



Agriculture and Natural Resources Policy Committee

Committee Actions

**November 4, 2009
2:00 pm - 5:00 pm
102 Reed Hall**

**Larry Cretul
Speaker**

**Trudi Williams
Chair**

COMMITTEE MEETING REPORT
Agriculture & Natural Resources Policy Committee

11/4/2009 2:00:00PM

Location: Reed Hall (102 HOB)

Summary:

Agriculture & Natural Resources Policy Committee

Wednesday November 04, 2009 02:00 pm

HB 69 Favorable With Committee Substitute

Yeas: 12 Nays: 0

Committee meeting was reported out: Wednesday, November 04, 2009 5:31:04PM

COMMITTEE MEETING REPORT
Agriculture & Natural Resources Policy Committee

11/4/2009 2:00:00PM

Location: Reed Hall (102 HOB)

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Trudi Williams (Chair)	X		
Leonard Bembry	X		
Debbie Boyd	X		
Mary Brandenburg	X		
Dwight Bullard	X		
Rachel V. Burgin	X		
Steve Crisafulli	X		
Greg Evers	X		
Richard Glorioso	X		
Bill Heller	X		
Paige Kreegel	X		
Debbie Mayfield	X		
Jimmy Patronis	X		
Totals:	13	0	0

Committee meeting was reported out: Wednesday, November 04, 2009 5:31:04PM

COMMITTEE MEETING REPORT
Agriculture & Natural Resources Policy Committee

11/4/2009 2:00:00PM

Location: Reed Hall (102 HOB)

HB 69 : Food Safety

Favorable With Committee Substitute

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Leonard Bembry	X				
Debbie Boyd	X				
Mary Brandenburg	X				
Dwight Bullard	X				
Rachel V. Burgin	X				
Steve Crisafulli	X				
Greg Evers	X				
Richard Glorioso	X				
Bill Heller	X				
Paige Kreegel	X				
Debbie Mayfield	X				
Jimmy Patronis			X		
Trudi Williams (Chair)	X				
Total Yeas: 12 Total Nays: 0					

Appearances:

HB 69
 Brian Pitts - Information Only
 Justice-2-Jesus
 1119 Newton Ave S
 St. Petersburg FL 33705
 Phone: 727-897-9291

Committee meeting was reported out: Wednesday, November 04, 2009 5:31:04PM

COMMITTEE MEETING REPORT
Agriculture & Natural Resources Policy Committee

11/4/2009 2:00:00PM

Location: Reed Hall (102 HOB)

Other Business Appearance:

Numeric Nutrient Criteria

Jerry Brooks (State Employee) - Information Only
Director, DEP
3900 Commonwealth Blvd
Tallahassee FL 32399
Phone: 850-245-8338

Numeric Nutrient Criteria

Paul Steinbrecher - Information Only
Florida Water Environment Association Utility Council
21 W Church St T8
Jacksonville FL 32202

Numeric Nutrient Criteria

Charles Bronson (State Employee) - Information Only
Commissioner of Agriculture
402 S Monroe St Plaza 10, The Capitol
Tallahassee FL 32399
Phone: 850-488-3022

Numeric Nutrient Criteria

Mike Sole (Lobbyist) (State Employee) - Information Only
Secretary of DEP
3900 Commonwealth Blvd
Tallahassee FL 32399
Phone: 850-245-2011

Numeric Nutrient Criteria

Frank Mathews (Lobbyist) - Information Only
Association of Florida Community Development
PO Box 6526
Tallahassee FL 32301
Phone: 850-222-7500

Numeric Nutrient Criteria

John Fumero (Lobbyist) - Information Only
President, Fumero Law Group, P.A.
950 Peninsula Corporate Circle #2020
Boca Raton FL 33487
Phone: 561-982-7114

Numeric Nutrient Criteria

Chuck Aller (Lobbyist) (State Employee) - Information Only
Director, Agricultural Resource Management
402 S Monroe St The Capitol, Plaza 10
Tallahassee FL 32399
Phone: 850-410-6732

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COMMITTEE MEETING REPORT
Agriculture & Natural Resources Policy Committee

11/4/2009 2:00:00PM

Location: Reed Hall (102 HOB)

Numeric Nutrient Criteria

David Still (Lobbyist) - Information Only

Executive Director, SRWMD

9225 CR 49

Live Oak FL 32060

Phone: 386-362-1001

Numeric Nutrient Criteria

Henry Dean (Lobbyist) - Information Only

FL Crystals

201 Owens Ave

St. Augustine FL 32080

Phone: 904-460-8327

Committee meeting was reported out: Wednesday, November 04, 2009 5:31:04PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment 1

Bill No. **HB 69**

COUNCIL/COMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	✓	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	—	

1 Council/Committee hearing bill: Agriculture & Natural Resources
2 Policy Committee
3 Representative Crisafulli offered the following:

4
5 **Title Amendment**

6 Remove line 2 and insert:

7 An act relating to tomato food safety; amending s. 500.03, F.S.;

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment 2.

Bill No. **HB 69**

COUNCIL/COMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	✓	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	_____	

1 Council/Committee hearing bill: Agriculture & Natural Resources
 2 Policy Committee
 3 Representative Crisafulli offered the following:

Amendment (with title amendment)

Remove lines 136-154:

T I T L E A M E N D M E N T

Remove lines 20-21 and insert:

Vegetables for tomato food safety inspections;

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment 3.

Bill No. **HB 69**

COUNCIL/COMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	✓	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	_____	

1 Council/Committee hearing bill: Agriculture and Natural
2 Resources Policy Committee
3 Representative Crisafulli offered the following:

4

5 **Amendment**

6 On lines 63 and 101, remove:

7 and

8

9 And insert:

10 or

11

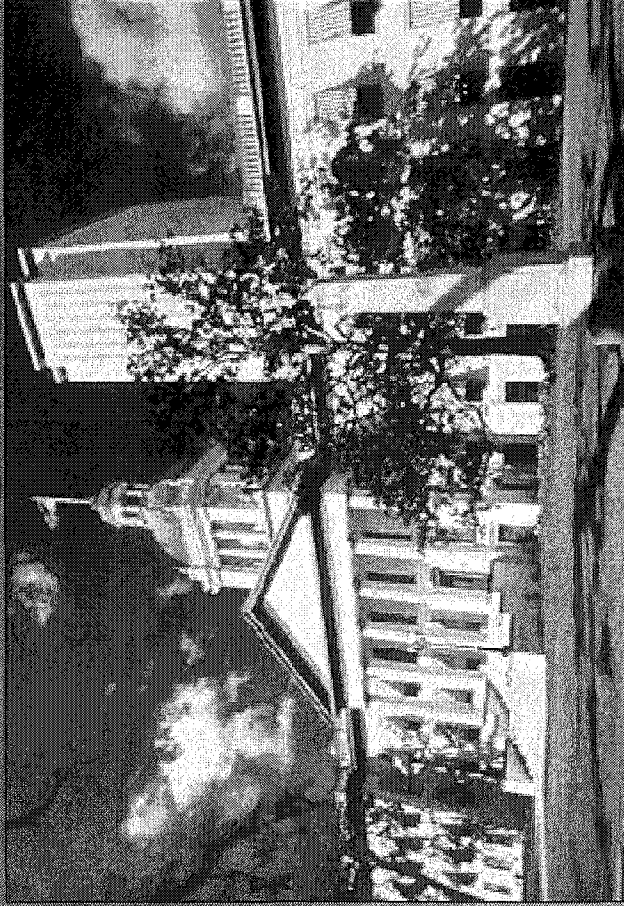
12

Numeric Nutrient Criteria

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FUMERO LAW GROUP, P.A.

Numeric Nutrient Criteria

Proposed New Water Quality Regulations
for the State of Florida

FUMERO LAW GROUP, P.A.

Introduction

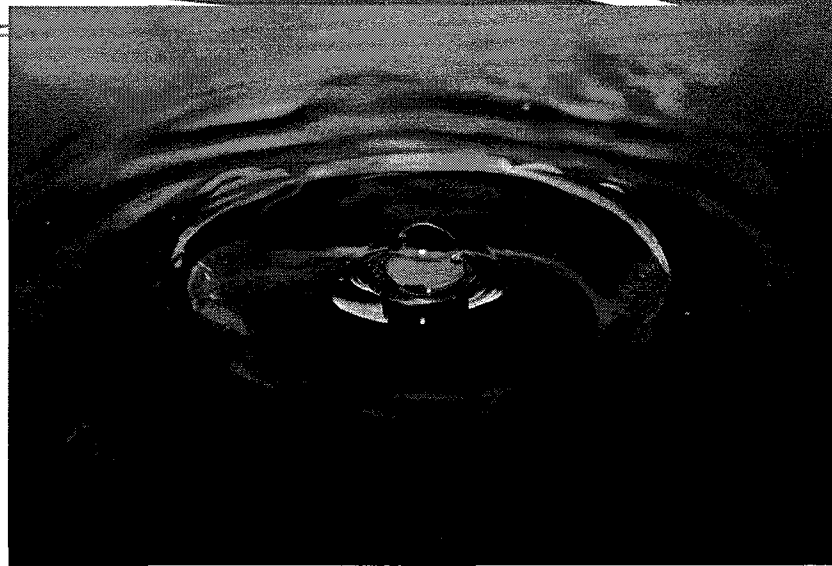
- Florida has established robust standards and enacted programs to support water quality.
- In many ways Florida leads the nation. DEP has been working with a Technical Advisory Committee (TAC), comprised of water quality experts from many stakeholder groups, on the establishment of numeric nutrient criteria.
- TAC and the DEP produced a Numeric Nutrient Criteria Plan in September 2007 which outlined it's approach for developing numeric nutrient criteria throughout the state. This plan was submitted to and generally agreed upon by the EPA.

- In the summer of 2008, several environmental organizations in Florida filed a lawsuit in federal court against the EPA Administrator alleging that the agency had failed to comply with its responsibility under the Federal Clean Water Act.
- In January 2009, EPA issued a determination letter to the Florida DEP basically requiring that it meet a strict deadline for adopting such standards or else the EPA would step in and establish federal criteria for the state.
- These deadlines are litigation driven and not based on science or technical procedure.
- Florida is the ONLY state that has been singled out by the EPA with such deadlines and federal oversight.

Concerned Florida Businesses, Associations and Public Entities

The undersigned Florida businesses, associations and public entities share critical concerns about the US Environmental Protection Agency (EPA) proposals to establish new stringent numeric nutrient water quality standards throughout Class III waters by January 2010.

- Associated Industries of Florida (AIF)
- Association of Florida Community Developers
- Clay County Utility Authority
- City of Flagler Beach
- Florida Agriculture Coalition
- Florida Aquaculture Association
- Florida Association of Special Districts
- Florida Chamber of Commerce
- Florida Engineering Society
- Florida Farm Bureau Federation
- Florida Forestry Association
- Florida Fruit & Vegetable Association
- Florida Land Council
- Florida Nursery, Growers and Landscape Association
- Florida Pulp and Paper Association
- Hobe St. Lucie Conservancy District
- Mosaic North Florida Growers Exchange
- Rayonier
- Southeast Milk, Inc.
- Tampa Bay Wholesale Growers



- Support efforts to protect Florida's water quality, waterways and biologic resources.
- Respect the state's Total Maximum Daily Loads (TMDLs).
- Recognize the aggressive water quality standards that Florida has established and the progressive programs it has put in place to achieve them.

The proposed numeric nutrient criteria released in June 2009 is:

1. Technically and scientifically unsupported.
2. Arguably economically unattainable creating major hardships for every sector of Florida's economy and local governments.
3. Not consistently related to the health of flora and fauna (i.e. freshwater and marine-based plant and animal life).

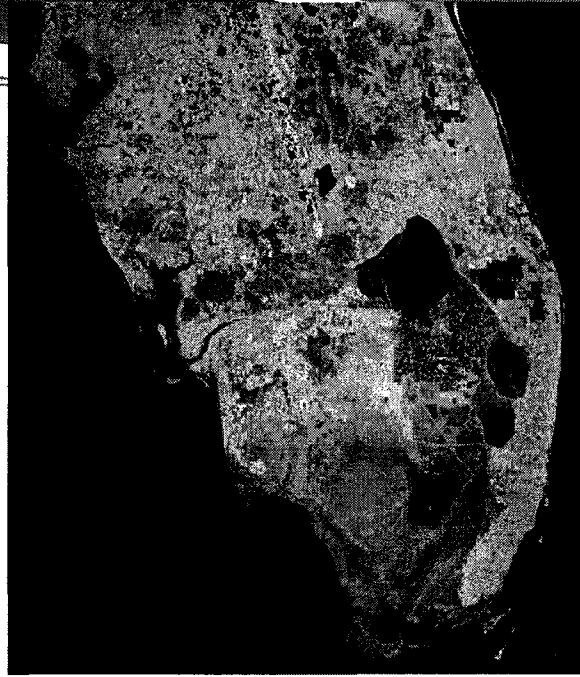
Concerns

1. Criteria that may be proposed by the EPA will, in many cases, be impossible to meet.
 - DEP has identified the most pristine lakes and remote waterways in the state's six different regions.
 - Concentrations of phosphorus and nitrogen found in these water bodies are then being applied to water bodies and discharges of water within defined regions.
 - Discharges from commercial, agricultural and public water utilities may not replicate absolutely pristine conditions.
 - For South Florida, the DEP has decided that numeric nutrient criteria are "To Be Determined," insofar as the agency has not developed a plan for dealing with a region whose water regimes are so based-upon and influenced by thousands of miles of manmade canal systems.

2. The economic impacts of these regulations have not been estimated, yet alone analyzed, and could result in dire consequences for the state's overall economy. No economic impact statement has been developed. However, initial assessments indicate that:
 - Almost every major industry will be affected — small business, water and wastewater utilities, agriculture, landscaping, power generation, silviculture, mining, seaports, development, even tourist attractions and recreational facilities, basically any enterprise which discharges water.
 - Such harsh or unattainable regulations will put Florida in a severely disadvantaged position, compared to other states, when it comes to retaining or attracting jobs, economic development, retaining and attracting businesses.
 - Again, Florida is being singled out despite nationally recognized and progressive water resource protection programs

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3. Artificial water bodies such as drainage facilities, stormwater lakes, agricultural holding ponds, flood protection systems and even reservoirs for alternative water supply and restoration projects will be impacted. The result – added costs to taxpayers!
- The standards will likely dictate the need to make enormous investments in water quality technologies in order to meet the criteria and continue to operate for public health and safety and food production.
 - Local governments could be especially hard hit in terms of massive retrofits to drainage facilities, and public utilities. Utility customers will incur the impact. Low and fixed income consumers vulnerable.
 - There needs to be a economic impact analysis developed.
 - Same limited dollars could be put to better use in achieving real environmental protection and gains.



- The imposition of such nutrient standards could have detrimental environmental consequences:
 - Excessive nutrient concentrations could damage fisheries and ecosystems.
 - Chemical intervention to achieve unrealistic numbers would create more of a detrimental outcome in the long run.

Current Status

- The Florida Department of Agriculture and Consumer Services (DAC) has filed to intervene in the Earthjustice suit... issues are the economic impact, the questionable science and the extent to which Florida is being singled out among all the states on this matter.
- WMDs are intervening as well.
- The Fairness Hearing may be the best bet to get the EPA/Earthjustice consent order thrown out.
- Filings in the Fairness Hearing come before Judge Hinkle is in mid-November.
- FSA and DEP recognize the need to reclassify water bodies specifically Class III water bodies which include manmade canals.
- Florida's water body classification is almost four decades old.

Questions?

- For further information, please contact me at:
 - John@Fumerolaw.com
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 - 561.315.4595