



# Everglades Coalition

January 29, 2019

Mayor Francis Suarez  
Commissioner Alex Diaz de la Portilla, District 1  
Commissioner Ken Russell, District 2  
Commissioner Joe Carollo, District 3  
Commissioner Manolo Reyes, District 4  
Commissioner Keon Hardemon, District 5

Miami Riverside Center (MRC)  
444 SW 2<sup>nd</sup> Avenue  
Miami, FL 33130

RE: Everglades Coalition Supports a Strong Urban Fertilizer Ordinance for the City of Miami

Dear Mayor and Commissioners:

On behalf of the 62 member organizations of the Everglades Coalition committed to the protection and restoration of America's Everglades, we want to express our support for a strong urban fertilizer ordinance for the City of Miami.

Since 2007, thirteen counties and nearly ninety municipalities have adopted "strong" ordinances which all include strict (no exemption) rainy season application bans and a number of other protective provisions related to the content and rate of fertilizer application. These provisions, which we urge you to include in your ordinance, include the following:

**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.

**Fertilizer content and application rate:**

1. 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 feet<sup>2</sup> applied in any calendar year.

*Note: The 4 lb. per year limit has been in effect in Sarasota County since 2007.*

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 Federation  
Natural Resources  
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

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2. 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 City 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.*

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

4. Granular fertilizers containing nitrogen applied to turf and/or landscape plants within the City shall contain no less than 50 percent slow release nitrogen per guaranteed analysis label.

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

5. Liquid fertilizers containing nitrogen applied to turf and/or landscape plants within the City shall not be applied at a rate that exceeds 0.5 lbs. /1,000 feet<sup>2</sup> per application.

*Note: The 0.5 lbs. /1,000 feet<sup>2</sup> per application has been in strong ordinances since 2007.*

**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).

There are other provisions that should be included in a strong/protective ordinance, but the above are the most noteworthy and important.

**The science behind the state’s many strong ordinances is voluminous.** Each and every county that has adopted a strong ordinance since 2007, and especially since 2009, has a public record of all of the science it used to determine the viability of a strong ordinance in their 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.

**The Florida Department of Agriculture and Consumer Services (FDACS) has never challenged the legality or the science behind any of the existing ordinances.** It should also be noted that in December 2014 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.*”

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**The fertilizer industry's response has been positive.** In 2015 Scotts® announced their 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.

**Lawns are healthier with less nitrogen.** Rick Barth, President, Palmer Ranch Master Property Owner's Association gives powerful testimony in this 2009 letter: <https://drive.google.com/file/d/0Byjb07VUznvMYzFLRGnqTmdlSG8/edit?usp=sharing>

**In conclusion:** Strict rainy season ban ordinances have been in effect along the gulf coast for nearly 13 years; strong ordinance provisions are not a new idea but rather a set of well-established and accepted practices through which local governments can address and reduce pollution borne by local storm water runoff.

Respectfully,



Mark Perry  
Co-Chair



Marisa Carrozzo  
Co-Chair

cc: Victoria Méndez, City Attorney  
Todd B. Hannon, City Clerk

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