

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

AGRICULTURE
Senator Siplin, Chair
Senator Bullard, Vice Chair

MEETING DATE: Tuesday, October 4, 2011
TIME: 8:30 —10:30 a.m.
PLACE: *Mallory Horne Committee Room, 37 Senate Office Building*

MEMBERS: Senator Siplin, Chair; Senator Bullard, Vice Chair; Senators Alexander, Dockery, Garcia, Hays, Montford, and Simmons

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	Presentation on Sensor Based Technologies for Agricultural Irrigation and Nutrient Management		Presented
2	Discussion on Best Management Practices by the Fertilizer Institute		Presented
3	Presentation on Processes and Procedures for E-Coli Testing in Florida		Not Considered
4	Discussion on Citrus Packing in Florida		Presented
5	Presentation and Discussion on Large Farming Operations in Florida		Presented
Other related meeting documents			

Tab 1

2

THE FLORIDA SENATE

COMMITTEE APPEARANCE RECORD

(Submit to Committee Chair or Administrative Assistant)

10/4/11

Date

Bill Number

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Speaking: [] For [] Against [x] Information

Appearing at request of Chair []

Subject AGRICULTURAL TECHNOLOGIES

Representing FDACS

Lobbyist registered with Legislature: [] Yes [x] No

Pursuant to s. 11.061, Florida Statutes, state, state university, or community college employees are required to file the first copy of this form with the Committee, unless appearance has been requested by the Chair as a witness or for informational purposes.

If designated employee: Time: from _____ .m. to _____ .m.



OFFICE OF AGRICULTURAL WATER POLICY

**Sensor-based Technologies for Agricultural
Irrigation and Nutrient Management**

**Florida Department of Agriculture and
Consumer Services
Adam H. Putnam, Commissioner
Terry Pride
October 4, 2011**

BMPs - Good for the Farmer, Good for the Environment

- Per statute, FDACS BMP programs address water quality/conservation to reduce environmental impacts.
- BMPs allow producers to implement practical, common-sense management actions and to improve their efficiencies while sustaining yields.
- Key BMPs are nutrient and irrigation management, which are all about targeting the water and fertilizer to the root zone where plants can use it (amount/placement/timing).



High-Technology BMPs

- Ag producers have been progressive over the years in employing new technologies - from hand tools, to animal-powered equipment, to heavy machinery, to computer-based technology.
- Improving BMPs will be more about achieving greater efficiencies than developing new practices.



Some Current and Emerging Technologies

- BMP “Tools,” including Global Positioning Systems
- Low-volume Irrigation Systems and Retrofits
- Sensor-based Fertilization and Irrigation



BMP Tools & Equipment



Estimated Water and Fertilizer Reductions on Farms Using Crop Tools in the Suwannee Basin

- Fifteen farms participating achieved an average 50-lb reduction per acre in nitrogen application.
- If the 232 farms enrolled in the basin (encompassing 130,000 acres) used these tools, the estimated reduction in lbs of nitrogen applied per year would be 3,250 tons (6.5 million lbs).
- Philman Farm saved 7.8 million gallons of water annually on a 120-acre field through the use of soil moisture data.

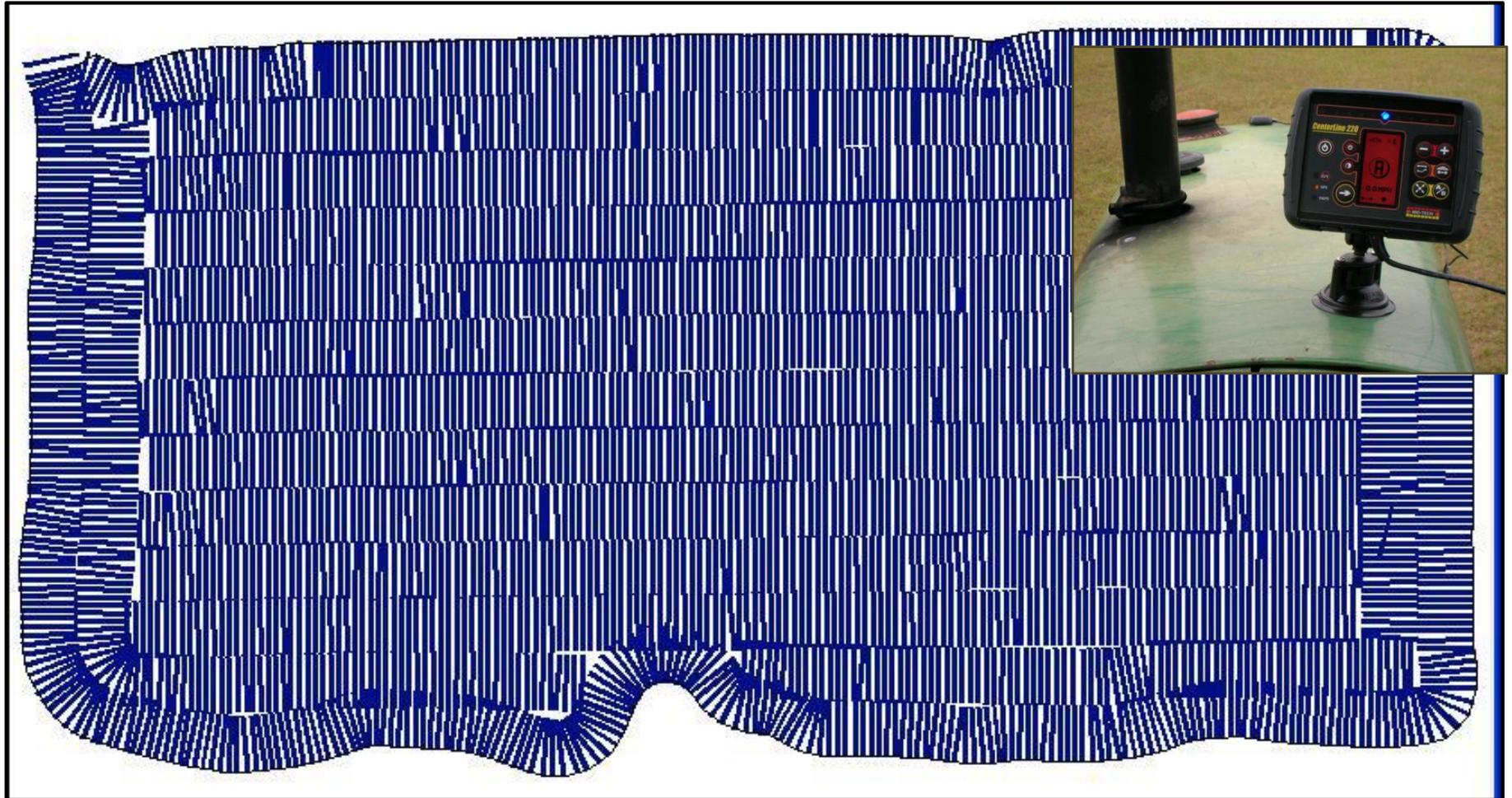


Variable-Rate Fertilizer Application

- Allows producers to apply different rates of fertilizer across fields, and avoids overlapping applications.
 - In-cab computer and software with a field zone application map
 - Fertilizer equipment capable of changing rates during operation and a Global Positioning System (GPS) to monitor field locations
- In citrus operations, equipment measures the tree height or canopy and varies the rate of application accordingly.
- Significant fertilizer reduction and cost savings



Sensor-based Fertilizer Application



Low-Volume Irrigation

Improved irrigation systems and scheduling techniques not only provide substantial water savings, but also can reduce potential water quality impacts.

- Increases irrigation water use efficiency and thus reduces water use
- Through fertigation allows nutrients to be targeted to and retained in the root zone longer, reducing nutrient losses through leaching and surface transport
- Mobile Irrigation Labs evaluate irrigation efficiency and provide water-saving recommendations.



Drip Irrigation at a Nursery



Center-pivot Irrigation System with Low-pressure Drop-nozzle Retrofit



Emerging Technology

- New frontier of technology - computer-driven, use of sensors and satellites.
- Current pilot projects directed toward on-farm demonstrations to adjust the technology to real situations and familiarize farmers with it.



Development/Application of Sensor-Based Technologies

- Design, deployment, and testing of the use of soil moisture sensor-based irrigation automation.
- Sensors, software, and crop models developed to accomplish an overall reduction in farm water use, and sustain optimum crop yields/quality.
- Sensors for nitrogen and phosphorus being tested under field conditions.
- Intensive data collection on water-table response to rainfall and irrigation management, to determine water release and nutrient loading in seepage irrigation systems.
- Demonstrated temperature/humidity Ag sticks to automate frost/freeze protection.

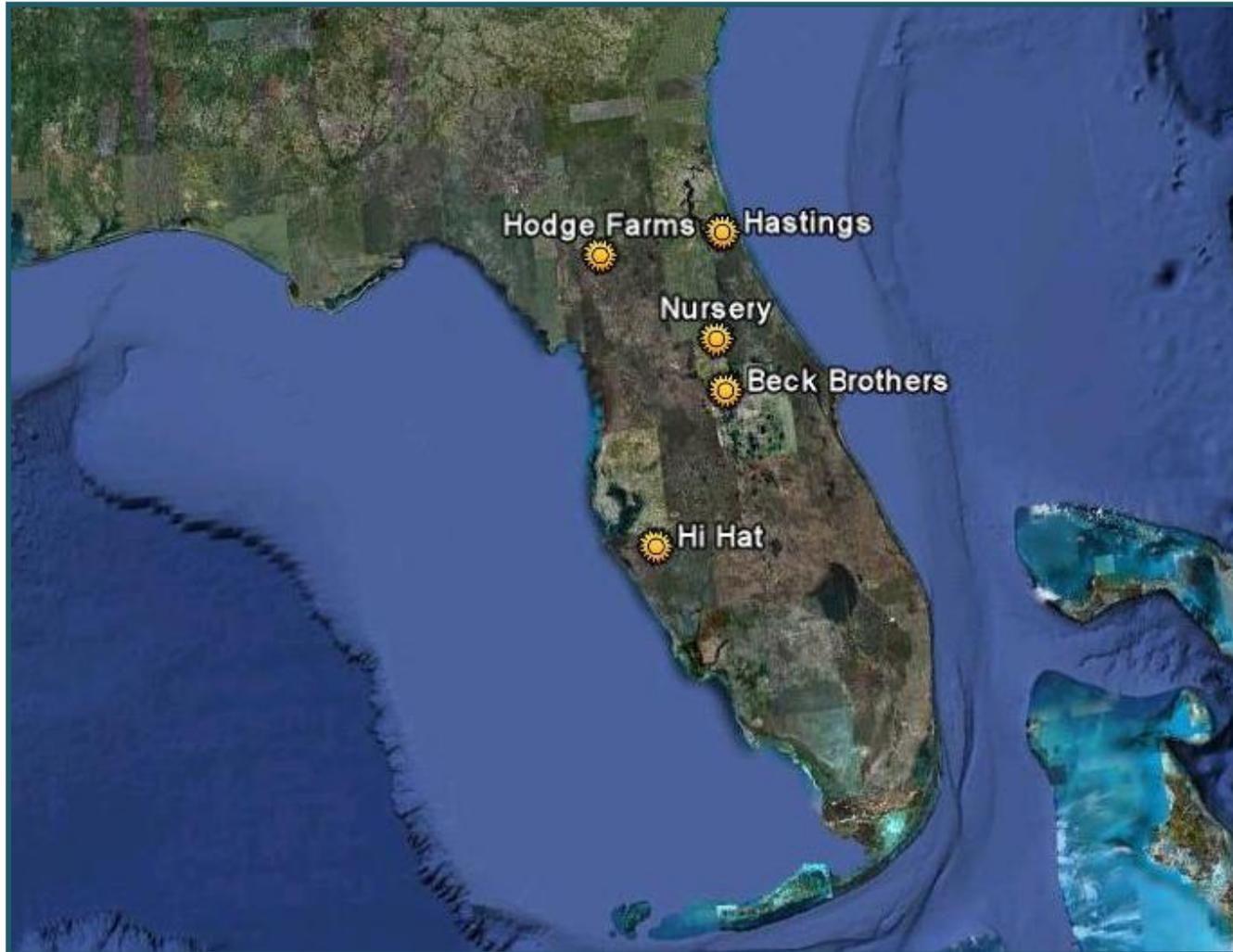


Bottom Line

- Integrated hardware and software for the collection and display of sensor data from remote locations.
- Provides real-time status and monitoring; allows for automation and remote control of irrigation and other farm equipment.
- **Goal:** To accomplish a reduction in on-farm water use and nutrient loss, while sustaining crop yields/quality.



Remote-sensor-based Technology Demonstration Sites



Remote Technology

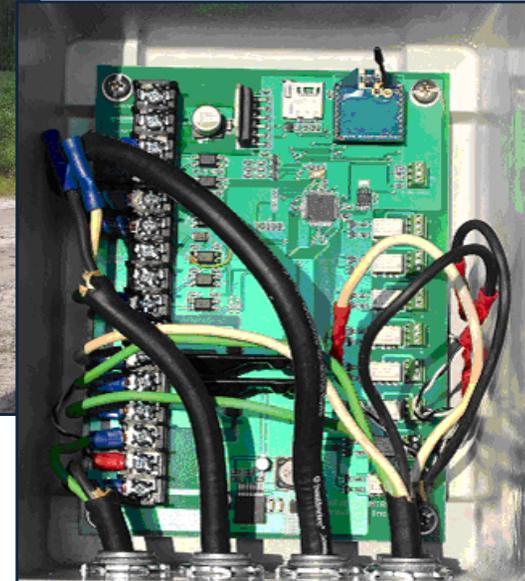
- The 2010 project at Beck Bros. Citrus, located in Windermere, included onsite temperature monitoring to determine the safest time to turn on/off irrigation valves, which resulted in a 44% reduction in irrigation water requirements for freeze protection.
- Hi Hat Ranch located just outside Sarasota, used soil moisture sensor-based irrigation in 2010 and 2011; their crop yields on average increased 23 percent.



Hodge Farms - Newberry, FL



Sensor-based Network at Hodge Farms



Looking Ahead

- New technology has to be fine-tuned and made as reliable as possible to justify cost and gain the trust of producers.
- New technologies are expensive, but become more affordable over time.
- Need research and cost-share funding to get there.





Thank You!

OFFICE OF AGRICULTURAL WATER POLICY

www.FloridaAgWaterPolicy.com

Terry Pride
850-617-1700

3 Tab 2

THE FLORIDA SENATE

COMMITTEE APPEARANCE RECORD

(Submit to Committee Chair or Administrative Assistant)

10/4/11

Date

Bill Number

Barcode

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State

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Speaking: For Against Information

Appearing at request of Chair

Subject 4R Nutrient Stewardship, fertilizer Best Mgmt. practices

Representing The Fertilizer Institute

Lobbyist registered with Legislature: Yes No

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If designated employee: Time: from .m. to .m.



4R Nutrient Stewardship

Florida Senate Agricultural Committee

Lara Moody, The Fertilizer Institute
Director of Stewardship Programs



Agriculture Facing Challenges

- Population growth will continue to increase demands on production efficiency
- Increased scrutiny related to land and resource management



Essential Goal of Agriculture

- Simultaneously improve productivity & efficiency
 - Increasing societal demands
 - Global financial stress
 - Growing concerns on impact to air and water quality
- Efficiency without productivity
 - Increases pressure to use marginal lands
- Productivity without efficiency
 - Squanders resources & increases environmental impact

4R Nutrient Stewardship

- Improve agricultural production while contributing to social well being and minimizing environmental impacts (benefits water and air quality)
- 4R represents the use of fertilizer Best Management Practices to ensure:
 - the right source
 - at the right rate
 - at the right time
 - in the right place



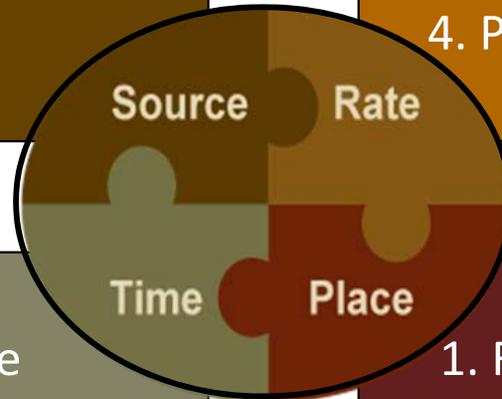
4R Nutrient Stewardship

- Match nutrient supply with crop requirements and to minimize nutrient losses from fields
- BMPs effecting fertilizer Source, Rate, Time, & Place are site specific
 - Practices chosen for a given field are dependent on soil, climate, and management conditions, crop selection, and other site specific factors

Framework for management systems and education based on basic universal scientific principles

1. Supply in plant available forms
2. Suit soil properties
3. Recognize synergisms among elements
4. Blend compatibility

1. Appropriately assess soil nutrient supply
2. Assess all available indigenous nutrient sources
3. Assess plant demand
4. Predict fertilizer use efficiency



1. Assess timing of crop uptake
2. Assess dynamics of soil nutrient supply
3. Recognize timing of weather factors
4. Evaluate logistics of operations

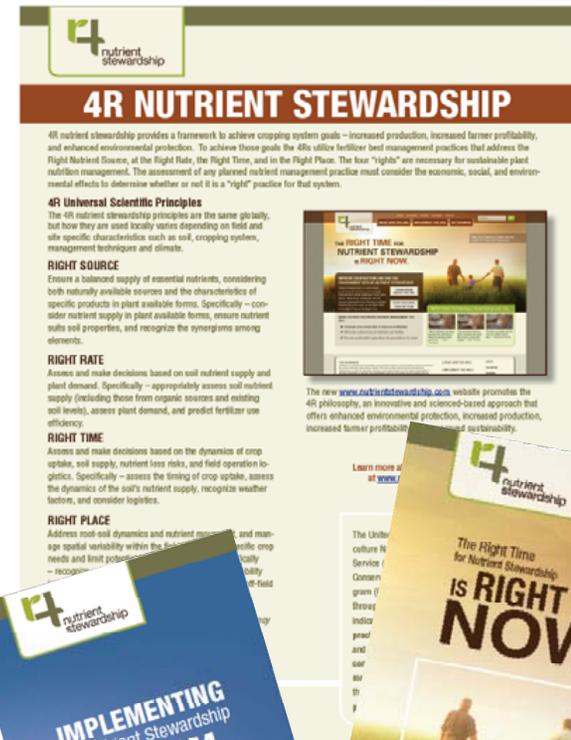
1. Recognize root-soil dynamics
2. Manage spatial variability
3. Fit needs of tillage system
4. Limit potential off-field transport

Example Fertilizer BMPs

- Source
 - Select appropriate fertilizer nutrient source, consider fertilizer form, consider enhanced eff. fertilizers
- Rate
 - Grid or zone soil testing for rates, nutrient budgeting to plan management and application, plant tissues testing address spatial variability; in season methods for in season decisions
- Time
 - Follow recommended times for nutrient applications, split apps to improve uptake, enhanced eff. fertilizers
- Place
 - Utilize app. methods that limit losses, incorporate fertilizers, couple apps. with appropriate soil conservation

Industry 4R Implementation

- Increase awareness of the 4Rs
- Provide 4R educational tools & resources
- Establish partnerships with key stakeholders
- Increase & evaluate 4R adoption
- Recognize 4R adopters



Want More 4R Info?

www.NutrientStewardship.org provides:

- Articles regarding fertilizer best management practices
- Information about partner products and service that supplement 4R
- Information about 4R supporters
- Video testimonial from producers and service providers utilizing 4R

The screenshot shows the homepage of the Nutrient Stewardship website. At the top, there is a navigation menu with links for 'ABOUT', 'CALENDAR OF EVENTS', 'FUNDING', 'PARTNERS', and 'CONTACT US'. Below this, there are three main navigation buttons: 'WHAT ARE THE 4Rs', 'IMPLEMENT THE 4Rs', and '4R TRAINING'. A search bar is located on the right side of the header. The main content area features a large banner with the text 'THE RIGHT TIME FOR NUTRIENT STEWARDSHIP IS RIGHT NOW.' and a background image of a family walking in a field. Below the banner, there are several sections: 'Improve Your Bottom Line and the Environment with 4R Nutrient Stewardship.' with a 'LEARN MORE ABOUT THE 4RS' button and a 'START BUILDING YOUR 4R PLAN' button; 'WATCH VIDEO TESTIMONIALS - FROM PEOPLE LIKE YOU' with three video thumbnails and their respective quotes; 'THE 4R MISSION' section; and a footer with 'What are the 4Rs', 'About', 'Calendar of Events', 'Funding', and 'Partners' links, along with the logo for 'The Fertilizer Institute'.



www.nutrientstewardship.org

Fertilizer BMPs

- On Nutrientstewardship.com
- Under “Implement the 4Rs”
- BMPs listed by “R’s”
 - Source
 - Rate
 - Time
 - Place



PLANT TISSUE ANALYSIS TELLS THE STORY

[Print this article](#) | [Send to a friend](#)

PLANT TISSUE ANALYSIS IS GOOD MEDICINE FOR CROPS

Plant tissue analysis determines essential nutrient concentrations in sampled plant tissues. It complements a proven soil testing plan and helps identify ways to use nutrients more efficiently. Unseen nutrient imbalances or toxicities can be identified, as well. It also measures the efficacy of fertilization and nutrient programs, as well as the levels of nutrients such as, copper, iron, sulfur and others not observed in routine soil tests.

Plant nutrient levels vary depending on the stage of maturity, the part(s) sampled, hybrid or variety and environmental conditions. Sampling earlier in the season identifies deficiencies in time to make corrective nutrient applications, if needed, to help reach yield goals and manage economic risks. Late-season samples tend to offer a “mirror into the past” at how sufficiently nutrients were taken up. This “mirror” can help you plan nutrient needs for the upcoming season.

In addition, plant tissue analysis is a proven diagnostic tool to help compare nutritional variances between normal and abnormal sections of fields. No matter the crop, plant tissue analysis is worthwhile to help determine nutrient needs. As crop values continue to rise, tools such as this and soil sampling are essential to fiscal and yield success. Balancing conservation practices, input use, and tillage to achieve optimum yield and plant nutrition are approached using a holistic point of view.

Bear in mind, plant tissue analysis should not be the sole basis for making fertilizer decisions. It should be used alongside soil test results, records of lime and nutrient applications, cropping history and recent crop protectant applications.

USE ANALYTICS TO PLAN NUTRIENT MANAGEMENT



Plant tissue analysis, put simply, is taking a snapshot of the nutrient concentration of a plant part at some point in time. Relating it to medical procedures makes it easier to understand. Plant tissue analysis has two primary uses. One is **diagnostic**. The other is **monitoring**.

The latter has been used fairly successfully in crops such as cotton, potatoes, sugar beets, tomatoes, grapes and other high-value crops. With monitoring, growers aim to get a trend over time and use that trend provided by tissue concentrations of nutrients to evaluate overall health.

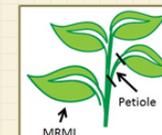
A diagnostic approach with plants is no different. When we get sick, we go to the doctor. Tests are performed. We find out what’s wrong and determine how to fix it. That’s how the diagnostic or troubleshooting approach works with crops: to determine if there’s a problem or not. If there is, the analysis is the beginning of the reasoning to take corrective action.

Standard values, often established by universities, for each crop and each region guide the diagnosis. These values state that at maturity stage “A,” plant tissue nutrient levels should be at stage “A,” as well. If tissue levels don’t meet those values, it could be that something in the soil supply has been depleted. If it’s early enough in the season, it’s possible more nutrients could be applied, sometimes in a foliar application. Or, perhaps other corrective action is needed.

TAKE SAMPLES CORRECTLY

When it comes to diagnostics, it’s important to remember there’s a difference between soil deficiencies and plant deficiencies. Some agronomists recommend taking a plant sample *and* a soil sample at the same time. This way, when you examine results, you may find that you have an uptake problem that’s causing poor plant performance. Soil compaction, moisture levels, tillage practice, insects and other factors can cause variations in results, as well. That’s why it’s important to look at the big picture as often as possible.

Once you start taking samples, it’s critical to **get the right plant part at the right growth stage**. A general rule of thumb is to use the **most recently matured, fully developed leaf** for more mature plants. For young plants, you can generally use the entire plant. For high-value crops, the petiole is used.



The most recent mature leaf (MRML) is the first fully expanded leaf below the growing point. It is neither dull from age nor shiny green from immaturity. For some crops, the MRML is a compound leaf. For example, the MRML on soybeans and strawberries is a trifoliate compound leaf, or three leaflets comprising one leaf. The petiole is the slender stalk attaching the leaf to the stem.

THIS ARTICLE IS ABOUT...

RIGHT SOURCE | RIGHT RATE | RIGHT TIME | RIGHT PLACE

PLANT TISSUE ANALYSIS IS VALUABLE FOR ALL CROPS

- Tissue testing complements a proven soil testing program
- Plant tissue analysis has two primary uses - one is diagnostic and the other is monitoring
- It’s critical to get the right plant part at the right growth stage
- Try to take samples at the same time and at the same growth stage year after year

4R Quarterly Newsletter

- Complete the “Contact Us” form on www.NutrientStewardship.org to sign up for the 4R Nutrient Stewardship quarterly newsletter
- Receive updates on:
 - Website’s articles
 - 4R events calendar
 - Updates to the 4R initiative



4R nutrient stewardship

4R NUTRIENT STEWARDSHIP NEWS & RESOURCES

IN THIS ISSUE OF THE 4R REPORT

- An Introduction to 4R Nutrient Stewardship News & Resources
- Soil Sampling Enhances Crop, Maximizes Fertilizer Use
- Split Fertilizer Application Helps Optimize Nutrient Management
- Plant Tissue Analysis Tells the Story
- 4R Nutrient Stewardship Goes to the United Nations
- Get Involved with the 4R Initiative: Become a 4R Partner or Supporter
- 4R Supporter CTIC to Host Tour That Will Highlight Nutrient Stewardship
- Upcoming 4R Events

An Introduction to 4R Nutrient Stewardship News & Resources
Date Published: May 25, 2011

Welcome to the first issue of 4R Nutrient Stewardship News & Resources. You are receiving this publication because of your membership with The Fertilizer Institute (TFI), or as a result of requesting additional information while visiting www.nutrientstewardship.com.

Each quarter, you will receive this e-newsletter update, which will feature the latest agriculture news and agronomic educational resources available at www.nutrientstewardship.com. The newsletter will also draw your attention to upcoming events featuring the 4Rs, which may provide you with an opportunity to attend a conference or a learning session that will offer more information on the 4R concept that promotes the use of the right fertilizer at the right rate, right time and in the right place.

Additionally, if your organization has a newsletter and would like feature content included within 4R Nutrient Stewardship News & Resources, please contact TFI Director of Public Affairs Sarah Monke via e-mail at smonke@tfi.org.

For more information regarding 4R nutrient stewardship or www.nutrientstewardship.com, please contact TFI Director of Stewardship Programs Lara Moody by telephone at (202) 515-2721 or via e-mail at lmoody@tfi.org.

Soil Sampling Enhances Crop, Maximizes Fertilizer Use
Date Published: May 19, 2011

Proven soil sampling methods are essential for developing an accurate fertilizer recommendation. Soil samples provide a representation of the ability of the soil to supply nutrients to meet crop needs throughout the growing season, as well as support your desired yield. It's like pulling the dipstick on your engine to check the oil level. You wouldn't add oil without performing this simple step. The same should be true for a sound fertilization program. You must know existing nutrient levels before adding inputs to obtain optimum benefits. In other words, if you don't know what nutrients are available and in what amounts, your fertilizer application will be off. A precise soil analysis can result in more efficient fertilizer use, increase yields, lower costs and reduce environmental exposure. [surfsour reading](#)



Split Fertilizer Application Helps Optimize Nutrient Management
Date Published: May 19, 2011

Split nitrogen fertilizer applications can play an important role in a nutrient management strategy that is productive, profitable and environmentally responsible. Dividing total nitrogen application into two or more treatments can help growers enhance nutrient efficiency, promote optimum yields and mitigate the loss of nutrients. By more specifically synchronizing nitrogen supply with a plant's ability to utilize nutrients, split application can be an important component of nutrient management. "When you split your N application and put a portion on later, almost all of that second application will be taken up by the plant. Plant roots are more developed and better able to access the N and the plant's nitrogen requirement is increasing so uptake is much more efficient," adds Kigore who is also a Kansas Soybean Director, a Kansas Green Soybean Commissioner and executive secretary of the Kansas Forage and Grasslands Council. [Read this article](#)



Plant Tissue Analysis Tells the Story
Date Published: May 19, 2011

Plant tissue analysis determines essential nutrient concentrations in sampled plant tissues. It complements a proven soil testing plan and helps identify ways to use nutrients more efficiently. Unseen nutrient imbalances or toxicities can be identified, as well. It also measures the efficacy of fertilizers and nutrient programs, as well as the levels of nutrients such as, copper, iron, sulfur and others not observed in routine soil tests. In addition, plant tissue analysis is a proven diagnostic tool to help compare nutritional variances between normal and abnormal sections of fields. [Read this article](#)



4R Nutrient Stewardship Goes to the United Nations
Date Published: May 6, 2011

On May 4, The Fertilizer Institute (TFI) Director of Stewardship Programs Lara Moody and TFI Director of Public Affairs Sarah Monke traveled to New York City to participate in an event hosted by the United Nations (UN) Environment Programme and the United States government that coincided with a meeting of the UN Committee on Sustainable Development.

The International Fertilizer Industry Association extended an invitation to TFI to participate in the event that was organized to encourage participation in the Global Partnership on Nutrient Management (GPNM) which seeks to bring together governments from around the world, international organizations, scientists, the private sector, and non-government organizations to foster better understanding and implementation of workable solutions on nutrient



Questions?

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5

Tab 4

THE FLORIDA SENATE COMMITTEE APPEARANCE RECORD

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10-4-11
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Appearing at request of Chair

Subject FRESA FLORIDA Citrus Industry

Representing _____

Lobbyist registered with Legislature: Yes No

Pursuant to s. 11.061, Florida Statutes, state, state university, or community college employees are required to file the first copy of this form with the Committee, unless appearance has been requested by the Chair as a witness or for informational purposes.
If designated employee: Time: from _____ .m. to _____ .m.



Fresh Florida Citrus

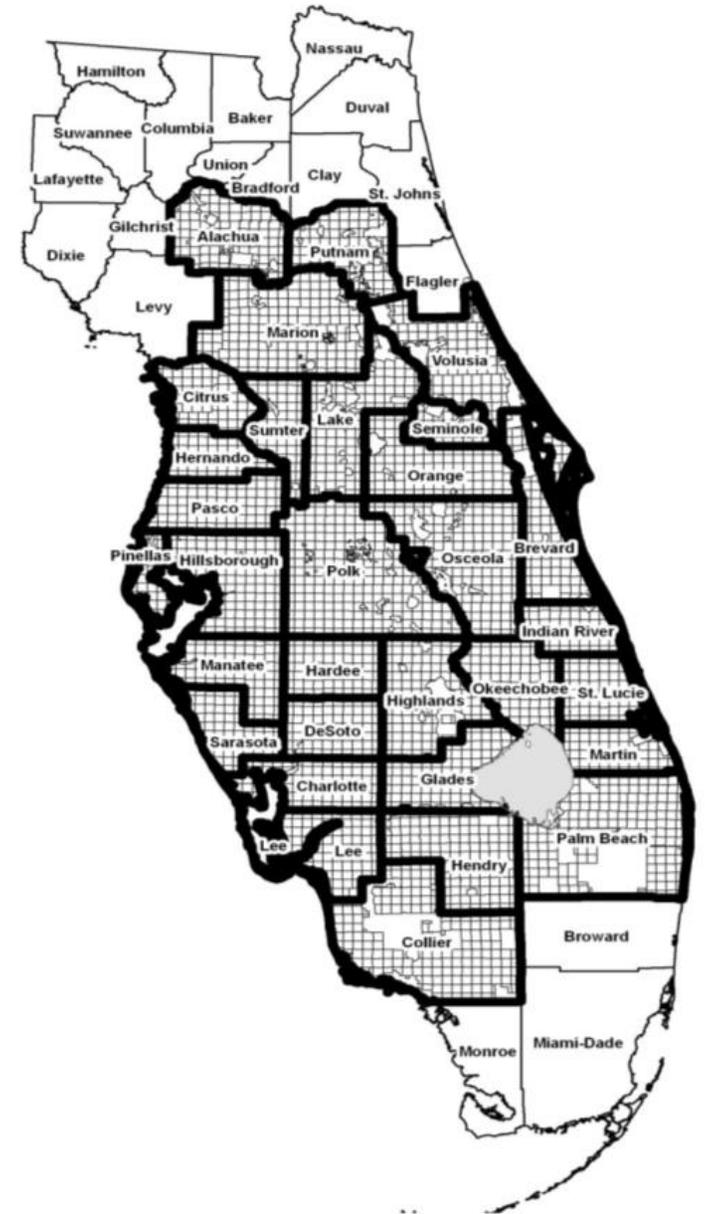
More than a Healthful Florida Tradition

An Economic Engine





Citrus is a commercial crop in 31 Florida Counties



Source: USDA, NASS, Florida Field Office



An Economic Engine

- The on tree value of Florida's citrus crop was \$1.055 billion in 2009/10
- The Fresh segment of the citrus industry employs approx 5,000 Floridians, while the entire citrus industry employs approx 75k
- Supports rural community economies
- Thousands of family farming operations

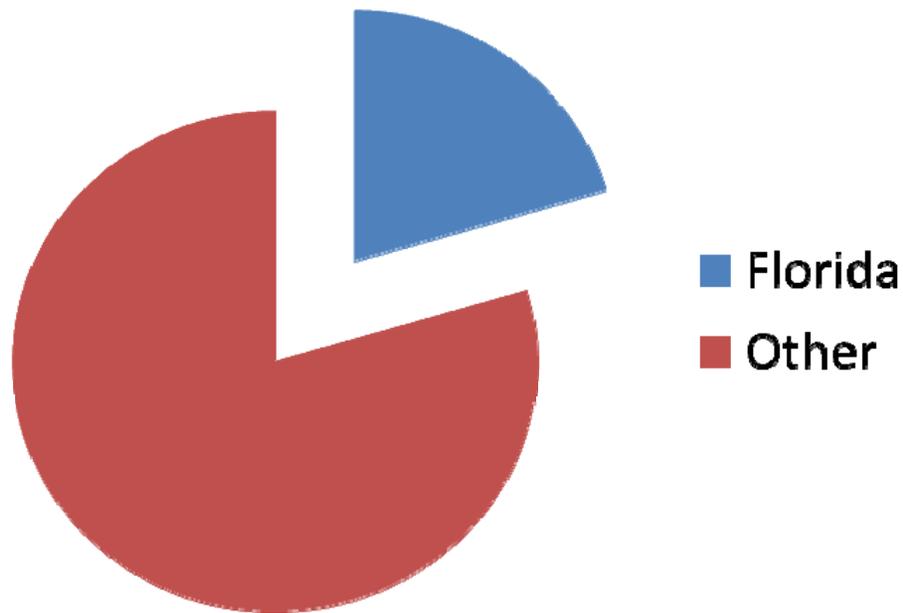


Grapefruit Production



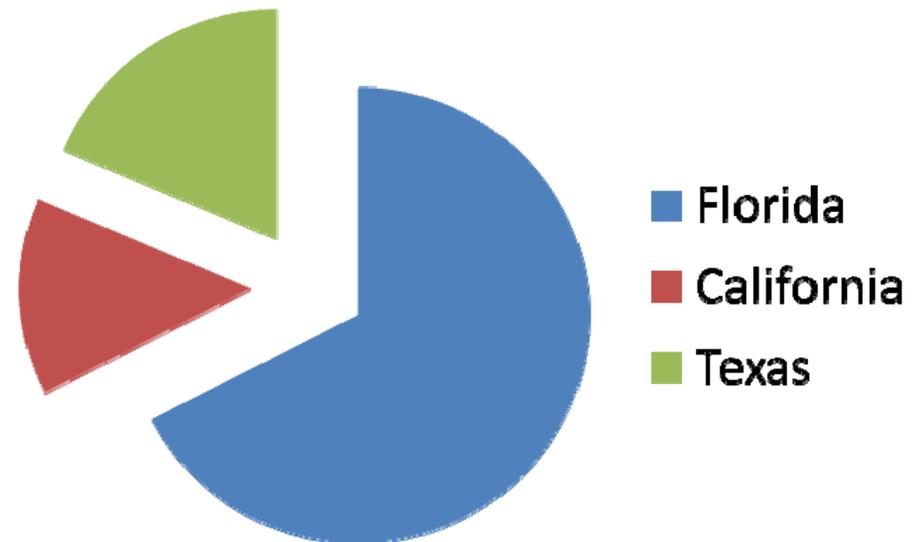
USA as % of World

20.4 % of World



Florida as % of USA

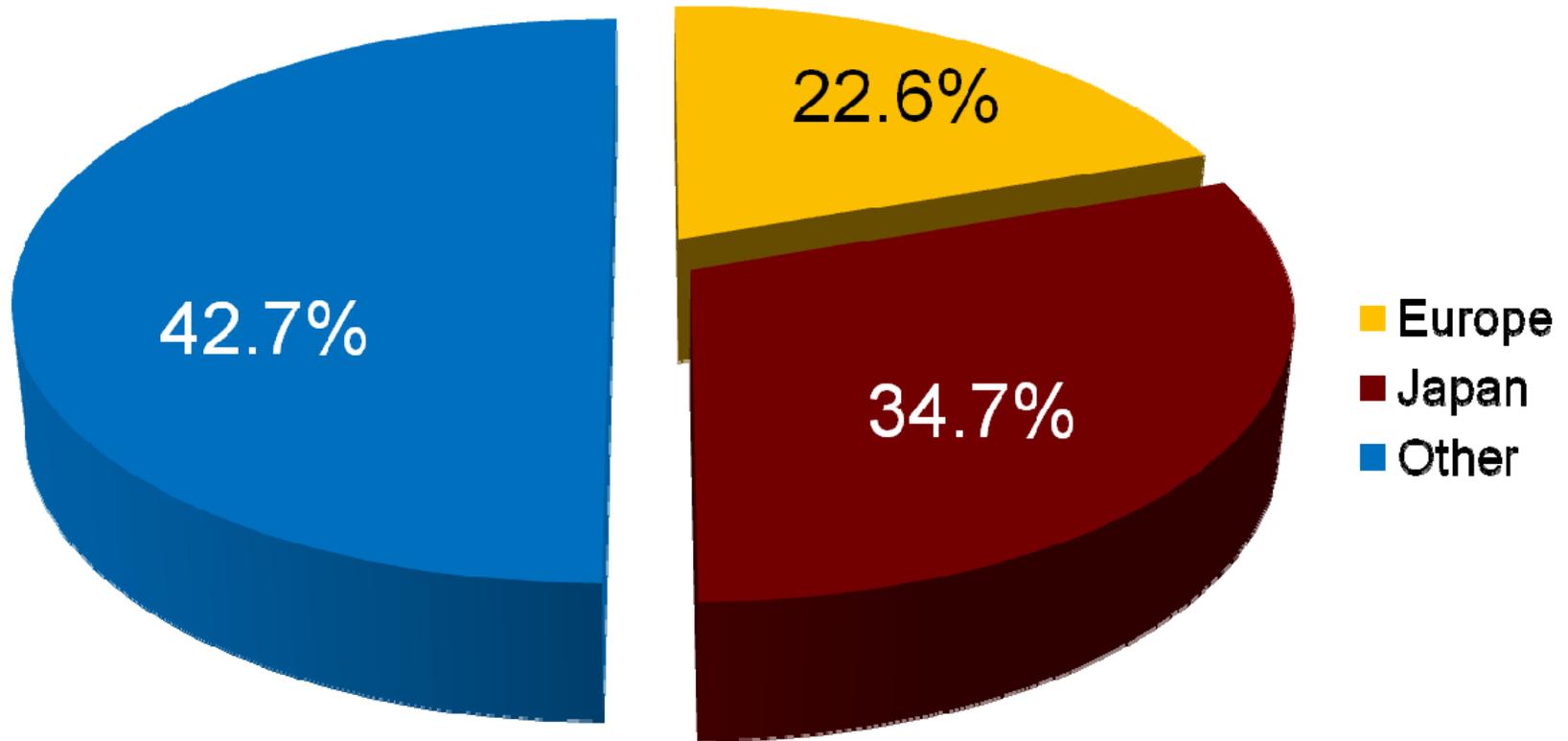
67 % of USA



Florida Grapefruit Markets



Sales

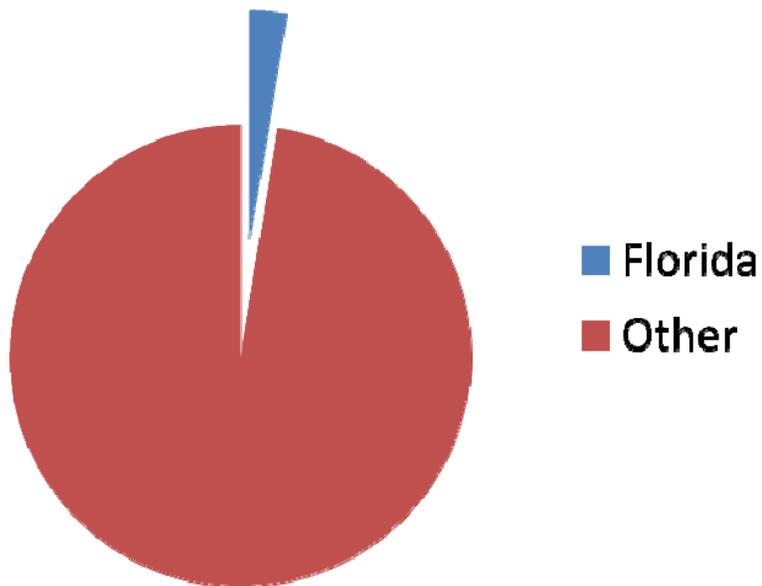


Tangerine Production



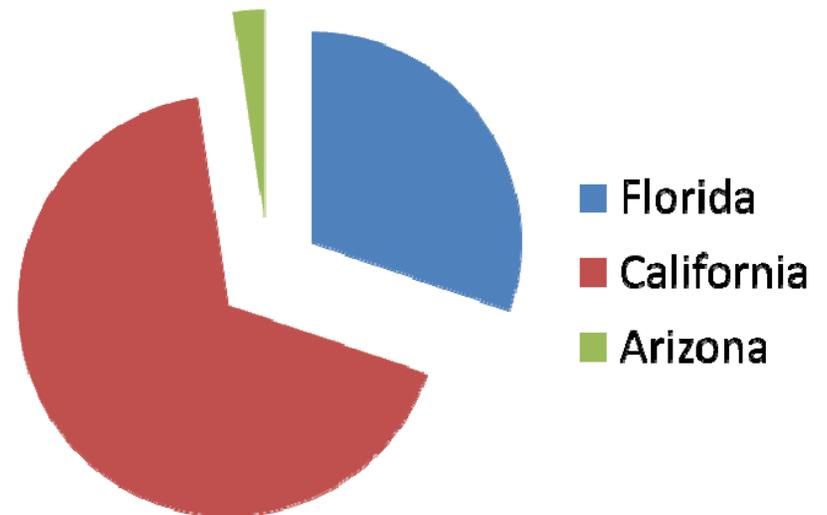
USA as % of World

2.6 % of World



Florida as % of USA

30.2 % of US Production

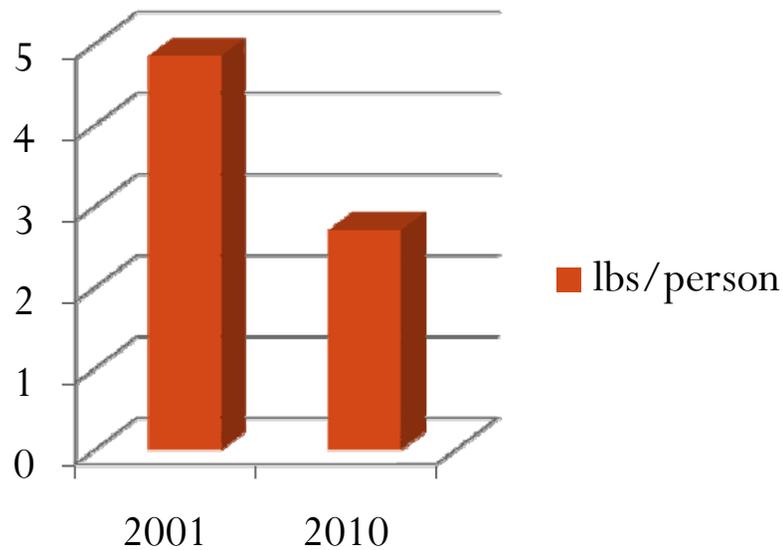


Per Capita Consumption



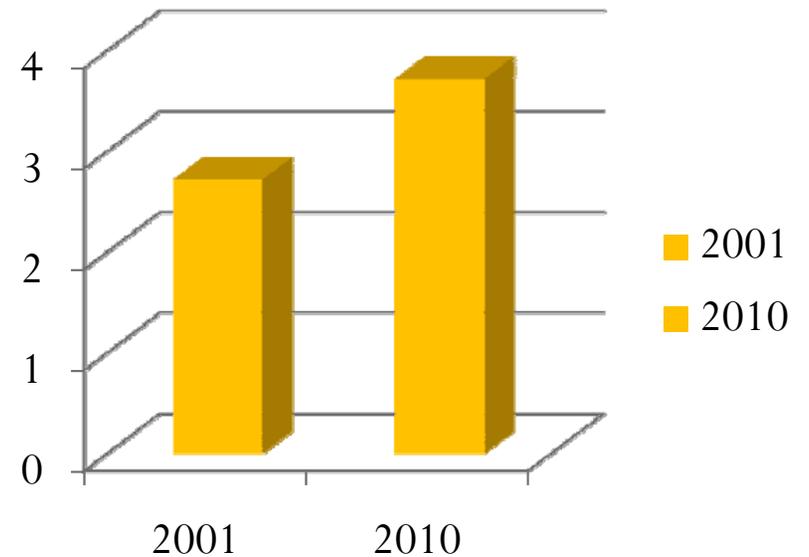
Grapefruit

**Need to re-introduce
Product**



Tangerines

**Need to increase
production**



Opportunity

- The US Eastern Seaboard is a large market for fresh citrus
- Florida is the local supplier of fresh citrus to the US Eastern Seaboard
 - Lower Transportation costs
 - Fresher Product
- Florida growing conditions contribute to better fruit flavor.
- Approx 1 / 3 of US Tangerine supply is imported. Florida can displace this product.



Florida's Share of the NE Market



Variety	2006-07	2007-08	2008-09	2009-10
<i>----- % Florida share of NE market -----</i>				
Grapefruit	61	51	56	59
Oranges	28	19	29	22
Specialty	47	46	41	30
TOTAL	40	32	37	31



Market Analysis



**Total US citrus consumption
110 million cartons**

Florida's Share

United States	Florida	
65 million	8.2 million	Oranges
20 million	6.1 million	Grapefruit
25 million	5.7 million	Tangerines



What factors will help increase Florida's Fresh Citrus Shipments?

- Geographic proximity to Eastern US Market
- Consumption of Healthful natural products is on the rise
- Market Access – assure that Florida growers have the opportunity to compete
- Advancements in disease research
- Grapefruit – fresh marketing, new markets, new varieties for traditional and new consumers
- Release of high value easy peel seedless mandarins
- Access to labor
- Government recognition of costs and regulation



Challenges

Subsidized International Competition

Lower cost imports

Citrus Greening and Citrus Canker

Regulatory Environment

Access to Labor

Understand and communicate health benefits of consuming fresh citrus



Summary



- Florida can recapture citrus sales in the northeastern U.S.
- The healthful benefits of consuming fresh citrus fruit are being quantified and extolled
- Citrus is grown commercially in 31 counties, providing jobs and supporting local economies
- Florida is local citrus supplier to approx half of U.S.

Population



The Florida citrus growers and industry
thank you for your support.



①

Tab 5

THE FLORIDA SENATE
COMMITTEE APPEARANCE RECORD

(Submit to Committee Chair or Administrative Assistant)

10/4/2011
Date

Bill Number

Barcode

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Job Title President

Speaking: For Against Information

Roth Farms Inc.
Appearing at request of Chair

Subject large Family Farm Operations

Representing myself Roth Farms Inc.

Lobbyist registered with Legislature: Yes No

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If designated employee: Time: from _____ .m. to _____ .m.

Background

The *Clean Air Act* is a United States federal law to control air pollution on a national level. It was significantly amended in 1970, 1977 and 1990.

The 1990 amendments require EPA to adopt national emission standards for the control of hazardous air pollutants (HAPs) from various facilities, including boilers.

The new standards are based on the use of Maximum Achievable Control Technology (MACT) at facilities that are major sources of HAPs.

MACT standards for existing sources must be at least as stringent as the emissions achieved by the best performing 12% of existing similar sources.

MACT standards for new sources must be at least as stringent as the emissions achieved by the best similar source

**EPA began to develop the
MACT rules in the mid-1990s**

**Representatives of the Florida
sugar industry were invited to
participate in the EPA process**

**In 2004 EPA adopted MACT
standards for boilers that are
major sources of HAPS,
including large sugar mill
boilers**

Environmental groups went to court to challenge the Boiler MACT standards and other related rules.

In 2007, a federal appeals court “vacated” the Boiler MACT and instructed EPA to revise its rules.

Sierra Club and EPA entered into a consent decree that established deadlines for setting new Boiler MACT rules.

EPA requested and received multiple extensions of time to develop its rules, but the federal District Court in DC ultimately ordered the EPA to issue final rules by February 21, 2011.

EPA did, and the rules were published in the Federal Register on March 21, 2011.

During the EPA rulemaking process, a coalition was created with U.S.S.C., COOP, and FCC, as well as companies in Texas and Hawaii.

This group has submitted comments and data to EPA, under the name of Florida Sugar Industry (FSI), concerning EPA's proposed Boiler MACT rules.

FSI has requested EPA to grant relief concerning the following issues:

1. **EPA should set the emission limits for particulate matter (“PM”) for the hybrid suspension grate (“HSG”) subcategory based solely on the performance of the boilers in this subcategory.**
EPA should not set PM emission limits for HSG boilers (i.e., bagasse boilers) based on the performance of coal-fired boilers.

2. **The PM emission limit for new HSG boilers is unachievable and inconsistent with the Clean Air Act (“CAA”). The CAA requires EPA to set emission limits for new boilers based on the performance of the best similar unit, but the FSI is not aware of any bagasse-fired boiler in the world that is achieving the PM emission limit that EPA selected for new HSG boilers.**

3. **In the HSG subcategory, EPA should establish an emission limit for Total Select Metals (“TSM”) as an alternative to the emission limit for PM.** Although PM emissions from some boilers may be high, emissions of metallic hazardous air pollutants (“HAPs”) emitted by bagasse boilers are low because bagasse contains low levels of metallic HAP. An alternative standard, based on the TSM emissions from bagasse boilers, would provide relief while simultaneously protecting human health from metallic HAP emissions.

4. **Annual stack tests, not continuous emissions monitoring systems (“CEMS”), should be used to demonstrate compliance with the PM emission limits for HSG boilers.** There are no PM CEMS on any bagasse boilers and EPA did not use CEMS data when setting the PM emission limit for HSG boilers. Consequently, EPA does not have an adequate factual basis to support its PM emissions limit for HSG boilers, if compliance is to be determined with a CEMS.

5. **EPA should establish a work practice, rather than an emission limit, for the control of dioxins and furans (“D/F”) emitted from HSG boilers.** EPA did not have actual D/F emissions data from bagasse-fired boilers when setting the D/F emission limits for HSG boilers. Moreover, little is known about the formation of D/F in the boiler and downstream of the boiler, the variability of emissions, and the specific control methods. Since it is not feasible for EPA to establish an appropriate D/F emission limit for HSG boilers, EPA should establish a work practice standard.

6. **Malfunctions should be excluded when determining compliance with the emission limits for HSG boilers,** consistent with current EPA practice. Regulated sources should not be required to undergo the burdensome process set forth in the Boiler Rule in order to prove an affirmative defense.

On May 16th, EPA “stayed” the effective date of the Boiler MACT regulations published on February 23, 2011 to allow additional public comment before an updated rule is proposed.

So now we are again in a “Limbo” or “holding pattern” while this is cleared up.

Since the Stay, many actions have and are taking place.

A.Politically:

June/11 – The House of Representatives introduced bill HR.2250 “EPA Regulatory Relief Act of 2011”.

July/11 – The Senate introduced corresponding bill S-1392.

These bills, among other things:

1)Require the EPA to promulgate, within 15 months, new Boiler MACT rules based on the requirements set by Congress in this new legislation.

2)Require EPA to set emissions standards for existing and new sources that can be met under actual operating conditions.

3)Require EPA to impose the least burdensome regulatory alternative for each regulation promulgated.

4)Give industry 5 years (rather than the current 3 years) to come into compliance after publication in the Federal Register of the new rules.

On September 6, 2011, FSI joined more than 300 companies in sending a letter to the House & Senate Leadership and all Members of the House & Congress supporting these two bills.

Judicial Actions

1)The Sierra Club and others have gone to court and are challenging EPA's decision to stay the 2011 Boiler MACT rule.

2)FSI and the other industry groups are in the process of joining the litigation to support EPA's stay of the 2011 Boiler MACT rule.

If we succeed either or both with the Political and Judicial efforts, we hope to gain:

- 1) Better rules, which are based on science and the industry's ability to comply.**
- 2) More time to come into compliance**



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Budget, *Chair*
Rules, *Vice Chair*
Agriculture
Banking and Insurance
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Budget - Subcommittee on Transportation, Tourism,
and Economic Development Appropriations
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Rules - Subcommittee on Ethics and Elections

JOINT COMMITTEE:

Legislative Budget Commission, *Chair*

SENATOR JD ALEXANDER

17th District

October 3, 2011

Senator Gary Siplin, Chair
Committee on Agriculture
205 Senate Office Building
404 S. Monroe Street
Tallahassee, FL 32399

Dear Senator Siplin,

I respectfully request permission to be absent from the Committee Agriculture, tomorrow, October 4, 2011. I will not be able to attend this meeting.

Thank you for your approval in this request.

Sincerely,

A handwritten signature in black ink, appearing to read "JD Alexander".

JD Alexander
Senator, District 17

Xc: Rivers Buford

REPLY TO:

- 201 Central Avenue West, Suite 115, City Hall Complex, Lake Wales, Florida 33853 (863) 679-4847
- 412 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5044

Senate's Website: www.flsenate.gov

MIKE HARIDOPOLOS
President of the Senate

MICHAEL S. "MIKE" BENNETT
President Pro Tempore

CourtSmart Tag Report

Room: LL 37
Caption: Agriculture Committee

Case:
Judge:

Type:

Started: 10/4/2011 8:34:11 AM
Ends: 10/4/2011 10:28:55 AM

Length: 01:54:45

8:34:17 AM	Chairman - Roll
8:35:43 AM	Rick Roth - Large Farming Operations in Florida
8:55:44 AM	Chairman
8:56:44 AM	Rick Roth
8:57:41 AM	Senator Hays
8:58:58 AM	Senator Montford
8:59:59 AM	Rick Roth
9:02:49 AM	Senator Bullard
9:03:52 AM	Rick Roth
9:06:25 AM	Senator Hays
9:08:18 AM	Senator Bullard
9:09:21 AM	Rick Roth
9:10:31 AM	Senator Montford
9:11:31 AM	Rick Roth
9:12:47 AM	Chairman
9:13:57 AM	Terry Pride - Sensor Based Technologies for Agricultural Irrigation and Nutrient Management
9:28:49 AM	Senator Hays
9:29:50 AM	Terry Pride
9:30:21 AM	Senator Hays
9:30:31 AM	Terry Pride
9:30:48 AM	Senator Dockery
9:31:00 AM	Terry Pride
9:31:49 AM	Senator Dockery
9:32:46 AM	Terry Pride
9:32:55 AM	Senator Dockery
9:33:15 AM	Terry Pride
9:33:44 AM	Senator Dockery
9:34:10 AM	Terry Pride
9:34:23 AM	Senator Bullard
9:37:58 AM	Terry Pride
9:39:46 AM	Lara Moody - Nutrient Stewardship, Fertilizer best mgmt practices
9:55:07 AM	Chairman
9:56:09 AM	Lara Moody (Fertilizer Institute)
9:57:35 AM	Senator Bullarde
9:58:35 AM	Lara Moody
10:00:26 AM	Senator Bullard
10:02:28 AM	Lara Moody
10:04:16 AM	Dan Richey - Citrus Industry
10:13:46 AM	Senator Bullard
10:14:46 AM	Dan Richey
10:19:12 AM	Chairman
10:20:12 AM	Dan Richey
10:21:19 AM	Chairman
10:22:19 AM	Dan Richey
10:24:40 AM	Senator Bullard
10:25:40 AM	Dan Richey
10:26:26 AM	Senator Montford
10:27:25 AM	Dan Richey
10:27:46 AM	Adjourned