

Supreme Court may scrutinize, rule on posting regulations for city in Michigan

WASHINGTON — The U.S. Supreme Court will decide this month whether it will hear an appeal of a lower court decision which nullified a posting ordinance in the village of Milford, Mich.

Village officials had challenged an earlier district court decision saying that Ordinance 197, enacted in 1986, was pre-empted by the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA).

Council considered requesting a Supreme Court hearing, but balked when advised that a denial by Rehnquist and Co. would cost from \$1,000 to \$2,000, in addition to the \$9,000 spent pursuing the first, district

court, appeal.

Then the Public Citizen's Litigation Group intervened, saying it would pay the necessary legal fees incurred by the appeal.

"When it came down to the fact that there would not be any costs involved to the village, that changed my mind that we should pursue the appeal," says city council member Christopher Smith.

The ordinance would require commercial pesticide applicators operating in the village to pay an annual registration fee of \$15, post warning decals at application sites, and notify "chemically sensitive" residents a day in advance of control product applica-

tions.

But according to the *Oakland Press*, only two persons have been certified by their doctors as "chemically sensitive."

Smith and others feel, however, that the other notification procedures would benefit all residents.

The August 1 ruling was a significant victory for the

Professional Lawn Care Association (PLCAA), and may have set a precedent against which similar cases may be judged.

Village authorities claim that the proposed ordinance is merely a "public notice regulation," designed to protect the health and safety of village residents. □

Opinion

The accompanying news story from Milford, Mich., gives some insight into politicians and their pursuit of "principles."

In August, this town 30 miles west of Detroit lost its appeal to supercede the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) with a proposed village ordinance. (You've probably heard this one before. Milford is one of a few towns that has tried this strategy.)

The Milford proposal has an interesting provision whereby "chemically sensitive" residents would have to be notified before any control products were commercially applied. (No, homeowners—who often misuse products—wouldn't have to notify anyone. They count for a lot more votes, you see.) City records show only two Milford residents have registered themselves as "chemically sensitive." There used to be three, but one moved.

Council member Cora Langerman told reporters that she was not comfortable supporting "an ordinance that's not going to be for the majority of the people." Well said, Cora.

After initially deciding not to appeal, the council changed its mind when the Public Citizen's Litigation Group, a Ralph Nader offshoot, said it would foot the bill for the Supreme Court legal fees.

If they're that confident the bill is beneficial to a majority of the people, shouldn't they be betting with their own money? Then, if the city wins, the court pays the costs.

Give the council credit for balking at using more public funds in pursuit of what it must feel in its collective gut to be a lost cause. But if council members really cared, they'd go to the residents and get voter permission to spend more dough. In the meantime, as long as someone else will pay, their attitude is: "Let's get concerned all over again, and pretend we care more about public welfare than we do about making loud noises and playing at empathy."

—Terry McIver □



Native wildflowers, under high demand in recent years, adorn this site at Bergen Park in Colorado, says the ASTA.

SEED

Wildflowers: is it best to plant native or non-native species?

WASHINGTON — Continued demand for native wildflower species has strengthened the seed industry's commitment to research and development.

The Wildflower Group of the Washington, D.C.-based American Seed Trade Association (ASTA) says research is centering on planting rates, weed control, soil preparation,

maintenance, and other challenges of wildflowers.

The group says the issue of whether to plant native or non-native species has become a "considerable controversy" among ecologists, environmentalists and other seed and landscape professionals.

The Wildflower Group says native wildflowers

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It Stopped Just To Have Its P

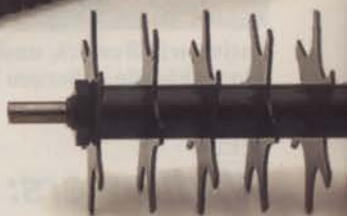
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TREES

Davey Tree begins courses on safety

KENT, Ohio — The Davey Tree Expert Company, a trailblazer in professional tree care, now offers instruction in first aid and defensive driving to all its employees.

The course uses instructors, videotapes, and training manuals and is followed by certification tests.

The first aid program instructs the company's 4,500 field personnel on how to avoid and deal with serious accidents and injuries relative to tree care work.

"We needed to emphasize certain types of accidents and injuries because of the specialized nature of our business," says Ron Cole, Davey's corporate risk manager.

To produce the most useful safety instruction, Cole called on Optimum Health Service of the Bethesda Medical Center of Cincinnati to recommend treatment for certain "worst-case" accident scenarios."

Davey president and CEO Doug Cowan says that, because of the hazards involved in tree climbing, employees must know how to handle particular injuries.

"As much as we work to prevent accidents, they still occur," admits Cowan. "The first person on the scene with knowledge of first aid can make the difference between a serious injury and a minor one."

The three-part, one-day safety program combines first-aid training, CPR and tree and bucket rescues for tree trimmers.

The defensive driving program is in line with new Occupational Safety and Health Association (OSHA) regulations.

"It covers everything imaginable, according to what kind of driving conditions our drivers face with our particular types of vehicles," Cole says.

The program will aid new employees who have never driven vehicles such as semis, conventional trucks, tanker trucks, pickup trucks and aerial units with buckets.

"Defensive driving is a matter of changing an attitude, says driving coordinator Terry Owen, "and it doesn't happen overnight."

Davey has been recognized as a trailblazer since its inception almost 100 years ago. □



The Davey Tree Expert Company's first aid program is designed to teach employees how to deal with job injuries.

INDUSTRY

Smaller companies can now purchase 'big' through new green industry cooperative

LOUISVILLE, Ky. — Smaller green industry companies can now earn discounts and rebates on products through membership in the newly-formed Green Industry Cooperative (GIC).

Discounts offered by participating manufacturers will be similar to the discounts given to the single, large-volume buyer, many of which the smaller companies must compete against.

"My experience in the industry has convinced me of the immediate and continued acceptance of this concept," says Dave Fuller, who organized the cooperative with Mike Packer.

Fuller is the former owner of Fullcare, Inc., here. He serves on the board of the Professional Lawn Care Association of America (PLCAA). Packer is former vice president of sales of the Bunton Company.

Under the cooperative, GIC members purchase products as they normally do at current market prices. Cash rebates are

issued quarterly based on proof-of-purchase documents obtained from participating manufacturers.

"This is a win-win situation," says Fuller. "A manufacturer gains a new buyer, and a member of the co-op gains the opportunity to buy name brand products at discounted prices."

"I can relate to the need to identify and retain the small-volume buyer," says Packer. "It is nearly impossible—and very costly—for a single manufacturer to accomplish this on a national level."

Both men estimate that the green industry has more than 60,000 small- to medium-sized companies.

Landscape and lawn care companies with memberships in GIC will also receive new product news, research data and technical bulletins.

For more information on the unique Green Industry Cooperative, telephone (800) 548-6862. □

WILDFLOWERS

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serve to define the image or character of an area, and are more likely to remain than non-native species.

However, according to the group, seed costs and availability pose problems. Special equipment for planting, harvesting and cleaning the native seed is cost-prohibitive, and harvesting by hand takes up too much time.

Additionally, some species do not produce substantial quantities of seed, whether collected by hand or machine.

ASTA's Wildflower Group concedes that non-native annuals must be used in regions that do not have any native species or in which none are commercially available.

"The bottom line," says the group, "is that custom-

ers want a visible display that is attractive and colorful, which may necessitate planting some wildflowers that are not native.

"The gap between the ideal and the practical is widened by costs, availability and other realities of the marketplace."

For more information, contact ASTA at 1030 15th St., NW, Suite 964, Washington, DC 20005. □

Public is concerned over chemical care

MARTINSVILLE, N.J. — The 1990s contain mixed messages for the pest management industry, according to Dr. Norm Hummel of Cornell University.

Hummel sees more emphasis placed on good-looking lawns and landscapes, and a continued growth of golf, but not without consumer concern over chemical control products.

"The turfgrass industry must prepare for the 1990s by offering services that change with the wants and needs of consumers," says Hummel. "In so doing, we will remain competitive in what will most likely be a more competitive industry."

Hummel believes there are three key factors to consider during the 1990s:

- consumer demand;
- laws and regulations;
- and
- research/develop-

Turf selection, Hummel says, will become a bit more non-traditional.

ment.

According to Hummel, consumers have come to appreciate the value of high quality grasses, but have also become more health conscious. Reports on the negative aspects of pesticides have polarized much of the public away from pesticide use.

Hummel also thinks federal legislation will influence the use and registration of pesticides. "Many products will be lost due to failure to re-register all ma-

terials labelled before 1984," he predicts. "Last year, 20,000 products were lost because companies failed to re-register them with the EPA."

Research and development of new turfgrass species continues at a great pace, and Hummel predicts "hundreds of cultivars" ready by the end of the decade.

These include bluegrass, ryegrass, tall and fine fescues and bentgrasses. They will be cultivars that will perform with less water, fertilizer and pesticides.

Turf selection, Hummel says, will become a bit more non-traditional, and he predicts we will see more fine fescue greens.

"You may also hear about buffalograss, grama, blue grama and others for use in low-maintenance areas," Hummel continues.

Hummel clearly believes that smart business persons must brace themselves for change.

"Staying afloat in this business is more than just riding a wave," cautions Hummel. "We must look for the next wave and catch it. Change in the 1990s is inevitable. You've got to keep an open mind, keep informed and learn the new technology."

—Terry McIver □



Hummel: Hundreds of new cultivars ready by 2000.

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Sod improved by growth regulator

BLACKSBURG, Va. — Dr. J.R. Hall III of Virginia Polytechnic Institute & State University reports encouraging findings on improved rooting and sod strength through the use of growth regulators.

"Some of the growth regulators appear to provide increased rooting at sod installation if applied prior to harvesting," says Hall, who is in the second year of a two-year research program with Dr. Wayne Bingham, root specialist.

Hall's earliest hypothesis is that the regulators slow leaf growth, thereby conserving carbohydrates needed for root system regeneration.

Products being tested include Embark, Event,

Limit, Telar and Cutless.

"In last year's test," reports Hall, "Embark and Event actually reduced sod strength, but increased sod rooting 40 to 50 percent. The ones that were increasing sod strength were combinations of Embark and Telar and combinations of Limit and Event."

Hall says sod rooting was increased 30 to 50 percent with combinations of Embark and Event, and Event and Cutless.

"We've repeated the study this year," says Hall, "so we're hoping we can reproduce those results."

Hall and Bingham will present their findings at the October meeting of the American Agronomy Association in San Antonio. □

SEED

Bogus signatures extinguish hopes of anti-burn crew

ALBANY, Ore. — A much-ballyhooed grass seed field burning petition failed in July when it was discovered that thousands of the submitted signatures were those of unregistered voters.

According to Sue Proffitt of the Secretary of State's office in Salem, 7,614 signatures were declared invalid.

The initiative, sponsored by End Noxious Unhealthy Fumes (ENUF) would have established an immediate ban on field burning. Another failed initiative, sponsored by Oregonians Against Field Burning, sought to place on the ballot an initiative which would phase out the practice over time.

The failures provide the seed industry with some temporary shelter from the snares of further government intervention in a

business which provides thousands of jobs to citizens in the Northwest.

Field burning, the last step in the grass seed harvesting process, involves burning off old grass stalks to kill pests and bacteria. It has long been proven the most effective way of preparing a harvest site for the following year's planting.

Steve Tubbs of Turf Merchants, Inc. in Tangent, says the failure of the petition "gives us another year to work on the alternatives to field burning. We know it's going to come back," says Tubbs, "and we're working to have a lot more to show the next time, as far as finding our own solutions."

Bill Meyer, president of research for Turf-Seed, Inc., believes the failure of petitioners to obtain suffi-

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NEWS BRIEFS

ACROSS THE WATERS...Landscape contractors in England and Wales recently received a boost when legislation was passed requiring municipalities to accept bids. Many municipalities had been doing their own landscape maintenance. According to European sources, the new law has meant an opportunity for some municipal landscape managers to open their own private landscaping companies and submit bids to the government. Such a trend could increase the 2,600 private landscape contractors now operating in the U.K.

BUILD NUMBERS IN...F.W. Dodge reports that non-residential building contracts are expected to decline 10 percent this year. The research firm also forecasts a 17 percent decline in commercial and manufacturing buildings, a seven percent gain in educational building contracts, and a one percent drop in hospital and health construction. Residential construction is expected to dip by seven percent, with a three percent drop in single-family houses and a 20 percent decline in multi-family housing.

BIOLOGICAL STEPS...Mycogen Corp. has received a U.S. patent for bio-nematicides that are toxic to animal and plant parasitic nematodes. The company says the patent is based on several novel strains of the *Bacillus thuringiensis* (B.t.) bacterium discovered by Mycogen scientists. The bacteria produce proteins that are highly toxic to certain nematodes but are essentially non-toxic to mammals, birds, fish and beneficial insects.

UNCERTAIN FUTURE...A horticultural "oils task force" has been formed to deal with potential data requirements expected in the EPA re-registration process. The task force is manned by members of major horticultural oil producers. Horticultural oils are gaining wider acceptance in the landscape market as non-synthetic insecticides.

WELCOME TO THE FOLD...Two new green industry organizations have popped up recently: the Green Industry Council of Greater Los Angeles and the Lawn Care Association of Pennsylvania (LCAP). The former was necessitated because of "a wave of new and unfair regulations," according to a memo from president **Mickey Strauss**. The latter had its first meeting Aug. 30 at Toftrees Hotel Resort in State College. For more information, contact the GIC of L.A. at 3558 Overland Ave., Los Angeles, CA 90034 and the LCAP at P.O. Box 13848, Reading, PA 19612.

ServiceMaster and Waste Management form lawn care/pest control partnership

DOWNER'S GROVE, Ill. — ServiceMaster L.P. and Waste Management Inc. have agreed to form a new partnership with branches and franchises offering lawn care, pest control and cleaning services to homeowners.

The resulting partnership is expected to have a huge impact on the professional lawn care industry and a significant impact on the professional pest control industry.

ServiceMaster will contribute its consumer services business, including lawn care and cleaning, Terminix pest control, Merry Maids service and American Home Shield home service warranty. Waste Management will contribute its pest control and TruGreen lawn care businesses.

The venture, to be called

ServiceMaster Consumer Services L.P., will operate as a unit of ServiceMaster. Waste Management will be represented on the new company's board of directors but will not participate in its day-to-day management.

"We really don't have all the answers yet," notes Roger Ervin, who is ServiceMaster's vice president of financial relations. "The final agreement will be reached, hopefully, by year-end. We'd like to take the good pieces from both and improve upon our product and services."

In the area of lawn care, details which yet have to be worked out include:

- How will the TruGreen branch system fit into ServiceMaster's basic franchise concept?

- In territories where ServiceMaster Lawn Care

franchises and TruGreen branches overlap, how will accounts be handled?

- Will the TruGreen branches retain their corporate name or become known as ServiceMaster Lawn Care?

Similar problems are faced in pest control where Waste Management pest control and Terminix could overlap.

Nonetheless, "the new entity will have a real presence in the lawn care market, which we're excited about," Ervin notes. TruGreen, before the venture was announced, was the second-largest lawn care company in the country behind ChemLawn.

ServiceMaster will initially hold 80.1 percent of the common equity, Waste Management 19.9 percent. Waste Management will get a preferred interest which

is convertible into another 2.1 percent of the common equity of the partnership.

The new partnership is valued at approximately \$920 million. ServiceMaster's contributing businesses were responsible for \$750 million in revenue in 1989; Waste Management's for \$170 million.

The game plan, according to a report in the *New York Times*, is for Waste Management to focus on environmental services and for ServiceMaster to focus on consumer services.

"We are excited by the growth aspects we see ahead in the consumer services industry," notes Waste Management chairman and CEO Dean Buntrock. "We believe this combination will greatly enhance the development of the consumer services industry in the U.S." □

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Surviving the green industry: It's not as easy as it looks

PAINESVILLE, Ohio — "Entering the landscaping business is easy; survival is not," says Kurt Kluznik of Yardmaster, Inc.

Kluznik and co-owner Rick Colwell met when they were in their teens, and have been business partners ever since. Yardmaster, their landscape architecture/contracting/maintenance company, was born in 1971. Though headquarters are here, branch offices were opened in Pittsburgh (1987) and Bedford, Ohio (1989).

Kluznik says he understands how someone serving as a foreman for a landscape company can reach a point where owning



Yardmaster's Ed Gallagher (left) confers with crew members on a daily basis to keep things running smoothly.

a business looks like the only way to go.

"You get the entrepreneurial drive," he says. "You want to be a boss, you get tired of taking orders, you want to work when you want, hand pick the jobs, make more money."

But there is a price to pay, "when people experience business for a few months or a few years, and they find out that even though they think they are their own boss, in reality the customer is the boss, and you do what you have to do to satisfy the customer."

And being the company president doesn't necessarily mean the minions do all the work. Kluznik says ownership—especially in the early days of a company—"means you work seven days a week, or handle collections, handle the slow times and replace or

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Signed: Joe Bilderbach, Vice President/Circulation



Kluznik: Listen to customers

repair the equipment you didn't save up for. There is a lot of responsibility in being self-employed."

Yardmaster specializes in commercial property maintenance and residential landscaping. Current accounts number about 130.

Colwell handles the

landscaping division, while Kluznik oversees sales and the maintenance group.

Ed Gallagher, landscape management manager, says Yardmaster's maintenance business grew by about 50 percent in 1989, thanks to the Yardmaster name and its ability to provide maintenance on design/build jobs.

"Most of the major contractors know Yardmaster's the largest landscaper in Ohio and they're going to come to us initially to get bids," says Gallagher proudly. "They want to work with a substantial company."

Gallagher says one of the Yardmaster strategies is to establish accounts with companies currently relying on in-house crews, as done recently at an liberal arts private school and hospital.

"We show them what a maintenance contractor can do for them and their costs," explains Gallagher. "We can do in a day what it ordinarily takes a week for their own people (to accomplish)."

An important moment in the Yardmaster history occurred when Kluznik and Colwell decided to contact a business consulting firm, Ross Payne & Associates.

Business consultation, despite the extra costs involved, proved to be a worthy ingredient in the success formula. Combined with Kluznik's and Colwell's natural business skills, Yardmaster has maintained consistent annual growth of 25 to 30 percent, according to Gallagher: "We're a \$6 million operation with 180 to 200 employees."

—Terry McIver □

Knoop campaign wins excellence

DALLAS — "Don't Bag It," a lawn care program that reduces yard waste going into landfills by recycling grass clippings instead of bagging them, has earned the EPA's award of excellence for solid waste management.

Dr. Bill Knoop, a Texas A&M turfgrass specialist who devised the program, says, "People who want to make a difference in preserving the environment can do something that works—and do it immediately without spending a lot of time or money."

Robert E. Layton of the EPA says, "These efforts will help prevent us from burying ourselves in our own garbage."

For more information, read the article beginning on page 30. □

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