



TO: City of Edgewater
DATE: January 7, 2019
SUBJECT: Proposed Fertilizer Ordinance

Dear Members of the City Council for the City of Edgewater:

The purpose of this letter is to address the proposed fertilizer ordinance for the City of Edgewater. Our organization, the Environmental Research & Education (EREF), represents professionals in the green industry throughout Florida, including those involved in the production and care of lawns and landscapes, golf courses, sports fields and sustainable greenspaces, along with a wide array of associated businesses, all populated with hard-working Floridians who take the protection of water quality very seriously.

Responsible fertilizer use is strongly proscribed by the Florida Urban Turf Rule, the Florida Department of Environmental Protection's (FDEP) Model Fertilizer Ordinance, and broad evidence-based guidance contained in numerous formal Best Management Practices operated under rule by the FDEP, the Florida Department of Agriculture and Consumer Services (FDACS), and other cognizant professional bodies. **Further, substantive peer-reviewed research (e.g. <https://wfrec.ifas.ufl.edu/turfgrass-science/nutrient-management-research/fdep-funded-study/>) provides inarguable evidence that the responsible application of nutrients to actively growing turfgrass and landscapes does not contribute to urban nutrient runoff in any material way.**

Your draft ordinance states it is intended to address the impacts of improper fertilizer use, but fails to fully distinguish between those regulated by the ordinance. Accordingly, EREF is reluctant to endorse any blackout or ban on the responsible use of fertilizer by licensed lawn-care professionals and BMP-trained homeowners. However, in an effort to capture the potential adverse impacts of irresponsible nutrient usage, EREF supported the passage and renewal of the fertilizer ordinance in Orange County, Florida, a copy of which is attached. The summary of our support is as follows:

- ❑ The ordinance contains all the provisions of the FDEP model ordinance referred to above and fully satisfies the statutory requirements of The Springs and Aquifer Protection Act and is similar in most ways to your draft ordinance.
- ❑ While exceeding the provisions of the FDEP Model Ordinance by adding a prohibited period during which no Nitrogen or Phosphorus fertilizer may be used (from June 1 to September 30 each year), the ordinance provides BMP-based

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exemptions for farms, golf courses, **licensed lawn-care professionals and BMP-trained homeowners. Such exemptions were included in Orange County's original ordinance passed in 2009, which enjoyed documented and broad public support from environmental groups, industry and all related agencies.**

- ❑ The Orange County ordinance was formally reconsidered by Orange County in a lengthy process in 2017 which included months of public input and a pathway of separate public hearings before both the Orange County Environmental Protection Commission and the Orange County Board of County Commissioners. **The ordinance passed both boards in its original form BY UNANIMOUS VOTES.**
- ❑ The Orange County model has been adopted recently by Citrus County, Hernando County and Alachua County.
- ❑ The approach taken by Orange County is propelled by an education-forward regulatory program **which addresses the REAL culprits in the issue of urban fertilizer use – those who through ignorance or carelessness handle fertilizer and lawn care irresponsibly. THE ORDINANCE PURPOSEFULLY DISTINGUISHES AND EXEMPTS LICENSED LAWN-CARE PROFESSIONALS AND BMP-TRAINED HOMEOWNERS** from the prohibited application period (the latter of which can obtain education and certification through features on Orange County's website which is actively managed by its staff personnel using principals contained in Florida law and in the professional BMP programs referred to previously).
- ❑ **Since the adoption of its ordinance, Orange County has been successful in removing impaired waters from its FDEP BMAPS.**
- ❑ In the event of passage by the City of Edgewater of any fertilizer ordinance with a prohibited application period, that there should also be established a statistically-sound before-and-after water-quality testing program (including tests for the stable isotopes associated with urban fertilizers, as distinguished from other forms of Nitrogen). Such a plan would provide guidance over the long term for any changes and updates which might be necessary for such an ordinance.

In addition to these points, we urgently ask that you not be misled by the argument that “summer blends” and “micro-nutrients” are adequate substitutes for Nitrogen. They are not – only nitrogen provides the fuel plants need for making the food necessary for their survival. Similarly, please also note that professional lawn-care companies and responsible manufacturers of bagged fertilizer utilize zero-phosphorus materials and have been doing so for many years.

These provisions satisfy the environmental protection needs desired by the City of Edgewater, and fully protect the enormous benefits of sustainable greenspaces in providing filtration of pollutants and runoff, as well as many other important human-health benefits (<http://www.ereflorida.com/good-for-the-environment/>) often taken for granted.

In conclusion, we strongly believe that the Orange County model is the only fair standard of fertilizer ordinances in terms of addressing water quality, education, professionalism and evidence-based policy making, and would support such an approach by the City of Edgewater.

Alternative ordinance language which fails to provide exemptions for licensed lawn-care professionals and BMP-trained homeowners would be to treat all fertilizer uses and users the same. This would be exactly like treating all drivers like drunk drivers, resulting in punishing those professionals and educated homeowners who should be considered collaborators, not culprits, **and who are your first line of defense in responsible nutrient management.**

We respectfully request your favorable consideration of the Orange County model as THE model to be used for the City of Edgewater, and by doing so engendering a proven-successful and collaborative approach to the protection of its water quality.

Thank you in advance for your consideration and for all you do for the City of Edgewater.

Sincerely,

ENVIRONMENTAL RESEARCH & EDUCATION FOUNDATION

A handwritten signature in purple ink that reads "Mac Carraway". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Mac Carraway, Executive Director