

# In the Know

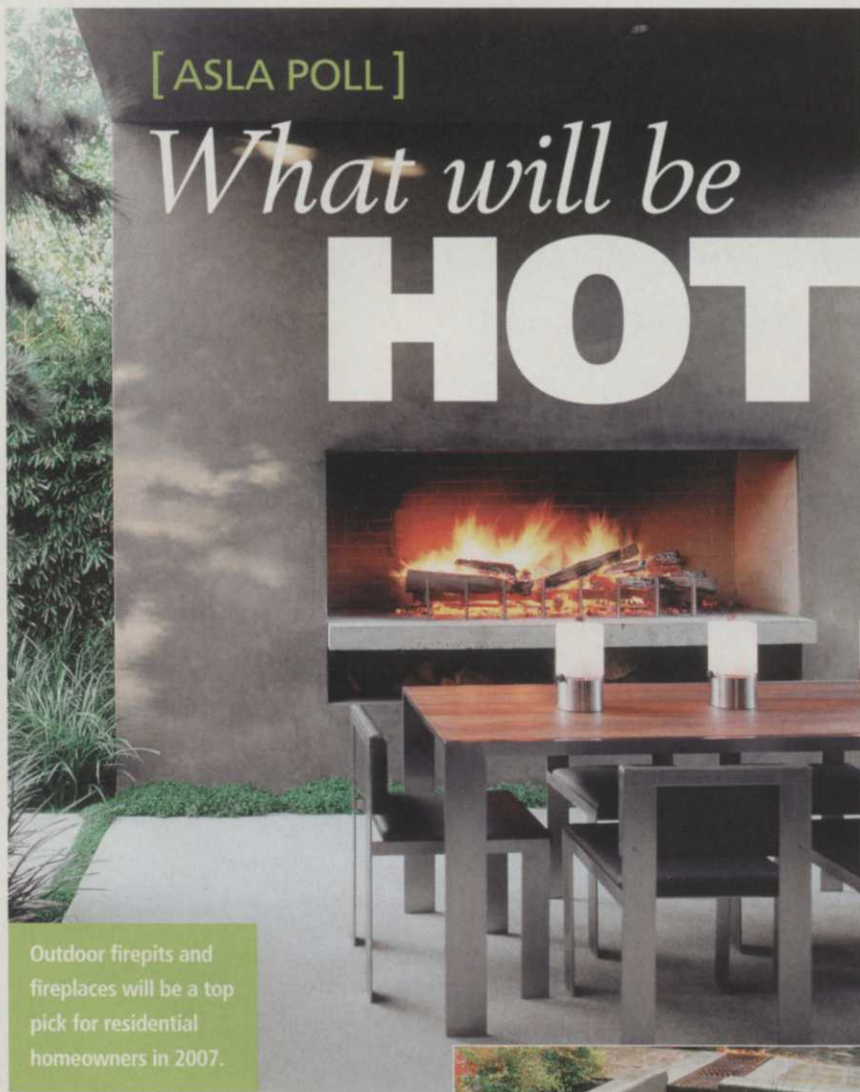
BUSINESS

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[ ASLA POLL ]

What will be

**HOT** in '07



Outdoor firepits and fireplaces will be a top pick for residential homeowners in 2007.

WASHINGTON, D.C. — Homeowners will be adding firepits and fireplaces for outdoor entertaining in 2007. And they, along with commercial building owners, will be paying a lot more attention to environmentally friendly landscape options, such as adding native plants and managing storm water more effectively, according to a new survey of leading members of the American Society of Landscape Architects (ASLA).

The informal survey conducted in December identified the most popular requests from homeowners and commercial



Better management of stormwater runoff will be a concern for commercial building owners in the New Year.

clients for 2007. For homeowners, firepits and outdoor fireplaces top the list. Also popular are requests for sustainable solutions, such as using native plants that require less watering and maintenance.

Homeowners are requesting landscape architects design complete outdoor rooms, such as kitchens and bars, for entertaining. Water features such as koi ponds, pools

and fountains continue to be popular. Incorporating rain gardens and green roofs in home landscapes will add a different, more sustainable, flavor to 2007 homes.

Steve Martino, FASLA, of Phoenix — recipient of both the ASLA Design Medal and the ASLA Residential Design Award of Excellence in 2006 — cites private living spaces, outdoor rooms and water features as top homeowner requests. He also says that clients are coming to him for green solutions for their homes.

Commercial clients are also concerned with green solutions. Members polled said they anticipate an increase in client requests for better stormwater

management options, the use of recycled materials and energy-efficient lighting, green roofs and native plantings.

Ann McGinnes, ASLA, of Garland, TX, says that she expects to see more requests from commercial clients for non-traditional means of irrigating the landscape and a focus on better management of water resources. She also says green roofs are gaining in popularity for both their environmental qualities as well as their aesthetic appeal.



## In the Know

### EPA to require new language on pesticide labels

**FAIRFAX, VA** — Product labels for pesticides the U.S. Environmental Protection Agency (EPA) believes may affect federally listed, threatened and endangered species or their critical habitat will soon contain generic language. It refers lawn care operators and other pesticide applicators to an EPA Web site or toll-free number to obtain geographically specific Endangered Species Protection Bulletins that will contain enforceable use limitations. Bulletins will be county or parish specific.

The initiative, the Endangered Species Protection Program (ESPP), requires PMPs and other applicators to, when directed by the label, visit the EPA Web site or call the toll free number to see if the county bulletin contains information relevant to their

use. Even if the information contained in the county bulletin is not relevant to the intended use of the pesticide, applicators must still copy or download it. Bulletins will be good for six months, at which time applicators will need to revisit the Web site (or call the toll free number) to again obtain the county bulletin. EPA has stated that pesticides bearing label directions only for use indoors, and where the applied product remains indoors, will not be subject to ESPP.

While relatively few products and even fewer uses will be impacted, pesticide applicators who ignore label language directing them to obtain a county bulletin from the Web site or toll free number run the risk of violating labeling

directions. Few, if any, product labels currently contain language directing end users to obtain a county bulletin. However, such language will be added as EPA registers new active ingredients or during its registration review program.

"The main problem seems to be implementation of the program being a likely cause of an enormous logistical and paperwork burden for commercial applicator companies that do business in a large number of counties and use a relatively large number of products," said Tom Delaney, director of Government Affairs for the Professional Landcare Network (PLANET.) "In addition you will have to check a EPA Web site periodically to see if any changes occurred on the product you



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want to use. It's just one more thing to keep up with that can burn you if don't have a procedure in place to follow regularly, like remembering to renew your pesticide licenses."

Applications that adversely impact a federally listed threatened or endangered species could constitute an Endangered Species Act violation, in addition to an enforceable label violation. Applicators are encouraged to visit the ESPP Web site at <http://www.epa.gov/espp> and familiarize themselves with the bulletins.

"The label is the law so you better read it every time you buy a new batch of products," Delaney added. "Those in rural areas have more concern about endangered species than those in the cities. Check with your state pesticide regulatory agency for the latest info and help."



## Target sends Xmas cheer to Marines

**SANTA FE SPRINGS, CA** — To honor the sacrifices of U.S. military men and women this holiday season, Target Specialty Products sent a Christmas care package to Pvt. James Carruba and his Marine platoon. The package was shipped Dec. 4, 2006, to Headquarters Platoon, D Company, 3rd AA Battalion, stationed in Iraq.

Target connected with the platoon through MGK Account Representative, Sandra Torry. Pvt. Carruba is Torry's son. Torry was "deeply moved" by the gesture and expressed appreciation for the effort put into the project.

"We appreciate all those who contributed to this worthwhile effort in support of our troops," said Target President Lon Records.

Target associates in Arizona, California and Oregon raised more than \$1,700 during the month of November for the care package.

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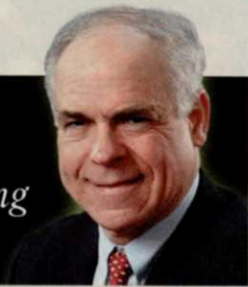
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# In the Know

## LEGALLY Speaking



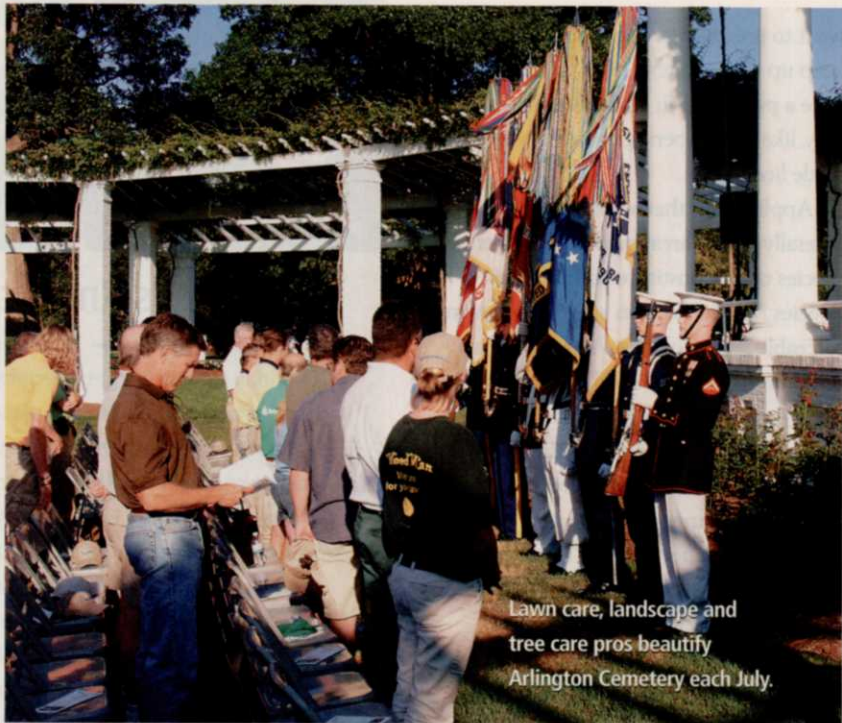
BY KENNETH D. MORRIS, ESQ. L.L.C.

**Q** A new company formed in my town, and its name, All About Lawns, Inc., is very similar to mine, All Lawns, Inc., and I'm wondering if can take legal action against it?

**A** Not to disappoint, but in truth, it all depends on the extent that you protect and secure your own trade name. Did your counsel do a full search (common law and registered, state and federal) to determine if you could use it in the first place? Who started using the name first and when? Did you file a trademark registration application in the U.S. Patent and Trademark Office, and did it issue to registration? If not, why not? The key question is whether the names are "confusingly similar" under the Lanham Act. If, in fact, you have a federally registered trademark and they do not, and you compete in commerce in the same market as All About Lawns, Inc., the likelihood is that you will be able to stop them, either through a negotiated settlement — which would involve their changing their name — or an outright injunction against their using their name.

Kenneth D. Morris, an attorney with more than 30 years corporate and law firm experience, will be offering *Landscape Management* readers vital information in each monthly issue of LM.

**Note:** *The above should not be interpreted as offering legal advice in any jurisdiction where such practice is not authorized. Engage competent counsel familiar with your jurisdiction when legal issues arise.*



Lawn care, landscape and tree care pros beautify Arlington Cemetery each July.

## PLANET, TCIA partnering for '07 Day on the Hill

**WASHINGTON D.C.** — The Professional Landcare Network (PLANET) is teaming with the Tree Care Industry Association (TCIA) to host the 2007 Legislative Day on the Hill, July 15-17. TCIA develops safety and education programs, standards of tree care practice, and management information for arboriculture firms around the world. Together, PLANET and TCIA hope to strengthen the impact its members have in raising awareness of crucial Green Industry issues to Washington lawmakers.

The event provides Green Industry professionals with an opportunity to unite their efforts and their message as they visit with their congressional representatives on Capitol Hill to discuss issues that affect the industry. Attendees receive an issues briefing before their

Hill visits, and first-time participants receive special attention and assistance from event veterans. This year's Legislative Day is free of cost to anyone who would like to attend.

Legislative Day on the Hill will be held at the L'Enfant Plaza Hotel, centrally located and within walking distance to the Smithsonian Castle, the Air and Space Museum, the World War II Memorial and the Washington Mall. It is also convenient to four of the five Metro mass transit lines and is a 10-minute drive from Ronald Reagan National Airport and 45 minutes from Baltimore Washington International Airport and Dulles International Airport.

For more information on the 2007 Legislative Day on the Hill and Renewal & Remembrance, call (800) 395-2522 or visit [www.landcarenetwork.org](http://www.landcarenetwork.org).



# Guelph turf research land to be sold?

**GUELPH, ONTARIO, CANADA** — The fate of the property containing the Guelph Turfgrass Institute near the University of Guelph is up in the air. The provincial government is considering selling the institute's 150 acres for a housing development. A lot of people, including the professional turfgrass community, oppose the suggestion, according to news reports.

The provincial government floated the idea of selling two parcels of land, both of which it owns — the land holding the institute and also a swath of property surrounding several correctional centers — in mid fall. The announcement took a lot of people by surprise.

Liz Sandals, MPP (Ontario Legislative Assembly) has asked that parties with a stake in the Institute to meet early in 2007 to consider its possible move, and what that might cost and what it might mean for the research being conducted there.

## Opposition grows to a plan to sell the land holding the Guelph Turfgrass Institute.

The Guelph Turfgrass Institute was established in 1987 to research turfgrass and its relation to the environment. Supporters claim that the university-operated institute is a vital resource for information relating to turfgrass production and management. It's supported by the University, the Ontario Ministry of Agriculture and Food, and the turfgrass industry. Institute supporters say you just can't up and move 20 years of research; too much would be lost in moving the facility.


Ron Schiedel, president of the Ontario Turfgrass Research Foundation, says that

the provincial government should abandon its plan to sell the property for a housing development.

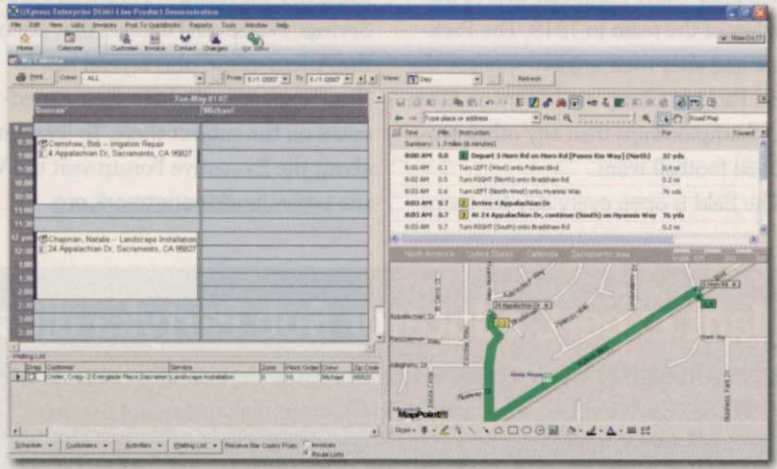
Local legislators have been split over

the possible sale. Moving the turfgrass institute elsewhere would adversely affect not only the institute's ongoing research projects, but also its "symbiotic relationship" with the nearby University of Guelph, said one legislator.

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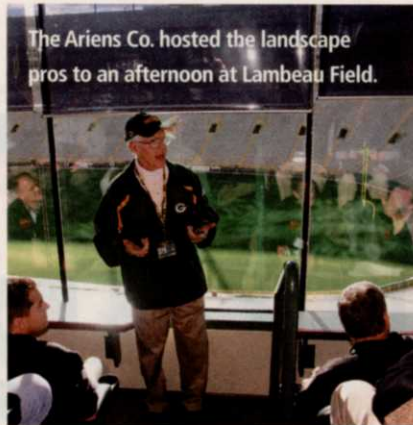
## 'Lean' moves from Green Bay to PLANET's Florida event

**GREEN BAY, WI** — The football season is over for the Green Bay Packers — no playoffs or Super Bowl appearance again this year for the fabled NFL team. Even so, about 90 landscape company owners retain fond memories of a visit to Lambeau Field this past fall.

The owners spent an afternoon at Lambeau, networking and learning about "lean" processes, guests of the Ariens Company, headquartered in nearby Billion, WI. Jim Paluch and Bob Coulter of JP Horizons, led the owners through several lively "lean" exercises before the group broke to tour Lambeau.

The stadium was built in 1957 and is named after Curly Lambeau, one of the founders of the team in 1919, The Packers, named after their original sponsor, the Indian Packing Company, have won more NFL championships than any other professional football team.

The field is open every day for tours,



but if you want to learn more about making your operation more "lean" and profitable, the place to be Feb. 15-18 is PLANET's Executive Forum in Bonita Springs, FL. Several owners that attended the Ariens event, plus several Ariens "lean" experts, will share their experiences on the subject there. To learn more about the Executive Forum visit the Web site [www.landcarenetwork.org](http://www.landcarenetwork.org).

## Plant expert, educator Bob Partyka dies

**UPPER ARLINGTON, OH** — Many people in the Green Industry were saddened to learn of the passing of Robert E. Partyka, 76, Dec. 24. Partyka was a full professor at The Ohio State University for 15 years in the Biology and Zoology department. From 1973 through 1990 he served as Director of the Tree and Shrub division of ChemLawn Corp. When he retired from ChemLawn he provided consultation services to the lawn care industry through his own company, Plants and Me.

"Bob Partyka taught us to look up

to see the trees and shrubs around us. He more than any man I ever met knew how plants grew and how to see and diagnose problems," said Dr. Barry C. Troutman, vice president, technical services, ValleyCrest Cos. "He taught using the most fabulous collection of photographs in a manner that made everything seem logical. He was truly the father of ornamental plant knowledge for the lawn care industry and today the industry is populated with generations of people who learned from Doctor Partyka or his students."

**[CLIPPINGS]**

## Chackbay teams with Oprah, Habitat for Humanity

**THIBODAUX, LA** — Chackbay Nursery and Landscaping, partnered with Oprah Winfrey and director Tyler Perry to deliver 15 new homes and a park in Baton Rouge, LA. The first phase was featured on The Oprah Winfrey Show that aired on Dec. 6. Chackbay Nursery and Landscaping is installing the landscaping for 15 home sites in a community being built through a partnership with The Angel Network, Habitat International, and Habitat for Humanity of Greater Baton Rouge. The new neighborhood will have tree-lined streets, sidewalks, landscaping for each new home and a park with a giant decorated Christmas tree accessible to the neighborhood.

## Ariens acquires National Mower

**BRILLION, WI** — Ariens Co. has acquired the assets of National Mower based in St. Paul, MN. Founded in 1919, National Mower produces specialty mowers designed for golf course and sporting turf maintenance at its manufacturing plant in St. Paul.

"National Mower is a strong niche player that will give us access to the golf and sports turf market," said Dan Ariens, company president. "It allows us to retain our focus on premium, durable products, and fits our commitment to independent dealers and specialty channels of distribution as opposed to mass market channels."



# Brickman wins PLANET's Environmental Improvement Award

**GAITHERSBURG, MD** — Brickman received the prestigious Grand Environmental Improvement Award from the Professional Landcare Network (PLANET) in recognition of its work with Marriott's national headquarters building in Bethesda, MD. The award highlights Brickman's commitment to high quality client service and the ability to create a fresh new look for the 3-acre campus.



Brickman's work at the 3-acre Marriott headquarters earned it a top PLANET award.

Since the beginning of the relationship in April 2005, Brickman has improved the appearance of the Marriott headquarters campus by introducing new flower rotations, increasing the frequency of turf applications and focusing landscape maintenance efforts on high visibility areas such as walkways and entrances. The result is a fresh new look for Marriott's headquarters including a more colorful display of flowers and a thicker lawn with fewer weeds.


The new look reinforces Marriott's global image as a resort destination and promotes goodwill among the 3,000 employees who work at the Bethesda campus. After Brickman completed an initial redesign of Marriott's employee courtyard, Marriott employees immediately began eating lunch outside and offering praise for the new garden-like atmosphere.

"We are proud to have helped Mar-

riott achieve a world class look and feel for its corporate headquarters," said Brickman Project Director Matt Shoemaker.


"It's especially gratifying for our team when Marriott employees and visitors recognize the Brickman uniform and say things like, 'the flowers really look great today.' PLANET's Award validates our great feelings about our working partnership with Marriott."

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