

City of Coral Gables City Commission Meeting
Agenda Item G-3
May 14, 2019
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Raul Valdes-Fauli
Vice Mayor Vince Lago
Commissioner Pat Keon
Commissioner Michael Mena
Commissioner Jorge Fors

City Staff

Interim City Manager, Peter Iglesias
City Attorney, Miriam Ramos
City Clerk, Billy Urquia
Assistant Public Works Director, Brook Dannemiller

Public Speaker(s)

Patrick Salter

Agenda Item G-3 [0:00:00 p.m.]

A discussion item regarding the use and banning of glyphosate-based pesticides, such as Round-Up, on City properties.
(Sponsored by Commissioner Keon)
(Sponsored by Commissioner Fors)

Mayor Valdes-Fauli: Discussion item regarding the use of and banning of glyphosate-based pesticides, such as Round-Up and City properties.

Commissioner Keon: You know, I put it on as a discussion item. I know there's been a -- there are a number of cities -- this is just a memo that Dexter put together for me on the issue of glyphosate-based herbicides. And I had spoken to -- so, rather than just come out with a ban, I really would like some input into the entire issue. I have spoken to Brook about it. You know, his comment is -- you know, the only thing we can control it on is the City properties and City use. And if it's used -- if all of the precautions that are taken and if it's used appropriately, you know, apparently, it isn't as big an issue as it is where it's not used appropriately and properly. So, if -- I -- you know, I don't want carcinogenic agents. I don't want our employees exposed to them. I don't want them in the runoff. I don't want to see it. But I also want to know -- I mean, it was noted that it was the World Health Organization, not the EPA, but I'm always a little question of the EPA of late anyway. But you know, it really has made the finding that it is so destructive. So, I'd like to...

Mayor Valdes-Fauli: You know what the problem with this is? You can buy Round-Up at Home Depot.

Commissioner Keon: It is. And so, people don't use it properly. So, I don't know if our banning it from City use is effective if we can't ban the sale of it. Around -- I know there was someone that was going to speak from...

Mayor Valdes-Fauli: Should we try it?

Commissioner Keon: I think someone from Riviera was here -- was going to come, yes, to talk about the use on their golf course. Because the golf courses are just huge areas that use them a lot. So, maybe, if Brook could speak and we could hear from somebody with a golf course experience.

Assistant Public Works Director Dannemiller: In general, the -- Brook Dannemiller, Assistant Public Works Director for Landscape Services. In general, if the product is used appropriately, it doesn't leach into the ground water or runoff. You know, it's -- we don't apply it -- with our City

staff we have licensed spray technicians that apply all of our chemicals. And you don't apply it when it's windy, when it's raining, when it's wet. And so, you don't get a -- it's not like agricultural use where you're spraying it out of an airplane or a helicopter or a big rig and it's drifting. Where we may have issues is the commercial landscapers, where we have no control over that. One thing that we could do with our landscape registration that we've had for the last about two years now, State of Florida requires that if you're fertilizing that you have to have a fertilizer license. So, we can add some additional requirements to getting their annual landscape registration that would help educate and also help ensure that it's being used properly.

Commissioner Keon: Okay, we do that in both English and Spanish? Is the information made available to the people obtaining the licenses in both languages?

Assistant Public Works Director Dannemiller: For -- currently, it's not a requirement now. We're just -- for the landscape registration, but we could make it as part of that.

Commissioner Keon: But the information on the use of products should be in two languages.

Assistant Public Works Director Dannemiller: Yes, absolutely. We do all of our information in both English and Spanish.

Commissioner Keon: Okay. So, what's your feeling on this?

Assistant Public Works Director Dannemiller: About fertilizer, glyphosate or both?

Commissioner Keon: Round-Up.

Assistant Public Works Director Dannemiller: The -- and our spray technicians and our golf course folks will elaborate more on this. But when used properly, it's effective and should not cause harm to people. And if you have the proper PP, personal protection equipment, and used properly, the

studies show that it's -- it doesn't harm people. When used improperly, that's what the juries seem -- in California seem to be finding is there's potentially some causation or correlation there. But we use it properly, so our spray technicians, our staff are concerned about that health concern. So, it's that balance of what do you replace it with if you don't use it? Is that more harmful? Do you have to use more of something else or multiple times? So, you may be exacerbating a situation by substituting it. So, we've been testing out a few different organic plant-based type chemicals. They're not chemicals, but they're weed killers. They're not as effective and they cost a lot more, so it's striking that balance between the two.

Vice Mayor Lago: But Commissioner -- may I just interject for a second?

Commissioner Keon: Absolutely.

Vice Mayor Lago: First off, I commend Commissioner Keon and Fors for putting this on the agenda. This is just as important. I'm confused also, and I'll tell you why.

Commissioner Keon: I am too.

Vice Mayor Lago: We've been discussing this -- we had a meeting in May of 2018. I met with staff about this because this was brought to my attention by Mayor Stoddard.

Commissioner Keon: Right.

Vice Mayor Lago: You know, as a potential good opportunity to address it. They're using some products called Beyond Pesticides that are, again, more organic in nature. I'm confused in a sense because when you look at CNN today, there's an article about a \$2 billion -- there was a \$2 billion high-profile court case that the jurors sided with two patients for almost \$2 billion. This morning it came out. But in that same article, the EPA announces that glyphosate is still safe for use.

Mayor Valdes-Fauli: Correct.

Vice Mayor Lago: So, it's like -- to me, it's very confusing. In a sense -- when we met, we talked about application and we talk about proper use. We met with Bob. We met with you. We met with the individual from -- in May of 2018. September of 2018, we met again. I didn't bring it up because I just thought to ourselves, okay, I don't want to bring up legislation to bring it up. But I'm happy you brought it up because I think this Commission cares about this. But now the issue is, can we enforce this?

Commissioner Keon: What do we do?

Vice Mayor Lago: What do we do? Because if they're handing out \$2 billion -- I'm not a lawyer. But if they're handing out \$2 billion judgments -- it's on CNN today. Obviously, it's -- for two patients, it's a cause for concern. So, we have -- I think you mentioned -- I wrote that piece of legislation about doing the registration for gardeners. And that -- we talked a lot about that here and I think it's paid dividends because there's a lot of different ways to apply that, contacting for hurricanes, natural disasters, new procedures and policies. But the Mayor brought up a good point. Are we going to ban this? How do we -- are we going to -- how are we -- what are we going to do here? What are our real options so that the community doesn't read something like today on, you know, the media outlets saying there's a \$2 billion settlement and then the Commission is not taking action. That's what concerns me.

Commissioner Keon: Yeah.

Vice Mayor Lago: Do you agree with me or...

Commissioner Keon: I do. And that's why rather than...

Vice Mayor Lago: Am I out of line?

Commissioner Keon: No, rather than put on -- you know, put something on the agenda that says ban it...

Vice Mayor Lago: Yeah.

Commissioner Keon: I'd rather have a conversation and, hopefully, in that process, educate the community as well as educate us and ensure that, you know, the public health issues related to our own personnel in using it is that they are well protected and very knowledgeable as to the -- and the consequences of not using this properly for them as well as the people around them. That's the real issue is to ensure -- because so often I don't know -- I saw the issue on the award and -- but I don't know the background to why it was awarded. Were they working for, you know, a public entity?

Vice Mayor Lago: And I don't know.

Commissioner Keon: Were they -- how were they doing it? Were they working where it's manufactured that they were...

Vice Mayor Lago: Their exposure.

Commissioner Keon: Exposed to it? You know, I don't know, so I don't know that we should take, you know, that information and apply it, you know, in this or if that's a little...

Mayor Valdes-Fauli: And how do we enforce it.

Commissioner Keon: Extreme, right.

Vice Mayor Lago: Yeah.

Commissioner Keon: And then how do we enforce it? So, but you know, I put it on really more to have a discussion, to educate the public and to talk about it because we have seen neighboring cities banning it. Miami banned it -- City of Miami banned it, I think.

Vice Mayor Lago: South Miami.

Commissioner Keon: South Miami, North Miami, Miami Beach. I mean, people are banning it for -- I'm not sure...

Commissioner Mena: But that's on city-owned properties, right?

Unidentified Speaker: Yeah.

Mayor Valdes-Fauli: Yeah, that's (INAUDIBLE) employees and contractors...

Commissioner Keon: It's on city...

Mayor Valdes-Fauli: (INAUDIBLE) City-owned properties.

City Attorney Ramos: My understanding is Miami is...

Commissioner Keon: Right.

City Attorney Ramos: Everybody.

Commissioner Keon: Miami is...

City Attorney Ramos: It's banned.

Vice Mayor Lago: How do you enforce it?

Commissioner Keon: Everybody. You can't. So, if you want to do meaningful legislation...

Vice Mayor Lago: Going back to what the Mayor said...

Commissioner Keon: Right.

Vice Mayor Lago: How do you enforce that?

Commissioner Keon: Make it meaningful. You know, if we're not going to be -- do meaningful things, please don't do this to everybody.

Assistant Public Works Director Dannemiller: So, I have a short PowerPoint...

City Attorney Ramos: Miami Beach did it to themselves.

Assistant Public Works Director Dannemiller: That gives us some potential options.

City Attorney Ramos: So, they wouldn't buy it, they wouldn't use it, Miami Beach.

Commissioner Fors: Right.

City Attorney Ramos: Miami did it at large.

Commissioner Fors: So, I view the problem as -- not the problem, but the question as sort of a two-part question. Sure, there's science out there that says that it's -- affects -- could potentially affect the health of humans who come in contact with it. There's also science that says that it

doesn't affect it. In the same article, which I read also, says that glyphosate doesn't necessarily -- or that it doesn't affect or cause risk to human health. A separate issue really is -- forget about whether it does or it doesn't -- and by the way, just to backtrack, Chelsea, who prepared a memo for me as well, which I didn't bring, pointed out that many scholars have said that it's very difficult to determine if glyphosate is the problem because, in fact, it might be glyphosate's interaction with other chemicals inside Round-Up, which we don't know what they are because the manufacturer's only required to list its active ingredients. But one thing for me is the potential health risk and the ecological risk. And it's true that we can ban it on city property. And it's only going to be a drop in the bucket because you can pick it up at Home Department. The second part of the analysis for me is from a financial civil liability perspective on the part of the City. There, you can ban it on City property and not have to worry about potentially being sued in the future, especially after potentially Monsanto goes bankrupt if it continues to get hit with billion-dollar verdicts like it did yesterday. And the question for me there -- well, not the question, but the main point really is that for a jury to enter a jury verdict against you for \$2 billion doesn't require them to prove or doesn't require the attorney to prove that in fact glyphosate causes cancer or not -- Hodgkin's lymphoma, which I think is the predominant cancer that it causes -- lymphoma, right. It only requires them to prove by a preponderance of the evidence, which is 51 percent. So, my question is -- and of course, we have sovereign immunity, which caps our damages to a certain degree. Although, I think, in certain situations, they can go above that. My question is, you know, is the risk enough of being - - of starting to see more and more lawsuits, some possibly directed at government entities enough so that we should just not even get into whether it causes cancer or not or the fact that our people may be trained or certified to use it but just avoid the problem altogether and not have to worry about these lawsuits in the future. Just so you know -- and I understand also -- I put it as an item for discussion not knowing that Commissioner Keon did. And I also thought to myself we can't just come in here and say we're going to ban it because -- and I know you -- the City staff has been working hard to find alternatives and study it. And I know it's not the easiest thing. I tried researching it myself. But I do think the more frequent jury verdicts require us to, as a matter of - - as a financial matter, to look into it. And just to review quickly --because she did pull this up for me -- Miami announced a citywide ban, which of course, I'm not sure how they're going to enforce

it. Miami Beach was for -- was on city-owned property. North Miami approved a plan calling for the gradual reduction of its use on city property and a study on alternative pesticides. Stuart voted to ban it, calling for an integrated pest control plan that reduces the use of it with the ultimate goal of eliminating it. And then South Miami, as we all know, restricted it to not -- doesn't permit it to be used near waterways. So, I think even a gradual or measured step towards eventually limiting it is merited. That's why I brought it up as a...

Mayor Valdes-Fauli: Okay. Can we...

Commissioner Fors: Point of discussion.

Mayor Valdes-Fauli: Can we ask City Manager, staff, you, your people, to study the situation as opposed to us sitting here and speculating what may or may not happen? I mean...

Assistant Public Works Director Dannemiller: And I...

Commissioner Keon: Yeah. That's what I -- I would like...

Assistant Public Works Director Dannemiller: I do have a short PowerPoint, if you want a few quick options.

Mayor Valdes-Fauli: Please, yes, yes.

Assistant Public Works Director Dannemiller: And then that...

Mayor Valdes-Fauli: Go ahead, yes.

Assistant Public Works Director Dannemiller: Way...

Mayor Valdes-Fauli: I think it's destructive for us to...

Commissioner Keon: Right.

Assistant Public Works Director Dannemiller: We focused more on the water quality aspect of it. The main objectives were to reduce getting glyphosate in the ground water and the waterways. So, its primary objective, improve water quality and prevent harmful algal blooms -- this is for both fertilizer and glyphosate because the -- when this first came up, we were discussing both which are -- both affect water quality. And our technicians are applying pesticides, herbicides and fertilizers, so we want to make sure, you know, for both water quality and safety that we're addressing all of them, not just this one specific because they can all be harmful. So, we want to prevent harmful algal blooms and harmful bacteria levels by reducing nutrient pollution runoff into waterways, which is known to increase frequency, duration and intensity of algal blooms. Improve water quality and health of aquatic organisms by reducing glyphosate entering waterways and ground water. But again, when it's applied properly, it doesn't tend to get into the waterways. But the primary issue is when it's improperly applied. So, we have three main target areas for all of these items. City landscape areas and parks, which we have control over; golf courses, which we have four of. We have control over one. The other three, though, all have best management practices that they use. And then the commercial landscapers and homeowners, which is the -- most likely the predominant cause of a lot of this. So, potential strategies for city landscape areas and parks. Best management practices. Continue to utilize best management practices for application of fertilizers, herbicides and pesticides. Document and formalize these best management practices in an administrative order or directive or just our standard operating procedures to say if we're going to commit to doing this to prevent exposure or reduce exposure and harmful exposure and getting into the waterways. Reduce use. So, any substitute we have for glyphosate is going to be more expensive, more labor, more applications and potentially more of a different product, so we want to make sure whatever we reduce our use with isn't more harmful to both our staff or the environment. And we currently -- annual of about 145 gallons of Round-Up that we use. It's concentrated. We dilute it down to the -- a very low level because we do

direct hand application. We're not doing large applications of it. And then water quality monitoring, which we're required to do by the state. We have a plan that's -- we're already working with on the state and if that's approved, we'll need to fund that so we can actually see if whatever we're doing is helping the water quality in our waterways. Because to ban it and not test it and see -- verify whether or not it's having an effect or is it not effective for us. So, we want to get a base line and then test to see...

Vice Mayor Lago: Did you mention funding? Are you going to include that in this year's budget?

Assistant Public Works Director Dannemiller: Yes. That should be in there.

Vice Mayor Lago: Perfect.

Assistant Public Works Director Dannemiller: Where are we? Here, golf courses. We have Granada, Biltmore, Riviera and Deering Bay. And those are the same best management practices that I just went through, so I'm not going to go through those again.

Commissioner Keon: So, do you work with them on this...

Assistant Public Works Director Dannemiller: Yeah, so...

Commissioner Keon: Or no?

Assistant Public Works Director Dannemiller: So, we have Troy Hall at the Granada Golf Course. We have Riviera Country Club is here now and they all talk and share best management practices and knowledge frequently because it's -- the golf community is a pretty close community. So, we can work with them to make sure everyone's on the same page. And during the Biltmore renovation, we met with them and they made some modifications to the grading and fertilization practices near the waterway...

Commissioner Keon: Right.

Assistant Public Works Director Dannemiller: Already to do this. So, they're already working on making those improvements because everyone wants the water quality and, you know, golf course...

Commissioner Keon: Especially the Biltmore.

Assistant Public Works Director Dannemiller: Yes.

Commissioner Keon: The waterway runs right through it.

Assistant Public Works Director Dannemiller: Yeah. So, they have the biggest impact on the waterway because the grass goes right to the water. But they already -- they don't fertilize near the waterway. If they have to, they use a liquid fertilizer, which immediately is absorbed so it doesn't run off into the water. So, they're very conscious of that and they're working on continuing to improve that. Oops, went too far. Here, we have a lot of educational information already that we just need to get out to the public. These are all the different pamphlets that we have. We have both county and city pamphlets. They are in this form and in PDFs that are available, so we can make those more available to landscapers and residents. And you can see there's a pretty extensive list there. And then lastly, which is what I was discussing before, if we update the landscape registration requirements to either require incentive -- to incentivize or require through higher fees or lower fees -- right now, it's a \$5 fee. You know, that fee could be higher and then it goes down \$5 if you have these certifications, or we can make it a requirement depending on what is legally allowed or what the Commission would desire. And that would train -- that would require all the commercial landscapers to at least have some basic knowledge of fertilization and fertilizer pesticide/herbicide application. Florida law requires that every commercial for hire fertilizer applicator to have a fertilizer application license. And then local governments can also require

fertilizer applicators to have the Green Industry Best Management Practice training. And those -- it talks about PPE for the applicators, how to apply, when not to apply. That's all very helpful to prevent people from being exposed to it and contaminating the environment. And then lastly, all of our applicators have a pest applicator license. We could make that a requirement. That's a more extensive requirement that we could require.

Mayor Valdes-Fauli: Thank you. We have -- wait, wait. We have Patrick Salter that wishes to address the Commission.

Commissioner Keon: Yeah. I just want to know what the private -- they're from Riviera. I want to know what the private...

Vice Mayor Lago: Thank you, Brook.

Commissioner Keon: Sector is doing to comply with these things too.

Patrick Salter: Good morning, everyone.

Vice Mayor Lago: Good morning.

Mr. Salter: Thank you for allowing me to come before you and speak about this...

Commissioner Keon: State your name and address.

Mr. Salter: My name is Patrick Salter. I'm actually here on behalf of the Golf Course Superintendents' Association of America. It is true, I am the Director of Agronomy at the Riviera Country Club. What Brook just spoke about are all great ideas. And if we take a look at this before that big settlement came down for \$2 billion and before we get any information as to what happened to this, everybody has been pointing to the \$289 million one that happened in California

a while back. And when you look at what happened there, a big failure was on the supervisor's behalf. That gentleman worked for the school district out in California and he sprayed Round-Up for approximately 30 years, and he sprayed it in shorts. If you look at Round-Up's label, glyphosate's label, you're supposed to wear pants, socks, shoes. And for whatever reason, he didn't, and for whatever reason, the supervisor didn't inform him what he needed to wear, which is something that we do every day on the golf course. More importantly, who did they decide to sue? Did they decide to sue a city or a school district that has limited resources and may have some sovereignty, or did they go after the big chemical company? They went after the big chemical company. The biggest thing that I think that we could do is to have best management practices in place. The State of Florida, in conjunction with the University of Florida and the Florida Golf Course Superintendents' Association has developed the best management practices guidelines for golf courses. Now, it's not anything that is a federal law or -- I'm sorry, state law at this point, but it's something that all of us, as golf course superintendents, take part in to show that we are stewards of the environment because without the golf course, we don't have jobs. We can't support our families. They've taken it farther and the state has developed the Green Industry Best Management Practices approach. I just recently went to the training down at the extension office in Miami-Dade. And it's great. It's a day's long class. You learn about how all this stuff can get into the waterways, how all this stuff can affect humans. And making sure that your contractors and your city personnel have those licenses and then have the documentation on that, I feel that's going to be everybody's best defense, especially when we worry about a lawsuit coming into place, you know. Document. Show that you took the steps to make sure that your people, your employees were safe. And educating the public as to what's going on is our biggest -- our -- I think, our biggest goals. It's not to just blanketly eliminate the use of this pesticide or that pesticide. It's to inform the public as to what is really going on. And I really think and really encourage you to put together a panel of experts. I'd be happy to offer my services to do that. Let's study this. Let's figure out what the solution is so that we can all move forward.

Mayor Valdes-Fauli: Thank you very much. Any questions?

Commissioner Keon: No. So...

Vice Mayor Lago: Thank you for the info.

Mayor Valdes-Fauli: That's a very good suggestion.

Vice Mayor Lago: You're a wealth of knowledge. Thank you.

Commissioner Keon: So...

Mayor Valdes-Fauli: Very, very good suggestion.

Commissioner Keon: But we'd ask them to come back in June. Does that give you enough time to come back in June with a -- just a report and ensure that we document within our city best practices and formalize this -- the best practices in management for the use of these chemicals?

Assistant Public Works Director Dannemiller: Yeah. The -- our -- we're already doing the MP, so that should be a pretty...

Commissioner Keon: So, you can...

Assistant Public Works Director Dannemiller: Straight-forward...

Commissioner Keon: You'll do that now. And I would hope that the private sector would also include that...

Mayor Valdes-Fauli: Right.

Commissioner Keon: You know, in their policy manuals, the best practices for these things to ensure that we all collectively take care of our people and our waterways.

Mayor Valdes-Fauli: Thank you very much.

Assistant Public Works Director Dannemiller: Do you want us to look further...

Mayor Valdes-Fauli: Mr. Salter, thank you.

Assistant Public Works Director Dannemiller: At the private -- the landscape registration and increasing those...

Commissioner Keon: Yeah.

Assistant Public Works Director Dannemiller: Requirements...

Commissioner Keon: Yeah.

Assistant Public Works Director Dannemiller: As well?

Commissioner Keon: Yes.

Mayor Valdes-Fauli: Come back in June.

Commissioner Keon: And maybe give us a copy of the best practices as they're incorporated into our City...

Assistant Public Works Director Dannemiller: Okay.

Commissioner Keon: Okay.

Mayor Valdes-Fauli: Thank you.

Commissioner Keon: Administrative Code.

Mayor Valdes-Fauli: We'll take a ten-minute break.

Commissioner Keon: Thank you.

Mr. Salter: Thank you.

Mayor Valdes-Fauli: Thank you very much.