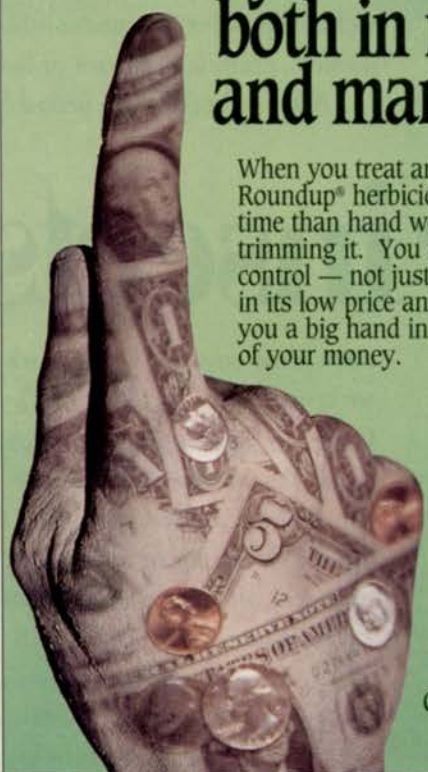


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User coalitions score with pre-emption ruling in Washington state

■ When the King County Board of Health tried to regulate commercial lawn and landscape applicators just over a year ago, it didn't expect much of a tussle.

After all, the Interstate Professional Applicators Association (IPAA) isn't a household word in the Seattle area. It has only about 40 members in the entire state of Washington, about that number in Oregon, and its new chapter in Idaho has, maybe, a dozen members.

But just before this past Christmas, the tiny IPAA filed a lawsuit in Superior Court seeking to overturn the health board regulations. Members vow to oppose the regulations, and resolve the issue even before the suit is heard.

"We tried to convince the Board of Health that it didn't have the legal authority to regulate landscape applicators," says Ed Walter, Washington Tree Service, a leader in the legislative fight for the IPAA. "In fact, the state attorney general even wrote that the state has primacy in this matter. We feel the King County prosecutor's office will come to its senses and write us out of the ordinance."

Adds Dan Beheyt, Eastside Spraying Service, Kirkland, Wash.: "If King County can get away with this, the next step is that every little jurisdiction in the state will also want to write their own regulations."

This legislative brushfire in the Pacific Northwest mirrors

dozens of others ignited (some still simmering) after the U.S. Supreme Court ruled two years ago that FIFRA does not preclude states from enacting their own pesticide-use regulations.

The trouble was, many local officials felt that they should be able to regulate pesticide use, too.

State governments in all but about 10 states have since ruled that localities don't; they've decreed that the final say on pesticide-use regulations resides in state capitals.

These successes resulted when coalitions of pesticide-user groups worked with and educated state lawmakers, says Thomas Delaney, legislative affairs director for the Professional Lawn Care Association of America (PLCAA).

Wisconsin passed pre-emption this past December, and Michigan in January. Pooling their efforts in Michigan were the 90-member Lawn Services Association of Michigan and the 300-member Michigan Pest Control Association.

Pre-emption efforts continue in Kentucky (already in place for agriculture but not lawn care), Idaho, Utah, Massachusetts and Maryland.

Here, and probably elsewhere as well, lawn/landscape applicators will continue finding themselves bumping heads with local lawmakers convinced of their *right* to pass pesticide legislation, sometimes in conjunction with the anti-pesticide factions that the green industry has long debated, says Delaney.

"Some people do see it as a home-rule issue. Then it
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PRE-EMPTION from page 62

becomes an emotional issue," adds Karen Connelly, director of the Massachusetts Association of Lawn Care Professionals (MALCP).

In these instances, it's wiser to start with education rather than confrontation, she believes. Sometimes local authorities aren't even aware of state and federal pesticide regulations already in place. Usually they don't even know much about the industries they're thinking about restricting.

But even Connelly admits this doesn't always work. Case in point: Mansfield, Mass., where several LCOs, several years ago, spent dozens of hours trying to reason with sponsors of restrictive pesticide laws. When this failed, the LCOs spent tens of thousands of dollars in legal fees before being vindicated. Winning carried a high price.

But MALCP, with its 85 members, is just one of a dozen or so participants in a statewide Green Industry Alliance. Other pesticide-user groups round out the coalition. All add their collective expertise and weight to local issues.

Recently, some of these pesticide users met with officials of Boxford and Wellesley, Mass. Both local health boards are mulling pesticide-use regulations.

"We were pleased to be able to gather a large grassroots organization to meet with them," relates Connelly. "Fortunately, most of the people (board members) were open to reading the literature and research material we provided them."

In spite of these efforts, and the strong informational ties

the green industry has to Massachusetts state government, it remains one of about 10 states still unwilling to forbid local governments from passing pesticide laws.

"We (MALCP) know what our focus is," adds Richard Ficco, president, Partners Quality Lawn Service. "It's to lobby for our big bill, the pre-emption bill."

—Ron Hall

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