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2 IN RE: CITRUS CANKER AMENDMENTS

3 RULE DEVELOPMENT WORKSHOP

4 RULE CHAPTER 5B-58

5

6 PUBLIC HEARING

7 VOLUME I, PAGES 1-92

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11 NOVEMBER 14TH, 2001
12 100 SOUTH ANDREWS AVENUE
13 FORT LAUDERDALE, FLORIDA

14 1:00 p.m. - 5:30 p.m.

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20 APPEARANCES:

21 RICHARD GASKALLA.
22 DIRECTOR, DIVISION OF PLANT INDUSTRY.
23 STATE OF FLORIDA, DEPARTMENT OF AGRICULTURE
24 AND CONSUMER SERVICES.

25

1 Whereupon, the following proceedings were had:

2 MR. GASKALLA: Well, good afternoon.

3 If I can have everyone's attention.

4 It's a few minutes after 1:00 and this
5 administrative hearing was scheduled to
6 start at 1:00, so I prefer to go ahead and
7 get started as close to on schedule as we
8 can.

9 UNIDENTIFIED SPEAKER: Why don't you
10 use the mic.

11 MR. GASKALLA: I'm sorry.

12 For those of you that don't know me, my
13 name is Richard Gaskalla. I'm the Director
14 of the Division of Plant Industry which is
15 the Plant Protection Branch of the Florida
16 Department of Agriculture and Consumer
17 Services. More importantly, I'm the
18 Department's designated representative here
19 today to oversee this administrative hearing
20 on the proposed rule amendments to Rule
21 Chapter 5B-58.001 citrus canker.

22 This hearing was advertised in the
23 Florida Administrative Weekly and local
24 newspapers as required.

25 The purpose of this hearing as stated

1 in Chapter 120 of the Florida Statute is to
2 allow for the presentation of evidence and
3 argument on the issues under consideration
4 here today, that being the rule amendments
5 to the citrus canker rule.

6 If you have not already filled out a
7 card and wish to speak, I would ask you to
8 step out and do so so we will have some
9 indication of your desire to speak at
10 today's hearing. We'll take the individuals
11 that wish to speak in the order that we
12 received them here, and this hearing is
13 scheduled to run from 1:00 till 5:00.

14 Just looking at who we have present
15 here today, I don't see any real need to
16 restrict anybody to a specific amount of
17 time, although I would ask that you try to
18 keep your comments as succinct and to the
19 point as possible and to the rule
20 amendments, and if there's comments that
21 have already been made and they're entered
22 into the record, you can say them again, but
23 once they're in there, you know, we will be
24 responding to them, so you can take that
25 into consideration as well.

1 As you came in I hope that you picked
2 up a copy of the proposed rule amendments.
3 If not, there are copies outside the door
4 that are available.

5 Again, for the record I'll read the
6 proposed amendments that we're here to
7 discuss here today. It's Rule 5B-58.001,
8 citrus canker eradication.

9 The first change is in the definition
10 section, the Risk Assessment Group --

11 UNIDENTIFIED SPEAKER: That mic is not
12 working.

13 MR. CONOVER: Yes, it is.

14 UNIDENTIFIED SPEAKER: The mic's not
15 working.

16 MR. CONOVER: Yes, it is.

17 UNIDENTIFIED SPEAKER: I don't hear
18 you.

19 MR. CONOVER: Move up.

20 MR. GASKALLA: We'll see if we can
21 adjust the volume.

22 Testing, one, two, three. Testing,
23 one, two, three.

24 Better? Worse?

25 I'll do my best to speak up. Well, not

1 too much.

2 Again, the proposed rule amendments
3 within 5B-58.001 start in the definition
4 section which is (1). We're deleting the
5 reference in (e) to the Risk Assessment
6 Group. We're also deleting definition (h),
7 exposed.

8 Going down to (5), instead of control
9 procedures we're changing that to read
10 removal procedures and adding a subsection
11 that reads: The removal of citrus trees for
12 the purpose of eradicating, controlling and
13 preventing the dissemination of citrus
14 canker in this state, the Department shall
15 remove and destroy all citrus trees which
16 are infected or are located within nineteen
17 hundred feet of infected citrus tree.

18 Following that the Risk Assessment
19 section is deleted along with the Risk
20 Assessment Group definition.

21 Following that in (B), Immediate Final
22 Orders, the Immediate Final Orders are being
23 incorporated in the rule by reference
24 indicating that they will be delivered by
25 certified mail or attached to a conspicuous

1 place on the property. The Immediate Final
2 Order shall contain three specific pieces of
3 information, the physical location of the
4 infected tree which has necessitated the
5 destruction of the property owner's trees,
6 the diagnostic reports which resulted in the
7 determination that the infected tree is,
8 indeed, infected with citrus canker, and the
9 distance between the infected citrus tree
10 and the property owner's citrus trees.

11 That completes the recommended
12 amendments to the rule.

13 Are there any questions before we
14 proceed with testimony?

15 Yes, ma'am.

16 UNIDENTIFIED SPEAKER: Were there
17 additional paragraphs that followed the
18 Immediate Final Orders in the previous rule?

19 MR. GASKALLA: Yes. If you'll look it
20 says (6) through (16) no change, so that
21 would be the text and those sections would
22 be just as they are now. We're not
23 proposing any changes.

24 UNIDENTIFIED SPEAKER: Those are the
25 ones that included an appeal process? Did

1 those include -- Did (6) through (16)
2 include an appeal process to the Immediate
3 Final Orders?

4 MR. GASKALLA: Well, that would be
5 incorporated within the Immediate Final
6 Order. (6) through (16) would be sections
7 of the rule itself.

8 UNIDENTIFIED SPEAKER: There is still
9 an appeal process in the Immediate Final
10 Order?

11 MR. GASKALLA: Yes.

12 UNIDENTIFIED SPEAKER: Thank you.

13 MR. GASKALLA: Any other questions?

14 Okay, our first presenter will be Steve
15 Wolfman.

16 MR. WOLFMAN: Where do you want me?

17 MR. GASKALLA: You can either sit or
18 stand.

19 MR. WOLFMAN: I don't think I need a
20 microphone.

21 I've been to about three of these
22 meetings --

23 MR. GASKALLA: Excuse me, Mr. Wolfman.

24 MR. WOLFMAN: I'm sorry. Steve
25 Wolfman.

1 MR. GASKALLA: I apologize. If you can
2 state your name for the record, and remember
3 that we do have a court reporter, and try
4 not to speak as fast as I do.

5 MR. WOLFMAN: Okay.

6 Steve Wolfman, Plantation, Florida.

7 This is about the third public meeting
8 I've attended, and I find that it appears to
9 me that it's for show only and public input
10 is not specifically addressed in any manner
11 because, in fact, this young lady, the
12 transcriber came up to me and remembered me
13 and asked if I had any paperwork for her to
14 have to record and I said, no, I've
15 submitted the same paperwork twice, and I
16 can tell you that none of that data that I
17 submitted has ever been looked at nor
18 addressed, and the data contained the
19 State's paper that I was able to receive
20 showing that they took down our lemon tree
21 six hundred and twenty-eight feet from my
22 home in Plantation, and I submitted data
23 showing that during that period from the
24 time they discovered the tree to the time
25 they removed it that was six months, and to

1 the date present, okay, that there was no
2 evidence of citrus canker in any of my seven
3 trees nor was there any evidence of citrus
4 canker in the whole nineteen hundred foot
5 area, and I had about a hundred inches of
6 water, and that theoretically is the method
7 of transmission as so stated by Doctor
8 Gottwald.

9 I just saw a presentation, a slide
10 presentation on November 5th at the Rare
11 Fruit and Vegetable Council of someone who
12 came back from Thailand, and they showed
13 slides that citrus canker is living well
14 there, and they spray weekly with copper and
15 they're happy with the results and they're
16 not removing trees but they're washing the
17 fruit and eating the fruit happily.

18 We have, in fact, environmentally
19 better products to use here, but it appears
20 that the State doesn't want to address that.
21 We have environmentally safe products that
22 can kill citrus canker on contact and will
23 systemically within the leaf kill any
24 bacteria that might be harboring in a leaf,
25 but we don't want to address that.

1 Doctor Dixon in the presentation of
2 Doctor Gottwald's investigation I saw in
3 Miami provided no proof whatsoever of the
4 method of transmission of citrus canker. He
5 was asked that question directly by someone,
6 and Doctor Dixon couldn't answer it.

7 How did it recently appear in Martin
8 and DeSoto County if it goes on wind and
9 rain?

10 And it so happens if you do any
11 research, that they discovered canker in '95
12 in Miami near the airport and they suspected
13 that that canker appeared in 1992. That
14 would coincidentally coincide with the
15 appearance of a really bad hurricane season
16 including Andrew and it's possible that, you
17 know, the only way we can eliminate citrus
18 canker in Florida is to eliminate every
19 citrus tree within the State of Florida,
20 because it's possible that canker can appear
21 here as a result of flying on the particles
22 that leave Africa, because we know that
23 there are African locusts in the Islands
24 already and some wild orchids are growing
25 there from Africa. How did they get there?

1 So you can't eradicate citrus canker in
2 Florida unless you eradicate every tree from
3 Key West to the Georgia border.

4 No one mentions a Citrus Tristeza which
5 is actually killing citrus trees, and it's a
6 virus killing citrus trees in our groves at
7 a very remarkably high rate with no recourse
8 because it is in the sour rootstock.

9 Citrus Tristeza is not mentioned by
10 anybody, neither is the State of Florida
11 mentioning the fact that the Brazilian
12 interests own over forty percent of our
13 juicing in Florida today, and I have a
14 feeling there are other interests that are
15 behind this whole citrus eradication
16 program.

17 And no one has ever addressed, and I've
18 been trying to get this information from the
19 State and can't get it, they use Florida
20 Citrus Mutual in order to say that this
21 industry is an eight and a half to nine
22 billion dollar industry, and the only
23 figures I have include a hundred and sixty
24 thousand from Florida Citrus Mutual, a
25 hundred and sixty thousand equivalent jobs.

1 Now, I'm a college graduate. I
2 wouldn't say I'm the smartest guy in the
3 world, but I don't know what an equivalent
4 job is. I've never seen the definition of
5 an equivalent job, but if you extrapolate
6 that, those equivalent jobs have a value of
7 approximately sixty thousand dollars each.
8 The mean salary in Florida, the meaning as
9 published this week was around thirty
10 thousand dollars.

11 So what I'm contending is that the
12 State of Florida in collusion with Florida
13 Citrus Mutual is building this case in order
14 to justify this program, and I conclude with
15 what I've concluded before. This is not a
16 citrus eradication program, this is a citrus
17 tree eradication program, and I haven't seen
18 any evidence to the contrary.

19 Thank you.

20 MR. GASKALLA: Thank you, Mr. Wolfman.

21 Arlene Meyer.

22 MS. MEYER: I'm Arlene Meyer, and I'm
23 quoting an article that was in the paper
24 August 9th. It says, "Canker spray almost
25 approved," and it says the product was Magna

1 Bon Eradicator. So I would like to know if
2 it was ever approved so that you can spray
3 the healthy trees and forget about
4 destroying them?

5 MR. GASKALLA: Can you repeat the name
6 of that product.

7 MS. MEYER: It's called Magna,
8 M-a-g-n-a, Bon, B-o-n and Eradicator, and it
9 says it's very reasonable and it stays on
10 the waxy leaf for up to six weeks, and it
11 says the Environmental Protection Agency,
12 they should have its label within the next
13 few weeks, so I'm asking whether that
14 happened.

15 MR. GASKALLA: I'll check on that
16 product, ma'am, but I'm not familiar with
17 it, but I will check on it and give you a
18 response.

19 MS. MEYER: Okay. Thank you.

20 MR. GASKALLA: Marion Henderson.

21 MS. HENDERSON: Okay, Mr. Gaskalla, was
22 every effort made to review all of the
23 scientific data before you decided to come
24 up with this - propose this nineteen hundred
25 foot rule?

1 For example, within the residential
2 area throughout Florida, we have plants that
3 are part of the Rutecaeu family, but within
4 that there's something called the Murraya,
5 M-u-r-r-a-y-a. Now, that's very common in
6 Florida, and I've been reliably informed
7 that in Japan that is a host for Xanthomonas
8 Asian strain, and I was wondering if that
9 was addressed by Doctor Gottwald in his
10 study.

11 Did Doctor Gottwald do a protein
12 analysis on non citrus host, members of the
13 Rutecaeu family and in particular the
14 Murraya, M-u-r-r-a-y-a group?

15 MR. GASKALLA: Marion -- Excuse me.
16 Miss Henderson, I would prefer that you just
17 read these questions into the record and
18 then we'll respond back in writing.

19 MS. HENDERSON: Oh, wonderful. Okay.

20 Did Doctor Gottwald take into account
21 the average rainfall in the State of Florida
22 over the past thirty-nine years? It is
23 approximately fifty-three inches.

24 Now, that's very marginal for the very
25 existence of Xanthomonas. The bacteria

1 requires a rainfall of at least fifty inches
2 of rain, and as you might know, and I'm sure
3 Doctor Gottwald must have considered this,
4 in some years in Florida our rainfall is
5 barely over twenty inches, whereas in other
6 years it's over a hundred and twenty inches.
7 So Florida is very marginal for the very
8 existence of Xanthomonas. Nevertheless,
9 Xanthomonas is all over this state, and I
10 was wondering, did Doctor Gottwald address
11 the issue of genetic drift and/or more
12 specifically the natural rate of mutation?
13 For example, I noticed in some of the
14 literature on the citrus canker eradication
15 program we have talked about the Miami
16 Springs strain, the Manatee strain, the
17 Wellington strain, and they've even proposed
18 the Coral Springs strain, and it does seem
19 that there is some genetic differences among
20 these various bacteria.
21 Now, I've been told that some of the
22 factors contributing to genetic differences
23 might be ultraviolet light.
24 Now, here in the sunshine state we have
25 an abundance of ultraviolet light that's

1 sunshine.

2 Another factor might be nutrition, and
3 I was wondering, and I don't have the answer
4 to this but I'm sure that Doctor Gottwald
5 must have addressed it somewhere but I
6 haven't seen it: What if you had a
7 *Xanthomonas campestris* pv *poa* or a
8 *Xanthomonas campestris* pv *Hibiscus* and that
9 bacteria were relocated onto a citrus host?
10 After three to four months what would you
11 find? What would be the genetic print at
12 that point? I don't know.

13 Now, speaking of doing DNA analysis, I
14 haven't yet seen where Doctor Gottwald did a
15 DNA or serological test on the focal trees
16 here in the residential tree area or on the
17 outlying "infected trees." Were those lab
18 tests done, and if so, where are the
19 results?

20 Also and back to my earlier point, I
21 don't want to be repetitious here, but
22 within that area in the urban area where
23 Doctor Gottwald did his test, did he do any
24 protein analysis? That would be the
25 chemical stress analysis. Which one of his

1 colleagues there at the U.S.D.A. -- The U.S.
2 Horticulture Research Service of Fort Pierce
3 does that kind of analysis, as you probably
4 well know.

5 I haven't seen it. Is it up on your
6 website?

7 MR. GASKALLA: I'm not sure. I'll
8 check, and like I said, we'll respond to
9 each of these points in writing.

10 MS. HENDERSON: Wonderful. Okay.

11 All right, I think that's about it for
12 the moment.

13 Thank you.

14 MR. GASKALLA: Thank you.

15 Mr. Andrew Meyer.

16 MR. MEYERS: First time for everything.

17 Mr. Gaskalla, it's Andrew Meyers with
18 an S, not to be confused with Craig Meyer
19 without an S.

20 MR. GASKALLA: I stand corrected.

21 MR. MEYERS: Thank you, sir.

22 Can you guys hear me okay if I don't
23 use this?

24 Okay. Thank you.

25 Mr. Gaskalla, as we discussed when I

1 first came into the room, you guys do not
2 have any copies of the IFO forms here which
3 are being incorporated into your rule.
4 Since they were not available at the earlier
5 workshops, I actually on November 6th did a
6 public records request which was faxed to
7 you and copied to David Ashburn and
8 Mr. Budney, your attorney.

9 Mr. Budney is in attendance.

10 I asked you this morning, by the way,
11 for the record in the public records
12 request, I said please either mail or fax
13 them to me or deliver them to me in person
14 at the scheduled public hearing.

15 I have not received them. I asked you
16 for a copy of them. You told me that you
17 prefer for your attorneys to deal with me.
18 I asked Mr. Budney for a copy of them, and I
19 want to know if they are available for me to
20 present argument and evidence?

21 MR. BUDNEY: The IFO form has been
22 requested and it's being faxed to an office
23 here in this building and has not yet
24 arrived.

25 MR. GASKALLA: David, do you have those

1 copies?

2 MR. MEYERS: Why don't I proceed and --

3 MR. BUDNEY: Mr. Meyers, here is the
4 copy provided by the Department at this
5 point in time produced to you at the hearing
6 pursuant to your public records request.

7 MR. MEYERS: Thank you.

8 I'd like to right at the end of the
9 hearing to comment on these so I have a
10 chance to review them.

11 Mr. Gaskalla, you say in your draft of
12 rule under purpose and effect that the
13 proposed rule will prevent devastation of
14 the eight billion dollar citrus industry and
15 dooryard citrus, and you've already had a
16 gentleman who questioned those numbers, as I
17 think most of us in the room probably do.

18 Can you explain how you get to the
19 eight billion dollar figure.

20 MR. GASKALLA: Yes, I can, and we will
21 do that in writing at the conclusion of this
22 proceeding.

23 MR. MEYERS: Mr. Gaskalla, how do you
24 expect me and the other people that took
25 time out in the middle of their day to come

1 here to present argument and evidence on
2 this rule if we don't understand the rule?

3 MR. GASKALLA: Well, again, we will
4 provide answers to all the questions and
5 we'll post that information on our Internet
6 site, and if anyone will give me a name and
7 address, we'll provide an explanation to
8 them in writing personally.

9 MR. MEYERS: And once we receive that
10 clarification from the Department, will we
11 again have an opportunity to provide
12 argument and evidence regarding your
13 proposed rule?

14 MR. GASKALLA: That will depend upon
15 the provisions of Chapter 120.

16 MR. MEYERS: So it's your position
17 today that you're not prepared to comment on
18 anything in your rule to clarify things that
19 we may deem necessary to present argument
20 and evidence?

21 MR. GASKALLA: In accordance with
22 Chapter 120, the purpose of this hearing is
23 to take evidence and argument, not
24 necessarily to respond at this proceeding.

25 MR. MEYERS: Thank you. I think that's

1 very clear.

2 Do you know what portion of the eight
3 billion dollar citrus industry is at risk if
4 canker continues to spread throughout the
5 state?

6 MR. GASKALLA: Proceed.

7 The question has been entered into the
8 record.

9 MR. MEYERS: I'm just asking if you
10 know.

11 Do you know?

12 MR. GASKALLA: That will take some
13 research.

14 MR. MEYERS: Shouldn't that research
15 have been done before you proposed cutting
16 all of our trees within nineteen hundred
17 feet?

18 MR. BUDNEY: Let me just interject
19 Mr. Meyers.

20 I think your question is out of line.

21 This is a public hearing, it's not a
22 workshop. As in any public hearing it's
23 your responsibility to come and produce
24 whatever evidence you have of what you think
25 is relevant to the rule.

1 We will - the Department will listen to
2 that evidence, consider it and take the
3 actions deemed appropriate, and it is --
4 Excuse me. That's the procedure.

5 The rules do not require nor do they
6 anticipate responding to questions such as
7 those that are being posed here, so I would
8 object to the procedure as a point of order
9 and ask you to proceed in accordance with
10 the proper procedure under a public hearing.

11 UNIDENTIFIED SPEAKER: This
12 announcement said it's a workshop.

13 MR. BUDNEY: Just for the record, this
14 has been published pursuant to applicable
15 law as a public hearing and that is the
16 function.

17 There have already been workshops
18 conducted in Fort Lauderdale, Broward --
19 Fort Lauderdale, Broward County, in Palm
20 Beach County and Miami-Dade County.

21 UNIDENTIFIED SPEAKER: This says
22 workshop right here.

23 MR. BUDNEY: If you're referring to the
24 newspaper ad, that's correct.

25 I'm talking about the publication in

1 Florida Administrative --

2 UNIDENTIFIED SPEAKER: I'm talking
3 about why we're here. We're here for a
4 workshop.

5 MR. BUDNEY: I understand.

6 UNIDENTIFIED SPEAKER: Then sit down.

7 MR. BUDNEY: Excuse me, but,
8 Mr. Meyers, proceed, please, on that basis.

9 MR. MEYERS: Mr. Budney, your comment
10 will be considered and we'll respond to it
11 in writing after the hearing.

12 Ma'am, I'd like to introduce this into
13 the record as whatever numbered exhibit it
14 needs to be.

15 This is a copy of a newspaper
16 advertisement --

17 MR. GASKALLA: Mr. Meyers, if you would
18 back off a little bit from the court
19 reporter, I would appreciate it. I mean,
20 there's no need to intimidate her.

21 MR. MEYERS: I'm handing her a copy of
22 something, sir.

23 MR. GASKALLA: You need to hand that to
24 me, not to her.

25 MR. MEYERS: I apologize, but your

1 dramatics have been noted.

2 Do you know what percentage of dooryard
3 citrus trees the Department expects will
4 remain standing in Broward and Miami-Dade
5 County after the rule takes effect?

6 Hearing no answer, of course you don't
7 know.

8 And if you don't know the answer to
9 that, how do you know your rule will prevent
10 devastation of dooryard citrus instead of
11 being the cause of such devastation?

12 You don't know the answer to that
13 either.

14 In your rule you mention the term
15 effective eradication. Now, I've asked for
16 a long time what that term means. I'm not
17 going to ask you can you answer, but will
18 you answer and tell me what that term
19 effective eradication means?

20 MR. GASKALLA: As previously indicated,
21 yes, we will answer all your questions in
22 writing.

23 MR. MEYERS: I cannot comment and
24 provide argument and evidence on this rule
25 unless I know what effective eradication

1 means.

2 If you refuse to answer me, I want you
3 to understand that that is a material non
4 compliance with rulemaking procedures.

5 That's how I consider it.

6 MR. BUDNEY: You may consider it that
7 way, Mr. Meyers. We disagree with your
8 view.

9 If you had these questions at the prior
10 workshops which you have attended, as have
11 many of the other people in this room, you
12 could have raised those questions then and
13 they would have been answered --

14 MR. ZOPPI: You're out of order here.
15 Mr. Meyers has the floor.

16 If you're part of this hearing you
17 should be up there next to Mr. Gaskalla
18 instead of interrupting Mr. Meyers and
19 interjecting your own personal views.

20 MR. BUDNEY: Mr. Meyers is the attorney
21 for Broward County. He's here in that
22 capacity.

23 MR. ZOPPI: Mr. Meyers has the floor
24 right now.

25 MR. BUDNEY: I'm here as the attorney

1 for the Department, and I'll make that
2 position clear.

3 MR. MEYERS: Richard, Thank you.

4 MR. BUDNEY: Excuse me. I just want to
5 make the position clear, you've been asking
6 questions and I'm responding on behalf of
7 the Department.

8 You've taken a position, Mr. Meyers,
9 regarding the legal effect of this
10 proceeding, and I want to respond to you and
11 make the Department's position known with
12 respect to that, and I am telling you we
13 disagree with your position, that had you
14 had these questions they should have and
15 could have been raised at earlier workshops
16 and then the questions would have been
17 answered and you would have been in a
18 position to present the evidence as
19 anticipated under the --

20 MR. MEYERS: Mr. Budney, I was making a
21 statement that as a matter of fact, that as
22 a matter of fact not as a matter of legal
23 argument I cannot adequately present
24 argument and evidence if I do not understand
25 what the rule means, and I went to college

1 also as that gentleman did. I'm not the
2 smartest guy in the world but I'm pretty
3 smart, and if I don't understand this rule,
4 then there are a lot of people who don't
5 understand this rule, and there are a lot of
6 people who can't adequately comment on this
7 rule if they don't understand what it means,
8 and it is my position, and I understand
9 yours, that is material non compliance with
10 rulemaking procedures.

11 Thank you.

12 Mr. Gaskalla, you stated in the
13 proposed rule that you had not as of October
14 19th received any good faith written
15 proposals for alternatives. Has the
16 Department since then received some good
17 faith proposals?

18 MR. GASKALLA: We have received some
19 proposals that are under evaluation.

20 MR. MEYERS: But you're not willing to
21 concede that they're good faith proposals?

22 MR. GASKALLA: They were submitted as
23 good faith proposals.

24 MR. MEYERS: Interesting use of words.

25 Will the Department be responding to

1 them?

2 MR. GASKALLA: Yes.

3 MR. MEYERS: Can you explain why you're
4 deleting the Risk Assessment process and
5 disbanding the Risk Assessment Group?

6 MR. GASKALLA: Yes.

7 MR. MEYERS: Will you explain that for
8 us so we can adequately argue and present
9 evidence regarding this rule?

10 MR. GASKALLA: In writing, yes, we
11 will.

12 MR. MEYERS: Subsequent to the hearing?

13 MR. GASKALLA: Yes.

14 MR. MEYERS: How about the deletion of
15 the term exposed? Same thing?

16 MR. GASKALLA: Yes.

17 MR. MEYERS: Can you tell us why in
18 your proposed rule uninfected trees would be
19 removed in summary fashion pursuant to
20 IFO's?

21 MR. GASKALLA: We'll respond to that,
22 yes.

23 MR. MEYERS: Okay. Well, let me tell
24 you as a matter of evidence that we don't
25 think that's necessary. People who own

1 citrus trees should be given a reasonable
2 period of time to challenge your decisions
3 and should be able to challenge them without
4 spending two hundred and fifty dollars of
5 their own. That's something that we've said
6 to the Department a number of times,
7 probably most of the people in this room
8 have either said it or felt it, and that's
9 something that the Department really needs
10 to fix before this thing goes to final rule.

11 Can you explain why creating host free
12 buffer areas will not work here?

13 MR. GASKALLA: Yes.

14 MR. MEYERS: And will you be explaining
15 that in writing?

16 MR. GASKALLA: Yes.

17 MR. MEYERS: Okay.

18 So let me just understand since you're
19 going to be explaining this in writing, are
20 there still things you need to consider and
21 that's why you need more time to do it in
22 writing, or do you already have all the
23 answers and you just want to delay giving
24 them to us?

25 MR. GASKALLA: Well, we want to see

1 what kind of information was presented here
2 today.

3 MR. MEYERS: So at the end of the day
4 today you're not going to be through with
5 your deliberations?

6 MR. GASKALLA: We will take all that
7 information and respond in writing.

8 MR. MEYERS: Well, let me just tell you
9 as a matter of evidence that we believe that
10 host free buffer areas would work. We
11 believe that if your nineteen hundred foot
12 radius has any merit at all, creating
13 sufficiently wide buffer areas would permit
14 you to be much more conservative in your
15 destruction of uninfected trees in our
16 counties.

17 The Department previously used a one
18 acre one hundred twenty-five foot cutting
19 radius instead of doubling it or quadrupling
20 it or making it ten times larger or even a
21 hundred times larger. The Department now
22 wants to formalize its two hundred sixty
23 acre cutting radius into rule.

24 Can you explain why a smaller cutting
25 radius would not work and how the Department

1 knows that if it has not tried it using
2 various smaller radii?

3 MR. GASKALLA: Yes, we'll respond to
4 that.

5 MR. MEYERS: I'd like the opportunity
6 to present evidence and arguments regarding
7 that point.

8 Can you please respond to it now.

9 MR. GASKALLA: No.

10 MR. MEYERS: I consider that to be a
11 material non compliance with rulemaking
12 procedures.

13 Can you explain the significance of the
14 ninety-five percent capture number you and
15 your commercial citrus friends found so
16 magical when you decided to use the nineteen
17 hundred foot radius a few years ago.

18 MR. GASKALLA: Yes.

19 MR. MEYERS: I know you're not going to
20 explain it, so let me just tell you for the
21 record, we think that number's completely
22 arbitrary, it's not based on sound science
23 and results in the unnecessary destruction
24 of citrus trees.

25 By the way, do you have copies of the

1 transcripts from the West Palm Beach and
2 Dade workshops?

3 MR. GASKALLA: Yes.

4 MR. MEYERS: Are they on the website?

5 MR. GASKALLA: The West Palm Beach
6 transcript has been posted and Dade County
7 has not because it contained numerous errors
8 that needed to be corrected.

9 MR. MEYERS: When will that be posted?
10 Do you know?

11 MR. GASKALLA: Probably by Monday.

12 MR. MEYERS: Thank you.

13 You mention in the proposed rule that
14 the citrus industry would have to pay three
15 hundred forty million dollars per year if
16 citrus canker spread across the state.

17 I have two questions. First, has the
18 Department done its own analysis, or is it
19 merely accepted the analysis performed by
20 the commercial citrus industry?

21 MR. GASKALLA: We'll respond to that.

22 MR. MEYERS: That's a pretty short one.

23 You can certainly respond to that one
24 verbally.

25 MR. GASKALLA: Proceed.

1 MR. MEYERS: This is my second
2 question, and what a lot of us are thinking
3 here in the room if I had to guess --

4 MS. RUMSEY: Why are we here?

5 MR. MEYERS: I'm sorry?

6 MS. RUMSEY: Why are we here? We're
7 not hearing anything, only questions.

8 We want answers.

9 MR. MEYERS: Ma'am, in all fairness,
10 we'll get back to you on that.

11 Mr. Gaskalla, why should our tax
12 dollars and our valued property be taken to
13 subsidize the growers?

14 MR. GASKALLA: Proceed.

15 It's in the record.

16 MR. MEYERS: I'd just like to state for
17 the record that we had previously raised
18 that the IFO forms that you're using are
19 confusing to individuals. We raised in
20 writing when we challenged your emergency
21 rule specific reasons why.

22 I haven't had a chance to review these
23 things carefully as they were just handed to
24 me, but we would state again that the
25 Department needs to take a look at its IFO

1 forms and the prior problems that we
2 previously stated to you and revise these
3 forms before they're ever used.

4 You and Mr. Meyer always say that any
5 delays in your ability to destroy trees
6 increases canker spread. If that's true
7 given that the Department obviously didn't
8 intend to make a single change to the rules,
9 why did your Department spend months on
10 workshops?

11 MR. GASKALLA: Proceed.

12 MR. MEYERS: You know, at the last
13 meeting you answered that question for me.
14 You said that we requested the workshops.
15 In fact, your attorney sent me a letter
16 saying that we requested them and that's why
17 you noticed them, and we requested a lot of
18 things. Most of them are substantive
19 changes to the rule. None of that was
20 changed, but the one request we made that
21 serves to waste time and increase the risk
22 of canker spread, that's the one you
23 accepted.

24 I'll tell you, there are people who
25 believe, including people in this room, that

1 the Department is intentionally mismanaging
2 this program since that would increase the
3 number of trees it could remove, and when
4 your Department can't answer simple
5 questions to simple things, you give
6 credence to those types of claims.

7 MR. GASKALLA: We can answer all your
8 questions, and we will do so in detail in
9 writing.

10 MR. MEYERS: You're just refusing to do
11 so now.

12 MR. GASKALLA: Correct.

13 MR. MEYERS: Let me conclude by making
14 a few summary points that we hope to
15 establish during the upcoming hearing.

16 There is no evidence that eradicating
17 citrus canker is necessary to protect the
18 commercial citrus industry. There is no
19 evidence the Department can successfully
20 eradicate citrus canker. We know of no
21 sound basis in science or policy for your
22 nineteen hundred foot radius. If there is,
23 you should have disclosed it years ago to
24 save a lot of public money and a lot of
25 private trees.

1 Your elimination of the Risk Assessment
2 process shows that you couldn't care less
3 about preserving uninfected residential
4 citrus trees.

5 Your use of IFO's to remove uninfected
6 trees is unlawful and unnecessary and
7 represents the type of government bullying
8 that all Americans resent.

9 Your Department has ignored every
10 reasonable alternative that has been
11 proposed, not because they lack merit but
12 because they were proposed by residents and
13 not by your commercial citrus friends.

14 No one in this room wants to see the
15 commercial citrus industry unnecessarily
16 harmed, but the importance of the commercial
17 citrus industry does not justify your
18 Department's willful or reckless violations
19 of Florida law and our constitutional
20 rights.

21 Your gross mismanagement in this
22 program and your decision to conduct your
23 canker experiments in our backyard created
24 this problem, and now you want us to pay the
25 price to fix it.

1 Please forgive us if we don't come
2 along willingly.

3 Thank you, Mr. Gaskalla. I look
4 forward to getting your response.

5 MR. GASKALLA: Sally Rumsey.

6 MS. RUMSEY: My name is Sally Rumsey.
7 I'm a homeowner.

8 I didn't know all of this was going to
9 go on.

10 All I wanted to know was why our
11 healthy trees are being cut down.

12 I have squirrels in my backyard and my
13 dog loves to chase them from tree to tree.
14 Birds fly in the air. Are they the cause of
15 this canker? I don't know. I just want to
16 find out what's causing it and why you're
17 cutting down my healthy trees.

18 MR. GASKALLA: Very good. We will
19 respond to that question in writing in
20 detail.

21 MS. RUMSEY: Have you got my address?

22 MR. GASKALLA: If you will leave it
23 with us before you leave here today.

24 MS. RUMSEY: I'll put it right on the
25 tape here.

1 MR. GASKALLA: Thank you.

2 MS. RUMSEY: 431 Southeast 4th Street,
3 Pompano Beach, Florida 330 -- Wait. 33060.

4 I come from Canada, I'm down here seven
5 months of the year, and this is the first
6 time I've attended one of these workshops.

7 I thought it was a workshop because it
8 said a workshop in the paper, so I'm hoping
9 I find out some answers, please.

10 MR. GASKALLA: I promise we will give
11 you some.

12 MS. RUMSEY: Thank you.

13 MR. GASKALLA: Richard Zoppi.

14 MR. ZOPPI: My name is Richard Zoppi
15 from Boca Raton, Palm Beach County.

16 I've been to all but one workshop
17 meeting, and I have a few questions that I
18 would like answered.

19 First of all, I have some comments.

20 One comment is that, Mr. Budney, is
21 that whether this is a hearing or whether
22 this is a workshop, it's being conducted by
23 Mr. Gaskalla, and there are points of order
24 that are to be followed, not interrupt the
25 speaker or take over the floor like you did

1 with Mr. Meyers several times.

2 Mr. Gaskalla is conducting the meeting,
3 and if you are part of that overview and
4 control, then you should be sitting right up
5 there as the D.O.A. attorney.

6 This is not a courtroom. This is
7 America, and I think the D.O.A. has a very
8 hard time understanding that, that this is
9 America.

10 I'll get to that.

11 Mr. Gaskalla, I wish you would bring
12 back Mr. Fagan, one of your three main
13 propagandists for the D.O.A., Liz Compton,
14 Richard Miranda and Mark Fagan, because my
15 question is this, and I'd like an answer
16 immediately, is to all your inspectors that
17 go and trespass from property to property in
18 Dade, in Broward and in Palm Beach County,
19 as they trespass from property to property
20 they do not decontaminate themselves. They
21 are the primary spread and reason of the
22 spread of the canker.

23 Have you done a study of the groves
24 like in Martin County where the canker was
25 recently found and it was explained in the

1 newspapers that the same grower did not
2 follow decontamination procedures and has a
3 grove in Southwest Florida and that their
4 workers were traveling back and forth and
5 not decontaminating? Do you know if your
6 inspectors were in that area in Martin
7 County prior to the discovery? Do you keep
8 a record of where your inspectors inspect?

9 MR. GASKALLA: Yes, we can respond to
10 that question.

11 MR. ZOPPI: And so therefore, isn't
12 that a possibility, a possibility that they
13 infected the -- Glad to see you, Mr. Fagan.
14 That your inspectors spread this canker in
15 Martin County? Is that a fair statement, a
16 probability?

17 MR. GASKALLA: We can respond to that
18 question, but the short answer is it's not
19 likely.

20 MR. ZOPPI: Okay, can I address
21 Mr. Fagan?

22 MR. GASKALLA: Is it in reference to
23 the reason we're here today to discuss these
24 rule amendments?

25 MR. ZOPPI: Everything is in reference

1 that we're here today. This is a public
2 meeting and everything I have to say and the
3 people have to say is in reference to this
4 false emergency declaration and citrus
5 canker eradication program, everything is in
6 reference to that, yes.

7 And my question is, Mr. Fagan, do you
8 know that your inspectors as they trespass
9 from property to property in the residential
10 areas of Dade, Palm Beach and Broward
11 Counties do not disinfect - do not
12 decontaminate themselves? Are you aware of
13 this?

14 MR. GASKALLA: There's no need to
15 respond. We'll respond to that question.
16 It's in the record.

17 MR. ZOPPI: When will you respond to
18 that question?

19 I know you've told many people here
20 that you --

21 MR. GASKALLA: As quickly as possible.

22 MR. ZOPPI: Well, what does that mean,
23 quickly as possible?

24 MR. GASKALLA: Within a week.

25 MR. ZOPPI: Within a week. Okay.

1 To all of our questions you'll respond
2 within a week to everyone's questions in
3 writing?

4 MR. GASKALLA: Yes.

5 UNIDENTIFIED SPEAKER: On the Internet?

6 MR. GASKALLA: If it would be
7 preferable we can post those on the Internet
8 as well. No one has any objection to that.

9 MR. ZOPPI: We have no objection, and I
10 will hold you to that week of response time.

11 MR. GASKALLA: That will be fine.

12 MR. ZOPPI: Because in the past it has
13 not been true. We've been lied to, the
14 people. We, the people of Florida have been
15 lied to repeatedly by Charlie Bronson and
16 Craig Meyer.

17 I remember back in May with Charlie
18 Bronson when he was appointed to the Office
19 of Commissioner of D.O.A. that he was going
20 to give the hundred dollar per second tree
21 to the people. That never occurred, and
22 there was several questions posed by people
23 at that meeting in Miramar in May that he
24 has still to return.

25 We're waiting almost a year and a half,

1 two years for Gottwald's scientific study
2 supposedly justifying this eradication
3 program that it's all falsely built on.

4 Another point I want to make is that
5 the D.O.A. and the citrus industry together
6 in collusion, and I said to you before it
7 all stems from Bob Crawford who is now the
8 director of the citrus industry, and that
9 smacks of quid pro quo. Everybody knows it,
10 and justice is still coming. Grinding slow,
11 but it's coming.

12 Is there a difference of the treatment
13 and the tools that are used with Central and
14 North Florida by the growers and the D.O.A.
15 versus South Florida?

16 The difference is in Central and North
17 Florida the tools that are used are spraying
18 devices. They have mobile truck spray
19 equipment to spray their groves, they have
20 crop dusting planes to spray their groves.
21 That's how it's treated for canker in
22 Central and Northern Florida, but in South
23 Florida the tools that are implemented are
24 chainsaws, chippers and stump grinder
25 eradication. It's the only thing that they

1 know, eradication.

2 There's the difference right there, and
3 the gall, the gall that the D.O.A. has to
4 use our taxpayers money.

5 And that's another big difference
6 between Brazil and Florida in treating with
7 the canker. Brazil does eradicate on a
8 smaller basis, but Brazil uses their
9 government money, not the taxpayers money.

10 In Florida here in the good old U.S.A.
11 we use the taxpayers money to supplement a
12 private industry to vandalize, to trespass
13 and violate the citizens of South Florida
14 and all of Florida.

15 This is America, not a police state.

16 I asked you in Palm Beach County a
17 month ago, a month and a half ago when you
18 had the workshop there and loaded with all
19 the growers, I asked you and Mr. Dixon to
20 resign from the D.O.A. and come and join our
21 side, the people's side. I told you there's
22 a window of opportunity.

23 I withdraw that and close that window
24 of opportunity for you because you're too
25 far gone, Mr. Gaskalla. I like you as a

1 person but not on the job that you have.

2 You are working for an evil department.

3 And speaking of Mr. Dixon --

4 MR. GASKALLA: Thank you for that, I
5 think.

6 MR. ZOPPI: Thank you.

7 Did you ever give Commissioner Bronson
8 my gift from Fort Lauderdale four months
9 ago, five months ago?

10 MR. GASKALLA: I regret to inform you
11 that I did not.

12 MR. ZOPPI: Well, I'm sure he got the
13 message because it should be in the record.

14 MR. GASKALLA: That's correct.

15 MR. ZOPPI: And the only time I've seen
16 Charlie Bronson other than in Miramar when
17 he had his police entourage and everybody
18 was wondering why does he have such a big
19 compliment of twenty-five, thirty policemen
20 there protecting him.

21 I understand why. Because the only
22 time he's been in South Florida since May is
23 for a fundraiser in Palm Beach County with
24 the vegetable and fruit growers and in
25 Hollywood for a political fundraiser, and

1 that's going to be a big surprise a year
2 from now come the election with Charlie
3 Bronson.

4 A couple things I want to say is that I
5 received from a Doctor Peter Harsany who
6 lives in Montreal, Canada, and that's
7 indicative that the world is watching
8 Florida, Mr. Gaskalla, the world is watching
9 how not only this citrus canker eradication
10 program is working but how the Department of
11 Agriculture is treating its citizens and
12 what abuses and consistent violations, and
13 I'm going to get into the Constitution in a
14 few minutes, but I'm going to - I've got a
15 nine page letter from Doctor Peter Harsany
16 who is a doctor of science of agriculture,
17 economics, and I want to read a couple of
18 things from him that are very pertinent to
19 this program.

20 "The economic aspects of the citrus
21 tree eradication program are to be
22 considered on their effects on homeowners
23 involved, the citrus industry itself and
24 effects on the taxpayers at large. No
25 sophisticated mathematics are needed to

1 judge the program's effect on homeowners
2 whose property has been eradicated.

3 The question is compensation. Actually
4 very little. Practically nothing has been
5 compensated.

6 The already mentioned one hundred
7 dollar Wal-Mart voucher offered for gardens
8 and not for trees to be used in one
9 appointed store has little value and creates
10 suspicion of patronage. Anything more which
11 may or may not be offered is still being
12 debated.

13 There is no bargaining between the
14 robbed private garden owners and the
15 authorities.

16 The members of the state government are
17 bargaining by themselves regarding how
18 little should be paid and how far in the
19 future. More complex is the damage to the
20 general public, to the taxpayers. The
21 enormous cost of this useless program
22 reasoning based on plain lie is the most
23 scandalous misuse of public funds in the
24 history of this state.

25 The Agriculture Department argues that

1 eradication is the only effective way to
2 save the 8.5 billion," that's B as in
3 Bronson, "Dollars business of the citrus
4 industry in Florida, the second largest
5 source of tax income for the state, the well
6 being of the entire population.

7 It should be established that it's
8 untrue that eradication is the only way to
9 control citrus canker.

10 Even the most bias pathologist employed
11 by the state," that could be you,
12 Mr. Gaskalla, "Agree that eradication cannot
13 stop the spread of the bacteria misleading
14 legislators and the general taxpayers alike.

15 Citrus canker is only a blemish on the
16 skin of the surface of the fruit absolutely
17 not affecting the taste or affecting the
18 healthy flesh of the fruit.

19 It is wrong to justify the costly and
20 inefficient eradication program that it
21 saves a nine billion dollar business
22 essential to the Florida economy.

23 The entire value of the citrus
24 production is not nine billion dollars, only
25 1.1 billion in one year.

1 The Agriculture Department was misled
2 that both the revenue and costs are part of
3 the economic activity representing more than
4 four billion dollars. This figure was
5 further multiplied by a 2.5 input/output
6 multiplier showing a nine billion dollar
7 economic impact.

8 The error in this calculation is that
9 all the revenue and cost is included in the
10 price of the crop.

11 Crop prices are comprised of wages,
12 rent value of land, buildings and
13 infrastructure, cost of treatments,
14 fertilizers, pesticides, fungicides, the
15 cost of financing, improvements, taxes,
16 advertisements and the profit of the grower.

17 Every factor of the economic impact is
18 included in the price.

19 The 1.1 billion dollar crop value still
20 does not represent the need for the program.

21 Ninety-six percent of the orange crop
22 and sixty-five percent of the grapefruit is
23 processed for juice and not affected by
24 eventual canker blemishes on the surface of
25 the fruit.

1 The value of the fresh fruit
2 production, orange, grapefruit, tangelos is
3 a hundred and ten million dollars, about
4 twenty-five percent of the cost of the
5 eradication program, a far cry from nine
6 billion," as in Bronson.

7 "No special protection is needed for
8 the ninety-one percent of oranges grown for
9 juice production and the grapefruits grown
10 for the same purpose.

11 Talking about saving a nine billion
12 dollar business is a false propaganda. No
13 wonder that the public is comparing this
14 with the Nazi propaganda methods, the entire
15 action invading, many times breaking into
16 private gardens, using police force and such
17 kind of activity. All this is a costly
18 misleading maneuver forcing on the general
19 public an infective program.

20 Data about the cost of this public
21 exploitation, squandering of public funds is
22 not available. The Department did not feel
23 the necessity to provide an account of its
24 spending.

25 About eight hundred and seventy

1 thousand citrus trees were killed as of
2 August, 2001, but if a program is not
3 stopped and the Department continues with
4 its mass killings, this figure will be
5 considerably higher as several thousand more
6 trees continue to fall, no figures being
7 available. We can only estimate the extent
8 of this squandering.

9 For cutting the already killed eight
10 hundred and seventy thousand trees, the
11 Department had to pay ninety-eight dollars
12 and fifty cents for each of the trees
13 cutting contractors - to the cutting
14 contractors. Ninety-eight dollars and fifty
15 cents per tree of our taxpayer money went -
16 that the D.O.A. paid to Asplundh and other
17 contractors in the State of Florida that we
18 paid out of our tax money. Now they wish to
19 get more, the contractors want more money.
20 The cost in the future will be even higher.

21 Enormous amounts are being paid to the
22 so-called inspectors, many of them
23 unemployed workers promoted to this role.
24 Their numbers swelled to about eleven
25 thousand for an extended time.

1 Extra Public Defenders were hired to
2 protect the owners."

3 MR. GASKALLA: Mr. Zoppi, are you just
4 reading that text into the record? Is that
5 what you're doing?

6 MR. ZOPPI: No. I'm only reading part
7 of it and I have other input.

8 MR. GASKALLA: Okay. Proceed.

9 MR. ZOPPI: "The cost of disinfecting
10 material and uniforms for the participants
11 is another expense item.

12 The Department hired twelve hundred
13 telephone operators as of April, 2000 to
14 respond to public complaints.

15 It was reported by the Department that
16 an additional fourteen hundred telephone
17 operators were needed to handle inquiries
18 regarding this program. The cost of many
19 extra telephone lines is also to be
20 considered.

21 We do not know the Department's costs
22 for their in-house operation, including
23 bonuses for good work.

24 It is also unknown that Mr. Crawford,
25 the previous Commissioner, received a nice

1 bonus in cash on top of obtaining a
2 privileged highly paid job."

3 MR. MEYERS: Richard, may I interject
4 for one second?

5 MR. ZOPPI: Sure.

6 MR. MEYERS: Everything you say I think
7 is absolutely important. The problem is
8 that we basically know that and they don't
9 care.

10 MR. GASKALLA: And I have that letter.
11 It was also sent to me as well.

12 MR. MEYERS: So why don't you do this,
13 because I'd rather hear from you rather than
14 Doctor Harsany: Why don't you put that in
15 the record and present your original
16 argument.

17 MR. ZOPPI: Yes. Thank you.

18 MR. GASKALLA: Thank you, Mr. Meyers.

19 MR. ZOPPI: I have a couple other
20 things that I want to bring out into the
21 record in my own point of view because, you
22 know, I really said it like it was in my
23 notes and from Palm Beach County where the
24 people of Palm Beach County were snowed in
25 by the growers and from Central and West

1 Coast Florida with their message of how you
2 South Florida residents have to sacrifice
3 your property, your rights and your trees
4 for the welfare and benefit of their
5 occupation because the Department
6 consistently projects that the spread of
7 canker is through wind and rain when it is
8 equally, in fact, more so spread by man, by
9 the inspectors and the non decontamination
10 process that is not implemented that is
11 supposed to be implemented, is not
12 supervised, is not followed through. Even
13 the growers that are supposed to
14 decontaminate their groves themselves, most
15 of them do, but it's on a voluntary basis.
16 There is no policing or observation by the
17 Department of Agriculture to see that they,
18 in fact, do this, and the thing that appalls
19 me the most, and I've said this hundreds of
20 times and I must say it again, and please
21 put it in the record, that this is America.

22 What the significance of that in your
23 puzzled look, Mr. Budney, is that we have a
24 Constitution. We, the citizens have a
25 Constitution in this country. We, the

1 citizens, have a Bill of Rights.
2 And the terrorist activity that is
3 being implemented by the Department of
4 Agriculture when they go through our
5 neighborhoods and terrorize the citizens and
6 trespass on the properties and in the manner
7 and the violations and the destruction of
8 property, that is a form of terrorism, and
9 on my personal list of people I don't like,
10 at the head of that list is Osama bin Laden
11 and second is Bob Crawford and third is
12 Charlie Bronson, and we'll throw in Craig
13 Meyer along with that, and I am appalled,
14 appalled that the D.O.A. who is a government
15 branch in a democratic society that we live
16 in is trying to take away and has repeatedly
17 violated our constitutional rights, and mine
18 personally, and I say over and over, the
19 State has been wrong before. I'm talking
20 about the State now.

21 I'll give you one quick example.
22 About eight, nine years ago, if you
23 remember the impact laws, that was where the
24 State of Florida legally passed a law where
25 they were going to charge any resident or

1 citizen from forty-nine other states that
2 were bringing their automobile into the
3 state to register their car in the State of
4 Florida cost them if the car was purchased
5 in forty-nine other states other than
6 Florida, they were charged anywhere from
7 three hundred to eight hundred dollars to
8 register their car, and that was called the
9 impact law, and then like most laws
10 somewhere along the line they're challenged
11 for their validity, and it was challenged
12 after three or four years and the state
13 collected all this millions of dollars and
14 it was declared by the United States Supreme
15 Court to be unconstitutional and the State
16 of Florida was declared discriminating
17 against forty-nine other states.

18 The State's been wrong before and the
19 State is wrong again because they've been
20 duped by the growers and the D.O.A. to pass
21 this IFO and declare a false emergency, and
22 that is -- You have to remember that every
23 one of our legislators including Charlie
24 Bronson, the Commissioner of Agriculture,
25 takes an oath of office and they have the

1 responsibility to uphold that office, and in
2 Charlie Bronson's case he has the
3 responsibility and the duty, sworn duty with
4 that office to uphold the safety, welfare,
5 and good of the people of Florida. That's
6 his responsibility and that's his job, and
7 he has flagrantly violated this, he has
8 abandoned this because he continues to
9 promote Bob Crawford's false declared
10 emergency.

11 And I say again, this is America, and
12 the way the people, the citizens of America
13 have been treated and specifically in South
14 Florida and mainly in the tri-county area,
15 Miami-Dade, Palm Beach and Broward and all
16 of South Florida had their constitutional
17 rights repeatedly violated, and this is
18 wrong. This is not a police state.

19 The world is watching, and where do we
20 go from here is in court because it's going
21 to be declared and also at the ballot box.

22 A year from now Charlie Bronson's running
23 for Commissioner of D.O.A., and he doesn't
24 have a friend in South Florida, and I want
25 to say that --

1 MR. GASKALLA: Mr. Zoppi, in the
2 interests of time, if you can wrap it up.

3 MR. ZOPPI: I sure will.

4 That, we, the people, are Americans.
5 We, the people, have a Bill of Rights and a
6 Constitution. We, the people of Florida are
7 Americans. We have inalienable rights.
8 That means - inalienable means it cannot be
9 changed, it cannot be taken away. You're
10 given this by birth. This is the bedrock of
11 our country. These people are not going to
12 take it away. We, the people of the blessed
13 United States say to you, the U.S. and the
14 state D.O.A., there is no law, they cannot
15 create any law, they cannot create any
16 declaration, they cannot create any rule
17 like he's trying right here that circumvents
18 or supersedes the United States
19 Constitution.

20 That's first, inalienable.

21 Thank you, and God bless America.

22 MR. GASKALLA: Mary Truchelut.

23 MS. TRUCHELUT: Yes. I'm Mary
24 Truchelut, T-r-u-c-h-e-l-u-t. I live in
25 Wilton Manors.

1 I'll try to be brief.

2 Doctor Gaskalla --

3 MR. GASKALLA: It's Mr.

4 MS. TRUCHELUT: Mr.? I'm sorry.

5 Mr. Gaskalla, you work for the

6 Department of Agriculture which is?

7 UNIDENTIFIED SPEAKER: Microphone.

8 MS. TRUCHELUT: The Department of

9 Agriculture is a state agency, is that not

10 correct?

11 MR. GASKALLA: That's correct.

12 MS. TRUCHELUT: And its funds come from

13 the taxpayers. Is that correct?

14 MR. GASKALLA: Among other sources,

15 that's correct.

16 MS. TRUCHELUT: So you represent the

17 people.

18 What are the other sources, sir?

19 MR. GASKALLA: The United States

20 Department of Agriculture, industry funds.

21 There's a variety of funding mechanisms

22 within the state government.

23 MS. TRUCHELUT: And they're all

24 taxpayer derived?

25 MR. GASKALLA: Not all.

1 MS. TRUCHELUT: So there is some
2 industry money coming your way?

3 MR. GASKALLA: For various projects,
4 that's correct.

5 MS. TRUCHELUT: And what is the ratio
6 of that money as opposed to the taxpayers
7 money?

8 MR. GASKALLA: I can't give you an
9 exact percentage.

10 The bulk of our funding is tax based.

11 MS. TRUCHELUT: So the bulk, if you
12 could make a stab at a number? Seventy-five
13 percent, eighty percent, ninety percent?

14 MR. GASKALLA: Eighty-five percent.

15 MR. MEYERS: Eighty-five percent.

16 MS. TRUCHELUT: How much? The number
17 of oranges that go in the juice?

18 MR. GASKALLA: It depends on the
19 program area.

20 MS. TRUCHELUT: Well, it seems as if
21 you should be representing the people here
22 and not the industry, so I'd like to make
23 that point at the beginning.

24 I was at three prior hearings or
25 workshops, whatever you want to call them.

1 As they're advertised, that's how they
2 should be.

3 At the Palm Beach one on October 10th,
4 I believe it was, it was a complete love
5 fest. You were smiling everytime somebody
6 from the industry came to the podium and
7 spoke, and everytime a resident came to the
8 podium it was another story.

9 I would like to see you smile for the
10 residents once in awhile and make it be a
11 genuine smile, please.

12 MR. MEYERS: Let the record reflect
13 that he's smiling.

14 MS. TRUCHELUT: He's smiling but it
15 isn't genuine.

16 MR. GASKALLA: It's kind of hard to
17 smile when you're up here under these
18 circumstances, but I understand.

19 MS. TRUCHELUT: But the State has put
20 itself into that position, and unfortunately
21 you are the person being affected by it.

22 I too want to know what happened to the
23 transcripts of October 10th, all of the
24 transcripts. I have been going up on your
25 site on a regular basis. I think the last

1 time I went up was the past weekend on
2 Sunday. No transcripts.

3 So now you're saying they're there up
4 on your website?

5 MR. GASKALLA: The West Palm Beach
6 transcript should be posted and the Miami
7 transcript will be up shortly as soon as we
8 make the corrections.

9 MS. TRUCHELUT: Okay, so that has taken
10 at least a month to publish these things for
11 the public's perusal.

12 MR. GASKALLA: That's correct, but they
13 have not been in my possession for a month.

14 MS. TRUCHELUT: So can we effectively
15 say then that all of your written responses
16 to today's hearing is going to take - all of
17 these responses will take about a month or
18 more to get back?

19 So your earlier statement of responding
20 within a week is a little bit of an
21 exaggeration, because you haven't lived up
22 to that in the past.

23 MR. GASKALLA: No, but this is the
24 final public hearing that will be held, at
25 least to my knowledge, and we will take all

1 the information that's been presented to
2 this point and develop our responses.

3 MS. TRUCHELUT: Well, I'm here to
4 request another public hearing based on the
5 fact that none of our questions are being
6 answered at this one.

7 MR. GASKALLA: So noted.

8 MS. TRUCHELUT: I'd also like to know
9 what's happening to Palm Beach County. Are
10 you going to quarantine that county anytime
11 soon since it is the site of a spread of
12 canker?

13 MR. GASKALLA: No immediate plans, no.

14 MS. TRUCHELUT: And why is that? Is it
15 because the growers live there?

16 MR. GASKALLA: No.

17 MS. TRUCHELUT: Is there any other
18 reason that you can give us today, or do we
19 have to wait for a written response?

20 MR. GASKALLA: There's just no
21 justification to quarantine the entire
22 county at this point.

23 I can give you the details in a written
24 response.

25 MS. TRUCHELUT: Okay. Well, we'll look

1 for that.

2 Can you give us an update on that
3 scientific study of Doctor Gottwald's. When
4 is it going to be published for the world's
5 scientific community to examine it and
6 comment on it?

7 MR. GASKALLA: I do not know the exact
8 publication that is going to accept it for
9 publication.

10 MS. TRUCHELUT: Until that study is
11 published, we're really not working with a
12 valid scientific study here. Is that not
13 true?

14 MR. GASKALLA: I'll respond to that in
15 writing.

16 MS. TRUCHELUT: It's going to be a book
17 that you're putting together based on
18 today's hearing.

19 MR. GASKALLA: It won't be the first
20 time.

21 MS. TRUCHELUT: Okay, I am concerned
22 because I have an IFO, the fourth or fifth
23 one that I filed an appeal for on August
24 17th. Now, the IFO was issued on August
25 10th. I would like to request and I would

1 like to see action on this, because this is
2 the second time I'm requesting this of the
3 Department that my IFO be valid and carry
4 forward to your new IFO's that will be
5 coming out again.

6 Because what's happening is people are
7 spending two hundred and fifty dollars
8 everytime you issue an IFO and the Fourth
9 District Court of Appeals is getting very
10 rich and the people are getting very poor.
11 We are financing this program already, and
12 then you ask us to spend two hundred and
13 fifty dollars to defend our healthy trees
14 against every IFO. It's a little unfair.

15 So I have a case number, I have a
16 living case as far as I know with the Fourth
17 District Court which will become invalid if
18 you issue me another IFO.

19 MR. GASKALLA: Do you have that case
20 number with you?

21 MS. TRUCHELUT: I do at my seat.

22 MR. GASKALLA: Okay.

23 If you'll provide that information to
24 me before you leave.

25 MS. TRUCHELUT: And then what will you

1 do for me?

2 MR. GASKALLA: I'll look into it and
3 see what the legal options are, but we will
4 try to help you carry it forward if it's
5 possible.

6 MS. TRUCHELUT: Because if I do not get
7 my two hundred and fifty dollars to work for
8 me within this program, I'm going to
9 consider filing a lawsuit against the
10 Department to get my money back, and I think
11 there are a lot of other people that are
12 going to do that as well.

13 I just want to make a comment at this
14 point.

15 My tree was issued an IFO back in
16 October of 2000, more than a year ago.
17 Let's say it's thirteen months now. Based
18 on the program inspectors coming out the
19 summer of 2000, so let's say from June of
20 2000 till now which is what, seventeen
21 months, my tree still does not have canker.

22 Why am I defending my tree against an
23 invisible non existing alien that is no
24 longer a threat to my tree? Can you answer
25 me that?

1 MR. GASKALLA: Well, that's a hard
2 question to answer in twenty-five words or
3 less, but it has to do with the epidemiology
4 of the disease, and I'll be glad to respond
5 to that in writing.

6 MS. TRUCHELUT: If the infected trees
7 are gone, and I can tell you that the
8 infected trees that involved my particular
9 area, two were removed on November 22nd,
10 thereabouts, 2000 and two additional trees
11 were removed that were found to be infected
12 later. I think they were found to be
13 infected in December and they were removed
14 four months later in March. So from March
15 until now, which is eight months my tree is
16 healthy. Why am I defending it?

17 MR. GASKALLA: Again, I'll be glad to
18 give you our logic from an epidemiological
19 standpoint in writing.

20 MS. TRUCHELUT: I would like it to be
21 in laymen's terms.

22 MR. GASKALLA: Okay.

23 MS. TRUCHELUT: And how soon can I
24 expect that?

25 MR. GASKALLA: I will respond to all

1 these issues within a week that are brought
2 here today, unless I say otherwise. Unless
3 there's something that I know is going to
4 require in depth research or something else.

5 MS. TRUCHELUT: So within a week how
6 will you respond, in person?

7 MR. GASKALLA: In writing.

8 MS. TRUCHELUT: E-mail?

9 MR. GASKALLA: If you'll read your
10 address into the record I'll respond
11 directly to you and I can post these things
12 by general subject area on our Internet site
13 as well.

14 MS. TRUCHELUT: Okay.

15 Well, I'll give you my address later.

16 MR. GASKALLA: Okay.

17 MS. TRUCHELUT: Okay. Thank you.

18 MR. GASKALLA: Gordon P. Swanson.

19 MR. SWANSON: My name's Gordon P.
20 Swanson. I'm a resident of Pompano, and I'm
21 going to make my statements very brief.

22 I'm an engineer. I worked in the
23 industry of telephone communications and I
24 have done cost study analysis for three
25 years in Atlanta for Bell South. This is

1 not going -- I'm basically just giving a
2 slight bit of background so that I can
3 explain the way that I look at the problem.

4 My concern is the inappropriate use of
5 the funds that are being generated by the
6 public for the eradication program, and the
7 reason I'm stating that is I'll put it
8 hopefully in the simplest terms so there
9 won't be any question about it. The public
10 health of the citizens of Florida is greatly
11 impacted by their diet.

12 I have a heart condition, as many
13 people in this state which are elderly
14 residents are required to have fruits and
15 vegetables within their diet.

16 The eradication of the fruit trees that
17 are in the public's use equates to a
18 tremendous loss of proper diet for the
19 people of South Florida.

20 In Publix, the grocery store, I looked
21 at grapefruit which happened to be on my
22 tree, and they're asking fifty cents apiece
23 for those grapefruit.

24 The trees in my backyard have probably
25 a thousand fruit on them. You're looking at

1 a loss in my particular case of a thousand
2 dollars worth of fruit a year.

3 I will not myself probably buy the
4 fruit and put it into my own diet at that
5 price, I just won't do it and neither will
6 most of the people that have fruit trees in
7 this state.

8 My concern is that this public
9 eradication program is directly impacting
10 the physical health of a tremendous amount
11 of people in this state, and I do not
12 believe and have not seen anything of a cost
13 analysis of the exact - of the direct loss
14 of dietary health for the people.

15 I believe that the money and the loss
16 of the tree through the program is wasted,
17 and I think what you're doing is you're
18 hurting the health of the people of Florida
19 with this program.

20 I have listened to all of the arguments
21 on trying to save the industry, I understand
22 that, but the public health that you're
23 impacting and the people that you're hurting
24 by eliminating the residential trees I think
25 far outweighs whatever benefits you will

1 give to the industry. I think you are
2 causing a tremendous loss of public freedom,
3 public rights, and I think you're physically
4 hurting the public health.

5 That's the end of my statement.

6 MR. GASKALLA: Ruth Silverman.

7 MS. SILVERMAN: I wasn't sure I was
8 going to speak, but after listening to
9 everybody here and seeing the response, I
10 sure am going to speak.

11 I think this hearing is a sham. I
12 think that the eradication program is
13 outrageous and a huge rip-off on the
14 taxpayer. It's an infringement of our
15 rights, and I am personally furious.

16 I was given a one hundred dollar
17 certificate for Wal-Mart to replace a twenty
18 year old Calamondin tree that is not native
19 to this state but is a specialty tree that I
20 had nurtured for twenty years that was
21 loaded with fruit when they came into my
22 locked yard that had a no trespassing sign
23 and cut it down.

24 I paid two hundred and fifty dollars
25 for a notice of appeal which, of course, was

1 rejected. It cost me five hundred dollars
2 to re-landscape my backyard because of the
3 trees being cut down, that tree and another,
4 and I just think that this - that the state,
5 that the D.O.A. is just hell bent on this
6 stupid eradication program which is really
7 pointless, and you don't care, as Mr. Meyers
8 said, we know all this. I got that nine
9 page E-mail also. I read all the
10 information about what could be done, what
11 should be done, et cetera, but you don't
12 care, as Mr. Meyers said. We know this
13 information, but you don't care. This is a
14 giant rip-off, and I don't think that the
15 homeowners are going to take this lying
16 down. I certainly won't, and I certainly
17 will remember come election time.

18 You can tell that to the powers that
19 be.

20 MR. GASKALLA: Mr. Steven Vest. Steven
21 Vest.

22 Ted Conover.

23 MR. CONOVER: I'm Ted Conover, 1261
24 Seminole Drive in Fort Lauderdale, Florida.

25 Mine is going to be a very lengthy

1 speech.

2 This truly is a rip-off. Three times
3 inspectors have come to our home. We have
4 three trees. The paperwork shows that the
5 cancered tree across the canal, one tree was
6 cut down nine months ago.

7 Our trees are healthy.

8 Yesterday afternoon the state truck
9 pulled up with two inspectors and I stood
10 there with my rifle and I said, I mean this,
11 you don't step foot on this property. I'm
12 serious.

13 How can they justify three beautiful
14 uncancered trees to cut them down?

15 Now, across the street yesterday they
16 started painting white stripes on trees.
17 Does that mean they're going to cut them
18 down?

19 This is all being done now in advance
20 of the finalization of these hearings.

21 Thank you. Good afternoon.

22 MR. GASKALLA: Harvey and Ethel --

23 MR. SCHREIBER: Schreiber.

24 MR. GASKALLA: Schreiber.

25 MR. SCHREIBER: My name is Harvey

1 Schreiber. I live in Margate.

2 I had seven trees in my backyard, seven
3 healthy trees. The inspectors came, checked
4 them out and said they never saw such
5 healthy trees in their life. Two weeks
6 later the Gestapo showed up. They came in
7 my backyard. I asked them what are you
8 doing? They said they're going to cut my
9 trees down. I told them these trees passed
10 inspection, they're beautiful healthy trees.
11 They said nineteen hundred feet away we
12 found a bad tree.

13 When I said show me the tree, pardon
14 the language, they said we don't have to
15 show you shit and they cut my trees down.
16 They wrecked my yard.

17 Two weeks ago was my birthday. My son
18 bought my two trees at Lowe's, an orange
19 tree and a grapefruit tree. I planted them
20 both.

21 Last week the inspectors showed up
22 again and said your grapefruit trees got
23 canker. Both trees were bought at Lowes,
24 both trees had inspections by the State of
25 Florida. Now they tell me the tree has got

1 canker.

2 I told them if the trees got canker
3 it's in the ground a week, I'll pull it out.
4 I've got the pot, I'll bring it back, let
5 them give me back my money, and the answer
6 was, touch the tree, we'll put you in jail.

7 What the hell are you people running?
8 What is this, a prison?

9 MR. GASKALLA: Did you get some names
10 and badge numbers for those employees?

11 MR. SCHREIBER: No. I called up on the
12 telephone.

13 Over the phone they told me, touch the
14 tree you'll go to jail.

15 Now the trees are in the ground for a
16 week. I can just pick it up, put it in a
17 pot and bring it back. Do I have to wait
18 till they come and get ninety-six dollars to
19 pull the tree out? I can do it for nothing.

20 MR. GASKALLA: I assure you, if what
21 you're telling me is, indeed, true, we will
22 look into it and we will help you rectify
23 it.

24 MR. SCHREIBER: The tree is sitting in
25 the ground with red paint on it. It's two

1 feet tall.

2 MR. GASKALLA: Okay. Thank you.

3 Brendan O'Brien.

4 MR. O'BRIEN: Good afternoon. My name

5 is Brendan O'Brien. I'm an Assistant City

6 Attorney for the City of Plantation.

7 At the outset, we'd like to note

8 several objections we have to the manner

9 this hearing is being run.

10 The first problem we have is that no

11 one is getting answers here.

12 This flies in the face of the spirit of

13 the Administrative Procedures Act to not

14 give people answers when they've taken time

15 out of their day to come down here and try

16 to get answers. Taking someone's private

17 property without even having the basic

18 respect for them and their property and

19 their time to answer their questions we find

20 to be highly disrespectful to the citizens

21 of this community.

22 We also object to the fact that this

23 hearing is being held on a weekday during

24 the middle of the day. Most people who own

25 citrus trees also have jobs. They can't

1 always get away from their jobs to come here
2 and participate in this hearing.

3 This further reduces the democratic
4 process that our Administrative Procedures
5 Act was designed to foster and it
6 discourages people from being able to come
7 here and give their input.

8 The City of Plantation would also like
9 a written response to its question where the
10 scientists are.

11 Where is Doctor Gottwald? He's never
12 come and explained the science behind this
13 program to anyone whose private property is
14 being taken away.

15 If this program is going to be based on
16 science, if it's going to be based on
17 scientific studies, then every effort needs
18 to be made to come in and explain that
19 science, and that scientific report it's
20 based on needs to be published so it can be
21 subject to peer review, that way it's not
22 one sided. That way you can have a debate
23 about this subject and it won't just be one
24 person studies, one department conclusion,
25 coming in, taking people's citrus trees out

1 of their yards without their consent.

2 We also have several alternative
3 proposals that we believe the Department
4 should pursue instead of its policy of
5 cutting all healthy citrus trees.

6 The first alternative proposal that we
7 propose after talking with our landscape
8 architect is that infected trees still be
9 cut. We never have been opposed to this.

10 If a tree is infected with citrus
11 canker it should be removed.

12 But what also should be done to trees
13 that are nearby or as you define them
14 exposed is to monitor those trees.

15 There are several compounds used in
16 other countries to treat citrus trees in
17 some cases with remarkable success that may
18 be exposed to canker.

19 Why not come in, look at them for
20 ninety days, periodically inspect the trees
21 and see if it, in fact, develops canker.

22 What you're doing is cutting off
23 someone's foot for fear of an infection
24 without finding out if there's an infection.

25 We're asking you to go in there and see

1 if there's an infection first before that
2 tree is removed.

3 Additionally, we would like to propose
4 that the Department focus its efforts on
5 getting it's own ship in order before it
6 comes in and takes exposed citrus trees.

7 One thing that's been remarkable
8 throughout this process is the operational
9 failure.

10 This gentleman's example of Department
11 representatives coming in and using
12 obscenity towards him on his own property
13 unfortunately is not an isolated example of
14 the Department's conduct.

15 Through depositions we have sworn
16 testimony from the Department's own
17 employees stating that they left known
18 infected trees standing just to prove there
19 were infected trees in that area.

20 That's outrageous. That flies in the
21 face of the Department's whole program and
22 it really shows this whole process to be
23 corrupt and to be a sham from the beginning,
24 from the beginning.

25 And finally, I'd just like to share

1 with you my thoughts and my requests.

2 I haven't been a lawyer for very long,
3 only three months, but I know that as a
4 state agency in a democratic institution you
5 have a responsibility to the people that you
6 serve, and you have been lax in meeting that
7 responsibility. You have not met it. Your
8 steps have been out of bounds, and one
9 problem with your policy of cutting these
10 healthy citrus trees is that it flies
11 directly in the face of the will of the very
12 people you represent.

13 We're asking you to form your conduct
14 to the will of the people, listen to their
15 requests and stop cutting their healthy
16 citrus trees.

17 We're also convinced that what you've
18 been doing is wrong based on the prior
19 judicial record of what's happened.

20 The Department's actions have been
21 found to be invalid before Judge Fleet and
22 the Seventeenth Judicial Circuit, before the
23 First DCA, and we challenge your emergency
24 rule, and before Administrative Judge
25 VanLaningham in the most recent rule

1 challenge.

2 The fact that the Department keeps
3 losing over and over again in court is
4 evidence that what you're doing is wrong,
5 it's evidence that what you're doing flies
6 in the face of the will of the people.

7 And I won't take up anymore of
8 everyone's time, but I'd like to reassure
9 everyone here that we are completely
10 convinced that the Department's current
11 policy of cutting healthy citrus trees is
12 illegal and it's wrong and it's bad policy,
13 and we plan to challenge it every step of
14 the way.

15 Thank you.

16 MR. GASKALLA: Before you leave, you
17 mentioned that there were several products
18 that were effective in controlling canker in
19 foreign countries. Do you know what those
20 products are?

21 MR. O'BRIEN: Yes.

22 There is a chemical compound containing
23 a copper based spray, which I will speak
24 with our landscape architect and get the
25 exact name of it. It's in our lower cost

1 regulatory alternative, and I will be
2 supplying you with information on that.

3 MR. GASKALLA: Thank you.

4 Jack Haire.

5 MR. HAIRE: My name is Jack Haire. I
6 live in Fort Lauderdale, Florida, a
7 resident.

8 First of all, I'd like to pass on some
9 information that people have called me
10 because they couldn't make it because of the
11 hours here. One is a teacher, Karen Bender,
12 and she asked to make sure that this hearing
13 did not close before 5:00 because she can't
14 make it until 4:30.

15 Obviously we're going to be here.

16 The other one, Melvin Greenstein from
17 South Miami, he asked in the Miami workshop,
18 Richard, that you would - you indicated to
19 him that you would provide feedback to him
20 on the nineteen hundred foot radius where
21 they had cut only the infected tree and
22 whether any additional trees had been
23 infected since then.

24 MR. GASKALLA: Yes, and I've sent him a
25 map.

1 I had trouble getting an address for
2 him, but I finally did and it's almost away.

3 MR. HAIRE: Okay.

4 And one thing I didn't realize is that
5 we weren't going to be able to get many
6 answers.

7 One thing I would like to forward to
8 you by E-mail, if I may, was that our State
9 Legislative delegations in Broward and
10 Broward County signed a resolution letter,
11 addressed it to Charles Bronson asking him
12 specifically to provide us with the nineteen
13 hundred foot rule, why there have not been
14 an investigation or audit by this state into
15 this eradication program, why there's been
16 no cost study done that addresses the losses
17 to the residents.

18 I'll forward that to you, and if you
19 could reply, because we haven't received a
20 reply back from Charles Bronson as of yet,
21 and this comes from our state legislators.

22 MR. GASKALLA: When was that sent? Do
23 you know?

24 MR. HAIRE: It was sent on October
25 17th. It was dated October 17th.

1 MR. GASKALLA: Okay.

2 MR. HAIRE: Many of the items that I
3 was going to cover have been gone over, so
4 I'll try to not repeat them. I'll try as
5 everybody says to keep this brief and brief
6 as in the eye of the beholder.

7 I have still not received feedback on
8 my research that I presented to you back in
9 the September 13th workshop, and subsequent
10 to that you issued the rulemaking, I believe
11 it was dated October 19th and you make no
12 reference to it, like there was a no good
13 faith proposal made.

14 I feel my proposal was made in good
15 faith. I asked you to respond to the
16 figures that I had challenged on the export
17 data, that they were true. I've received no
18 response on that.

19 I also asked for the Department to
20 provide us with the cost to the residents,
21 and I've received no response on that.

22 Of course, we've been asking for that
23 for over a year.

24 So I hope from this meeting here that
25 we will receive a written response on that.

1 MR. GASKALLA: Yes. I mean, it's a
2 work in progress. You have a lot of
3 detailed questions that required a lot of
4 economic analysis. We've just about got it
5 done, so you should have it within the next
6 week.

7 MR. HAIRE: Okay, but it bothered me
8 that you came out with your rulemaking and
9 made no reference at all to my proposal,
10 like no one here had made a viable cost
11 request or alternative.

12 I agree with Mr. Meyers about how you
13 come up with the 8.5 billion, or is it 9.3
14 billion or 8 billion dollar citrus industry
15 that's at risk.

16 I noticed in the motion just filed in
17 the First District Court of Appeals that the
18 Department lawyers refer to now it is a two
19 billion dollar citrus industry at risk. I'd
20 like to know why that number is less than
21 the eight or nine billion dollar figure.

22 I'm also concerned that when the
23 Department says that the eradication for
24 citrus canker is at risk that this assumes
25 that eradication will work.

1 Does this tie in with Commissioner
2 Bronson's feeling that eradication will work
3 or Tim Schaefer's belief it will work or Jim
4 Graham's statement that the eradication
5 program is now called effective eradication?

6 I have the same question as Mr. Meyers.
7 What in the heck is effective eradication?

8 We know darn well Jim Graham testified
9 in Federal Court that when he asked whether
10 eradication would work, he kept referring to
11 it as effective eradication which means that
12 there's always, forever for the rest of our
13 lives there is going to be canker in South
14 Florida no matter whether eradication goes
15 forward or not.

16 I'd also like to know in your write-up
17 on the rulemaking you say, "Thereby
18 preventing the devastation of the citrus
19 industry and consequently to the citrus
20 industry as a whole."

21 What is the difference between the
22 citrus industry and the citrus industry as a
23 whole?

24 Obviously I think you're intending to
25 include the residents. I don't believe any

1 resident here wants to be included as part
2 of the citrus industry.

3 Pard me while I read through my notes.
4 Because so many of these things that people
5 prior to me have gone over, I'm trying to
6 keep from repeating them.

7 Some of the cost data, the negative
8 impact to the citrus industry will cost more
9 than three hundred and forty million dollars
10 annually. I'd like to know where that
11 figure came from.

12 I hope this did not come from the
13 infamous Mr. Keck's study who represents the
14 Citrus Mutual, a private administrative arm
15 of the citrus group.

16 Why didn't the Department present their
17 own cost study? Why do you have to go to an
18 outside private source in order to get your
19 cost data? I mean, this is a multi million
20 dollar industry supported by taxpayers
21 money. There's much at risk here. I'm very
22 concerned that you have to go to a special
23 interest group that's obviously not looking
24 after the residential concerns.

25 Do you know whether that three hundred

1 and forty million dollars is really a quote
2 from Keck's study?

3 MR. GASKALLA: Yes, it is a result of
4 the Florida Citrus Mutual analysis.

5 MR. HAIRE: I was hoping you wouldn't
6 say that, but thank you for being very
7 candid.

8 Okay, the Department contends that
9 residential trees have no value once they've
10 been exposed to canker. Obviously the
11 Legislature, the residents and the attorneys
12 disagree.

13 The Department has exposed all
14 taxpayers in Florida because of the federal
15 funding the taxpayers of the United States
16 to liabilities that could run in excess of
17 one billion dollars in awards for class
18 action lawsuits.

19 Has this one billion dollars been
20 included in the Department's negative impact
21 to the citrus industry? Question. Yes, no,
22 or maybe?

23 MR. GASKALLA: No, it has not.

24 MR. HAIRE: Okay. Positive. Or it was
25 no, negative.

1 Thank you, Richard.

2 I also understand that Doctor Hemmell
3 (phonetic) has provided a separate paper
4 that proposes processes that could reduce
5 the spray volume necessary to treat for
6 citrus canker and to live with canker.

7 Have you received that? Do you know?

8 MR. GASKALLA: Yes, just recently.

9 We will respond to that.

10 MR. HAIRE: I understand that with the
11 spray techniques that you could reduce the
12 spray volume twenty fold, in other words,
13 that would be a substantial decrease in the
14 amount of spray left.

15 You indicated on the export you're
16 going to verify whether my - the data that I
17 provided on exports, supposedly the big
18 concern to the citrus industry is the loss
19 of exports, that we won't be able to export
20 these things throughout the United States
21 and to foreign countries.

22 What I found is basically shocking. I
23 mean, that the majority of the exports that
24 do go out goes to non citrus producing
25 countries like Germany, Sweden, Canada,

1 Washington state, New York or to countries
2 that already are endemic with canker, for
3 instance, China, Japan.

4 Japan, believe it or not, is the main
5 country that we send or ship our citrus
6 fruit to.

7 In summary --

8 MR. GASKALLA: But the answer to your
9 question is yes. I am in the process of
10 responding to that.

11 MR. HAIRE: Okay. All right. I'm
12 doing just a little PR here. Thank you.

13 My proposal: I believe I presented to
14 you, and I have a letter dated November 1st
15 and November 8th and then also I gave you
16 personally my cost of what I felt it would
17 take, that what the losses to the residents
18 would be. They are far far in excess of
19 what you state in your rule.

20 Fifty-eight, five million dollars to
21 continue the eradication program and the
22 three hundred and forty million that you say
23 it will cost annually to live with canker is
24 obviously way out of line, and my figures, I
25 believe the losses even on an annual basis

1 far exceed that.

2 The eradication track record is,
3 indeed, a failure by all measurements and
4 common sense.

5 The Department has had over seven
6 years, spent over three hundred million
7 dollars, allowed canker to expand from a
8 single section in Miami to now encompass
9 eight counties and over four thousand square
10 miles, has exposed the citizens of Florida
11 to over one billion dollars in class action
12 lawsuits by the violation of law and
13 directives from the Legislature along with
14 constitutional violations, and canker is
15 still here.

16 The D.O.A., the Department admits that
17 barriers do not work. The D.O.A. now calls
18 it effective eradication.

19 In closing I'd like to make one small
20 change here or one small point. I don't
21 object, but I contest what Brendan or
22 Brandon from the City of Plantation brought
23 up, that I fully believe that infected trees
24 with canker can be treated just as many of
25 the other citrus diseases are.

1 They do not cut down a tree because it
2 has greasy spot or because it has a scab
3 which is far worse than citrus canker as far
4 as affecting the appearance of the fruit.

5 Why do we have to cut down the trees
6 that are infected with canker when there are
7 viable treatments out there?

8 Thank you very much.

9 MR. GASKALLA: I was just about to ask
10 our court reporter if she would like to take
11 a break, but she beat me to it, so we are
12 going to take a brief ten minute break.

13

14 (Whereupon, there was a brief recess
15 observed by all parties present, after which the
16 proceedings resumed).

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IN RE: CITRUS CANKER AMENDMENTS

RULE DEVELOPMENT WORKSHOP

RULE CHAPTER 5B-58

PUBLIC HEARING

VOLUME II, PAGES 93 - 232

NOVEMBER 14TH, 2001
100 SOUTH ANDREWS AVENUE
FORT LAUDERDALE, FLORIDA

1:00 p.m. - 5:30 p.m.

APPEARANCES:

RICHARD GASKALLA.
DIRECTOR, DIVISION OF PLANT INDUSTRY.
STATE OF FLORIDA, DEPARTMENT OF AGRICULTURE
AND CONSUMER SERVICES.

1 Whereupon, the following proceedings resumed:

2 MR. GASKALLA: If we can come back to
3 order, please.

4 Our next presenter will be Mr. Barry
5 Silver.

6 MR. SILVER: Thanks for the
7 opportunity.

8 I wanted to mention that a deposition
9 that was referred to before by, it was
10 actually one of your tree cutters, he's the
11 head of a crew, and you might want to read
12 it.

13 Have you read that deposition yet?

14 MR. GASKALLA: No, I have not.

15 MR. SILVER: I don't think that you
16 should allow the program to proceed without
17 reading the deposition, because one of your
18 employees said that cutting of these trees
19 brought about extreme pain to the
20 homeowners. He said that the trees were
21 intentionally left up, hundreds of them for
22 months, sometimes years and that all the
23 tree cutters were aware of this but they
24 didn't want to say anything because they
25 were squelched by their superiors who didn't

1 want to hear about it. They mentioned it
2 once or twice and their superiors made them
3 know that that wasn't to be discussed and it
4 was squelched.

5 It seems to me a little bit serious. I
6 think you might want to read what your
7 people are saying under oath.

8 He also said something rather
9 interesting. He said that the canker that
10 they detected, he went back sometimes and
11 the canker disappeared, it went away itself.
12 There was no nineteen hundred foot. He just
13 said that he'd go and there was canker, he'd
14 come back later and it was gone and that,
15 you know, you're claiming, well, the
16 nineteen hundred foot rule is working so
17 well. I don't think it's really working,
18 it's just that canker if you look for it you
19 find it and sometimes if you don't look for
20 it you don't. It kind of comes and goes by
21 itself. It's kind of like when Pat
22 Robertson or someone says I just did this
23 miracle cure and it's really the fact that
24 it was in remission, but he's claiming that
25 he cured it but he really didn't, and so I

1 think that if you study canker you'll find
2 that it goes away all the time and it's not
3 really much of a problem, especially
4 according to the deposition of your
5 employee.

6 I was also wondering, maybe you can
7 answer this now or maybe in writing, I don't
8 know, but why is it that in previous
9 hearings you were able to answer questions
10 right away and now it's in writing? What's
11 the reason for the change in policy?

12 MR. GASKALLA: Well, the previous
13 events were workshops which were more
14 interactive in nature. This was basically
15 just to take evidence and testimony and
16 consider it and respond accordingly.

17 MR. SILVER: Why shouldn't this be
18 interactive in nature?

19 MR. GASKALLA: Well, that's the rules
20 of the game. That's the way it's stated in
21 Chapter 120 of the Florida Statutes.

22 MR. SILVER: Well, I might suggest that
23 to a lot of the people here this is no game,
24 this is serious and people want to get
25 answers.

1 MR. GASKALLA: Excuse me. Poor choice
2 of words.

3 MR. SILVER: Okay.

4 I don't understand, you know. Maybe
5 there's some legal reason or maybe your
6 attorney is telling you not to answer
7 questions, but to me someone who is serving
8 the public, I would think that you would
9 want to take every opportunity to answer
10 questions and not hide behind some written
11 policy, especially if you did so in the
12 past.

13 MR. GASKALLA: Another point that
14 should not be overlooked, that some of these
15 are complex issues that require response
16 from the scientific community. I am not a
17 plant pathologist by training. Some of
18 these questions probably require or would be
19 more appropriately responded to by someone
20 with detailed knowledge of the disease, and
21 it's the same basic argument on economics.

22 MR. SILVER: I noticed that, but then I
23 also noticed sometimes you just blanketly
24 say I don't answer any questions and other
25 questions you seemed to answer. I couldn't

1 really find any rhyme or reason because some
2 of them were like a yes or no question you
3 wouldn't answer and others were very complex
4 and you made a stab at it. So it seems to
5 me someone is advising you don't answer the
6 tough ones and if it's an easy one maybe go
7 ahead and answer it. But it just seems to
8 me that all these questions you could answer
9 rather quickly if you felt like it but
10 apparently you don't, so you're saying that
11 there's some policy reason why. I just
12 don't think it's the best way to interact
13 with the public, especially since you're
14 saying you need cooperation from the public
15 and you're wondering why everybody is
16 opposed to you and then you have this
17 stonewalled attitude. I mean, it's kind of
18 obvious why people are opposing the program
19 because you're not responding to them, and
20 when you don't respond then they figure I
21 guess he's hiding something, I'm not sure
22 what but he's probably hiding something.
23 So my suggestion would be you might
24 want to reconsider the policy and maybe
25 discuss it with your attorney and maybe if

1 you could come up with a different response
2 for the next time.

3 MR. GASKALLA: Well, I assure you that
4 I'm not hiding anything. I just want these
5 answers to be correct and complete, and by
6 putting them in writing and having the right
7 people draft them and review them, they'll
8 be as good as they can be.

9 MR. SILVER: The problem like Jack,
10 he's been asking questions September,
11 October, November and he still doesn't have
12 any response yet, and I appreciate your
13 attempt to answer them in a week, but I
14 can't imagine that's going to happen. I'm
15 quite certain that something's going to
16 happen within a week and you're going to
17 say, well, we tried but we weren't able to
18 do it. I have a strong feeling that's
19 probably going to happen, especially when I
20 give you some of the questions that I'd like
21 to have answered.

22 MR. GASKALLA: Well, why don't you
23 proceed then.

24 MR. SILVER: I will do that.

25 A big problem that I have with this

1 policy, and the IFO, I just saw it, I can't
2 believe that you've actually repeated this
3 mistake over again.

4 I've mentioned before that the IFO's
5 contain lies in them and you don't seem all
6 that concerned, but there's another lie in
7 your IFO, and I just read it over briefly.

8 Drew was able to - he was kind enough to
9 give me a copy of it, but I was kind of
10 surprised, and it takes a lot to surprise me
11 from what the Department does, but I was
12 kind of surprised to read in the IFO, it
13 says in big capital letters in the beginning
14 your trees will be removed. Not capital
15 rather but bold. It says your tree has
16 canker or your tree is within nineteen
17 hundred feet of a tree with canker. Your
18 tree will be removed, and it's in bold. And
19 then later on it says all this kind of
20 stuff, well, you can do this and you can do
21 this and you can do this, but nowhere does
22 it say if you do this and succeed your tree
23 won't be removed.

24 In other words, what you're doing is
25 you're telling people your tree will be

1 removed, therefore why would anybody
2 challenge that? Why would anybody pay two
3 hundred and fifty dollars, spend time and
4 money on an attorney and challenge it?

5 What you're doing is you're really
6 misleading the people, and that's a nice way
7 of saying it.

8 What you should say is the Department
9 intends to remove your tree. If you'd like
10 to challenge it and you prevail your tree
11 won't be removed.

12 When you say in bold letters your tree
13 will be removed, what you're saying is don't
14 bother fighting it, there's no opportunity
15 to prevail. It's exceptionally misleading
16 and it's designed to prevent people
17 challenging the policy, and then when they
18 don't challenge it you can say everybody
19 agrees with us, they've consented.

20 But there's a bigger problem with your
21 IFO, and that is this is an out and out lie,
22 and I don't care what your policy is about
23 responding in writing. I think somebody
24 needs to respond now, and I think maybe your
25 attorney does because you have a lie in the

1 IFO. The State of Florida through this IFO
2 is lying to the people, and that's serious,
3 and the lie is, and I wrote it down because
4 I didn't get a copy for myself: "The
5 existence of citrus canker in this state is
6 an immediate serious danger to the health,
7 safety and welfare of the State of Florida."

8 Now earlier it said the bacteria is not
9 known to be harmful to humans.

10 That, sir, is a lie.

11 I understand why you have to say the
12 lie because otherwise how do you justify a
13 state of emergency. You can't do it because
14 an industry is going to lose some money
15 because that happens everyday, so you have
16 to come up with something a little better
17 than that, so you came up with something
18 saying that it's a serious danger to the
19 health, safety and welfare to the State of
20 Florida.

21 If you're going to tell me it's not
22 only the health of the people, it's the
23 health of the state, that's very misleading,
24 so that doesn't quite cut it, and it's
25 lying, and it's more than misleading, it's

1 lying, and maybe you want to respond now or
2 maybe you'll wait in writing, but if I were
3 you and I were sitting there, I wouldn't
4 wait one second. I'd say you're right, that
5 better be changed because this is wrong.
6 We've been lying to the people for a long
7 time, but maybe we should stop now, and I'm
8 pointing it out to you on the record so you
9 don't have an excuse for saying we didn't
10 know it's a lie.

11 That's the same lie that you've been
12 telling the State Legislature for awhile,
13 and it actually, I believe, appears in the
14 state statute.

15 Citrus canker doesn't harm the health
16 of the people, your program does. When all
17 these people are losing citrus trees, their
18 health is affected. The program harms
19 people. We know that for a fact.

20 I represent Haitians --

21 MR. MEYERS: Barry, isn't this the time
22 when the grove owners start laughing at the
23 last meeting?

24 MR. SILVER: That's right.

25 MR. MEYERS: I'll laugh for them.

1 MR. SILVER: The Haitian community that
2 I represent, a lot of them have told me that
3 this is going to seriously affect their
4 health.

5 You might want to wait around for
6 awhile to put something in writing, but they
7 don't have money, many of them, to buy fresh
8 citrus. They pride themselves on
9 self-sufficiency and not asking for
10 government handouts. They came from another
11 country fleeing a government that was
12 abusing their rights and they come here
13 filled with optimism and idealism and desire
14 to participate in this great democracy of
15 ours, and what happens? Their rights are
16 trampled and the spread of cynicism among
17 people who are of good faith is far more
18 devastating than the spread of canker, and
19 you've caused that to happen, and you've
20 also affected their health significantly.

21 Many of them donated hundreds and
22 thousands of pieces of fruit to churches
23 that were distributed to the poor. All of
24 that is now wiped out. All of those
25 donations in my area are gone, and people

1 don't know what to think now of this
2 government anymore.

3 That's very serious.

4 The other thing is that's also very
5 serious, you're now like the boy who cried
6 wolf. You see, you say the existence of
7 citrus canker in this state is an immediate
8 serious danger. You're saying the existence
9 of canker is an emergency. How much canker
10 you don't say. In other words, any canker.
11 If it's one leaf, according to what you're
12 saying, that's a state of emergency.

13 Well, canker has been here probably
14 since 1910 and most independent scientists,
15 I know you don't talk to them but the other
16 ones that are out there independent of your
17 agency, they're saying that it's always been
18 there, always will be and you can't get rid
19 of it. Therefore, according to what you're
20 saying is we're always going to be in a
21 permanent state of emergency because there
22 might be one leaf with canker.

23 The problem with that is it was serious
24 before September 11th but it's more serious
25 now because now we really are in a state of

1 emergency probably, and there's probably
2 things that we need to be doing to deal with
3 bio terrorists threats and all this other
4 stuff, but when the Governor says we're in a
5 state of emergency, we need to deal with
6 this, people are going to say a state of
7 emergency? You mean like the canker thing?

8 It's like the boy who cried wolf and
9 it's serious, and I think what you should do
10 is you should say this is not a state of
11 emergency. We know an emergency when we see
12 it, and this canker stuff, it's not an
13 emergency.

14 In fact, if you stop the program and
15 you took all the quarter of a billion
16 dollars that you spend and just channel that
17 money towards dealing with bio terrorism,
18 Jeb wouldn't have to be convening a special
19 session to figure out where to get the money
20 from to deal with this stuff. He would have
21 it already.

22 I would also like to find out what is
23 it about the record in Dade and Palm Beach
24 County that needs to be corrected, and you
25 have good court reporters here, they take

1 down all the information. What is it that
2 has to be corrected? Is it your responses
3 to certain questions that you need to
4 reformulate?

5 MR. GASKALLA: I resent that. That's
6 not the case at all.

7 MR. SILVER: What is the case?

8 MR. GASKALLA: It's misspellings on
9 technical words.

10 MR. SILVER: Well, we don't care about
11 that. We'll accept misspellings on
12 technical records.

13 MR. GASKALLA: We want the record to be
14 correct, and that's the only issue here, and
15 we do have a good court reporter here today
16 but did not in Dade County.

17 MR. SILVER: I wish you were half as
18 concerned about being legal and about being
19 ethical and about being responsive to the
20 people.

21 MR. GASKALLA: You've asked the
22 question and I gave you the answer.

23 MR. SILVER: Okay, and I'm giving you
24 my response.

25 I wish you were half as concerned about

1 being legal and ethical and constitutional
2 and responsive to people as you are about
3 being technically correct.

4 We don't really care how to spell
5 Xanthomonas. Sanctimonious government
6 officials, that's more of a concern to us.

7 Now, the questions that I have, and
8 I'll go through this rather quickly, if the
9 new proposed rule that you're coming up with
10 is declared invalid by the administrative
11 law judge, how many more times will you keep
12 trying to propose a new rule before you call
13 it quits? How many times must you lose in
14 court before you will admit defeat and stop
15 the program?

16 What is the maximum loss which the
17 citrus industry will suffer if no
18 eradication took place but other measures
19 were used?

20 How much damage does the average person
21 suffer when one tree is cut down, average?
22 And then how much damage does the person of
23 a low economic income suffer when one of his
24 trees is cut down?

25 I already know the answer to this. You

1 haven't the faintest idea and you don't
2 care, because I've taken depositions in the
3 case, and we really don't care about that.
4 We respond to the needs of the citrus
5 industry. The individuals doesn't matter to
6 us. I was dumbfounded when I heard it. It
7 wasn't quite in those words, but basically
8 that's what was said. We've never looked
9 into the loss of the individual because
10 that's not our concern. We don't protect
11 them.

12 And I know you can't give me an answer
13 now, I know that because you have no clue
14 what the average person has suffered, let
15 alone the hundreds and thousands of people
16 affected.

17 You see, you can't weigh the program
18 against the harm. You can't do any type of
19 balancing when you don't know what the harm
20 is because you've never looked into it.
21 It's impossible to do any type of balancing,
22 and the figure on the other side we know is
23 wildly inflated.

24 How much money has been spent on your
25 attorneys, on police and on the program so

1 far? How far must canker spread before
2 you'll admit that it can't be eradicated?

3 If you'll look at some of Gottwald's
4 writings in the beginning he said something
5 to the effect that eventually if canker
6 keeps spreading you'll never be able to
7 eradicate it, it will reach a point where
8 it's impossible to eradicate.

9 It seems like it's all over the place.
10 I think we've reached that point.

11 My question is when will you admit that
12 it's gone so far that it can't be
13 eradicated?

14 What are the facts that the Department
15 is utilizing in order to determine that a
16 state of emergency exists?

17 How many infected trees are still
18 standing and why?

19 When will Doctor Gottwald's study be
20 released?

21 And I'm also astounded that all of this
22 carnage that's taken place, all of this
23 money spent without a study being released,
24 that is the height of government arrogance,
25 and I served on the Legislature, so I'm

1 familiar with government arrogance, but this
2 is extraordinary that all of this has been
3 done without even seeing the study.

4 The policy that you're following is
5 the --

6 MR. GASKALLA: Mr. Silver, you do not
7 have a copy of this study?

8 MR. SILVER: No.

9 MR. GASKALLA: I'll see that you get
10 one.

11 MR. SILVER: I would appreciate that.

12 MR. MEYERS: Can I get one, too?

13 MR. GASKALLA: You don't have it?

14 MR. HAIRE: Make that fifty. We all
15 need one.

16 UNIDENTIFIED SPEAKER: Not the draft.

17 MR. MEYERS: Oh, you mean the draft.

18 MR. SILVER: The draft.

19 MR. ZOPPI: There's a difference
20 between the draft and the study, complete
21 study.

22 MR. SILVER: This, I've seen this, but
23 you know what I haven't seen? You know what
24 nobody's seen? Nobody's seen how the
25 numbers go to nineteen hundred feet.

1 Is that in here?

2 MR. GASKALLA: Yes.

3 MR. SILVER: Show me the figures that
4 get you to nineteen hundred feet. Can
5 somebody do that?

6 MR. GASKALLA: If you'll get with me
7 after the hearing, I'll be glad to point
8 that out to you.

9 MR. SILVER: I've been asking this for
10 years. I think you're wrong.

11 I'd --

12 MR. GASKALLA: You're entitled to your
13 opinion.

14 MR. SILVER: Okay, then show me where
15 the figures add up to nineteen hundred feet.
16 Show me where it is.

17 Let me ask you this: Give me the page
18 number. I'll find it.

19 What page is that on?

20 MR. GASKALLA: I do not know.

21 MR. SILVER: Is there anyone in the
22 room that can tell me that?

23 MR. GASKALLA: Probably not.

24 MR. SILVER: Well, then how long will
25 it take you to be able to tell me that?

1 MR. GASKALLA: Proceed.

2 MR. SILVER: Well, let me suggest
3 something to you: You, sir, are
4 intentionally attempting to deceive and
5 defraud the public if you tell me that
6 nineteen hundred feet can be discerned from
7 this, and I'll tell you why.

8 MR. GASKALLA: I think it's nineteen
9 hundred and forty feet.

10 MR. SILVER: Okay.

11 I'm going to tell you why.

12 Nobody has ever used mathematical
13 figures to come to that number. It's never
14 been done, it never will be done and it
15 never can be done. It's not in here, it's
16 nowhere, because that was achieved by some
17 kind of consensus. You wanted to act as if
18 it was scientific, so you've perpetrated a
19 fraud to fool people and make it seem like
20 it's mathematics so that mathematically
21 you'll get to nineteen hundred feet or
22 nineteen hundred and forty feet. It's not
23 in here. There are no numbers that if you
24 look at them will come out to nineteen
25 hundred feet.

1 MR. MEYERS: Barry, in fairness, if
2 Mr. Gaskalla says he can do it, let him do
3 it. Maybe he as a courtesy to us he says
4 he'll do it.

5 MR. GASKALLA: There's a statement in
6 there that indicates nineteen hundred and
7 forty feet was the average. I'm not sure
8 exactly what the statement is, but it
9 alludes to the fact that nineteen hundred
10 feet is a reasonable distance to use.

11 MR. SILVER: No. What I'm asking for
12 is the mathematical numbers that got you to
13 that figure.

14 MR. GASKALLA: Doctor Dixon has
15 calculated those numbers.

16 I'll be glad to send them to you.

17 MR. SILVER: Well, the problem is I
18 asked Doctor Dixon at the last hearing.

19 MR. GASKALLA: And he's done it since
20 then.

21 MR. SILVER: Has he?

22 MR. GASKALLA: Yes.

23 MR. SILVER: But you don't have it?

24 MR. GASKALLA: Not with me, no.

25 MR. SILVER: Okay. Well, I think that

1 you're lying to me.

2 MR. GASKALLA: Well, that's your
3 opinion.

4 MR. SILVER: It's not just an opinion.

5 MR. PENN: Can it go down in the record
6 that it will be sent to Mr. Silver?

7 MR. GASKALLA: Sure.

8 MR. SILVER: It's not just an opinion,
9 because I saw --

10 MR. PENN: Within the week?

11 MR. GASKALLA: Yes.

12 MR. SILVER: -- some of the figures
13 from Gottwald and sometimes he said
14 ninety-five percent of the time it will work
15 with nineteen hundred feet and sometimes he
16 said ninety-nine percent, but nowhere were
17 there any figures used.

18 If you look at Doctor Whiteside's
19 deposition, he said that Doctor Gottwald's
20 study is basically mathematical.

21 Gobbledygook, and that, I think,
22 describes it very well.

23 And I'm kind of astounded also that
24 you, sir, who have based this entire policy
25 on a study of nineteen hundred feet are

1 incapable of explaining to me how he got to
2 that number. That's kind of mind boggling
3 to me and it's mind boggling that you can't
4 even tell me what page it's on.

5 It leads me to believe, with all due
6 respect, that it doesn't exist in there, and
7 when I asked Doctor Dixon, you know, I sat
8 through two hours of all these graphs and
9 charts and everything, and after two hours
10 of presentation that was much more effective
11 at curing insomnia than it was at explaining
12 anything I asked him. Sir, tell me how do
13 you get to nineteen hundred feet? He said,
14 well, I left that stuff at home or I left it
15 in my study or something like that, the
16 basic question that we wanted.

17 MR. BYROM: Page twenty-one, line
18 twenty-five.

19 MR. SILVER: Is that where it is?
20 Thanks.

21 It's extraordinary.

22 So you'll have to excuse me if I seem a
23 bit sceptical.

24 The other questions I'd like answered
25 within the week is are you attempting total

1 eradication of citrus canker with this
2 problem or something less? And if something
3 less, how much less?

4 Do they use copper spray in the groves?
5 And if so, doesn't that mask canker? And
6 isn't it quite possible that there's canker
7 all over the groves but you just don't know
8 it because you're not looking because
9 they're hiding it?

10 According to your literature, doesn't
11 copper spray mask canker?

12 MR. GASKALLA: Not very well.

13 MR. SILVER: Well, then you might want
14 to change the literature around.

15 When the Legislature passed the bill, I
16 believe it's Florida Statute 581.184, you
17 had some things in there and I asked you
18 about it, and once when we were allowed to
19 answer the questions on the spot you
20 actually admitted that some of the stuff
21 wasn't correct.

22 What I asked you is the findings of the
23 Legislature accurate when it says that
24 canker eventually kills a tree, and
25 eventually means that it's going to happen

1 automatically, and I believe at a prior
2 hearing you said, no, that's not true, but
3 the Legislature determined a state of
4 emergency based on that. They also said
5 that every tree within nineteen hundred feet
6 is automatically infected.

7 You know that's not true, but the
8 Legislature doesn't know that, and I'm
9 asking you again, when are you going to tell
10 the Legislature that you got it wrong?

11 Now, I thought maybe that's an innocent
12 mistake, maybe you just didn't realize that
13 they were relying on this information until
14 I had a gentleman, Alexander Christopher who
15 showed up in court because he was arrested
16 because he didn't want you to cut down his
17 tree, and somebody took the stand whose in
18 this room from your Department, and I don't
19 like engaging in name calling, I find it
20 unseemly, but somebody from the Department
21 came in and testified under oath that every
22 tree within nineteen hundred feet of an
23 infected tree is automatically infected with
24 canker, and your lies are still going on
25 now.

1 It's unbelievable that you would still
2 rely on these lies.

3 I ask you now, it's just a real simple
4 question, is that true that every tree
5 within nineteen hundred feet of an infected
6 tree is automatically infected with canker?

7 MR. GASKALLA: Over time it could be,
8 yes.

9 MR. SILVER: Could be, but what I'm
10 asking is, is it always automatically every
11 tree without exception within nineteen
12 hundred feet infected with canker?

13 MR. GASKALLA: Over time they would all
14 become infected.

15 UNIDENTIFIED SPEAKER: Not necessarily.
16 Oh, no.

17 MR. GASKALLA: Difference of opinion.

18 UNIDENTIFIED SPEAKER: Wind, ocean?

19 MR. SILVER: Hold on. Hold on. I just
20 have a follow-up question.

21 Tell me, sir -- You're not a scientist,
22 right?

23 MR. GASKALLA: My training is in
24 botany.

25 MR. SILVER: Okay. Tell me, sir, one

1 scientific study or one piece of
2 documentation or even one scientist who
3 corroborates what you just said.

4 MR. GASKALLA: I'll put that in writing
5 as far as the scientist that will back that
6 statement up, but I think there are several
7 within the Department and university system
8 that given enough time that every tree
9 within nineteen hundred feet would express
10 symptoms.

11 MR. SILVER: I'd be interested in
12 hearing the name of the scientist, but the
13 other question then is, are you sure about
14 that?

15 MR. GASKALLA: Well, if I'm wrong I'll
16 put it in writing.

17 MR. SILVER: I didn't ask that. I just
18 asked are you sure about that statement that
19 every tree within nineteen hundred feet will
20 be infected with canker?

21 MR. GASKALLA: Based on the knowledge I
22 have about this disease, yes.

23 MR. SILVER: Okay, then I'll ask the
24 question again.

25 What document or what study leads you

1 to that conclusion?

2 MR. GASKALLA: Doctor Gottwald's work,
3 my observations of seeing the disease in the
4 field over the past fifteen years.

5 MR. SILVER: Which work of Doctor
6 Gottwald? Which study? Which letter? What
7 document leads you to that conclusion?

8 MR. GASKALLA: The study you have there
9 before you.

10 MR. SILVER: He says it in here, every
11 tree?

12 MR. GASKALLA: It doesn't say that in
13 there.

14 MR. SILVER: Then I'm asking where did
15 you get it from if it's not in here?

16 MR. GASKALLA: Based upon that and
17 observational data I believe that statement
18 is true.

19 It doesn't specifically say that in
20 there, if that's what you're asking me.

21 MR. SILVER: It doesn't specifically
22 say it. It doesn't remotely say it. It
23 doesn't come anywhere close to saying it in
24 here.

25 So if you're telling me that this

1 document leads you to that conclusion, then
2 what I'm telling you is you're not using
3 science, you're using pseudo science and
4 quackery. You have a conclusion in your
5 head and you'll take any document to support
6 it.

7 This document doesn't remotely state
8 that every tree within nineteen hundred feet
9 has canker, and if you're relying on this,
10 if that's the type of science you're
11 using -- You see, the problem is you're not
12 using science. You're using a desire to
13 protect an industry, and that's causing you
14 to not think scientifically, so therefore
15 you think, well, I'm going to use
16 eradication and nothing else. I have a
17 conclusion. The conclusion is eradication
18 works, I'm going to eradicate, and then when
19 it doesn't work you think, well, I guess I
20 didn't eradicate enough, I'm going to go to
21 nineteen hundred feet.

22 It's like in the dark ages when they
23 used some kind of medicine they said, well,
24 I'm going to cut off this guy's limb, and if
25 that didn't work, well, I'm going to cut off

1 another limb, and if didn't work, I'm going
2 to drain all his blood, and then when the
3 guy dies you know what they do? They don't
4 think, well, maybe I did something wrong.
5 They think, well, I guess I didn't do it
6 quick enough, I'm going to drain his blood
7 more quickly next time.

8 That's not science. That's quackery.

9 MR. GASKALLA: That's a poor analogy,
10 but proceed.

11 MR. SILVER: Is it?

12 Well, let me try another analogy, or
13 actually a statement. It comes from the
14 Bible, and the Bible says that a bribe
15 blinds the eye of the wise and perverts the
16 words of the most perspicacious.

17 Your industry or your Department is
18 receiving money from the Department, from
19 the citrus industry. That is a form of
20 legalized bribery, and --

21 MR. GASKALLA: Do you have knowledge of
22 that? Can you tell me where that money is
23 and what it's being used for?

24 MR. SILVER: Well, you said it earlier.

25 MR. GASKALLA: You're incorrect. We

1 receive no industry money to support the
2 eradication program.

3 MR. SILVER: No, not for the
4 eradication program. I'm saying your
5 Department receives money from the industry.
6 That's what you said before, correct?

7 MR. GASKALLA: Not specifically for
8 pest, disease or eradication programs.

9 MR. SILVER: It goes to your
10 Department, so you guys are funded by the
11 citrus industry and the scientists are
12 funded, also.

13 You can deny this if you want.

14 MR. GASKALLA: I do deny it.

15 MR. SILVER: Well, you just told us
16 earlier that the Department of Agriculture
17 gets money from the citrus industry. Did I
18 hear wrong?

19 MR. GASKALLA: I said we get industry
20 money. I didn't say specifically from the
21 citrus industry.

22 MR. SILVER: Which industry then?

23 MR. GASKALLA: I'm thinking.

24 MR. STURAITIS: Hosiery.

25 MR. GASKALLA: Most of it is grant

1 money for advertising.

2 MR. SILVER: Grant money from where
3 though? From which industry?

4 MR. GASKALLA: The aquaculture industry
5 gave us some money to do a promotional
6 program for tropical fish, the wine growers
7 gave us some money to do a promotion for
8 Florida wine, that type of thing.

9 MR. SILVER: But no money from the
10 citrus industry goes to the Department of
11 Agriculture?

12 MR. GASKALLA: Not that I'm aware of.

13 MR. SILVER: That seemed to be the
14 import of what you're saying.

15 MR. GASKALLA: We do get box tax money
16 from fruit sales for research, but that's
17 spread across the board and it's not really
18 money to the Department, it's passed through
19 money for research into a variety of
20 programs.

21 MR. SILVER: And, sir, my statement is
22 identical. The scientists that you're using
23 depend on that money for their livelihood,
24 and therefore if they say the wrong thing
25 they won't get anymore funding for their

1 projects, and you, sir, if you want to use
2 science have to understand that their
3 opinion therefore is tainted and therefore
4 it's not objective, and that is borne out by
5 the program.

6 I don't want to take up too much time
7 because everybody here has been very very
8 patient. I have a lot more to go on but I'm
9 not going to do it. I'm just going to say
10 that based upon what you told us so far,
11 this whole program is a disgrace and a
12 disaster, and I suggest that in order to
13 avoid humongous lawsuits and huge amounts of
14 damages that are going to be coming towards
15 the State of Florida that you abandon the
16 program as quickly as possible.

17 One final comment.

18 Your Department came into Delray Shores
19 where there's a very large minority
20 population and population of Haitians, and
21 they came in and they cut the trees without
22 any notice. I'm appalled that that
23 happened, but maybe that's a mistake.

24 What really appalls me even more than
25 the mistake is that I had to plead on the

1 telephone for hours with your attorney to
2 stop that from happening. All the while the
3 trees were being cut down I was pleading
4 with him there's no notice, you're acting
5 illegally, and he kept me on the phone for
6 hours and your workers just kept cutting
7 down trees while people were saying we
8 haven't gotten notice, this is not fair,
9 this is unconstitutional. They kept cutting
10 down the trees and they didn't care.

11 Finally many hours later because I
12 persisted they stopped, and then you add
13 insult to injury, sir, by never telling the
14 people there we did something wrong, we're
15 going to pay you some compensation.

16 Your position is the heck with you, you
17 weren't going to win anyway. We've got it
18 rigged, so don't worry about it, you haven't
19 suffered any loss because we're going to cut
20 down your trees anyway.

21 You should at least have the decency to
22 say we did something wrong and we're going
23 to do something about it and we're going to
24 compensate you.

25 When you don't do that, the arrogance

1 of the Department is just outrageous and you
2 can't say it was a mistake. It's not a
3 mistake anymore.

4 A judge in Miami, Jorgensen said this
5 whole policy is intolerable.

6 Judge Fleet came up with the same
7 finding.

8 Your skillful attorney said, hey, we
9 don't care what these judges say, you didn't
10 have standing. The only people that count
11 is Judge VanLaningham, so we're just going
12 to keep cutting trees even though we've been
13 told our policy is intolerable and
14 outrageous, because as long as we can keep
15 cutting trees we're going to do so legally,
16 and we're going to use your money,
17 taxpayers, to come up with all these legal
18 maneuvers so that we can keep cutting trees
19 even after the Judge has told us not to do
20 it. And you go to an appellate court and
21 they say the same thing, go to VanLaningham
22 and he says, yes, you're wrong, the policy
23 is wrong, it's unconstitutional, you've
24 exceeded your authority.

25 Does the Department say, oh, we've made

1 a mistake? No. They just keeping going and
2 they propose another rule and make people
3 put down another two hundred and fifty
4 dollars and you realize, oh, this isn't
5 going to work, we're going to retract that
6 rule and we'll admit that that wasn't right
7 either.

8 Now you have the gall to come back
9 again after every judge has ruled that this
10 policy is wrong and you're just going to go
11 ahead and keep obliterating trees while this
12 policy runs its course, and all of that is
13 done, sir, after you cut down twenty million
14 trees in the eighties and then say oops, we
15 made a mistake, it wasn't citrus canker and
16 now you're still paying out the multi
17 million dollar judgment that came about from
18 that, and you've got the chutzpah to go
19 ahead and start cutting down millions of
20 more trees. That, sir, is government
21 arrogance, and the amount of judges and
22 courts that have found this policy to be
23 wrong is, I believe, unprecedented in
24 Florida.

25 Usually a court gives great deference

1 to the Legislature and to the Department of
2 Agriculture and state agencies. I've rarely
3 seen some judge just tear apart a program,
4 but to see it done repeatedly over and over
5 again and the Department just keep coming
6 back over and over again saying we don't
7 care about the people, we don't care about
8 the science, we don't care about the courts,
9 we're going to keep doing this over and over
10 again and then say, well, we'll get back to
11 you in writing on this, that is appalling,
12 sir, and I'm just embarrassed as a lawyer to
13 know that this is going on in the state, I'm
14 embarrassed as a citizen and I'm really
15 embarrassed to have to explain to my clients
16 who trusted this government who came here
17 filled with idealism to tell them, sorry,
18 that's how government works, and in a
19 country where the people don't even vote
20 because they're so cynical of government, to
21 allow this to go on and cause more cynicism
22 and more distrust is a disgrace.

23 MR. GASKALLA: Ellen Schneider with
24 Frank Byrom on deck.

25 MS. SCHNEIDER: I wanted to talk about

1 three simple points, so I'm just going to
2 name them.

3 UNIDENTIFIED SPEAKER: Can you use the
4 mic.

5 MS. SCHNEIDER: I'd like to just go
6 over three simple points and I'll just say
7 what they are, but then I'd like to divert
8 from after a second and just touch on some
9 things that other people said.

10 The first point is that I'd like to
11 think about while I'm talking about the
12 other stuff is what if there were a swimming
13 pool canker instead of a citrus tree canker?

14 UNIDENTIFIED SPEAKER: Dig them all
15 out.

16 MS. SCHNEIDER: Exactly. Think about
17 that.

18 We'll go into a little more detail in a
19 minute.

20 The second point was I never assumed
21 the risk for this industry.

22 The third point is I went over the
23 value of my trees. I don't know anything
24 about the class action, I don't know how
25 anybody else has done this, but I came up

1 with a value per tree to my home of forty
2 thousand dollars.

3 Now, I want to just expand on that a
4 little bit. Before I do that, I just want
5 to back up and touch on some things that
6 other people said.

7 I'm really interested in the appeals
8 process, and I wonder if you would publish
9 on your website, please, the number of
10 appeals that have been filed to date and the
11 number that were successful, and would you
12 please give the case numbers of the ones
13 that were successful so that those who wish
14 to see whether it's worth their while can go
15 into the public records and see what points
16 can win as opposed to just wasting two
17 hundred and fifty dollars making the same
18 arguments that have already lost.

19 I don't know whether the State has
20 considered this, but I've considered it from
21 the very beginning. I strongly suspect that
22 some trees are just immune to this disease
23 contrary to your suspicions that over time
24 they'll all come down with canker and we'll
25 never find out this way.

1 Some trees are grafted, some are not.
2 I think that's really important, especially
3 when you said over time. I noticed you
4 didn't say how much time. Maybe did you
5 have in mind fifty years or thirty years or
6 three weeks or one year? Over time maybe
7 they all will, but a reasonable period of
8 time they won't and, in fact, it's already
9 been shown that they haven't.

10 And I wonder, we've been talking about
11 monies going to the Department of
12 Agriculture. I wonder if you would consider
13 publishing the budget on the website.

14 MR. GASKALLA: Sure.

15 MR. MEYERS: Sure you'll consider it or
16 sure you'll publish it?

17 MS. SCHNEIDER: Thank you.

18 MR. GASKALLA: Both.

19 UNIDENTIFIED SPEAKER: Within a week.

20 MS. SCHNEIDER: We all need to see
21 that, although --

22 MR. GASKALLA: What do you mean by the
23 budget?

24 MS. SCHNEIDER: Monies coming in and
25 monies going out.

1 MR. GASKALLA: The money that's been
2 spent by funding category as far as where
3 the funding is coming from for the program?

4 MS. SCHNEIDER: The monies that have
5 been spent by funding? I don't understand
6 exactly what your --

7 MR. GASKALLA: There's influx into the
8 budget and then there's outflux as far as
9 what the money is being spent for.

10 Would you like to have both?

11 MS. SCHNEIDER: Yes.

12 And then there may be some monies that
13 are sitting around that have come in and
14 haven't gone out. I mean, I assume --

15 MR. GASKALLA: Sure. Okay.

16 MS. SCHNEIDER: And the source, I hope
17 the budget will show the source of all
18 funds.

19 MR. GASKALLA: That's what I'm asking.

20 MS. SCHNEIDER: I'd like you to publish
21 it so that any citizen can see exactly
22 what's going on with that Department.

23 MR. GASKALLA: Okay.

24 MS. SCHNEIDER: All right. Thank you.

25 Unfortunately I don't know how many

1 other people here are aware of this, but
2 when this first began, right at the very
3 beginning I went on the Web and I did some
4 research, and the information was there by
5 the Department, and that information said
6 that this did not kill trees, and then I
7 printed it out and then my file cabinet was
8 getting pretty full and I finally discarded
9 it because I figured, well, it's on the Web,
10 and then when I went back when things
11 started really heating up and getting
12 interesting it wasn't there anymore, a whole
13 new set of information was there also
14 published by the Department of Agriculture,
15 and I'd like you to address on the website
16 what happened.

17 MR. GASKALLA: I'm not sure. What do
18 you mean what happened? As far as what
19 information?

20 MS. SCHNEIDER: What I mean by what
21 happened is what kind of directives were
22 given to the scientists in your Department
23 to cause them to completely change an
24 extremely important point here? What caused
25 them to change a hundred and eighty degrees

1 from it doesn't kill trees to it does?

2 MR. GASKALLA: New research information
3 is a short answer, but I'll put that on the
4 Web.

5 MS. SCHNEIDER: Thank you, and please
6 put down what that new research information
7 was.

8 MR. GASKALLA: Okay.

9 MS. SCHNEIDER: All right. Thank you.

10 Now, I just want to talk just briefly
11 on the swimming pool analogy so that
12 everybody thinks about it for a second,
13 because it struck me as a very useful
14 analogy because it takes us away from
15 talking about the trees that we have in our
16 backyards and it gives us a little bit of
17 distance.

18 Supposing that there were a citrus - a
19 canker or mold on all the swimming pools in
20 this state, on a number of them and that the
21 mold was discoloring the pools. You could
22 still swim in the pool, nothing would be
23 wrong with the water but it made it harder
24 to sell the pools, and supposing that the
25 State decided that there was a real

1 emergency involving the health of the
2 industry and that they decided to come into
3 people's homes with sledge hammers and
4 drills or those things that go like that and
5 break up all the concrete and haul it off
6 and fill up the hole and tell you, well, you
7 can rebuild your pool but not for two years,
8 and when you start to after you've rebuilt
9 it you can only put in a small amount of
10 water each year over the course of ten years
11 until we'll finally let you fill up that
12 pool to the way it was before. In other
13 words, that would be the equivalent of the
14 mature citrus tree. Would there be
15 something wrong with that picture?

16 MR. PENN: You can get your water at
17 Wal-Mart, too.

18 MS. SCHNEIDER: Oh, yes, and I forgot
19 to mention, they'll give you a hundred bucks
20 to rebuild your pool.

21 It strikes me that if an industry
22 requires saving, it should not be on the
23 backs of a certain segment of the
24 population, it should be on the backs of the
25 entire population, because the position that

1 the industry is taking, if I understand it
2 correctly, is that everyone will be
3 effected, not just the people who have
4 trees.

5 MR. ZOPPI: You left out one other
6 point, that you would not be able to rebuild
7 the pool for two years after it was removed.

8 MS. SCHNEIDER: Thank you. I thought I
9 had mentioned that, but I thank you. That's
10 certainly a key point, can't rebuild your
11 pool for two years, you have to have that
12 hot backyard, you have to be here all summer
13 and you have nothing out there but sand.

14 All right, I never agreed to assume the
15 risks of the citrus industry when I planted
16 my seeds and when you bought your trees and
17 you put them in the ground.

18 The citrus industry may suffer from
19 frost, they could lose their crop.

20 Did anyone here -- Please raise your
21 hand. How many people here agreed to insure
22 them against frost?

23 Mr. Gaskalla, did you?

24 MR. GASKALLA: No.

25 MS. SCHNEIDER: Did you agree to insure

1 them against disease?

2 MR. GASKALLA: In my capacity as
3 Director of the Division of Plant Industry,
4 that's part of my responsibilities, yes.

5 MS. SCHNEIDER: And as a private
6 citizen?

7 MR. GASKALLA: Well, my views as a
8 private citizen are really not relevant here
9 today.

10 MS. SCHNEIDER: Thank you.

11 MR. ZOPPI: How about as an American?

12 MS. SCHNEIDER: I would like it just to
13 go on the record that no one in the audience
14 raised his or her hand of having agreed to
15 assuming the risk for the industry and no
16 one in the audience agreed that they in any
17 way would insure this industry, and yet
18 they're being forced to do so.

19 I'd like to just end by quickly going
20 over my evaluation of my trees.

21 I called around and I could not find
22 anybody who could actually offer me a
23 replacement mature citrus tree. Nobody knew
24 whether they were available or where.

25 My trees were planted thirty years ago.

1 They are twice as tall as my house and half
2 as wide.

3 I figure replacement, that means
4 picture this, the tree being hauled from
5 somewhere else down the highway in a truck,
6 they have to get it into my backyard, so
7 they're going to destroy my side yard and
8 part of my backyard they have to go over and
9 all the landscaping there, they have to dig
10 a very big hole in a different place from
11 where the tree is now, which means the patio
12 has to be relocated, and they have to put it
13 in and they have to make sure that it's
14 going to live.

15 I figure fifteen thousand dollars a
16 tree, if I'm lucky enough to find them,
17 okay? I have two trees. That's thirty
18 thousand dollars.

19 I figure the aesthetic value to my
20 home, because you can look through almost
21 all the windows in my house and see the
22 trees and see the branches hanging down and
23 see the fruit on the trees, it's very
24 beautiful. I figure that's fifteen thousand
25 dollars.

1 All the landscaping under my trees is
2 totally shade landscaping. That's at a very
3 minimum two thousand dollars to replace.

4 The use of my yard in the summer, I
5 have those two trees make it cool enough to
6 use my yard all summer long. If they go I
7 have to put in a pool. That's twenty
8 thousand minimum, very minimum.

9 There's a two-story house behind my
10 house that was just built. My trees provide
11 a screen between those two homes, a total
12 screen so that I can go into my bathrooms
13 and my bedroom and my living room wearing
14 anything or nothing and I can sit in my
15 backyard in my pajamas if I want to, and
16 they can't see me and I can't see them.

17 What do you think the value is to my
18 property when those trees are gone and we're
19 looking at each other? I figure it's at
20 least three thousand dollars, probably more.

21 And then there's my electric bills.
22 April to November for twelve years a hundred
23 dollars a month, ninety-six hundred dollars.

24 We're up to seventy-nine thousand six
25 hundred, and we haven't even talked about

1 purchasing the grapefruit.

2 I think that's about it. Thank you.

3 MR. GASKALLA: Thank you.

4 Frank Byrom and then Scott on deck.

5 MR. BYROM: My name is Frank Byrom of

6 1541 Northwest 15th Terrace, Fort

7 Lauderdale.

8 Thanks very much, Mr. Gaskalla, for

9 coming today to receive some information

10 from us. We appreciate it very much.

11 I can't say I'm as wise to so many

12 people before me that I'll tell you what you

13 have to do, but I'd like to respectfully ask

14 you a few questions, if you can be kind

15 enough to perhaps notify us in writing after

16 the meeting.

17 MR. GASKALLA: Yes, sir.

18 MR. BYROM: As I recall last year,

19 Doctor Gottwald's study was going to be

20 published that justifies what's going on.

21 Is this, sir, a draft of the study that

22 really justified scientifically what your

23 Department is doing?

24 MR. GASKALLA: It's one of the

25 foundational documents, yes.

1 MR. BYROM: Oh, fantastic. Thanks so
2 much for bringing it. That's really a
3 terrific help.

4 My sources of information indicate that
5 his study was submitted to a respected
6 journal and was refused because it wasn't
7 scientific.

8 I would appreciate, perhaps, if you
9 could let us know about that.

10 MR. GASKALLA: Well, I can tell you
11 right now it's been submitted for
12 publication in a plant pathology journal and
13 it was sent out for peer review. Those peer
14 reviews have come back in, changes to the
15 document made as a result of the peer review
16 and it's been resubmitted for publication
17 and to the best of my knowledge has been
18 accepted.

19 MR. BYROM: That's fantastic. Thanks.
20 I really look forward to seeing that.

21 In one of your printed writings I saw
22 that no scientific evidence suggesting an
23 alternate way of treating canker has been
24 really presented. As I recall in the
25 Midwest someone developed a heat treatment

1 to knock out cancer. If a citrus tree is
2 heated to a hundred and thirty degrees for a
3 minimum of twenty-five minutes, as I recall,
4 the canker would be destroyed in the tree
5 and the tree would be preserved.

6 If you don't have that evidence, Marion
7 Henderson has that study and she would
8 present it to you. I think I saw her give
9 it to you one time before.

10 The third question is in the Hollywood
11 hearing a grove worker from the groves
12 reported that in the groves, as he worked in
13 the groves he saw that the grove owners
14 would simply cut out the canker trees. They
15 had a canker, they would take it out, they
16 would take it for a walk.

17 So assuming the grove worker was
18 reported accurately, I don't quite
19 understand what we're protecting since the
20 canker is already in the groves. Why do we
21 cut all the trees down here?

22 So my three questions were about
23 Gottwald's paper, the evidence that treats
24 canker, that there seems to be evidence that
25 has been presented. You said there was

1 none. Number three, the grove worker that
2 presented evidence that the citrus, the
3 canker was in the groves already, so I'm
4 wondering what we're protecting.

5 I'm a master gardener trained at Mounts
6 Botanical Gardens, West Palm Beach.

7 One of your respective representatives
8 came to my class and said to me in the Carab
9 there's a severe root disease of sour
10 orange.

11 The citrus growers are based on sour
12 orange because they use a sour orange root
13 stock and they graft the citrus that they
14 want on the sour orange, and the respective
15 member of your Department in my master
16 gardener class said when that disease hits
17 us from the Carab, our citrus industry is
18 gone unless we change the root stock.

19 So it seems strange that a blemish on a
20 fruit would be urgent when our trees are
21 already condemned. Your Department has said
22 that it's only a matter of time before the
23 disease hits.

24 MR. GASKALLA: Citrus canker isn't the
25 only disease that the industry needs to be

1 concerned about. It's one of several.

2 MR. BYROM: Well, thanks again for
3 coming. I know I respect you and your
4 position, and we'll form a line outside with
5 our clubs, and if you would like to run down
6 it we'll take a swing at you on the way out.

7 MR. GASKALLA: It might be better than
8 this, actually.

9 MR. BYROM: God bless you. Thank you.

10 MR. GASKALLA: Scott and then Ken
11 Murano.

12 MR. SCOTT: I would just like to quote
13 from the dictionary the definition of farce:
14 "A ludicrous empty show of mockery."

15 I think out there there's millions of
16 foreign pests and bacteria that have come to
17 this country, citrus canker being just one
18 of them. There's the annual wheat rust
19 problem with the wheat crop, the zebra
20 mussels in the Great Lakes, the Bufo frogs
21 killing our dogs, foreign termites that come
22 in from the Caribbean and elsewhere, the
23 Melaleuca tree. We have malaria, we have
24 many other diseases in the world that have
25 proved almost impossible except for maybe

1 one or two cases for eradication. So I'm
2 thinking that you're very courageous for
3 taking on this one when out of a million, I
4 can't calculate the percentage myself, but
5 maybe two pests in the world have been
6 completely eradicated, and I think it's a
7 very small percentage. It's probably more
8 zeros than I can read off in one or two
9 minutes. So I just think that you should
10 look to science as an example and see that
11 what you're doing is just completely a
12 farce.

13 Check your bearings, because I think
14 you're way out of line and you're using our
15 money to fund your quackery program.

16 That's all I have to say.

17 MR. GASKALLA: Ken Murano and then
18 Victor Cento.

19 MR. MURANO: Ken Murano, Fort
20 Lauderdale, Florida.

21 Good afternoon, everybody. Good
22 afternoon, Mr. Gaskalla.

23 I want to just make a couple of
24 comments and make you aware of some papers
25 that I have from your organization and some

1 other things to the public.

2 If anybody out here is computer
3 literate, I would advise you to get on the
4 Internet and go to the D.O.A.C.S. website
5 and look under the citrus statutes, read
6 them really carefully and then also at the
7 same website go to the tropical fruit
8 statutes and read them very carefully, and
9 if the little blurb that's still up on the
10 Department of Agriculture website is still
11 there, you'll see Mr., who is it, the
12 current boss up there talking about --

13 UNIDENTIFIED SPEAKER: Bronson.

14 MR. MURANO: Bronson talking about how
15 the tropical fruit industry needs to be
16 brought in line to the same level as the
17 citrus industry, and that tropical fruit
18 industry deals with every other type of
19 fruit that can possibly be grown down here
20 in Florida.

21 So what he means is that the box taxes
22 pretty much don't exist. The other fees and
23 all the licensing and all the other amounts
24 of money that go to the Department of
25 Agriculture for like fresh fruit, Florida,

1 all these little symbols and all these
2 little licensing and fees and things, that
3 tropical fruit business needs to be brought
4 into line with the goal of the citrus
5 industry which means that they will have to
6 do the same thing.

7 Now, maybe ten years, twenty years,
8 thirty years from now we might have a mango
9 problem where everybody has to lose their
10 mango trees or their Carambola trees, or who
11 knows what, and at some point it may be just
12 possible that you will not get any fruit,
13 nut, vegetable or anything else, you know,
14 to grow in your backyard because you'll have
15 to buy it, you know? It's a little bit
16 far-fetched, it sounds like science fiction,
17 but at the rate it's going it probably can
18 happen that way, and at the end of my little
19 deal here I'll tell you a funny little story
20 about Joe who gets arrested by D.O.A.C.S.
21 Swat Team because he has tangerine seeds and
22 snap peas, and you may laugh at that.

23 Anyway, I had some potted citrus trees
24 and they were in really good condition, they
25 were bearing fruit, and on 7/23/99 they were

1 inspected along with a grapefruit tree, and
2 the inspector said, wow, those are really
3 nice trees, they're pretty, they're in good
4 condition, the grapefruit tree is fine,
5 there's no canker on them and there's no
6 canker in the entire area, the neighborhood.

7 Now, you know, we stood there for
8 approximately thirty minutes talking and
9 discussing the trees and everything, and I
10 make a particular note here that at no time
11 was I told potted citrus trees were
12 considered illegal or that they were going
13 to be illegal or that there was any
14 requirement that they needed to be planted
15 in the ground for any particular purpose, so
16 that was the end of that.

17 And then about a year later my wife
18 discovers a guy -- Well, actually let me
19 back up.

20 About a year later my wife discovers a
21 white pick-up truck empty in my front
22 driveway and she thinks, well, what's going
23 on here? So she goes around and looks
24 around and discovers a D.O.A.C.S. guy in my
25 backyard ripping out my three potted citrus

1 trees, so she runs to the front of the house
2 and catches him coming around the block,
3 he's throwing the trees over the fence, made
4 this huge big dirty mess in front of my yard
5 on the street side and she said what are you
6 doing? Who are you and what the heck's
7 going on?

8 He says, well, I really don't like
9 doing this but I have to do it, and so he
10 takes out his shears and he starts to cut up
11 the three potted citrus trees, and she says,
12 well, how did you get in? So he points over
13 there.

14 Well, considering that the gate to my
15 property is locked always, the only other
16 way to get in is over a fence. So she asked
17 him, well, did you jump over the fence? And
18 he said yes.

19 And then he looks at her and he says,
20 well, if I hadn't known you'd been home I
21 wouldn't be doing this, and he's cutting the
22 trees up.

23 So finally after he finishes cutting
24 the three trees up he gives her this
25 document here that is a stop sale and hold

1 order which I believe is for a business,
2 isn't it?

3 MR. GASKALLA: It can be used for a
4 business. It can also be used for a
5 residential property.

6 MR. MURANO: Oh, okay.

7 Anyway, it says, "Reason for stop sale
8 and hold order: Primary condition which
9 constitutes an immediate serious danger to
10 public health, safety and welfare were three
11 potted citrus trees."

12 Wow.

13 So anyway, after he finishes cutting
14 them up he gives her this document to sign,
15 and right at the bottom it says, "This
16 action is immediately appealable if you do
17 not want to sign this paper."

18 Well, he gives her the paper to sign
19 after he's destroyed the trees and he's
20 looking at her as he's cutting them up and
21 saying if I had known you'd been home I
22 wouldn't be doing this, and that's just
23 prior to starting to cut the trees.

24 So first of all he saw her coming out
25 of the house before he cut them up, started

1 to cut them up but then told her that if I
2 had known you had been home I wouldn't do
3 this, then gives her the document to sign
4 that she can refuse to sign in order to save
5 the trees for five days after he's cutting
6 them up and taking them away.

7 So I call up and I complained and I get
8 to speak to a couple of really interesting
9 people like Mark Fagan, Richard Miranda and
10 a person named Micky, and let me just get my
11 notes here. It says notes on direct
12 discussions with D.O.A.C.S. officials.

13 The first person I spoke to was a woman
14 named, I think, Micky or Nicky, I can't
15 remember really but it was an icky name.

16 She said I have no constitutional
17 rights to private property, no
18 constitutional rights to due process. And I
19 thought, well, wait a minute. It says,
20 well, in this condition you don't have any
21 rights at all. That's exactly what she told
22 me, and I made notes of it.

23 So then I asked to speak to somebody in
24 authority, so I talked to Mr. Fagan, and I
25 talked to him about six times, give or take,

1 and every single time he admitted to me that
2 Mr. Ovad, Ernest Ovad should have never been
3 on my property in the first place, he should
4 have never been ripping out the trees and
5 that he agreed with me that my potted citrus
6 trees should have never been destroyed
7 adding that he was sorry there was such a
8 mistake, he believed my rights were violated
9 and that Inspector Ovad should have never
10 been on that property in the first place.
11 He said there was a serious breach of
12 D.O.A.C.S. rules, regulation and policy
13 regarding the actions of Inspector Ovad.

14 At some point or another I wrote my, I
15 guess you would say my senator or one of
16 those guys, you know, my state
17 representative.

18 About three days after I get a phone
19 call from Mr. Miranda, and so I returned his
20 phone call and he basically said the same
21 thing, he was real sorry my case was
22 mishandled, Ovad should have never been on
23 my property, the paper that he gave me
24 should have never been given to me, they
25 should have never been destroyed, and then

1 he suggested at that particular point he
2 said, yes, but you did have potted citrus
3 trees. I said what does that mean? They
4 were inspected, they were cleared.

5 He said, well, you know they're
6 illegal. I said well, wait a minute.
7 Nobody ever told me they were illegal. The
8 first inspector never said they were
9 illegal. You never sent me a letter for a
10 whole year after that telling me they were
11 illegal. Nobody ever called me, I never had
12 a notice.

13 So he admitted all the same things, you
14 know, that it should have never happened to
15 me. All my rights were violated.

16 Well, okay.

17 He said I've got a phone call. I'll
18 call you back in twenty minutes. He hung up
19 and he never called me back until I saw him
20 at a town home meeting where he virtually
21 admitted everything, except for some strange
22 mysterious reason he forgot that we were
23 discussing potted citrus trees. He thought
24 I was talking about a large grapefruit tree.
25 I said, well, wait a minute. We spoke for

1 like thirty minutes. You should remember
2 what the whole basic conversation was about.

3 I also got a letter from Matthew Gotti,
4 and he sent me a really nice interesting
5 document that said Bob Crawford was buying
6 citrus trees to give free to all South
7 Florida residents and he was saying it's
8 like seven million dollars, and he said if I
9 buy them now -- I'm paraphrasing a little
10 bit, but if I buy them now I can lock in the
11 price at a really cheap price, because by
12 the time the citrus industry, the growers
13 grow the trees they will be of substantial
14 size so that people won't have to wait too
15 long to enjoy their fruit.

16 Well, I'm the only one that seems to
17 know about this press release because nobody
18 else seems to have one except for me, and I
19 guess I was fortunate to be able to keep it.
20 It's really interesting.

21 And then I have another couple of
22 documents here.

23 This is -- I'm sure you recognize that,
24 right? It's that little brochure.

25 Well, this first one I got it says,

1 "Are we cutting the citrus trees to help the
2 industry?" It says, "No," amongst a whole
3 bunch of other things.

4 So you have a list of all the rights
5 and the protections and what the citizens
6 can have.

7 Well, then later I get sent another
8 one, and this one says, well, we are cutting
9 the trees to help the citrus industry and
10 also to help save the backyard trees.

11 I mean, so it's like a scam. This
12 thing is one big lie to get everybody on
13 board, get everybody's confidence. Once
14 they get into the program and then all of a
15 sudden they switch the game and you tell
16 them, well, I guess we're cutting it now to
17 help the industry.

18 I mean, at least they can be more
19 creative when they have a lie here.

20 I have a couple of other really
21 interesting things.

22 I got a first IFO on my door, a real
23 IFO this time, and it's real interesting
24 because it shows that there's an exposing
25 property.

1 Now, when I look at the little piece of
2 paper that I'm sure everybody gets that
3 tells you how many trees you have and where
4 the exposing property is, well, this thing
5 is made out to -- I have one, two, three,
6 four various different sizes and ages going
7 from twenty years to four years, four
8 different citrus trees according to this
9 paper with a grand total of one at the
10 bottom.

11 I mean, it looks like this guy was
12 writing over somebody else's document and
13 screwed up really big, sloppy handwriting
14 and sloppy record keeping. But the
15 interesting thing is on the original
16 document there is a little handwritten code
17 on the back where it says, explain. It says
18 6550 plus 4021 and it was left on my door
19 and it has a pencilled in date and the time
20 and the map of my property and the tree.

21 I thought, okay, great. So I went to
22 this exposing property and there is no
23 grapefruit tree there or there is no citrus
24 tree there because it's an apartment
25 building and there is a little cement

1 walkway and a tiny little cement wall and a
2 foundation of a building, and out of the
3 foundation of a building is a stump of
4 something other than a citrus tree, right?

5 And there is no citrus tree there.

6 So I call up and I complain, and a
7 woman named Shanara said to me, well, it
8 doesn't matter that there's no citrus tree
9 at that location because we have another one
10 nearby, so you're still in the nineteen
11 hundred feet.

12 I said, okay, great. I said, do you
13 mind sending me that information. So she
14 was gracious enough to send me the second in
15 the mail. So she sent me a copy of the
16 first map that shows the exposing property,
17 right? She sent me a copy of this one, so
18 now I have two copies of this and then she
19 sent me a copy of the other exposing
20 property that is supposed to have the real
21 tree there.

22 So I compare my copy and the one she
23 sent me.

24 Now, it's really interesting, because
25 on the map that I got on my door as the

1 exposing property it looks a little bit
2 different than this one. There's a whole
3 bunch of handwritten information added to
4 the second one that didn't exist on the
5 first one like the contractor's stamp, the
6 control agent's signature, all of these
7 other things regarding apartments and who
8 signed for it and everything else, and I
9 thought, well, gee, that's interesting,
10 because I compared this document to the
11 other document. Even the dust spots are the
12 same on both documents except one has a
13 tremendous amount of information that has
14 just mysteriously disappeared.

15 I thought, okay, that's interesting.

16 I'll make a note of that.

17 So I went to the second exposing
18 property.

19 Well, according to the person that
20 lives there she said, well, I've lived here
21 for a couple of years and I park my scooter
22 right there and there's never been a tree
23 there, and as I turned around I thought,
24 well, wait a minute, this is really
25 interesting because the first exposing

1 property is here, the second exposing
2 property is right there and this space is
3 about maybe less than twenty feet with a
4 little cement wall in the middle.

5 So I took both maps and I turned them
6 over to each other like that and I turned
7 them back and I turned them over and I said,
8 wow, you know something? These maps are
9 identical, the location of the tree is
10 identical, the little cement wall is
11 identical. They're both in the same place
12 except one is supposed to be about ten or
13 fifteen feet away from each other. So I
14 thought, well, that's really odd too, and
15 nobody seems to know about any citrus tree
16 there, even the apartment resident that's
17 listed in here as being in there.

18 So then finally I get a third last IFO
19 on my door, and this will be really
20 interesting. I have the exact same copy of
21 the very first and second map and exposing
22 property, and you know what? All of the
23 information has mysteriously disappeared,
24 all of the contractors names that were
25 either written in by hand looked like really

1 hastily because this Shanara had to get all
2 of this information on these forms within
3 two days, because I called on one day and I
4 got the mailings two days later. So all of
5 the information was like gone here, appeared
6 over here and then completely disappeared on
7 the third copy and all three copies are
8 identically of the same piece of paper
9 because of the dust marks, the squiggle of
10 the hand, signature, it all matches up.

11 So I'm thinking what the heck's going
12 on? Somebody is screwing around with these
13 documents and, you know, I mean, is it fraud
14 or is it some sort of a, you know,
15 alteration of what is supposed to be an
16 official document that I'm supposed to be
17 getting, you know?

18 And then the last document that I have
19 which is really interesting. Actually I
20 have two. One is my wife's little
21 experience, you know, describing this guy
22 Ovad coming on my property and destroying
23 the things.

24 Oh, and by the way, regarding the
25 illegal status of citrus trees, I asked

1 Mr. Fagan and I also asked Mr. Miranda and I
2 also talked to a guy named Carmen DuForte.

3 Now, Carmen Duforte had a really good
4 insight.

5 Carmen spoke to me once after I
6 returned his call. He tried to convince me
7 to meet with him in person. He wanted to
8 see me face-to-face and discuss the problem.
9 I said I don't really need to talk to you
10 face to face, you know, we're on the phone,
11 I don't want to take a day's work just to
12 come down and talk to you.

13 He said, well, you know, Mr. Fagan and
14 Mr. Miranda, they really don't know what
15 they're talking about. Your trees were
16 illegal. I said, well, Mr. DuForte, let me
17 ask you a question, the same question that I
18 asked Miranda and Mr. Fagan and I might
19 probably ask you, too. Now, I'm not a
20 lawyer but I'll present this to you, so
21 let's say this is hypothetical, okay? If
22 your organization comes and inspects my
23 trees and never tells me that they're
24 illegal according to your knowledge, you
25 think they're illegal but you don't tell me

1 while you're inspecting them and you don't
2 advise me at any time during the following
3 year either by mail, phone or any way at all
4 but you still know that they're illegal but
5 you're not telling me and then you finally
6 show up at some point and come in and
7 destroy the trees and tell me they were
8 destroyed because they're illegal, wasn't
9 that failure to advise me of that status?

10 MR. GASKALLA: Yes.

11 MR. MURANO: Right?

12 Okay, and wouldn't that failure to
13 advise create the whole entire situation
14 where you could come and destroy the trees
15 because of this supposedly illegal status?
16 So you actually would create the situation
17 that would ensure the destruction of those
18 trees.

19 MR. GASKALLA: We should have given you
20 notice and given you options. That seems to
21 be the missing part of the equation, and if
22 that's so then --

23 MR. MURANO: The woman around my corner
24 had the same thing happen, she had five
25 potted trees taken out. The guy told her

1 she had no rights and that there was nothing
2 she could do about it.

3 And you know what Mr. Fagan told me?
4 He said thousands of people shared that same
5 experience with you.

6 So your guys went out and did that
7 thousands of times and failed to advise
8 thousands of times to ensure that they could
9 come back and get those trees at some - no
10 matter which way at any cost no matter what
11 so that would ensure that you could get that
12 set of trees, you know?

13 So then that leads me to think that
14 maybe all this other stuff like these little
15 altered documents -- You know, you don't
16 have access to get into a certain area to
17 cut trees in, so you come up with a tree
18 that doesn't exist and say, well, everything
19 in that whole area needs to be taken out
20 because we've got one tree here, and then
21 when somebody sees that that tree doesn't
22 exist, well, we have another one over here
23 and there's no tree there either. You don't
24 have access to that area unless you make it
25 a point of getting in there to get that

1 little section, and Mr. Fagan --

2 MR. GASKALLA: Do you have copies of
3 all those documents? Are those copies that
4 you have?

5 MR. MURANO: I can make copies and send
6 them to you. I would rather not depart with
7 these particular individual ones.

8 MR. GASKALLA: If you can do that I'll
9 give you my word that I'll look into it, and
10 if we failed to do some things we were
11 supposed to do, we'll do our best to make it
12 right.

13 MR. MURANO: Well, I already got my
14 voucher card which is absurd, because prior
15 to the whole canker thing I was, as a matter
16 of fact, going to buy trees. Orange trees
17 and grapefruit trees were like six dollars
18 and ninety-nine cents down at Wal-Mart.
19 Right after the canker thing came out and
20 the voucher card came out now they're
21 thirty-nine ninety-nine.

22 There was one other thing.

23 This is really important here.

24 Now, I would like to address the issue
25 about like let's say if this was the O.J.

1 Simpson trial or something, right? The
2 paperwork was really an important thing,
3 procedure was a really important thing,
4 right? Forensic experts, if they allowed a
5 hair to touch something, that was it, it was
6 contaminated.

7 Well, you know, I have a specimen
8 report here, and if I was an attorney and I
9 was in court and you were a pathologist and
10 you were banking your whole case on this
11 piece of paper here I would say, well, you
12 know, sir, the date that this report was
13 received on or that the specimen was
14 received was left blank so there's no way to
15 determine when this thing was received
16 because it's left blank.

17 The date that it was sent is left
18 blank, right? The sender is left blank. So
19 we don't know when it was sent, when it was
20 received, or who even sent it.

21 Well, if you look down further it
22 says - it has all this other really official
23 stuff that says infection and infestation
24 and it says collection technique. It's
25 blank. And then it has remarks and it says

1 Shabeer Razeri or whatever his name is.

2 That's the guy that signs every single one
3 of these things.

4 Now, at a town meeting one of your guys
5 said I sign them, but his name is not on any
6 of them.

7 Now at the bottom it says, which is
8 really important, it says recipient of
9 report. It's left blank.

10 I mean, if I was a judge I would look
11 and say this thing is invalid to me because
12 there's no way to confirm that this thing is
13 even a truthful document other than the fact
14 that somebody signed it named Shabeer
15 Razeri, and it has a couple other people's
16 names on it, but anybody that was
17 responsible for sending, receiving, dating
18 or anything else like that, there is no way
19 to confirm that at all.

20 MR. GASKALLA: And that's for the
21 alleged property that you were exposed to?
22 Is that what that report is for?

23 MR. MURANO: Yes.

24 And actually both of them for both
25 properties, so I would assume that this

1 little - this way of filling things out so
2 that nobody can confirm anything is a little
3 bit more than just my particular copy here.

4 So that's pretty much it. I don't
5 expect any responses or any answers. You
6 know, as far as I'm concerned the only other
7 thing that I would like to say, and I
8 discussed this with people and some people
9 are very trusting of the government. I'm
10 very patriotic, I believe in the United
11 States and everything like that, but I don't
12 think that an agency should be so out of
13 control that they can go into a person's
14 property, destroy anything they want to,
15 come in anytime they want to come in and
16 say, well, that's because we have to protect
17 the industry.

18 Like the woman said, I don't care about
19 the orange industry, I don't care about the
20 grapefruit industry, I don't care about the
21 citrus industry. I want my constitutional
22 rights intact and I don't want to have to
23 worry about somebody, whether or not they're
24 going to lose a job or something. I got
25 laid off my job. Nobody's funding me,

1 nobody's protecting my artistic interior
2 design capability, nobody's insuring me.

3 The thing I don't want to be is, I
4 don't want to be forced into going to a
5 store and buying a food product that I can
6 grow in my backyard just because somebody
7 wants to control food as a source.

8 Now, again, if you go to the website
9 you'll see that citrus, there is a
10 particular spot and also go to the
11 Department of Citrus and also go to Citrus
12 Mutual, there is a section where it says no
13 person shall handle, touch, ship, grow, do
14 anything to do with citrus.

15 You know, I think it's absurd to have a
16 food source monopolize to the point of where
17 you have to go out and buy it if you can
18 grow it.

19 You know, I'm worried about my
20 Carambolas and my other exotic tropical
21 fruits. I don't want to spend thousands of
22 dollars going to the store to buy food that
23 I can grow in my backyard.

24 Now let me just tell you my story.

25 MR. ZOPPI: That's Mark Fagan sitting

1 right there at the end.

2 MR. MURANO: Oh, nice to meet you.

3 MR. FAGAN: Nice to meet you.

4 MR. MURANO: Okay, so here's my little
5 story.

6 So, okay, Joe, it's a nice Sunday
7 morning and he wants to go out and he wants
8 to plant his snap pea seeds because he wants
9 to grow his snap peas. So he reaches for
10 his tangerine he bought at Eckerd or any
11 store for three bucks apiece, and that's
12 okay. He's out in his yard puttering around
13 in the dirt. All of a sudden there's this
14 big smashing sound, the gate comes crashing
15 in, and this team of S.W.A.T. armed
16 D.O.A.C.S. officers come in screaming put
17 the snap pea seeds down and step away from
18 the watering can.

19 Wow.

20 So before he even has a chance to
21 respond, the lead S.W.A.T. guy has his head
22 on the ground with his rifle butt crammed
23 against his head and he looks down and he
24 says, oh, we have a tangerine seed here,
25 too. That's another ten years for you, Bud.

1 He goes, but I just bought that. He cracks
2 him in the head with the gun and he says
3 tell it to the judge if you live that long.

4 Thank you.

5 MR. GASKALLA: Victor Cento with John
6 Penn next.

7 Victor, I believe it's Cento, John Penn
8 with Arch Sturatis on deck.

9 MR. PENN: Good afternoon. My name is
10 John Penn and I live in Plantation, Florida
11 which I've resided in about seventeen years
12 now, I think it is.

13 Going right to your rule which we
14 talked about, among other things, I would
15 like to comment there for a moment and then
16 I would like to just ask a few other
17 questions which may or may not get answered,
18 and I'm in Section B under the Immediate
19 Final Orders, if you would turn there,
20 please.

21 It says, "It may be delivered in
22 person, by certified mail or attached to a
23 conspicuous place."

24 Would you care to define conspicuous
25 place, what that means to you, Mr. Gaskalla,

1 or maybe Mr. Fagan would like to say what
2 his definition is.

3 MR. FAGAN: Mr. Gaskalla can do fine.

4 MR. PENN: Okay.

5 MR. GASKALLA: I'm glad he has that
6 kind of confidence in me. I'm not sure I
7 can, but it would be a place to where the
8 homeowner would obviously see it. That's
9 our intent there.

10 MR. PENN: Well, now there's an
11 attorney standing in the back of the room.

12 Where the homeowner would obviously see
13 it, what would that mean to you, Mr. Meyers,
14 I believe it is?

15 MR. MEYERS: To me that would mean
16 putting it in my hands personally, but I
17 don't know what the Department means. By
18 maybe on the front door assuming that it's
19 attached in a way that it won't blow away
20 and it's identified in a way that it won't
21 be confused with something else that may be
22 placed at your front door, some sort of a
23 business flier.

24 MR. PENN: It seems to me that's kind
25 of open ended. I mean, what that might mean

1 to you, sir, or what that might mean to you,
2 sir, or you, sir, or me could be four
3 different meanings, conspicuous place, and
4 I'll bring up why I think that's a problem.

5 I'm fortunate enough to own several
6 properties in Broward County, and some of
7 them are rental properties, and one of them
8 was a subject in your earlier cuttings, and
9 I came back to town, or my son called me one
10 day and he said guess what, dad? They just
11 cut down all the trees over at your house
12 across the street today. I said, oh? I
13 said was there any notification? He said I
14 don't know. And to this day I never
15 received any notification. You know why? I
16 had a tenant in there and I was out of town.
17 I had no way of knowing. It was gone before
18 I could say boo.

19 Now, I did have somebody watching my
20 mail, and I just got in the mail this past
21 week taxes for four separate properties in
22 Broward County.

23 They didn't have any problem finding me
24 on those. They came to the house I lived
25 in. They're not sent to my tenants. They

1 sent it to me where I live and where they're
2 going to get paid from.

3 So conspicuous place, how would you
4 handle it if I have a rental property?
5 Would it mean something to my tenants? And
6 I'm sure some other people may have a case
7 like this. I don't think I'm the only one
8 that owns more than one property.

9 So conspicuous place to me is so open
10 ended from a legal standpoint.

11 And then it says delivered in person.

12 Well, okay, if they hand it to me, but
13 what if it's delivered in person to one of
14 my tenants? And what if that tenant says I
15 don't care about that tree right there. I
16 mean, he could be gone in a year. It
17 doesn't mean anything to him. It might mean
18 something to me. I only pay taxes on the
19 property.

20 So I think you have some open ended in
21 here.

22 Certified mail I don't have a problem
23 with to the person that pays the taxes.

24 MR. GASKALLA: Good point.

25 MR. PENN: Thank you.

1 Now, leaving that for a moment, two of
2 my properties I have I put up posted private
3 property signs on, one of them I live in,
4 another house I own with my daughter.

5 How do you inspect on posted property?
6 Should I address that to you? You're the
7 one sending the crews there.

8 MR. FAGAN: Not me.

9 MR. PENN: Oh, yes, you are. You're
10 the one in Sunrise.

11 MR. FAGAN: Mr. Gaskalla.

12 MR. PENN: Okay.

13 How do you inspect on a posted
14 property? What's the procedure?

15 MR. GASKALLA: If we can gain access to
16 the property without doing damage to the
17 property or placing an inspector in jeopardy
18 because of dogs or whatever, we try to gain
19 access.

20 MR. PENN: What do you mean try to gain
21 access?

22 MR. GASKALLA: We do gain access to
23 inspect the trees on that property.

24 MR. PENN: Does that mean you ignore
25 the sign?

1 MR. GASKALLA: We take note of the
2 sign, but outside of Dade County we do have
3 the authority to go on those properties, to
4 the best of my knowledge.

5 MR. PENN: Okay, so I've got a posted
6 sign on my door right next to the number
7 right on the front of my house that's this
8 big red posted property no trespassing and
9 it's there, and I've got a pool around back
10 and your inspector comes around and I may be
11 skinny dipping in my pool. Now where does
12 that leave things? Am I going to be charged
13 with sexual harassment or something?

14 I'm serious now.

15 MR. GASKALLA: I understand your point.

16 MR. PENN: You have violated my
17 property.

18 There's some hedge rows around my
19 property, and if I want to go out my back
20 door and take a dip in my pool, I'm going to
21 do it because I'm on my property.

22 So if some stranger is on my property
23 because I put that sign out there -- Now, if
24 you come to my door and you knock on the
25 door and I answer it, I'll happily take your

1 inspectors back there.

2 And there's another issue to this.

3 One of your people comes on my
4 property, all right, and it's not posted and
5 they get hurt on my property. If a stranger
6 walks on my property they can sue me if they
7 trip over something in my back yard or front
8 yard or whatever. What happens if one of
9 your inspectors gets hurt on my property,
10 falls over, anything, steps in a hole?

11 MR. GASKALLA: They could, but the
12 State is self insured, so they would cover
13 that.

14 MR. PENN: Well, what you're saying is
15 you legally have the right, am I to
16 understand you right, you legally have the
17 right to ignore and not make any attempt?
18 Private property, no trespassing, that means
19 nothing to your Department. Is that right?

20 MR. GASKALLA: It is our policy to try
21 to make contact with the property owner
22 first, but if we cannot do that and we can
23 in our opinion safely gain access, we do
24 attempt to do that, yes.

25 MR. PENN: In your opinion.

1 MR. GASKALLA: To the best of my
2 knowledge.

3 MS. SCHNEIDER: If they're not home
4 they go in anyway.

5 MR. PENN: What rule do you operate
6 under that gives you that right?

7 MR. GASKALLA: The Florida Statutes
8 Chapter 581.031 (15).

9 MR. ZOPPI: That's based on an
10 emergency which is a false emergency.

11 MR. PENN: Is that based on this
12 emergency?

13 MR. GASKALLA: No. That's just the
14 general statute.

15 MR. PENN: That you can just operate
16 free of will on private property, you can
17 just go wherever you want to go, you've got
18 free reign of the state, is that what you're
19 saying?

20 MR. GASKALLA: I believe it reads
21 something like into or any place for
22 inspection purposes.

23 UNIDENTIFIED SPEAKER: Not in Dade.

24 MR. GASKALLA: Yes, we've been stopped
25 in Dade County and we're going through some

1 legal challenges.

2 MR. ZOPPI: That includes breaking down
3 gate doors and jumping fences?

4 MR. GASKALLA: Well, I said if we can
5 gain access without damaging property.

6 MR. PENN: Well, mine you can walk on,
7 it's not fenced but I have a sign out there,
8 too.

9 How do I know your inspectors have
10 decontaminated themselves? My trees are
11 supposed to be fine.

12 MR. GASKALLA: That is our policy and
13 procedure to do that.

14 Now, to tell you that everyone does it
15 everytime, I can't give you that assurance,
16 but if we catch them not doing that, that's
17 their last day of employment.

18 MR. PENN: And my trees while they tell
19 me they're fine, I ran into the same problem
20 that this gentleman, I think, spoke right
21 before me ran into where there was an
22 infected tree within nineteen hundred feet
23 and it was over at the address I was given
24 at the fire hall City of Plantation, which
25 in your previous meetings I've attended I

1 brought that issue up, and there was no
2 citrus tree over there of the city's record
3 nor of the grass cutting crews, and I spent
4 time going to City Hall, I spent time
5 walking the grounds myself and there were no
6 stumps there.

7 So then when I said something about
8 that they said, oh, there is another one
9 this way.

10 So that doesn't matter anyhow. If this
11 one is not good enough, we've got another
12 one.

13 MR. GASKALLA: I remember that earlier
14 discussion, and I believe we investigated
15 it.

16 MR. PENN: And what?

17 MR. FAGAN: The end result is that the
18 address for the fire house is the exact same
19 address as for the park. It's done on
20 parcel numbers and they issued one address
21 for the park and the fire department.

22 MR. PENN: So how far was that tree
23 truly from my property? If the fire
24 department is pretty close, that park
25 extends a long ways back there. If you were

1 referring to the property heading east
2 behind the fire department, across the canal
3 and then it goes on down by the auditorium
4 and further on down, does it not?

5 MR. FAGAN: Yes.

6 MR. PENN: So how would I know where it
7 is on that property?

8 MR. FAGAN: I believe we re-positioned
9 the dot representing the tree to more
10 closely represent where the tree actually
11 was on that parcel.

12 MR. PENN: You re-positioned it?

13 MR. FAGAN: Right.

14 Which is what we do with a parcel that
15 is larger than a standard residential size
16 property.

17 MR. PENN: I can understand your having
18 to give some kind of address, but when you
19 say you have to reposition the dot, then I
20 wonder what else has been re-positioned, and
21 that's the reason I'm here to speak today
22 because of all the confusion your Department
23 leaves when you hear of the different tales
24 that you hear at these workshops.

25 I think I'm about done here.

1 Mr. Gaskalla, at the last meeting here
2 at Broward County over at the library, I
3 believe, and I don't remember the exact
4 date, but I believe it was the last one you
5 had here, there were several people that
6 brought up and questioned the scientific
7 evidence, and I think you said, well, we'll
8 try to have some scientists here from our
9 Department at the next meeting.

10 I think this is the next meeting.

11 Are there any scientists that are going
12 to speak today?

13 MR. GASKALLA: We had two workshops,
14 one in West Palm and one in Dade County and
15 we had scientific presentation at both of
16 those.

17 MR. PENN: Okay. Well, if I didn't
18 elect to drive to Palm Beach or Dade County
19 I guess you're out of luck, right?

20 MR. GASKALLA: Unfortunately it appears
21 that way.

22 MR. PENN: And the other thing that was
23 brought up at all the other meetings I
24 attended, the two prior to this one was the
25 time of day of the meetings and you all also

1 said you would try to address them when some
2 working people could get here, and thank
3 goodness I'm retired, but, you know, it's
4 kind of rough if you're working, and here we
5 are again at 1:00 today.

6 MR. GASKALLA: We did have our last
7 meeting in North Dade at 6:00 to 9:00, and
8 that was the poorest attended of all
9 meetings which surprised me a great deal.

10 MR. PENN: Well, maybe it wasn't
11 noticed very well.

12 This one was noticed in the local paper
13 but it was back in the section that you
14 might not normally look, I think the travel
15 section or something, but it was in the
16 paper. I forget exactly where.

17 I just laughed and showed my wife at
18 the time where it was at.

19 MR. MEYERS: Are you saying you noticed
20 this one at 1:00 because the one in Dade was
21 so poorly attended?

22 MR. GASKALLA: It seemed like the
23 afternoon meeting as far as getting
24 attendance has been our best bet, yes.

25 MR. MEYERS: But you didn't notice this

1 one at 1:00 because the Dade meeting was so
2 poorly attended, the 6:00 p.m. meeting. Is
3 that correct?

4 MR. GASKALLA: This was a convenient
5 time.

6 MR. MEYERS: Right, because, I mean,
7 you noticed this meeting, in fact, before
8 the Dade meeting occurred, just for the
9 record.

10 MR. GASKALLA: Correct.

11 MR. PENN: And one other question.

12 If I wanted to trim my citrus trees or
13 cut off any dead limbs or do any maintenance
14 on them to the size of them, am I allowed to
15 do that now, or am I breaking some law?

16 MR. GASKALLA: If you need to trim your
17 citrus trees back, if you would cut them
18 into manageable pieces and bag them and put
19 them curbside, that would be fine.

20 MR. PENN: Bag them and put them
21 curbside for who, sir?

22 MR. GASKALLA: For pick-up.

23 I'm not familiar with just how that
24 works down here, but I assume you have some
25 type of periodic pick-up of yard debris.

1 MR. PENN: Yes, when the trash people
2 come around.

3 So you're saying it's okay for me to
4 put them out there and they just put them on
5 the truck and go on through the
6 neighborhood, right?

7 MR. GASKALLA: We prefer that they be
8 bagged.

9 MR. PENN: Okay.

10 So I don't have to decontaminate
11 anything? I can just put them out curbside
12 and they go on down the road to wherever the
13 landfill is, right? I won't get arrested by
14 the posse, right?

15 MR. GASKALLA: Correct.

16 MR. PENN: Okay, thank you.

17 MR. ZOPPI: A point of order,
18 Mr. Gaskalla, before this gentleman gets
19 off. I want to correct one thing what you
20 said, and that was in the Dade and Palm
21 Beach County presentation by a scientist,
22 they had a two hour presentation which was
23 like a filibuster and it was by Doctor Wayne
24 Dixon and it was not a scientific
25 presentation but a concept, a theory, and if

1 you look at all the documentation whether on
2 the website, from the D.O.A. or in their
3 presentation and verbally speaking to you,
4 they use the words presumption and assume
5 and guesstimate and concept.

6 MR. GASKALLA: Wait a minute,
7 Mr. Zoppi. I mean, I think the question
8 that was asked of me was will we have a
9 scientist at a meeting to make a
10 presentation on Doctor Gottwald's research
11 and to answer questions, and we did just
12 that.

13 MR. ZOPPI: It was not a scientific
14 presentation, it was an unscientific. There
15 is no exact science.

16 And the other thing that I have to say
17 is that you said that you have a legal right
18 to break down gates and jump fences.

19 MR. GASKALLA: I did not say that.

20 MR. ZOPPI: You didn't say that?

21 MR. GASKALLA: No.

22 MR. ZOPPI: Those are not legal powers
23 that the D.O.A. has. Those are Gestapo,
24 storm trooper tactics, and this is America.

25 MR. PENN: I don't have any further

1 comments.

2 Thank you very much for allowing us to
3 come here today and you being here and your
4 crew so we can make these comments.

5 MR. GASKALLA: Well, nice to see you
6 again. Wish it was under different
7 circumstances.

8 Miranda Lopez and Doctor Greenstein.

9 It's 4:40, we have three speakers left,
10 but I don't know how our court reporter
11 stands on time, but I'll stay until
12 everybody has had an opportunity.

13 MR. STURAITIS: Essentially I came here
14 really just to observe, but two months ago,
15 perhaps you'll remember, I was at another
16 workshop and I presented a statement, but I
17 haven't seen it posted yet, so I was just
18 curious what happened with that, and I
19 wanted to make sure that that was on the
20 record.

21 Was it?

22 You said that there was some kind of
23 problem in getting the input from the
24 Florida International University workshop
25 two months ago on the website?

1 MR. GASKALLA: The October 10th
2 workshop?

3 MR. STURAITIS: Right.

4 MR. GASKALLA: Which was about a month
5 ago.

6 MR. STURAITIS: A month ago.

7 MR. GASKALLA: Yes. The court reporter
8 had some difficulty in the scientific
9 terminology and phraseology that was used,
10 particularly in Doctor Dixon's presentation,
11 so we made those corrections and sent it
12 back for revision and then we will post it.

13 MR. STURAITIS: Does the public input,
14 does that need to be resubmitted?

15 MR. GASKALLA: It won't change
16 anything.

17 MR. STURAITIS: So that was accurate.

18 MR. GASKALLA: Unless it's just a
19 misspelling.

20 MR. STURAITIS: Okay, so fundamentally
21 that was already included. I don't need to
22 repeat all that?

23 MR. GASKALLA: No.

24 MR. STURAITIS: Okay, great.

25 Well, this is simply an addendum, and

1 I've come to the conclusion that this
2 policy, as I said earlier, must be funded by
3 the hosiery industry because I know that
4 we're being hosed, or maybe it's a foreign
5 government. Maybe the Republic of
6 Scamdinavia that way I know we're being
7 scammed. Oh, stop me. Or maybe from
8 Afghaniscam or Liberia because we're being
9 lied to.

10 Sorry I'm here in my gym clothes, but
11 after all of this I'll have to release my
12 frustrations somewhere, and as far as this
13 having an impact, I know that people have
14 talked about the economic impact, but I
15 think this has also caused a psychic impact
16 judging by the tone of a lot of the input
17 that we've had this afternoon.

18 "There's a lot of anger, and we the
19 homeowners of South Florida really only have
20 one thing to say to you this afternoon:
21 Leave our citrus alone. Leave our citrus
22 trees alone because they don't belong to
23 you. You didn't plant them, you didn't
24 fertilize them, you didn't irrigate them,
25 you didn't trim them, protect them, nurse

1 them back from the wind storms, the
2 hurricanes, freezes and floods, you didn't
3 send your agents when we, the homeowners,
4 needed help. No support came in for the low
5 fruit yielding years or the droughts or the
6 infestations and other trying conditions,
7 and unlike the citrus farmers and growers,
8 we, the owners of backyard fruit trees have
9 never received checks and rebates and tax
10 credits and equipment offsets and bridge
11 loans and political power and influence. We
12 have not benefited from lawyers and
13 lobbyists and marketing. We never receive
14 government or promotional subsidies or trade
15 show supports or funding or consideration
16 for fertilizer, free seed, seedlings,
17 insecticides or any other kind of help, but
18 now the fact is you feel that you have some
19 kind of proprietary rights or a notion of
20 ownership over our trees or some kind of
21 overarching paternal rulemaking authority
22 over our property that gives you some kind
23 of control over our trees.

24 You are sadly misguided and misinformed
25 to make anywhere near such an assumption is

1 a disturbing and flagrant transgression, an
2 attack of unforgivable arrogance on the part
3 of this Department against the citizen
4 homeowners of South Florida.

5 The voice of the people is here to say
6 that we believe this is a basic lack of
7 respect of we, the people, depriving we, the
8 people, of our rights to our property and
9 our enjoyment of our possessions and our
10 pursuit of happiness with our citrus trees.

11 We don't trust you, plain and simple.

12 Where were you before this so-called
13 crisis? How much interest did you show in
14 the growing efforts of my citrus trees
15 before? How many visits or educational
16 pamphlets or TV spots focused on my
17 interests? What kind of effort did you
18 make?

19 Not a single one.

20 You have no credibility here, no
21 manifest legal authority, no clear popular
22 mandate and barely a scant or wisp of
23 scientific justification to further what is
24 little more than a brute stone age slash and
25 burn insatiable feast of total and

1 indiscriminate destruction of our collective
2 patrimony.

3 The Department of Agriculture has
4 single-handedly defied the problem, outlined
5 the consequences and mandated the solution.
6 That is why we don't trust you, plain and
7 simple. The citizens of Florida are not
8 convinced.

9 We will not look the other way as our
10 trees are decimated not by the citrus canker
11 but by the citrus industry lobby
12 unrestrained by anything that resembles
13 clear judgment and immaculately ill informed
14 by the principles of science. This is
15 nothing more than an unmitigated hysteria
16 and a self serving overreaction.

17 More than a million and a half trees
18 are gone. There is no end in sight whether
19 it is a nineteen hundred square foot rule, a
20 twenty-nine hundred square foot rule. The
21 Department has shown that it's simply
22 guessing and groping in the dark.

23 This needless destruction must stop.
24 The people will not accept without question
25 the view that our healthy trees must

1 ceaselessly, senselessly and needlessly be
2 sacrificed.

3 Indeed, we should regard that opinion
4 with the deepest of suspicions, and we will.
5 We have the right, in fact, to insist that
6 an independent study be made of the
7 feasibility of all alternatives, but sadly
8 there's no other game in town putting the
9 criteria citrus canker in the most powerful
10 of searches on the Internet yields nobody
11 else but Doctor Gottwald, the Department of
12 Agriculture's less than disinterested in all
13 but appearance the citrus industry funded
14 scientist.

15 So it seems there is not very much
16 interest by the international scientific
17 community in this problem, or maybe I don't
18 know how to read Hebrew or Portuguese.
19 Brazil and Israel come to mind as leading
20 citrus nations. I suppose they've never
21 suffered this type of a problem, or China,
22 for that matter, Australia, or other
23 countries in Africa, but nonetheless, I'm
24 not a scientist or a researcher, but
25 probably more accurately there simply seems

1 to be a lack of reliable scholarship perhaps
2 available on this problem we're facing
3 across the board, and where do we go from
4 this?

5 Please don't do us the indignity of
6 pretending to know more than you do and
7 admit that there is much basic work that
8 needs to be done, that there is much that's
9 not understood, that there's much that
10 hasn't been researched, that there's many
11 holes that just haven't been completely" --

12 UNIDENTIFIED SPEAKER: Plugged.

13 MR. STURAITIS: Plugged. Thanks.

14 "If something is not understood
15 completely, then any solution presented thus
16 far is false, artificial, premature and even
17 farcical at best but at worse is a
18 negligent, cruel hoax and a complete
19 abdication of reasonableness and
20 responsibility on your part.

21 This citrus eradication dictate is
22 simply an expression of official panic, an
23 unmitigated, annihilistic rage against a
24 disease that the Department does not
25 understand and surely finds it was sorely

1 unprepared for and is shockingly out of step
2 with, is loath to admit that it had but no
3 other measures of funds - is loath to admit
4 that it had but any measure of predetermined
5 precautions and preparations for dealing
6 with this disease. It's simply surprised,
7 and so we're paying the price. So it goes
8 out on a willy-nilly spree of excess, Ad hoc
9 catch up at the expense of the homeowners.

10 We are sure this destructive burden
11 would not have been borne by the growers
12 were the shoe on the other foot if this
13 disease originated in the groves up North
14 and threatened our trees, instead here in
15 the cities in South Florida.

16 On behalf of the citizens of South
17 Florida, we are here to beseech you to
18 reconsider, rethink, reinvestigate,
19 reevaluate, re-examine, repeal the silly
20 rule that you're using to justify the
21 business of big citrus over and above and
22 against the individual homeowners.

23 In the strongest way with what little
24 voice we have, we'd like to demand to be
25 recognized and have our rights fairly

1 represented.

2 I'm not a scientist, an activist or a
3 lawyer and my arguments here aren't original
4 or shrewd or learned, but I can smell
5 something rotten here, and this rule stinks
6 and this whole policy just doesn't make
7 sense.

8 The damage the state is suffering is
9 not from the citrus canker but from the
10 betrayal of confidence of its citizens, it's
11 through a perpetuation of a fraud, it is a
12 psychological affront, a fiasco and a great
13 lie that is the damage.

14 MR. GASKALLA: Miranda Lopez and Doctor
15 Greenstein and then David Lord.

16 MS. LOPEZ: Miranda Lopez from Fort
17 Lauderdale.

18 My impression is if the situation is so
19 serious regarding this threat of the
20 disease, have you ever taken into account
21 the fact of the lawn services in the process
22 of spreading the disease?

23 UNIDENTIFIED SPEAKER: Use the mic.

24 MR. GASKALLA: Yes.

25 MS. LOPEZ: Did you take into account

1 the fact of the lawn services for the spread
2 of the disease?

3 MR. GASKALLA: Yes.

4 MS. LOPEZ: Is there something that can
5 be done regarding that?

6 MR. GASKALLA: Within quarantine areas
7 lawn services are required to decontaminate
8 equipment personally.

9 MS. LOPEZ: Okay, as a resident, a
10 responsible resident that owns in this area,
11 that owns a healthy tree, I would like for
12 your organization to take into account the
13 amount of time that the grapefruit tree
14 takes before it begins to bear fruit. My
15 tree took eight years, no more, before it
16 really began to have a good crop, and also
17 the economical impact that your measures are
18 taking.

19 Just for the fruit, in the long term
20 laws I consider that it would get into the
21 thousands of dollars, and I would like very
22 much for you to take that into account.

23 That's all. Thank you very much.

24 MR. GASKALLA: Thank you.

25 Doctor.

1 MR. GREENSTEIN: Doctor Melvin
2 Greenstein, Miami, Florida. Pine Crest.

3 It's nice seeing you again,
4 Mr. Gaskalla. I'm going to be real nice
5 today. I'm not going to holler and get you
6 excited or anything else. It's too late in
7 the day.

8 MR. GASKALLA: That's okay. At this
9 point I'm pretty much numb anyway, so --

10 MR. GREENSTEIN: The last time I saw
11 you we were having that rulemaking committee
12 up in Dade and I remember saying to you that
13 I would love to switch sides and be on your
14 side against everybody here in this room,
15 and I only asked you to do one thing, and
16 maybe you did and maybe you didn't. I just
17 want to remind you of what it was.

18 MR. GASKALLA: I did, and it's on its
19 way to you as we speak, and when you see
20 that map, if you have a chance, give me a
21 call, because it's interesting as to what it
22 shows, I think, as far as disease spread.

23 MR. GREENSTEIN: So basically wherever
24 it was in Dade, Broward, or Palm Beach, for
25 those of you who weren't here, the question

1 I asked was it's been a year since the
2 disease or focal trees were cut down and
3 then the nineteen hundred foot rule states
4 that they're all going to be cut down, and I
5 said, well, I was just wondering if there
6 were any statistics to show. Did anyone go
7 back on the property nineteen hundred feet
8 from the focal trees and see if these trees,
9 in fact, did get the canker, and I asked
10 them because I thought that would be a good
11 experiment and Mr. Gaskalla said, yes, they
12 have gone back and they do have that
13 information but he didn't have it with him,
14 so I just requested, I don't know how long
15 ago it was --

16 MR. GASKALLA: About a month.

17 MR. GREENSTEIN: About a month, and he
18 said he would have it within a couple weeks.

19 Is that all in Dade, Broward and Palm
20 Beach County?

21 MR. GASKALLA: Right.

22 MR. GREENSTEIN: You do have all that?

23 MR. GASKALLA: Right.

24 MR. GREENSTEIN: And which trees have
25 been infected since that time in that

1 nineteen hundred foot from the focal tree?

2 MR. GASKALLA: Right.

3 MR. GREENSTEIN: Okay.

4 MR. GASKALLA: You can look at it and
5 if you have any follow-up questions, give me
6 a call.

7 MR. GREENSTEIN: Thank you very much.

8 MR. GASKALLA: Yes, sir.

9 MR. MURANO: After everybody gets done,
10 can I ask you one other, a couple of quick
11 questions?

12 MR. GASKALLA: Sure.

13 David Lord.

14 This is our last registered speaker
15 anyway.

16 MR. LORD: How much time do I have?

17 MR. GASKALLA: We're supposed to be
18 done at 5:00 and it's six minutes till, but
19 we won't hold you to six minutes, but if you
20 can stick to the key issues, I would
21 appreciate it.

22 MR. LORD: Okay. Let me just give you
23 this.

24 This is a list of questions, and so in
25 case --

1 MR. GASKALLA: I did receive the
2 documents that you sent to me with the
3 attached study or report and, you know, we
4 will certainly be taking a hard look at that
5 and responding accordingly.

6 MR. LORD: And you received an
7 alternate plan, like a written alternative
8 proposal?

9 MR. GASKALLA: With the notebook?

10 MR. LORD: Yes.

11 MR. GASKALLA: Yes.

12 MR. LORD: Do you consider that fair
13 written -- I forget the wording.

14 Can everyone hear me?

15 Move back?

16 MR. GASKALLA: A good faith proposal?

17 MR. LORD: Yes.

18 Do you consider that to be?

19 MR. GASKALLA: It was technical in
20 nature, to say the least, and I passed it on
21 to my staff for review, so it's hard for me
22 to answer that question here today, but we
23 will certainly give it a thorough analysis.

24 MR. LORD: Okay.

25 If I start these questions, I consider

1 that there are really two epidemiology
2 studies, one conducted in 1998 to 1999, but
3 I consider what's happened the last year to
4 be another record of how trees become or
5 don't become infected.

6 I'm just going to talk about 1998 to
7 '99 because that's part of your -- I don't
8 even have it.

9 This seems to have bearing on the
10 nineteen hundred foot rule, so the first
11 question is on the study, the data
12 collection was done by special GPS measures
13 by the Department to provide to the
14 Department inspectors. Is that correct?

15 MR. GASKALLA: Yes.

16 MR. LORD: Doctor Sun participated in
17 this data collection, as he was responsible
18 for the estimation of the oldest lesion. Is
19 that correct?

20 MR. GASKALLA: Doctor Sun and others,
21 yes.

22 MR. LORD: The wording in this document
23 says he was solely responsible for the
24 estimation of the oldest lesion.

25 MR. GASKALLA: For the estimation.

1 MR. LORD: Of all this.

2 MR. GASKALLA: I'm sorry. I missed the
3 question, but that's correct.

4 MR. LORD: Did he actually go to each
5 property to find the oldest lesion?

6 MR. GASKALLA: To the best of my
7 knowledge, yes.

8 MR. LORD: The Department provided me
9 with the locations of study site one, a four
10 mile square area. This area in your letter
11 shows the physical limits of study site one,
12 so I assumed that the data collection
13 occurred only within that site. I assumed
14 that the boundaries of site one remained
15 constant during the study. Is this correct?

16 MR. GASKALLA: Well, you're getting
17 pretty technical on me.

18 MR. LORD: This is what your letter to
19 me with the location of the study sites,
20 and --

21 MR. GASKALLA: If that's what I said in
22 my letter.

23 MR. LORD: No, you didn't. You didn't
24 say whether they remained fixed during the
25 entire epidemiology study.

1 MR. GASKALLA: I'll have to check on
2 that. I do not know.

3 MR. LORD: Okay.

4 I assume the boundaries of site one
5 remain constant during the study. Is that
6 correct?

7 MR. GASKALLA: I believe that's
8 correct, but let me verify it.

9 MR. LORD: All diseased trees, whether
10 labeled as newly infected or source trees,
11 the tabled results are inside this four
12 square mile area as shown on your memo. Is
13 that correct?

14 MR. GASKALLA: To the best of my
15 knowledge, but if you'll give me -- I'll
16 respond to all of these questions that are
17 in that regard.

18 MR. LORD: I put my address on there,
19 on that thing.

20 MR. GASKALLA: Okay.

21 MR. LORD: Is it correct to state that
22 for site one that there is a diseased tree
23 exactly nineteen hundred feet from another
24 diseased tree which is considered to be the
25 tree that infected it?

1 MR. GASKALLA: Why don't you just read
2 all these into the record. It might be the
3 best thing.

4 MR. LORD: Similarly, if you had a map,
5 could you show me another diseased tree
6 sixteen hundred feet away from another
7 diseased tree which is considered to be the
8 tree that infected it? Would all these
9 trees be inside the study site?

10 Did inspectors use these forms and GPS
11 only in reporting on properties within the
12 study sites?

13 When did they stop using these forms?

14 It appears that properties outside
15 study sites were on one year inspection
16 schedule. Is that correct?

17 Do you want me to proceed?

18 MR. GASKALLA: It would probably be
19 easier because these are pretty detailed
20 questions just to respond in writing.

21 MR. LORD: Okay, I'm just going to read
22 a written statement.

23 MR. GASKALLA: Okay.

24 MR. LORD: As far as I'm concerned, you
25 went far beyond the study site. You went to

1 correlating trees which were much outside
2 the areas where you had inspected to provide
3 public comment on the eradication of two
4 hundred thousand citrus trees because
5 administrative courts ordered the Department
6 to go through proper rulemaking procedures.
7 After cutting down more than one million
8 trees, one does not suddenly ask for public
9 comments.

10 I think you know how we feel.

11 The conditions for a valid study,
12 epidemiology study as posted on your website
13 state that, one, it is the conditions for a
14 valid study, the absence of canker in the
15 surrounding area. Two, site which are
16 distant from one another. Neither condition
17 was satisfied. The surrounding area - the
18 surrounding areas are not absent of canker.
19 There is an abundance of citrus canker
20 outside each site.

21 This information was taken from the
22 Department's own maps.

23 The problem with this experiment is
24 that outside contamination continues to grow
25 as the study progresses. As more data is

1 collected it is less reliable. This is a
2 study that starts off bad and gets worse.

3 There is no confinement in any of these
4 sites. Confinement would be some large
5 feature such as a lake, airport, et cetera.

6 I have personally visited each site.

7 There is no confinement.

8 From the most recent manuscript we see
9 that B1 and B2 are two sites adjacent to
10 each other. There is no separation in this
11 case. There are no controls. This leads to
12 a situation of garbage in, garbage out.

13 I would also like to point out that
14 this document that you show, if you look at
15 the very last interval in each table, tables
16 one through five you see no new infected
17 trees except for one. I believe it's site
18 three. There are exactly forty-four
19 infected trees in the last three months.

20 Now, a question came up: How long
21 until all the trees are infected?

22 I did a calculation. Forty-four trees
23 in four months, a hundred and twenty trees
24 in the year, you have nineteen thousand
25 trees altogether, a long long time.

1 MR. GASKALLA: Well, that's true, but
2 with the disease epidemiology the amount of
3 spread is directly proportional to the
4 amount of inoculum present and it's cyclical
5 due to weather events and other factors.

6 MR. LORD: At the end of the study you
7 would have the highest concentration of
8 infected trees, the highest density, so you
9 would have your highest inoculum loads at
10 the end of the study.

11 MR. GASKALLA: But what were the
12 weather events during that period?

13 MR. LORD: Doctor Gottwald provides it
14 in figure one of the report.

15 If you look at figure one, the rainfall
16 is given on a monthly - actually every
17 rainfall -- And you can see the growth
18 curves plateau and yet we have the normal
19 rainy summer months, and --

20 MR. GASKALLA: Good point. Good
21 question.

22 MR. LORD: It's written in the abstract
23 past one third of the growth is plateaued
24 growth curve. The very long distance
25 travels that are presented in the table of

1 results, one or two miles requires that a
2 huge area is known to be free of canker. It
3 requires also that the lesion ages be
4 precisely known.

5 The researchers state the lesion age is
6 estimated in terms of days.

7 This is absurd, but a one day
8 difference can have a dramatic effect on the
9 distance numbers. It can invalidate all
10 results in an assessment period.

11 The only published distance numbers
12 show a citrus canker tree being infected by
13 another tree eleven miles away. One would
14 have to inspect over one hundred square
15 miles or about two hundred thousand citrus
16 trees to determine if there was one diseased
17 tree closer.

18 There were only eighteen teams of
19 inspectors capable of inspecting about
20 twenty-five residences per day. This works
21 out to about two hundred residences per day.

22 The long distance numbers are primarily
23 a result of the excluded or missing numbers
24 from the uninspected properties outside the
25 study areas.

1 What is happening or has happened in
2 the area surrounding the study site is just
3 as important as what occurred in the sites.

4 The Department shows that in the areas
5 directly to the north of study site one
6 about sixty percent of the properties with
7 citrus trees were checked in 1998, and I'll
8 give you the table there included with the
9 material that shows thirty-three properties
10 and only sixty percent were inspected in
11 1998. The lack of surveys in the
12 surrounding areas is one of the reasons why
13 the researchers identified the large
14 distance numbers, like two miles, three
15 miles or even 11.1 miles.

16 The distance numbers don't add up in
17 prior presentations, and I gave you a copy
18 of the prior presentations because the
19 researchers decided that an infected tree
20 could be used for a distance calculation but
21 neglected to add the tree to the pool or
22 source trees in the subsequent period. This
23 is a violation of their stated procedure.

24 We examined the current state of
25 distant numbers in prior presentations. The

1 numbers when compared show numerous
2 inconsistencies and conflicts. The changes
3 in tree counts, there were changes in the
4 tree counts while the distance numbers
5 remained fixed. Thus, either the published
6 distance numbers are incorrect or the prior
7 presented numbers in two other presentations
8 are incorrect.

9 The distance numbers in the published
10 ledger have no credibility. Government
11 officials decided to eradicate citrus canker
12 in one big campaign by creating a large non
13 citrus swath running through Broward County
14 and Miami-Dade County.

15 How far citrus canker can spread
16 depends on how long you let it spread.

17 The period between October, 1997 to
18 June, 2000 was a period of minimal cutting
19 and the canker continued to spread. A three
20 million dollar eradication program ballooned
21 to a three hundred million dollar program.

22 The wasted time was because the state was
23 afraid it might have to pay residents for
24 the healthy trees it cut down and lawsuits,
25 and because the Department was too busy

1 chasing after federal dollars to fund the
2 program, canker could and should have been
3 stopped at the Broward County line.

4 A rule change is now proposed by the
5 Department. Every healthy citrus tree
6 within nineteen hundred feet of an existing
7 or prior infected tree must go, as this is
8 the cure given by the Department. There is
9 no compensation.

10 At the same time, the Department has
11 been leaving behind thousands of infected
12 trees in the last few months.

13 I must question if the Department
14 really feels this disease is a threat, as
15 they don't seem to be interested in cutting
16 down the infected trees.

17 A second proposal has been proposed of
18 limited cutting based on all existing
19 knowledge of citrus canker and its risk.

20 I suggested the Department get with
21 their scientists and take out ten percent,
22 the most ten percent of exposed trees, those
23 that have the highest likelihood of
24 contracting canker. I suggest that twenty
25 thousand trees can be cut instead of two

1 hundred thousand. I suggest that the
2 fifty-eight million dollars the Department
3 wants to spend for compensation for cutting
4 can go rather to compensation.

5 If there is any science involved, it
6 should be towards a selective cutting rather
7 than a blanket cutting.

8 I suggest the rest of the departments
9 be involved at this time.

10 If the healthy eradication resumes - if
11 the eradication of healthy trees resume, one
12 thing will be different, residents will be
13 more informed.

14 I have created a website,
15 WWW.citruscanker.com and the information
16 will be posted up on the website so everyone
17 can be informed about the three hundred
18 million dollar fiasco and the needless
19 destruction of backyard properties.

20 Thank you for letting the residents
21 respond and the communications you've sent
22 me, the correspondence.

23 MR. GASKALLA: And we will continue to
24 do that.

25 MR. LORD: Thank you.

1 MR. GASKALLA: Yes, sir.

2 MR. MURANO: I need to go back up and
3 make a couple comments.

4 MR. GASKALLA: He wanted to make a
5 couple of follow-ups. Is that all right
6 with you, Mr. Meyers, before you hopefully
7 bring us home?

8 MR. MURANO: It will be about maybe two
9 minutes, not even.

10 THE COURT REPORTER: What was your name
11 again?

12 MR. MURANO: Ken Murano, Fort
13 Lauderdale, Florida.

14 I don't know how many people are aware
15 of this, but the place where I worked was
16 very heavy Spanish radio, and this couple of
17 statements will lead up to the question
18 which you really don't need to respond to
19 but at this point maybe you want to respond
20 or think about it; but I was listening to a
21 lot of Spanish radio, and everytime I got
22 one of these IFO's I just noticed within a
23 day or two there was this massive air blitz
24 on commercials from Tropicana Orange Juice
25 on there fights cancer and the immune system

1 and all this other boosting type of health
2 benefits, and I thought it was a little odd,
3 and I wondered if, you know, I can't really
4 say there is timing involved, but, I mean,
5 they seemed to have come out within a few
6 days, because I listen to radio eight hours
7 a day, and it just seemed like every twenty
8 minutes, you know, on the hour and every
9 twenty minutes in between you would hear
10 those things about the cancer fighting and
11 the health advertisements and all this other
12 stuff.

13 Has anybody over at your organization
14 thought about by cutting down all these
15 private fruit trees, you know, a lot of
16 people have citrus trees because they want
17 to enjoy the fruit and if now there are new
18 studies that come out about fighting cancer
19 and diseases and things, you guys are sort
20 of directly without maybe agreeing with it
21 denying these people the ability to, you
22 know, sort of take care of themselves unless
23 they, of course, go out and buy it, and
24 nobody's going to go out and buy like twelve
25 grapefruits a day in order to have juice

1 like I would.

2 I stopped having, you know, Florida
3 citrus completely. If I see anything that
4 says Florida I don't buy it. I buy it from
5 California or Brazil or some other place,
6 but I know you guys are still making money
7 because anything that is imported in here
8 you get a tax or fee or some sort of deal on
9 that has to do with citrus.

10 So you guys might think about the
11 health ramifications that you're imposing
12 upon people, you know, because you're
13 cutting down their trees and they're not
14 having the benefit of that, you know, fruit.

15 MR. GASKALLA: Thank you, and that
16 point having been made, it's in the record.

17 Anyone else?

18 MS. HENDERSON: Richard, may I?

19 MR. GASKALLA: Wait a minute.

20 Andrew Meyers indicated he wanted to
21 make some additional remarks.

22 Anybody else?

23 I'm trying to get a feel for how much
24 we have left here.

25 MR. MEYERS: I didn't have anything

1 else to say.

2 MS. HENDERSON: And am I on?

3 MR. GASKALLA: Can it be brief?

4 MS. HENDERSON: Yes.

5 MR. MEYERS: Can I ask a question?

6 Are you holding this hearing open to
7 answer these questions, or are you going to
8 be declaring your decision at the end of the
9 hearing?

10 MR. GASKALLA: The record will close at
11 the end of the hearing and then we will
12 respond to all of the comments that we've
13 received up to this point.

14 MR. MEYERS: I guess what I'm wondering
15 is, so basically it's a conclusion, the
16 public hearing is concluding now with the
17 giving of the statements and not based upon
18 you responding to the statements. Is that
19 right?

20 MR. GASKALLA: Correct.

21 MR. MEYERS: Okay. Thank you.

22 MS. HENDERSON: My name is Marion
23 Henderson, and I would just like to add to
24 something that one of the speakers brought
25 up.

1 Doctor Tim Schubert with the Division
2 of Plant Industry told me several years ago
3 about thermal therapy, and the leading
4 expert in this country according to Doctor
5 Schubert is a Doctor Sherm Thompson with
6 Utah State University in Logan, Utah.

7 Now, I did call Doctor Thompson.

8 According to him, and he's had
9 extensive experience with many trees which
10 are much larger than citrus trees and pear
11 trees and so on. Doctor Thompson said he
12 would very much like to work with citrus
13 trees in Florida. He has done work with
14 citrus trees in Florida.

15 Doctor Thompson says a citrus tree can
16 be completely decontaminated within a matter
17 of an hour or so using thermal therapy.

18 Now, because the bacteria, the
19 Xanthomonas Asian strain is not systemic,
20 the heat would only have to rise to about a
21 hundred and twenty degrees. Now, that is
22 very mild and very easy. So it would be -
23 and it would cost approximately twenty
24 dollars per tree to decontaminate a citrus
25 tree.

1 That possibly might be a less expensive
2 alternative, but for the fact that actually
3 nothing need be done because the bacteria,
4 Xanthomonas, including Xanthomonas Asian
5 strain actually interacts with a tree in a
6 manner that is helpful, not hurtful to the
7 tree by the bacteria triggers within the
8 plant cell the MPR 1 gene. That's the non
9 pathogenic related gene which activates
10 within the tree which then combines with
11 oxygen in the root system, the tree then
12 deploys additional enzymes and proteins that
13 reside between the plant cells that makes
14 the tree healthy and hardy. It's called
15 broad spectrum, SAR, broad spectrum,
16 systemic acquired resistance.

17 Now, that's what Xanthomonas does with
18 the citrus tree. That's why Xanthomonas,
19 the bacteria we're talking about here, is
20 not a bad bacteria, it's actually a good
21 bacteria, and in Florida there is no
22 economic downside because the little beauty
23 spots that might otherwise develop on the
24 commercial fresh grapefruit, that does not
25 occur in Florida because we do not have wind

1 driven rain during the first fifty days
2 after pedal fall. That would be mid
3 February through May we don't have wind
4 driven rain.

5 MR. GASKALLA: Marion, is that it? I
6 mean, do you have anything else?

7 MS. HENDERSON: Have you considered
8 these?

9 MR. GASKALLA: No, but we will, and
10 we'll respond to the thermal therapy issue
11 and the other points you've made here.

12 MS. HENDERSON: The MPR 1 and the broad
13 spectrum, SAR?

14 MR. GASKALLA: Yes.

15 MS. HENDERSON: Thank you.

16 MR. GASKALLA: Anything else?

17 Yes, sir.

18 MR. PENN: Am I correct in all the
19 responses -- Maybe you can respond to some
20 people individually and I respect that. Did
21 I hear you correctly you are going to put
22 these responses on your website, too?

23 MR. GASKALLA: Yes.

24 What I think I'm going to do is go by
25 category. I think I can probably categorize

1 them by broad issue and then the individuals
2 that have indicated they want a specific
3 response and have given me an address, I
4 will respond back directly, and I give you
5 my assurance that we will attempt to do this
6 within the next seven working days, the next
7 working week.

8 MR. PENN: Well, we certainly have a
9 good tool to communicate there. I think
10 most of us can look there, and that's an
11 easy way for the Department to make the
12 message available.

13 Thank you.

14 MR. GASKALLA: And I'll try to maybe
15 also post the map that I think Mr.
16 Greenstein and I worked together on, because
17 the results as far as disease spread in
18 areas were just positive trees have been
19 removed. It's kind of an interesting study
20 to see what's happened by area.

21 MR. PENN: One further question.

22 Is it just Broward and Dade County that
23 are under quarantine, or are there any other
24 counties in the state?

25 MR. GASKALLA: There's a total of nine

1 different counties where canker has been
2 found and we have quarantine areas in
3 Hillsborough, Manatee, Collier, Hendry,
4 Martin, Dade and Broward.

5 MR. PENN: But not Palm Beach.

6 MR. GASKALLA: Not yet. But if the
7 disease continues to spread and we have
8 additional outbreaks, we'll have to give
9 that strong consideration.

10 MS. HENDERSON: May I say something?

11 MR. GASKALLA: Okay, but you have to be
12 brief.

13 MS. HENDERSON: Will you please put all
14 of your responses up on the website. This
15 is a very important public issue. We would
16 like to have all of the information up on
17 the website.

18 Thank you.

19 MR. GASKALLA: Yes. I will do that not
20 by individual but by category.

21 UNIDENTIFIED SPEAKER: I had something
22 that I wanted --

23 THE COURT REPORTER: I need your name.

24 MR. GASKALLA: Are we done with the
25 formal?

1 Let's adjourn the hearing and then
2 we'll have some discussion.

3 MR. STURAITIS: I would like to make
4 one more statement, if it's possible.

5 Arch Sturaitis.

6 Just a quick question, actually.

7 Is there a rhyme or reason other than
8 this theory of the wind and the rain as to
9 the origin and the spread of this disease?

10 It seems that have we traced back at
11 ground zero or, you know, points of origin?

12 MR. GASKALLA: No. Many times on pest
13 and disease introductions it's hard to find
14 that initial introduction, and that's not
15 just with citrus canker, it's true with
16 fruit flies or anything else. You can
17 narrow it down to a neighborhood, but to
18 find that initial introduction point it's
19 hard.

20 There was a house in Sweetwater that
21 appeared to be near the focal point, had
22 some of the oldest trees, but to actually
23 say that that was the first property that
24 was infected, it's hard to say.

25 MR. STURAITIS: And that was year what?

1 MR. GASKALLA: 1995.

2 MR. STURAITIS: I see.

3 And it strikes me that between the
4 initial discovery of that, I mean, it is
5 conceivable there was another focal point
6 that just never really was brought to
7 anybody's attention.

8 I know that there's many trees in the
9 last twenty years that I've lived in my
10 neighborhood that other neighbors, we swap
11 fruit and so forth and, you know, they had
12 problems, anomalies on their leaves, and
13 I've taken samples to the county extension
14 office and I've looked through the
15 encyclopedia of citrus disease and tried to
16 find any kind of parallels, and they say
17 this is something that we really can't
18 identify but it's still there. The trees
19 that I thought were a problem sometimes
20 present this type of a symptom, sometimes
21 not.

22 This major thrust of the containment, I
23 thought I was doing a public service in
24 trying to save the community's landscape.

25 You know, in my homeowner's association

1 we had many talks about this type of thing
2 and yet the trees with the most significant
3 symptoms seemed not to be the ones that are
4 attracting anybody's attention. They're not
5 the ones that have gotten the notices.

6 Short of me taking people by the hand I
7 don't know what else. You know, this is
8 something that's been there.

9 I find it very difficult to see how all
10 of a sudden in 1995 something has sprung to
11 attention and has kind of released this fury
12 and yet we are being told, you know, to
13 disinfect our saws and our instruments and
14 so forth.

15 Well, prior to 1995 and even up till
16 today Florida Power & Light has a contract
17 with Asplundh, the tree cutting service who
18 have wholesale access to every type of tree
19 that's anywhere near a powerline and they go
20 from one tree to the next to the next.

21 I mean, should we be suing them for
22 maybe being culpable to this?

23 MR. GASKALLA: Those companies are also
24 in an agreement to decontaminate when
25 they're on properties, to decontaminate on

1 properties that have citrus.

2 MR. STURAITIS: I've never seen them
3 coming as they've come year and year prior
4 to the hurricane season and trimming off,
5 you know, the different trees.

6 MR. GASKALLA: They put together
7 educational videos as to the do's and
8 don'ts, but it's a big problem. It's a
9 complex issue.

10 Sir, did you have -- I didn't want to
11 cut you off.

12 UNIDENTIFIED SPEAKER: I was asking
13 about past tense.

14 You said you were going to send
15 something. You never did.

16 MR. GASKALLA: Let's talk about that
17 before you get away, if that's okay.

18 UNIDENTIFIED SPEAKER: At the last
19 meeting in the library and you were going to
20 send those copies out of everything.

21 MR. GASKALLA: The transcript?

22 UNIDENTIFIED SPEAKER: Yes.

23 MR. GASKALLA: It's posted on my
24 website.

25 UNIDENTIFIED SPEAKER: But you never

1 told me.

2 I had my name and address down for two
3 different things.

4 MR. GASKALLA: I apologize, I guess.

5 It's on our website.

6 If you give me your business card and
7 website. Because I didn't send it to you
8 I'll send it to you free of charge.

9 MR. STURAITIS: I'm sorry. I didn't
10 release the podium here.

11 Is there a dormant period?

12 MR. GASKALLA: Unless this is really
13 pertinent to the rule amendments --

14 MR. STURAITIS: How long will this rule
15 be in effect is something that nobody has
16 really addressed. How long?

17 MR. GASKALLA: You mean how long will
18 the citrus canker eradication program be in
19 effect?

20 MR. STURAITIS: Or this rule.
21 Shouldn't there be a beginning and end to a
22 rule?

23 MR. GASKALLA: It will be in effect
24 until we either eradicate the disease or
25 some other external factor changes to where

1 we need to amend the rule, is the short
2 answer, I guess, and at the turn of the
3 century it took them twelve years to
4 eradicate the disease.

5 MS. HENDERSON: Antidotal. There is no
6 scientific proof.

7 MR. GASKALLA: Wait a minute. That's
8 an opinion.

9 MS. HENDERSON: Everybody's opinion.

10 MR. GASKALLA: Anything else?

11 MR. STURAITIS: I'm satisfied with
12 that.

13 MR. MURANO: Yes, he was talking about
14 the decontamination and stuff.

15 During my job down in Pembroke Road,
16 and I drive from Fort Lauderdale at 5:30 in
17 the morning and I saw Asplundh trucks
18 barreling down the road at 5:30 in the
19 morning with oranges hanging out of the back
20 of the truck with branches and weeds going
21 all over the place, a barrel full of fruit
22 tucked into the chipper at 5:30 in the
23 morning, and I know they're not cutting at
24 5:30 in the morning.

25 I'm wondering where were they coming

1 from if they're not supposed to be moving
2 stuff around at that time and they were not
3 cutting in the morning. Then at 6:30 going
4 back north on 95 I see trucks pulling off on
5 Sunrise going, I think, east full of citrus
6 leaves and branches and stuff, the tops
7 flapping around and leaves going all over
8 the place, and you know these guys don't
9 decontaminate.

10 I asked one --

11 MR. GASKALLA: Those are things that
12 ought to be reported everytime they occur.

13 A tag number ought to be reported.

14 It may happen, but that doesn't mean
15 it's right and it doesn't mean that we
16 tolerate it.

17 MR. MURANO: So those guys can be
18 spreading stuff around.

19 MR. GASKALLA: Okay, well, we've been
20 unmerciful on our court reporter here.

21 MR. MURANO: Her fingers are looking
22 tired.

23 MR. GASKALLA: So if there's nothing
24 else, we'll adjourn the hearing and I'll be
25 around if anybody has any follow-up

1 questions.

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3 (Whereupon, the proceedings concluded

4 at 5:30 o'clock p.m.).

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2 STATE OF FLORIDA

3 COUNTY OF BROWARD

4 I, VALERIE LEHTO, Registered Professional

5 Reporter and Notary Public, certify that I was

6 authorized to and did stenographically report the

7 foregoing proceedings and that the transcript is a

8 true and complete record of my stenographic notes.

9 Dated this 15th day of November, 2001.

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VALERIE LEHTO
Registered Professional Reporter

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