



TEXT OF EMAIL DATED MARCH 9, 2020

Dear Members of the Maitland City Council:

Good Morning –

My name is Mac Carraway and I am the Executive Director of the Environmental Research & Education Foundation, Inc. (EREF). EREF represents professional stakeholders in Florida's green industry, including professionals in sod production, lawn care, golf course and sports turf management, landscaping and related interests.

EREF has actively followed the development of fertilizer ordinances by local governments throughout Florida for over ten years, accumulating broad knowledge related to those efforts. It is from this experience and point of view that we offer the following comments, as well as the attachments to this email (which will expand on these comments).

Item IX.3. on your agenda for Monday, March 9, 2020 is Ordinance - Amending Orange County Fertilizer. The text of the City's draft change removes the exemption for licensed lawn care professionals from the restrictions on fertilizer applications from June through September. **Before taking such a punitive regulatory action, please consider our attached communications and the following points:**

- ❑ The existing professional exemption was passed as an integral part of the original Orange County ordinance in 2009 with support from environmental organizations, and is similar to other ordinances throughout the state (e.g. The City of Sanford; Citrus County).
- ❑ The exemption was confirmed again in 2017 by the unanimous votes of both the Orange County Environmental Protection Commission and the Orange County Board of County Commissioners after months of expert testimony and interaction with County staff, as well as with appointed and elected officials. Our organization and our stakeholders were extensively involved in that process.
- ❑ The objective of fertilizer ordinances is to address improper or irresponsible use of fertilizer and related practices – for example excessive fertilizing, fertilizing with the wrong materials, fertilizing impervious surfaces like driveways and sidewalks, and blowing grass clippings into storm drains. There can be no argument that these practices must be eliminated. However, eliminating this exemption removes a fair and critical distinction between experienced, trained and licensed professionals

who do NOT engage in such practices, and whose lives and livelihoods depend on managing nutrients responsibly, versus those who may be ignorant or careless – putting those two opposites on the same footing. We would greatly appreciate knowing on what basis, or more precisely on what published scientific evidence, such an action is reasonably justified.

- ❑ Any claims that all acts of fertilization, whether in the summer or otherwise, result in nutrient leaching or runoff are simply not supported by the facts or the research. The underlying narrative specific to the summer fertilizer blackouts themselves is conclusively false based on the peer-reviewed study by the Florida Department of Environmental Protection (FDEP) which can be found at this link. <https://wfrec.ifas.ufl.edu/turfgrass-science/nutrient-management-research/fdep-funded-study/>. This multi-year multimillion dollar study clearly establishes that fertilizer applied to actively growing lawns and landscapes in the summer does not migrate in any material way. In addition, research on runoff of applied fertilizer on Florida's highly permeable soils is nominal. While we support the existing ordinance, we can do so because of its educational component AND because it fairly and reasonably provides for a professional exemption.
- ❑ The exam for licensed lawn-care professionals is highly regulated and independently administered, and it fully performs the purpose for which it was intended, consistent with competency and licensure exams across virtually all professions.
- ❑ The City's agenda materials do not indicate that there has been any direct outreach to those who will be severely impacted by this regulation. As one of the statewide organizations representing the hard-working people who grow, install and care for Florida's urban greenspaces, we always welcome such outreach. In addition, we are also not aware of any outreach having been directed to any of our partner organizations. Norms of due process call for regulators to engage with those being regulated and to present compelling evidence supporting their actions before passing such measures.
- ❑ It would surprise us if you do not hear sooner or later that our only interest is "in the money". Any such claims would be a specious dismissal of the decades of research and best practices which are ingrained in what we do, which are incorporated by rule into Florida Statute, and which have contributed significantly to water quality improvement throughout the state. It would be self-defeating for us to promote a polluting status quo merely to protect a business interest, and we count on your sense of fairness and propriety to all of your constituents to reject any such arguments.

Members of the City Council and staff, it would be a matter of intense frustration to the thousands of good people we represent that they might have no say in this matter and that such a sweeping piece of regulation impacting jobs and lives might occur with no meaningful input from those being regulated. A few minutes of testimony at an eventual public hearing is not commensurate with either the complexity of these matters or with the enormous impact of what the amendment would do. Our stakeholders are your constituents, neighbors, friends and taxpayers who love and care for Florida's natural systems as much as anyone. **They are not culprits to be effectively profiled as polluters, which is**

exactly what your ordinance amendment would do. They are in fact your first line of defense in responsible fertilizer use!

We respectfully ask that you do not take this action, and instead engage with us. Our belief is that the existing ordinance provides the most effective platform for an education-forward approach toward promoting responsible fertilizer use with your citizens as it has demonstrably been for Orange County and others over the years since its original enactment. We would be pleased to meet with you further to share our knowledge base with you. I plan on attending the meeting and will be happy to answer any questions you may have.

Thank you in advance for your consideration, and to Ms. Waldrop and Ms. Anselmo for their very prompt and courteous responses to our inquiries.

Mac Carraway

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Attachments