

# May Conservation Report 2023

- April Activities and Webinars: Bill Palma, Paul Gray, Hurricane on Sanibel shorebirds,
- April 11 Babcock Web Walkabout 8am and 3pm Wildlife Team EVCO zoom with Elizabeth Fleming
- April 12 CHEC Cedar Point 4thgrader Hike & Tracking Activity
- April 14 10:30am CHEC Heal our Harbor talk Richard Whitman
- April 15 Field Trip Ft. Desoto
- April 16 Myakkahatchee Park fundraiser Northport Env Conservancy
- April 17 CHEC Cedar Point Plant Training class with Greg
- April 19 CHEC Cedar Point co-lead 4th Grade Walk & Tracking Activity
- April 20 PRAA meeting & Reiner Munguia talk "Love is in the Air"
- April 21 EVCO Q Zoom 10am-1:30 pm (see summary below)
- April 22 Earth Day PRAS booth at Cedar Point - Bren's Scrub Jay Talk - Cheryl Berton's 6:30pm Fundraiser Hear our Harbor 1444 SeaGull Ct Punta Gorda
- April 24 Shorebird survey 7am Palm Island - new Least Tern Colony sighted
- April 25 Audubon Chapter President's zoom with Jacqui Sulek 5pm Recover Southwest Florida NEPA Scoping Meeting, 5 Modules includes Miccosukee and Seminole Tribes
- April 28 CHEC Alligator Creek 3 Lake Trail walk & brunch
- May 1 Cape Coral Children's Art Judge 9-12
- May 2 Stump Pass Park Shorebird Survey 7am
- May 7 Audubon Regional Conservation Committee Q Meeting
- May 10 Scrub Jay Talk Cape Coral Library 10am
- May 18 Annual Member Meeting & speaker

## EVCO Quarterly meeting April 21

EVCO dues up from \$25 to \$50 effective in July for 2024

## Wildlife Team Report:

Updates on Tiger Beetle, Gopher Tortoise, Ghost Orchid, Manatee, Panther, Black Bear, Woodstork & Refuge Resolutions

Conservancy DEP 404 6 developments Lee and Collier Counties

Summary Report - Identifying Least-Cost Paths and Corridors for FL Panther within South-Central Florida

Support HB175/SB192 Everglades Protection Area Buffer

Other reports: Energy, Growth, Restoration, Water & Equity

Everglades Action Day

Conference Survey and Recap

Board Elections

## PRAS

## Adocacy:

### Phosphogypsum Road Bills SB 1238 HB1191

Florida lawmakers try to solve a toxic waste problem — helps Mosaic, an industrial giant.

Jason Garcia Apr 30

The Trade Show (2023 ed.), Vol. 14 Bret Bostock photo

2023 Budget Overview	
EVENT GOAL	\$ 25,000.00
TOTAL INCOME	\$ 124,910.93
TOTAL EXPENSES	\$ 122,135.60
ACTUAL INCOME	\$ 2,775.33





Last week, just after lawmakers in the state House and Senate began negotiating a final state budget for next year, **the Senate put a big new earmark on the table: \$20 million to create a “Center for Rare Earths, Critical Minerals and Industrial Byproducts” at Florida State University. The project has a space-age name. But its purpose, at least in part, is to solve an old problem: What to do with 1 billion tons of toxic waste that is just sitting around the state right now** — thanks to Florida’s phosphate industry. That waste is known as phosphogypsum, and it’s a byproduct of the chemical manufacturing process that turns phosphate rock into fertilizer. Federal environmental regulations restrict the use of phosphogypsum, which is mildly radioactive. So, for decade now, the phosphate industry has been piling it all up into manmade mountains known as gypstacks.

**Those stacks grow by about 30 million tons of phosphate each year — most of it produced by the Mosaic Co.,** the mining and manufacturing giant that turned a \$3.6 billion profit last year and is now the dominant phosphate

producer in Florida.

Photo credit: JT Nous

Finding something to do with all that piled-up phosphogypsum is important for the future of the company, which owns about two-thirds of the state’s gypstacks. Each stack is both an economic liability, vulnerable to sinkholes and breaches, and an economic opportunity, as there are other countries, like Brazil, where Mosaic sells phosphogypsum for other uses. And that’s where the new FSU Center for Rare Earths, Critical Minerals and Industrial Byproducts comes into play. **Researchers have identified phosphogypsum as a potential source of rare earth minerals — a group of metals used in consumer electronics and other industries. The \$20 million for the FSU Center, which the state House agreed to fund on Saturday evening, would support further research at FSU aimed at extracting those minerals from phosphogypsum, as well as removing the radioactivity so the remaining material can be reused for something else.**

**There’s also another \$150,000 for the center tucked into another line item in the budget. And lawmakers want the center to prepare a report by June 30 of next year that could include recommend legislation to support a new gypstack-to-cell-phone pipeline.**

“We’re looking at ways...to take a pollution product and make it into viable building products and other things,” Sen. Keith Perry, a Gainesville Republican who has been involved with university budget negotiations, told reporters last week.

**Radioactive roads and Phosphate waste has quietly been a big issue this session.** In addition to committing millions of dollars to research, lawmakers are also expected to pass a bill next week ordering the Florida Department of Transportation to study the use of phosphogypsum in road construction.

**The legislation (House Bill 1191 and Senate Bill 1258) would also allow the agency to test the waste material in demonstration projects. Environmentalists have fought the bills, warning that they could expose construction workers to dangerous levels of radiation — and the state to an environmental catastrophe, should a road built with phosphogypsum wash out during a hurricane or other heavy storm.**

But Mosaic, long one of the most influential industrial businesses in Florida, has lobbied hard for the bills, and they have breezed along with relatively little opposition from lawmakers. **Mosaic is a major donor. Records show the company has made more than \$400,000 worth of campaign contributions since November — including \$200,000 to the Republican Party of Florida; \$100,000 to a committee controlled by Senate President Kathleen Passidomo (R-Naples); \$50,000 to a committee controlled by House Speaker Paul Renner (R-Palm Coast); and \$25,000 to Gov. Ron DeSantis.**

There’s more money in the budget for Florida’s phosphogypsum problem, too.

**The House and Senate have also agreed to give \$950,000 to Novaphos Corp., a private company that says it has developed technology to reprocess phosphogypsum into two reusable products: Sulfur gases, which can then be used in other industrial manufacturing, and a calcium silicate product called “J-Rox,” which the company says can be used in construction and agriculture.**

**Novaphos is also a campaign contributor,** though not nearly at the level of Mosaic. Records show the Polk County-based company gave \$21,500 in political donations just as the session began, spreading the money among a handful of key legislators and the Republican Party of Florida.

## **Veto HB1191 Letter signed by 34 groups including 3PR and many coalition partners.**

May 1, 2023

Governor Ron DeSantis  
The Florida Capitol  
400 S. Monroe St., Plaza Level  
Tallahassee, FL 32399

Delivered via email to GovernorRon.Desantis@eog.myflorida.com

RE: VETO HB 1191 “USE OF PHOSPHOGYPSUM”

Dear Governor DeSantis,

We, the 34 below-signed organizations and businesses, ask you to veto HB 1191 (Use of Phosphogypsum). Phosphogypsum is the radioactive waste from processing phosphate into phosphoric acid for fertilizer. This bill would permit the use of phosphogypsum in Florida road construction.

While HB 1191 would require the Florida Department of Transportation to complete a study on the feasibility of phosphogypsum for road construction, the unreasonably short study period ending on April 1, 2024, cannot even begin to thoroughly review the health and safety consequences. To even begin the study would be a tremendous waste of Florida taxpayer dollars; EPA has already extensively studied the use of phosphogypsum in roads and concluded it is not safe.

Water quality and public health are especially threatened by HB 1191: Phosphogypsum is radioactive, releasing cancer-causing radon gas. It can also contain other carcinogens and toxic, heavy metals like antimony, arsenic, barium, cadmium, chromium, copper, fluoride, lead, mercury, nickel, silver, sulfur, thallium, and zinc. Phosphogypsum presents very high levels of gross alpha and beta radiation, 10 to 100 picocuries per gram (pCi/g), relative to levels in typical soils which are approximately 1 pCi/g.

- EPA has prohibited the use of phosphogypsum in roads since 1992 because it found numerous scenarios that would expose the public — particularly road construction workers — to an unacceptably dangerous cancer risk. EPA found that phosphogypsum “contains appreciable quantities of radium-226, uranium, and other uranium decay products.” Radium-226 has a 1,600-year half-life and will outlive many roads throughout the state.

- EPA found that the use of phosphogypsum in roads can cause adverse effects to nearby surface and groundwater resources through leaching of trace metals and radionuclides and that these toxins may also be resuspended into the air by wind and vehicle traffic. Using radioactive phosphogypsum in roads is not a solution to the fertilizer industry’s toxic waste problem. Florida should not be a test subject in the industry’s reckless experiment.

To protect the health and safety of Florida residents, and to preserve water and air quality across the state, we respectfully ask that you VETO HB 1191.

Sincerely,

ASBRO LLC  
E. Allen Stewart III P.E.  
Principal Manager

Atchafalaya Basinkeeper  
Dean Wilson  
Executive Director

Catalyst Miami  
Zelalem Adefris  
Chief Executive Officer

Concerned Citizens of Bayshore Community, Inc.  
Steven Brodtkin  
Vice President/Secretary

Defenders of Wildlife  
Elizabeth Fleming  
Senior Florida Representative

Florida Water Conservation Trust  
Terry Brant  
Legislative Affairs

Florida Keys Chapter of the Izaak Walton League of America  
Michael F. Chenoweth  
President

Florida Oceanographic Society  
Mark Perry  
Executive Director and CEO

Florida Springs Council  
Ryan Smart  
Executive Director

Friends of Arthur R. Marshall Loxahatchee National Wildlife Refuge  
Josh Weller  
President

Friends of the Everglades  
Eve Samples  
Executive Director

Friends of Warm Mineral Springs, Inc.  
Juliette Jones  
Director

Heal Our Harbor  
Dr. Richard Whitman  
Director

Healthy Gulf  
Christian Wagley  
Coastal Organizer, Florida-Alabama

IDEAS For Us  
Caroline Chomanics  
Chief Operating Officer

La Mesa Boricua of Florida  
Maria Revelles  
Co-Director

Lake Worth Waterkeeper  
Reinaldo Diaz  
Waterkeeper

League of Women Voters of Florida  
Cecile Scoon  
President

ManaSota-88, Inc.  
Glenn Compton  
Chairman

Peace Myakka Waterkeeper  
Andre Mele  
President

People for Protecting Peace River  
Brooks Armstrong  
President

River Rise Resort, LLC  
Jane Blais  
Managing Owner

Sanibel-Captiva Conservation Foundation  
Matt DePaolis  
Environmental Policy Director

Santa Fe Lake Dwellers Association, Inc.  
Jill McGuire  
President

Sea Turtle Conservancy  
Stacey Gallagher  
Policy Coordinator

Sierra Club Florida

Emily Gorman  
Chapter Director

Southwest Florida Environmental Coalition (ECOSWF)  
Becky Ayech  
President

START (Solutions To Avoid Red Tide)  
Sandy Gilbert  
Chief Executive Officer

Stone Crab Alliance  
Karen Dwyer, Ph.D.  
Co-founder

Suncoast Waterkeeper  
Abbey Tyrna  
Waterkeeper & Executive Director

Surfrider Foundation  
Emma Haydocy  
Florida Policy Manager

Tampa Bay Waterkeeper  
Justin Tramble  
Executive Director

The Institute for Regional Conservation  
George Gann  
Chair of the Board

Tropical Audubon Society  
Lauren Jonaitis  
Senior Conservation Director

## Article supporting veto

By TED CARTER  
SUN CORRESPONDENT

Environmental protection groups predict Florida could soon become known as much for radioactive roads as it is for sunshine, beaches and theme parks.

They want Gov. Ron DeSantis to veto a bill that authorizes a yearlong examination of the practicality of using phosphogypsum – radioactive waste from phosphate processing – in road construction. The examination is to include demonstration projects using the phosphate waste. Detractors say the state is shirking a responsibility to explore the potential for the waste material to threaten Florida's air, water and soil and increase risks of cancer. The Mosaic Co., a publicly traded Tampa-based Fortune 500 corporation, claims Florida could save money on road building using the radioactive waste that now is piled onto 24 gypsum stacks in Polk County and across Southwest Florida.

### **The stacks, some as high as a 50-floor building, hold an estimated 1 billion tons of gypsum waste.**

Federal environmental protection officials are expected to decide whether the phosphate waste becomes part of Florida's road construction. The decision could be subject to political forces. The Trump administration's Environmental Protection Agency approved the process but scrapped the idea after a lawsuit from Tampa-based Center for Biological Diversity. The Biden EPA has, so far, declined to reinstate the earlier approval. EPA approval apparently will be necessary for any part of the new phosphate legislation to become reality, according to Ragan Whitlock, a staff attorney for the Center for Biological Diversity. "Our understanding is that they would have to send an application to the EPA," Whitlock said. "We certainly hope there are no loopholes or backroom dealings." Urging DeSantis to veto House Bill 1191 authorizing the study of whether it makes sense to use the waste material in building roads, more than two dozen environmental advocacy groups said applying phosphogypsum to road-building materials could potentially harm the environment and the health of humans. "EPA has prohibited the use of phosphogypsum in roads since 1992 because it found numerous scenarios that would expose the public — particularly road construction workers — to an unacceptably dangerous cancer risk," the letter said.

EPA found phosphogypsum "contains appreciable quantities of radium-226, uranium, and other uranium decay products," it noted. Radium-226 has a 1,600-year half-life and will outlive many roads throughout the state, the groups said. The phosphate industry and its Phosphate Innovation Initiative, on the other hand, call the use of the phosphate waste "a tremendous opportunity for sustainable development." Phosphogypsum "can be mixed with existing road base materials, offsetting the need for expanded operations, resulting in a net environmental benefit," the Phosphate Innovation Initiative states on its website. The industry further insists using the material in road building would reduce the size and need for new stacks, noting phosphate manufacturing produces 5 million tons of phosphogypsum for every 1 million tons of phosphate. However, Mosaic spokeswoman Jackie Barron said lowering the size of the stacks is not a sure thing. What is certain, she said in an email Wednesday, is the size of the stacks "will no longer increase and at some point, in the future, potentially decrease." Florida, she said in a previous interview, must become more innovative in its thinking about the potential beneficial reuse of phosphogypsum. Her company's goal, she said in the email, is "to simply catch up with the rest of the civilized world and move away from stacking phosphogypsum." It is too early to say whether the phosphogypsum would be a money maker for Mosaic, according to Barron. The radioactive materials have potential applications in Florida beyond road building, she said. "Several countries have successfully reused gypsum... as a soil amendment, to fight coastal erosion and other uses." She insisted the gypsum waste is not a threat to humans. "Employees safely work around our gyp-stacks every day," Barron said. The Fertilizer Institute, an industry advocacy group that includes Mosaic, said Canada and countries throughout South America, Asia Europe and Africa allow phosphogypsum in road building. But that usage makes the method neither sound nor safe, said the Center for Biological Diversity's Whitlock. Copying the rest of the world is not always a sound idea, he said, noting fewer than 50 percent of the countries in the world prohibit lead paint despite its known dangers. Still, the United States must act or find itself playing catch up on radioactive waste disposal, said Rep. Lawrence McClure, a Plant City Republican and backer of the phosphogypsum bill. "The U.S., including Florida, is behind the rest of the world," McClure said in a story published by Fresh Take Florida, a news service of the University of Florida College of Journalism and Communications. Whitlock noted the analysis ordered by the Legislature is purely a look at whether using phosphogypsum makes sense for use in building roads. Health, safety and environmental consequences are not on the work order, he said, and noted lawmakers killed amendments to have the Florida Department of Environmental Protection and the federal EPA participate in the study. "It seems environmental risks have been wholesale excluded from this discussion," Whitlock added. The environmental lawyer put **Mosaic Co.'s net profit for last year at \$3.5 billion** and said the fertilizer giant has made no secret it is the force behind the phosphogypsum plan. **"It is our position they don't need another revenue stream. They need accountability,"** he said, insisting the company has the means "to store this properly." Whitlock is not buying using the phosphate waste for road construction would lessen the amount of the material added to gypsum stacks. **"No way this will deplete the stack system," Whitlock said. "This is not an alternative. This is a way to provide more money to the corporations."**

What worries Glenn Compton, chairman of Nokomis-based environmental advocacy group ManaSota-88, is an absence of scientific studies confirming there is a “safe” industrial process to convert phosphogypsum for uses such as roads. **“All uses of phosphogypsum can cause significant health risks,”** Compton claimed in a recent letter to legislators. **He said ManaSota-88 is concerned allowing for the widespread distribution of phosphogypsum for road construction “will lead to less oversight of a dangerous waste product.”** It’s not just radioactivity that concerns Compton. **“In addition to high radium 226 levels, central Florida phosphogypsum also contains significant amounts of sulfur and various heavy metals such as arsenic, barium, cadmium, and lead,”** he said. **“Contaminated water and dissolved materials containing these toxins have the potential to seep from phosphogypsum used for construction purposes and pollute the underlying aquifer.”**

**Result of PRAS Email vote:**

**PRAS VETO Letter to DeSantis - (vote for sign on letter 6 yes votes the rest abstained) - emailed 4/15/23**

**April 25, 2023**

Governor Ron DeSantis  
The Florida Capitol  
400 S. Monroe St., Plaza Level  
Tallahassee, FL 32399  
GovernorRon.Desantis@eog.myflorida.com

RE: VETO SB 1238 / HB 1191 “PHOSPHOGYPSUM IN ROADS”

Dear Governor DeSantis,

Peace River Audubon asks you to veto SB 1238 / HB 1191 (Phosphogypsum in Roads). Phosphogypsum is the radioactive waste from processing phosphate into phosphoric acid for fertilizer. This bill would permit the use of phosphogypsum in Florida road construction. While the bills would require the Florida Department of Transportation to complete a study on the feasibility of phosphogypsum for road construction, the unreasonably short study period ending on April 1, 2024, cannot even begin to thoroughly review the health and safety consequences. To even begin the study would be a tremendous waste of Florida taxpayer dollars; EPA has already extensively studied the use of phosphogypsum in roads and concluded it is not safe.



Water quality and public health are especially threatened by road construction: Phosphogypsum is radioactive, releasing cancer-causing radon gas. It can also contain other carcinogens and toxic, heavy metals like antimony, arsenic, barium, cadmium, chromium, copper, fluoride, lead, mercury, nickel, silver, sulfur, thallium, and zinc. Phosphogypsum presents very high levels of gross alpha and beta radiation, 10 to 100 picocuries per gram (pCi/g), relative to levels in typical soils which are approximately 1 pCi/g.

- EPA has prohibited the use of phosphogypsum in roads since 1992 because it found numerous scenarios that would expose the public — particularly road construction workers — to an unacceptably dangerous cancer risk. EPA found that phosphogypsum “contains appreciable quantities of radium-226, uranium, and other uranium decay products.” Radium-226 has a 1,600-year half-life and will outlive many roads throughout the state.
- EPA found that the use of phosphogypsum in roads can cause adverse effects to nearby surface and groundwater resources through leaching of trace metals and radionuclides and that these toxins may also be resuspended into the air by wind and vehicle traffic.
- Using radioactive phosphogypsum in roads is not a solution to the fertilizer industry’s toxic waste problem.

Florida should not be a test subject in the industry’s reckless experiment. To protect the health and safety of Florida residents, and to preserve water and air quality across the state, we respectfully ask that you VETO SB 1238 / HB 1191.

Sincerely,

Peace River Audubon (424 members)  
Bren Curtis, President

## **Florida Audubon Advocacy**

Julie Wraithmell, VP and Executive Director Audubon Florida requested Florida Local Chapters sign on to the letter to the governor. PRAS signed on to SB 540 Veto letter which affects Local Fertilizer Ordinances that could prevent algae and Red Tide exacerbation.

# Veto SB 540 Florida Audubon Chapter Sign on Letter

Governor Ron DeSantis

The Florida Capitol

400 S. Monroe St., Plaza Level Tallahassee, FL 32399

May 4, 2023

RE: Veto Request SB 540 - Local Government Comprehensive Plans

Dear Governor DeSantis,

On behalf of Audubon Florida and the undersigned Audubon chapters, we request that you veto SB 540. This bill would have a chilling effect on the ability of citizens to challenge poor city and county land-use decisions and fight sprawl in their own communities. Under this bill, citizens who undertake the daunting and expensive task of challenging local comprehensive plan amendments would be responsible for the attorney's fees of the local government and the developers they challenge if they are unsuccessful. The risk of an unsuccessful challenge will prove too great for most citizens and public-interest nonprofits, effectively eliminating this important avenue for taxpayers to seek remedy and accountability from their local governments.

We are grateful that the specific provision was removed in committee that would have undermined DEO's recent nullification of Miami-Dade County's decision to expand the Urban Development Boundary. However, if the county were to renew the proposal and approve it, the language remaining in SB 540 would foreclose the ability of citizens concerned about the Everglades to renew their legal challenge. If signed, this bill will pose a continuing threat not just to Everglades restoration efforts, but smart growth efforts statewide to protect natural resources and Floridians' quality of life.

Your administration has championed smart growth for the State of Florida, most recently through Executive Order 23-06, which acknowledges the importance of sustainable development for our economy and our natural resources. This bill would undermine these efforts by functionally eliminating enforceability of comprehensive plan terms, paving the way for unsustainable development.

Government transparency, accountability, and public involvement have long been civic values that our state holds dear. Citizen and public interest group challenges to comprehensive plan amendments are already uncommon due to the current existing complexity and expense. There is no problem with frivolous challenges that needs to be remedied; in fact, the effect these changes will be to eliminate citizen challenges altogether.

On behalf of our 100,000+ person network, we urge you to safeguard citizens' rights to challenge poor local government planning decisions, to advance your smart growth agenda, and to protect historic state investments in Everglades restoration and environmental protection. Please veto SB 540.

Sincerely,

Julie Wraithmell

VP and Executive Director Audubon Florida

**Mangrove Chapter of Florida Native Plants email:** Florida Legislature made a back-room, midnight-hour deal with TruGreen to rob local governments of the authority to enact ordinances that prevent the misuse of fertilizers on lawns. We have very little time to convince Governor DeSantis he needs to veto this offensive provision so counties and cities will still have the autonomy to prevent pollution in their own backyards.

Ask Governor DeSantis to veto the provision to **SB 2502 ("Back of the Bill" provisions, Section 85, Lines 2455-2460)** that would preempt local governments from adopting or amending fertilizer ordinances. If the "back of the bill" part of that sounds strange or fishy to you, that's because it is. This provision was added in the closing days of the session, late on Sunday night, without any committee debate, public input, or staff analysis of the potential impact.

Our springs, rivers and estuaries are choking on excessive nutrients. Nutrient pollution imposes large and measurable economic and quality-of-life impacts on our communities. It kills the seagrasses and other submerged aquatic vegetation many wildlife species (e.g., manatees) depend on for food and to meet other habitat needs.

Maybe your city or county is one of the 117 local governments that have already adopted an ordinance to manage fertilizer applications to turf grass. Or maybe your county or city would like to adopt such an ordinance. The legislature is trying to steal that authority away from every local government in the state to help pad TruGreen's bottom line.

Let the Governor know:

- Fertilizer ordinances may be the most cost-effective way to reduce nutrient pollution.
  - Research has determined these ordinances do not result in nutrient-starved lawns.
  - It is contrary to his clearly-stated commitment to address Florida's water quality crisis.
- If your county or city is one of those that has adopted an ordinance of its own; or  
If your county or city is considering the adoption of a fertilizer ordinance; and

Ask him not to deny local governments the ability to be part of the solution to Florida's water quality woes. We have very little time to act, so please email or phone the Governor's office as soon as possible. Please call and/or email Governor DeSantis: 850-717-9337 [GovernorRon.DeSantis@eog.myflorida.com](mailto:GovernorRon.DeSantis@eog.myflorida.com)