



Everglades Coalition

A RESOLUTION OF THE EVERGLADES COALITION SUPPORTING THE ADOPTION OF STRONG URBAN FERTILIZER ORDINANCES BY LOCAL GOVERNMENTS

1000 Friends of Florida
Angler Action Foundation
Audubon Florida
Audubon of Southwest Florida
Audubon of the Western Everglades
Audubon Society of the Everglades
Backcountry Fly Fishers of Naples
Calusa Waterkeeper
Cape Coral Friends of Wildlife
Center for Biological Diversity
Conservancy of Southwest Florida
Defenders of Wildlife
“Ding” Darling Wildlife Society
Earthjustice
Environment Florida
Everglades Foundation
Everglades Law Center
Everglades Trust
Florida Bay Forever
Florida Conservation Voters Education Fund
Florida Defenders of the Environment
Florida Keys Environmental Fund
Florida Native Plant Society
Florida Oceanographic Society
Friends of the Arthur R. Marshall
Loxahatchee National Wildlife Refuge
Friends of the Everglades
Hendry-Glades Audubon Society
International Dark-Sky Association,
FL Chapter
Izaak Walton League of America
Izaak Walton League Florida Division
Izaak Walton League Florida Keys Chapter
Izaak Walton League Mangrove Chapter
Lake Worth Waterkeeper
Last Stand
League of Women Voters of Florida
Martin County Conservation Alliance
Miami Pine Rocklands Coalition
Miami Waterkeeper
National Audubon Society
National Parks Conservation Association
National Wildlife Refuge Association
Natural Resources Defense Council
North Carolina Outward Bound School
Ocean Research & Conservation Association
Peace River Audubon Society
Reef Relief
Sanibel-Captiva Conservation Foundation
Sierra Club
Sierra Club Florida Chapter
Sierra Club Broward Group
Sierra Club Calusa Group
Sierra Club Central Florida Group
Sierra Club Loxahatchee Group
Sierra Club Miami Group
South Florida Audubon Society
Southern Alliance for Clean Energy
The Florida Wildlife Federation
The Institute for Regional Conservation
The National Wildlife Federation
Theodore Roosevelt Conservation
Partnership
Tropical Audubon Society

WHEREAS, many of Florida's waterways do not meet water quality standards and nutrient pollution is one of the state’s most significant water quality problems; and

WHEREAS, nutrient pollution - excess nitrogen and phosphorous - originates from many sources, including septic tanks, inadequately treated wastewater, agricultural production and urban stormwater; and

WHEREAS, nitrogen and phosphorus fertilizer applied on lawns and landscapes can leach and runoff yards into waterways and fuel harmful algae outbreaks; and

WHEREAS, nitrogen and phosphorous pollution-fueled blooms of algae can produce toxins and deplete oxygen in the water, killing fish, other aquatic organisms, water fowl, pets, and livestock; and

WHEREAS, creating an ordinance and education program to regulate the timing, quantity, and content of fertilizers applied to urban landscapes is one of the most cost-effective steps a community can take to protect water quality and quality of life; and

WHEREAS, since 2007, thirteen counties and over one hundred municipalities have adopted “strong” urban fertilizer ordinances; and

WHEREAS, these urban fertilizer ordinances include strict (no exemption) rainy season application bans and a number of other protective provisions related to the content and rate of fertilizer application; and

WHEREAS, the science behind the many strong local fertilizer ordinances is voluminous; every local government that has adopted a strong ordinance since 2007, and especially since 2009, has a public record of all of the science used to determine the viability of a strong ordinance in the respective watershed. In 2009, Florida Statute (403.9337) mandated that each ordinance stronger than the Florida Department of Environmental Protection (FDEP) Model ordinance be “science-based, and economically and technically feasible”. Since that date ordinances covering 11 counties, and in most cases all of their respective municipalities, have been adopted and implemented; and

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WHEREAS, the Florida Department of Agriculture and Consumer Services (FDACS) has never challenged the legality or the science behind any of the existing ordinances. In December 2014, the Florida Department of Agriculture and Consumer Services (FDACS) updated the labeling requirements for DIY bags of turf fertilizer in the state to include the following language: “*Check with your county or city government to determine if there are local regulations for fertilizer use;*” and

WHEREAS, the fertilizer industry’s response has been positive. In 2015 Scotts® announced a new summer-safe, no N-no P, turf product. It is an example of the positive response received by many urban fertilizer manufacturers since the first summer rainy season bans were adopted in 2007.

NOW, THEREFORE, BE IT RESOLVED THAT:

The Everglades Coalition supports local government adoption of strong urban fertilizer ordinances more stringent than the state model baseline. There are several aspects that constitute a strong fertilizer ordinance:

1. **Weather and seasonal restrictions:** No applicator shall apply fertilizers containing nitrogen and/or phosphorous to turf and/or landscape plants during the restricted season from June 1 through September 30.

2. **Fertilizer content and application rate:**
 - a. Fertilizers shall be applied to turf and/or landscape plants at the recommended rate per the "Florida Friendly Best Management Practices for Protection of Water Resources by the Green Industries", December 2008, as revised, with no more than four pounds of nitrogen per 1,000 feet² applied in any calendar year. *Note: The 4 lb. per year limit has been in effect in Sarasota County since 2007.*

 - b. No fertilizer containing phosphorus shall be applied to turf and/or landscape plants, except where phosphorus deficiency has been demonstrated in the soil underlying the turf and/or landscape plants by a soil analysis test performed by a State of Florida-certified laboratory. Any person who obtains such a soil analysis test showing a phosphorus deficiency and who wishes to apply phosphorus to turf and/or landscape plants shall mail a copy of the test results to the respective local government prior to the application of phosphorous. *Note: The zero phosphorous language has been found in strong ordinances since 2010. In 2011, Scotts® announced they would completely remove phosphorus from their lawn maintenance fertilizers, including Scotts® Turf Builder®, the best-selling lawn fertilizer in the United States*

 - c. Nitrogen fertilizer shall not be applied on newly established turf or new landscape plants for the first 30 days.

 - d. Granular fertilizers containing nitrogen applied to turf and/or landscape plants shall contain no less than 50 percent slow release nitrogen per guaranteed analysis

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label. Note: “At least 50% Slow Release Nitrogen” has been in strong ordinances since 2007.

- e. Liquid fertilizers containing nitrogen applied to turf and/or landscape plants shall not be applied at a rate that exceeds 0.5 lbs./1,000 feet² per application. *Note: The 0.5 lbs./1,000 feet² per application has been in strong ordinances since 2007.*
- 3. Fertilizer-free zones:** Fertilizer shall not be applied within 15 feet from the top of bank of any surface water, landward edge of the top of a seawall, designated wetland or wetland as defined by the Florida Department of Environmental Protection (Chapter 62-340, Florida Administrative Code, as it may be amended or superseded).

APPROVED AND ADOPTED this 11th DAY OF September 2020.



Mark Perry
Co-Chair



Marisa Carrozzo
Co-Chair

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