

NEWS RELEASE

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SIERRA CLUB FILES LEGAL ACTION AGAINST UNIVERSITY OF FLORIDA-INSTITUTE OF FOOD AND AGRICULTURAL SCIENCES

On September 20, 2011 Robert Hartsell, Esq., representing the Sierra Club, filed a complaint against the University of Florida-Institute of Food and Agricultural Sciences (IFAS) charging it has not fulfilled public records requests made by the Sierra Club in contradiction to the Florida Government-In-The-Sunshine law and the Public Records Act Chapter 119, Florida Statutes. The lawsuit comes after years of refusal by IFAS to respond to legitimate questions asked by the Sierra Club and local governments with regard to contradictory messaging about urban fertilizer management.

The records sought will provide the names of the external and internal reviewers, and their reviews, of several IFAS papers that have been created for and used by the opponents of urban fertilizer regulation, and details regarding the decision-making process that led a handful of IFAS administrators to denounce and lobby against the Florida Department of Environmental Protection's and IFAS' own Florida-friendly urban fertilizer recommendations.

Hartsell stated "It makes absolutely no sense why IFAS would make it so difficult to obtain public documents supporting a publication relied on by so many government agencies in the State. It certainly calls into question the efficacy of the publication itself." "The law is clear in this case, IFAS has a statutory duty to permit the inspection and copying of public records."

Cris Costello, Regional Representative of the Sierra Club, stated "The goal of this legal action is to unearth the basis for the unexplained contradictions between the University's Florida Yards and Neighborhoods program urban fertilizer recommendations and the lobbying position at the local and state government legislative levels of a few IFAS administrators."

"Until the *"Unintended Consequences"* papers are fully vetted and the reasons for the University's conflicting messages are explained, Florida communities will remain at risk for preemption legislation in 2012 and only the most expensive methods to reduce nutrient pollution." said Costello.

Background

Since 1994, IFAS and the Florida Department of Environmental Protection (FDEP) have published guides for environmentally friendly landscaping, entitled the Florida Yards and Neighborhoods (FYN) Handbook. Starting in 2007, governments at the municipal and county level began codifying the FYN recommendations into urban fertilizer ordinances – the most cost-efficient method of reducing the nitrogen and phosphorous pollution that puts local waterfront economies at risk for harmful algae outbreaks. However, these local governments were mysteriously met with significant pushback from IFAS, the very same institution that publishes the FYN recommendations and promotes them through their county extension services statewide.

In March 2009, IFAS released a publication entitled “*Unintended Consequences Associated with Certain Urban Fertilizer Ordinances*” that promoted less protective standards than those found in the 2009 FYN Handbook. The Sierra Club and local governments challenged the veracity of the “*Unintended Consequences*” publication and requested that IFAS stop transmitting it to local governments as the “official” position held by the University on urban fertilizer management until such time as it was adequately vetted. In April 2010, the University informed the Sierra Club that the “*Unintended Consequences*” publication had been internally and externally reviewed and would be revised, but repeated requests for the results of that review, directed at numerous University administrators, went unanswered.

In July 2010 the Sierra Club finally submitted a formal public records request that was denied by the University claiming that the review documents were not public records. Soon thereafter the Sarasota County Attorney’s Office analyzed the University’s position and found no legal basis for the refusal. The Sierra Club, and others, including Sarasota County, sent subsequent public records requests to the University, including a request related to the revised “*Unintended Consequences*” publication released in February 2011, to no avail.

Many in the fertilizer, turf, pest control and landscape maintenance industries hold up the “*Unintended Consequences*” publications as “scientific proof” that the stronger pollution control measures in the FYN Handbook are inferior to the weaker standards promoted by those industries. IFAS administrators do the same at local and state legislative hearings – in direct conflict with IFAS’ own FYN recommendations and without any science to validate their claims.

There are now nearly 50 municipal and county-level governments that have incorporated the FYN recommendations into strong urban fertilizer management policies, but these ordinances, with the help of the unsubstantiated “*Unintended Consequences*” publications have been threatened with state preemption during each and every legislative session since 2007.

Links

Complaint:

https://docs.google.com/viewer?a=v&pid=explorer&chrome=true&srcid=0B_7uu4nD-pQ1ZWEyZmVhNzQtNzBhYi00MmZkLTgyNzAtZTM1YjA5YjViZili&hl=en_US

Complaint Attachments:

https://docs.google.com/viewer?a=v&pid=explorer&chrome=true&srcid=0B_7uu4nD-pQ1NzQ5ODg5NzAtYzc5ZS00NTk3LWE1NGUtYTlZYTZlOTUyZDIz&hl=en_US

Sarasota County legal memo and public records request:

https://docs.google.com/viewer?a=v&pid=explorer&chrome=true&srcid=0B_7uu4nD-pQ1NjMOMzg0MTgtYTA0Yi00MzVmLTg1N2YtYTA3MGNhNDg1NWly&hl=en_US

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