



**LAKE COUNTY, FLORIDA  
MESSAGES ON THE COUNTY'S DRAFT FERTILIZER ORDINANCE**

**NOVEMBER 14, 2017**



November 14, 2017

Dear Commissioner –

The Environmental Research & Education Foundation (EREF) would like to offer you several key messages related to your draft fertilizer ordinance as follows:

## **SCIENCE –**

Protecting water quality shouldn't be about politics, emotions or money. Protecting water quality is about implementing effective **evidence-based** policy. Evidence and facts don't care what your name or affiliation is. The evidence and facts are just that, whether you like them or not.

As it relates to urban fertilizer, the hard-science evidence is overwhelming and unequivocal. Specifically:

- The 2012 FDEP leaching study (<http://wfrec.ifas.ufl.edu/turfgrass-science/nutrient-management-research/fdep-funded-study/>) clearly shows that nitrogen simply does not leach or runoff from actively growing turfgrass, regardless of location, time of year, or soil moisture. Even the rate of application was essentially irrelevant.
- The peer review of the MACTEC study on the Wekiva River Basin (that study is used frequently statewide by activists to justify summertime fertilizer blackouts) performed in 2017 by Dr. Stuart Cohen (previously provided to your staff) concludes that MACTEC's report was biased and that its conclusions were incorrect. This undermines the basis for any derived policy strategy related to urban fertilizer.
- There is ZERO meaningful evidence of water quality benefits in ANY jurisdiction which has enacted a summertime fertilizer blackout. For example, the environmental staff from Orange County was recently on the record with respect to this fact. Conversely, anecdotal, observable and measurable evidence in Tampa Bay and the Indian River Lagoon demonstrates that the summertime fertilizer blackouts have had no favorable impact whatsoever.
- The summertime fertilizer blackouts were never anything more than a theory, now morphed to a mythology, and even that theory was based on a misunderstanding of the best practices associated with responsible nutrient applications (previously provided to your staff).
- The blackouts are not supported by FDEP, FDACS, the state's water management districts or UF/IFAS.

Eliminating the four-month summertime fertilizer blackout from your draft ordinance or, alternately, providing an exemption for licensed lawn-care professionals and BMP-trained homeowners would be the informed policy outcome. Recently, Orange County also considered amending their existing ordinance (passed in 2009 with professional/homeowner exemptions) to conform to the strict summertime blackout model. After an extensive stakeholder input process, **those changes were REJECTED by UNANIMOUS votes of both the Orange County Environmental Protection Commission and the Orange County Board of County Commissioners.** The exemption-based model was also recently passed by Citrus County, **home to four first-magnitude springs.**



## **TRAINING AND EDUCATION –**

The inclusion of a four-month summertime fertilizer blackout in your draft ordinance is eminently unfair and punitive for licensed lawn-care professionals and BMP-trained homeowners. We would like to offer the following observations:

- The training undertaken by licensed lawn-care professionals is excellent. The exam evolved from the expert guidance of the FDEP, FDACS and UF/IFAS, is highly regulated and independently administered, and fully serves the purpose for which it is intended – i.e. **to ensure essential technical proficiency by law.**
- Subjecting trained professionals to a blackout would lump the experts in with the fools. It would be the same as treating all drivers like drunk drivers. Ridiculous, right? **Punishing the innocent is NEVER good policy.** Removing the blackout from your draft ordinance or providing a professional/BMP-trained homeowner exemptions would still provide you all the available protection you can reasonably expect to achieve from those who act irresponsibly (through what is essentially an unenforced regulation), and allows the experts the respect and opportunity they have trained and worked for (i.e. **EARNED**).
- Aggressive, creative and relentless education should be the centerpiece of water quality protection efforts – not a 2 x 4 to the head of the very professionals and the trained homeowners who are your first line of defense against irresponsible fertilizer use. Education has proven over and over again to be the best and most cost-effective tool in achieving sustained behavioral change and a culture of natural resource protection. Observations of the education and messaging successes of the SWFWMD firsthand repeatedly demonstrates that fact. That is what your goal truly needs to be, and where more resources should be committed.
- Speaking of cultures of natural resource protection, we urge you – implore you – to invest a little time in getting to know the green industry. It won't take you long to see that all the stakeholder associations in the industry are and have been committed to creating just that kind of culture in their organizations, and disseminating that to their members and professionals. Please don't let ANYONE tell you otherwise!



## **THE ENVIRONMENTAL AND HUMAN HEALTH BENEFITS OF SUSTAINABLE GREENSPACES –**

The discussion of fertilizer ordinances often overshadows perhaps the most important element of the underlying subject – the environmental and human health benefits of sustainable greenspaces.

Most of us grew up with lawns and yards to play in or play on. Lawns are good – very very good. There is no arguing that homeowners cherish their lawns for many reasons. They soothe us and refresh us from the rigors of daily life and are a canvas for family life, sports and relaxation. That's not enough, you say? How about something more concrete, you ask?

Here are a few particulars:

- Turf is the ultimate water filter and erosion stopper. It is recognized worldwide in evidence-based practices as a KEY tool to be used for just those purposes. Beyond the massive filtration performed by lawns and landscapes, turf-covered swales and retention-detention areas offer proven remediation of stormwater and surface water, and reduce its velocity in storm events, filtering water and preserving precious topsoil.
- On a hot day, lawns will be 30 degrees cooler than asphalt and 14 degrees cooler than soil or mulch. The front lawn of eight houses have the cooling effect of about 70 tons of air conditioning. Wow.
- Lawns and landscapes are noise reducers, creating quieter spaces for life to take place.
- Seasonal pollens and dust must make their way through your lawn and landscape before they get to you!
- Get rid of grass? Starve grass? Really? In the era of greenhouse gas concerns, the enormous surface area of urban turf provides a critical carbon sink, and 2,500 square feet of lawn and landscape release enough oxygen daily for a family of four to survive. Not too shabby.

Finally, claims that summertime fertilizer blackouts don't hurt turf and landscapes are, well, just plain wrong. Using the so-called summer blends (which are not useful to the plant for food production – only nitrogen accomplishes that) is, at best, merely maintaining a semblance of color. By way of analogy, you could feed your dog only dog biscuits for four months a year. It might live, and have wonderfully good breath and clean teeth, but it would be terribly malnourished. Sustaining such a deficit diet year after year after year...certainly catastrophic. **It is simply self-evident that starving any living organism during its peak growing season is a recipe for decline and poor health, period.**

It is crystal clear that the unintended consequences of the summertime fertilizer blackout are real and pervasive, **increasing** the likelihood of water-quality problems due to poor turf health and the subsequent attempted catch-up application of nutrients to impaired landscapes during cooler months. We hope this is becoming abundantly clear, and re-emphasizing the urgent need to add critical exemptions to your draft ordinance, at a minimum.



## **RESPECTING THE CITIZEN / HOMEOWNER –**

As an elected official, you sometimes have the difficult task of finding fairness and balance in complex problems. We think this is one of those times. To date, most of the discussion has been on water quality and related policy considerations. There has been little, if any, specific recognition of the homeowners and property owners you represent. You know them well of course – they are your friends and neighbors. They are local business owners and employees. They are the voters. Maybe a brief pause is in order.

Most homeowners and property owners purposefully acquired their properties with lawns and landscapes as an integral part of the property's value and enjoyment. Even so, it is known that there is a percentage of those property owners who do almost nothing in the way of caretaking and are therefore not really relevant to the fertilizer discussion. For the remainder, we would argue that you could safely credit most of them with managing those greenspaces responsibly. It is this very group who suffer the most from the imposition of a four-month fertilizer blackout on everyone, including licensed lawn-care professionals and BMP-trained homeowners. These latter two groups do the right things and behave the right way to beautify their communities, and to protect their investments and their way of life. Then, BOOM – NO FERTILIZER FOR YOU! How can that possibly be characterized as good policy? Whether intended or not, it lumps those responsible homeowners and property owners in with the few bad actors who are not taking this seriously. Whether intended or not, that is enormously disrespectful to them and their standing as good citizens of the Lake County. Simply put yourself in their shoes!

We urge you to regard the consequences of the draft ordinance through and through, remembering the good, responsible people that live, work and play here, and who care for Lake County and its environment just as much as you or anyone else.



## **COLLABORATION VS. CONFRONTATION –**

We hope you have benefitted from these messages. Thank you for taking the time to read them.

Our goal has been to look beyond the emotionalized aspects of this discussion. We appreciate and respect real commitment to natural resources – that describes us in fact. But our experience tells us that we need to be guarded against the tactical exploitation of those same strong feelings. **We have heard representatives of certain activist groups openly acknowledge their goal is to scare people and to make trouble. That strikes us as exactly the wrong thing to do, and we trust you would agree.**

What this issue needs is a healthy dose of collaboration. We often think of the enormous amounts of time spent on – to a large extent wasted on – the confrontational aspects of this discussion, particularly when it seems like everyone's objective is exactly the same! That is not the same as having frank discussions about a complex problem. But it does mean a respectful setting with a relentless goal of learning and progress – **a setting where evidence rules.**

We pledge to offer our support for any action or opportunity like that. We have important resources and a world of experience to offer. We hope you will take us up on it.

Thank you.

