

industry almanac

NEWS YOU CAN USE

Bayer buys Aventis

LONDON — Aventis CropScience, one of the world's three biggest makers of farm chemicals, will be sold to Bayer. Some wire reports put the unit's estimated value at around 3.7 billion euro (\$3.14 billion) plus about 2 billion euros in debt. Reuters reports analysts predicted the price to be 6 to 8 billion euros (\$5.1-6.8 billion) including the debt.

ALCA premiers 'Business Boot Camp'

Herndon, VA — Business basics on marketing, management and finances will be featured at ALCA's first 'Business Boot Camp,' scheduled for Sept. 26 in Baltimore and Oct. 6 in Chicago. Landscape Management is a media sponsor of this event, which will feature former landscaper David Minor. For information, contact ALCA at 800/395-2522 or www.alca.org.

Griffin registers new product

VALDOSTA, GA — Griffin LLC received registration for a dry flowable formulation of its chlorothalonil fungicide. This new product, called Concorde DF, is available from distributors.

SRO cuts royalty check for U of A

TUCSON, AZ — Seed Research of Oregon (SRO) representatives recently delivered a \$13,507 royalty check to the University of Arizona's turfgrass research program. The money represented 100,000 lbs. of seed sold by SRO in 1999.

CLIPPINGS

Canadian Supreme Court upholds Quebec ban on residential use of pesticides

Decision may give broad control to Canadian municipal authorities

BY LYNNE BRAKEMAN, ON LINE CONTENT EDITOR

OTTAWA, CANADA — The Supreme Court of Canada ruled that local authorities have the right to ban the residential use of pesticides.

The court dismissed the appeal of two Canadian lawn care companies, Spraytech and Chemlawn (now Greenspace Services), against the municipality of Hudson, Quebec.

"We're still in our fox holes!" joked Gavin Dawson, technical manager at Greenspace Services when *Landscape Management* asked him what might happen next.

Dawson says industry stakeholders are having their attorneys review the decision. He says, at the moment, no one is sure whether it will be valid for municipalities throughout Canada. Greenspace's official position is that it applies only in the province of Quebec.

"The whole industry has made a collective effort to fight the discriminatory by-law, which, by its nature, targets the lawn-care industry in Hudson," says Greenspace in its official statement on the decision.

Background

In 1991, Hudson passed Bylaw-270 banning pesticides for aesthetic reasons. The bylaw only allows the use of pesticides to control or destroy insects, animals or plants that constitute a danger to human beings.



More residential landscapes like this one could be pesticide-free if Canadian municipalities have their way.

The law does not apply to farms; golf courses were given a five-year exemption.

In November 1992, the companies were cited with violating the bylaw. They sued, saying the municipality could not ban chemicals that had been approved as safe by the federal government. The companies lost their case, appealed to district court, lost again and now have lost their final appeal to the Supreme court.

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"We are disappointed that the Supreme Court agreed that a Quebec municipality had the power to impose another level of legislation

— Lorne Hepworth, President (CPI)

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In a unanimous decision, the court said that the bylaw did not conflict with any federal or provincial law and that the Quebec Cities and Towns act gives the town the authority to pass such bylaws for the health and general welfare of its citizens.

More than 30 Quebec towns and the city of Halifax, Nova Scotia have enacted similar bans since 1991.

Activist, industry reaction

While Canadian environmental activists celebrated the decision, Canadian Green Industry stakeholders predict chaos at the local level.

"We are disappointed that the Supreme Court agreed that a Quebec municipality had the power to impose another level of legislation, in addition to the stringent regulatory systems of both the federal and provincial government," said Lorne Hepworth, President of the Canadian Crop Protection Institute (CPI).

"Canada's regulatory system, including Health Canada's Pest Management Regulatory Agency (PMRA), is one of the most rigorous in the world," Hepworth added. "The strength of our regulatory system, with its hundreds of qualified scientists, ensures that none of our products reach the marketplace unless they present no unacceptable risk to the user or the environment. Furthermore, both industry and government are constantly monitoring and testing the products to ensure safety on an ongoing basis."

"Since the definition of aesthetic has not been scientifically established, this could vary from one municipality to the next," said Kimberley Bates, Executive Director of the Urban Pest Management Council of Canada, an affiliate of CPI. "The result could be chaos and a patchwork of municipal by-laws across the country. It will be

costly to hire and train staff. With only a sign separating many municipalities, ban-

ning activities for aesthetic reasons will be virtually impossible to enforce."

Weed Man spokesman calls for lawn care operators to mobilize

Canadian lawn applications companies are bracing for a rash of local laws aimed at restricting or banning the use of pesticides following a decision announced June 27 by the Supreme Court of Canada.



Kernaghan

"We've been expecting this decision for quite some time now," said Michael Kernaghan, a spokesman for Weed Man, the largest lawn care application company in Canada. "It went uglier than we expected."

The Court ruled that the small Montreal suburb of Hudson was within its rights when in 1991 it banned the use of pesticides on home lawns, while allowing their continued use on golf courses and farms. In passing the bylaw, Hudson lawmakers cited health concerns over the use of the lawn chemicals.

"From a legal perspective, I think the ruling has created more confusion than it's clarified," added Kernaghan. "It appears to be saying, 'We don't want to hear from every other province on this matter, so we're going to come up with a ruling that sweeps right across the country.' This is crucial to our industry."

Environmentalists gearing up

Meanwhile, anti-pesticide crusaders rubbed their hands in anticipation of the spread of local laws forbidding the use of lawn care chemicals within their borders.

"We're thrilled. We've had municipalities across Canada just waiting with their fingers crossed for this decision," said Angela Rickman, head of the pesticide reduction campaign of the Sierra Club of Canada. Anti-pesticide activists claim there are more than 36 other Quebec towns, as well as the city of Halifax, that have taken action against lawn care chemicals.

"There could be brush fires everywhere," acknowledged Weed Man's Kernaghan, who says the country's lawn application industry faces its biggest challenge ever. In addition to intensifying its lobbying efforts at the federal and provincial levels, Kernaghan said the industry must mount "a grassroots effort" in the face of the ruling.

"We have to mobilize every lawn care operator out there and mobilize our customers," said Kernaghan. "We have to articulate our position and be a part of the process, participating in public hearings and working groups, and getting through to every counselor in every community where this could be a problem."

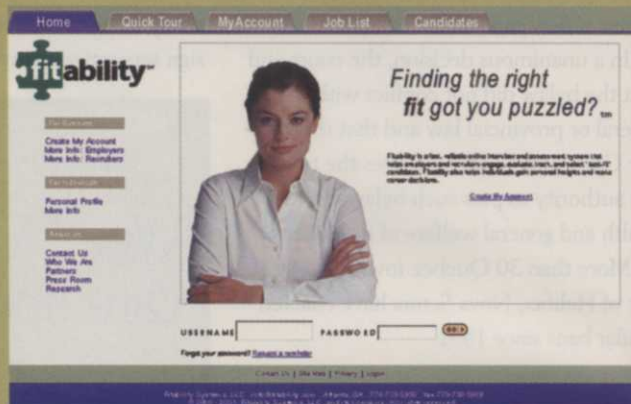
—Ron Hall

Surfin' Turf

Who's got personality?

Tell a Green Industry professional that it's tough to find good employees these days, and you're likely to hear him reply, "Tell me something I don't know." That's when you can tell him about www.fitability.com, a Web site that claims to be a leading provider of online interviewing and personality assess-

ment services that provides employers, recruiters and job seekers with tools to identify the "best fit" between a person and a job. Not sure if the guy you're about to interview who last worked at a gas station is right for the job? Assess him on-line in a 15-minute interview with fitability.com's new online personality assess-



ment service, "Fitability for Employers." What's cool is that there's no "up front" fees, no software licenses to

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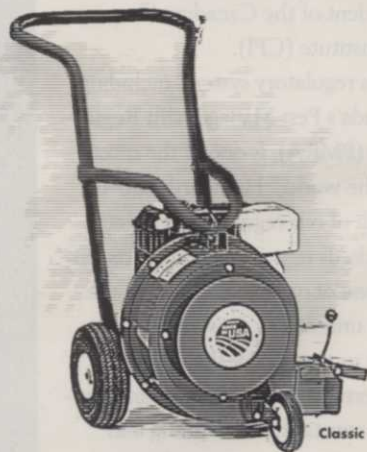
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