



March 13, 2020

TO: The City of Maitland, Florida

RE: City Council Agenda Item IX.3. / Ordinance – Amending Orange County Fertilizer

Dear Members of the City Council:

Thank you again for your courtesy and the opportunity to speak with you on Monday about the proposed change to your fertilizer ordinance. We were obviously disappointed with your decision to forward this to a public hearing, particularly without any indication or intention of further fact finding.

There are a number of specific things discussed during the meeting which should be clarified or corrected, some of which were addressed in the material which we already provided to you.

- ❑ It was stated that all cities in Seminole County adhere to its “no exemption” version of the ordinance. The City of Sanford, the County seat, rejected the Seminole County staff's persistent overtures to accept its version. Having been present at that public hearing, I can personally attest to the Sanford City Council's strong rejection of those overtures, and its enthusiastic passage of the Orange County version of the ordinance including the professional exemption.
- ❑ There was a statement that local governments can enact a ban on the sale of fertilizers. Currently, Florida statute no longer allows such bans.
- ❑ The given reason the City is pursuing this amendment is to enhance the City's sustainability initiative. The presumption is that your initiative is a science-based endeavor. However, as indicated in our testimony, the FDEP's peer-reviewed fertilizer study clearly indicates that summer applications of fertilizer to lawns and landscapes are not a risk for nutrient movement. If you are aware of some other comparable research refuting this conclusion, it was not apparent in your discussion, and we would appreciate knowing more about it.
- ❑ In an appeal to your common sense, making Nitrogen applications unlawful in the high-uptake growing season leaves the off-season as the only lawful time for it to be applied. It should be self-evident that nutrients applied during the low-uptake period are far more likely to migrate toward local waters when root systems are seasonally inactive, all as clearly established by the published evidence. In other words, the proposed amendment mandates risky behavior.
- ❑ In an appeal to your sense of fairness, there was no comment from the City Council on the basis for putting experienced, trained and licensed professionals on the same footing as those who act irresponsibly or out of ignorance.
- ❑ It was encouraging to hear City Council Member Reponen acknowledge our industry's transition to a zero-Phosphorus approach, which has been the case for

many years. This confirms our assertion that the industry's evidence-based practices are light years ahead of public opinion (reaction) and, more importantly, stand in contrast to inaccurate conventional wisdoms like fertilizer blackouts that rely on repudiated cause-and-effect narratives for their appeal.

- ❑ With respect to our comments on jurisdictional chaos, City Council Member Lowndes stated that the simplicity of "no fertilizer applications" was the opposite of chaos, which is true as far as it goes. The real-time context of our comment referred to the indisputable chaos created by the existence of a multiplicity of regulatory schemes within the same watershed. Chaos is a reality when you can literally cross the street and have different rules of operation. By definition, evidence-based policy should have a single outcome. Such an outcome would emanate from the State's existing Urban Turf Rule and the clear language of Florida statute preempting formulation of fertilizers to the Florida Department of Agriculture and Consumer Services.

Members of the City Council, your eagerness to address water quality is admirable, and we certainly support your current ordinance. However, we strongly believe amending this ordinance runs counter to your goals. We reiterate our call on you to reach out to the University of Florida researchers on the FDEP study referred to in our prior communication and hear their conclusions for yourselves. Their recent testimony in Collier County, joined by the County's expert staff guidance, led the County to reject all fertilizer blackouts in their entirety.

In conclusion, we urge you to delay the consideration of this amendment subject to further fact finding. In the meantime, we have advised our stakeholders of your decision and feel certain they will have much more to ask about your justification for such an action.

Thank you for your continuing consideration.

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 at the end.

Mac Carraway, Executive Director