed Birch, (305) 938-0217.

**20:** Pre-Season Football Turf Maintenance Clinic, Notre Dame University, Notre Dame, Ind. Contact: Sports Turf Managers Association/Midwest Chapter, (708) 439-4727.

### JUNE

**3:** Rutgers Turfgrass Research Field Day, Freehold, N.J. Contact: Edmund Milewski, (201) 285-8300.

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