

IN RE: CITRUS CANKER AMENDMENTS  
RULE DEVELOPMENT WORKSHOP  
RULE CHAPTER 5B-58  
PUBLIC HEARING

SEPTEMBER 13TH, 2001  
100 SOUTH ANDREWS AVENUE  
FORT LAUDERDALE, FLORIDA

1:00 p.m. - 4:10 p.m.

APPEARANCES:

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

CONNIE RIHERD.  
ASSISTANT DIRECTOR, DIVISION OF PLANT INDUSTRY.  
STATE OF FLORIDA, DEPARTMENT OF AGRICULTURE  
AND CONSUMER SERVICES.

Whereupon, the following proceedings were had:

MR. GASKALLA: If I can have everyone's attention. It's 1:00 and we'll go ahead and start this afternoon's rule development workshop. Can everyone hear me okay, for starters? How about now? Is that better? Well, my name's Richard Gaskalla, I'm Director of the Division of Plant Industry, and this is Connie Riherd, Assistant Director of the Division of Plant Industry. The Division of Plant Industry is the plant protection division or branch of the Florida Department of Agriculture, and as such, responsible for the citrus canker eradication program. The purpose of this rule development workshop, of course, is to get citizen input into our rule making process on the front end. We have some proposed amendments to Rule Chapter 5B-58 which is our citrus canker rule which I hope everyone picked up a copy of that on the table outside. If not, if you'll raise your hand we'll have one of our staff members bring some in. Is Mark or Richard Miranda in the room? Bring in a couple extra copies of the rule amendments, please. This workshop was noticed in the Florida Administrative Weekly on August 31<sup>st</sup> and also notices were put in local newspapers to inform area citizens. This is the first of a series of three workshops that we will be holding on this rule. Again, out on the table there was a handout that gave the other two meeting locations, but if you would like to have them. The following two workshops will both be on October 10th, which is a Wednesday. The first one will be at 10:00 a.m. to 1:00 p.m. at the Mounts Auditorium at 531 North Military Trail in West Palm Beach. That workshop will be followed with a second workshop down in Dade County that will begin at 6:00 p.m. and run till 9:00 p.m. at the Kovens Conference Center, Fall Bayview Room, second floor, 3000 Northeast 151st Street, Miami, Florida which I believe is associated with Miami International University. At this point I'll

ask Assistant Director Riherd to go over the rule amendments, and if someone can bring us the speaker cards that have been filled out, we'll try to get things moving.

MS. RIHERD: Thank you, and good afternoon to everybody. If you have your copy in front of you, you might just want to follow through with me on this. The first change is in our definitions under C, the Risk Assessment Group. That definition has been deleted and the definition of exposed has been deleted. Under paragraph five, control procedures have been changed to read removal procedures and the following language has been inserted: It says removal of citrus trees for the purpose of eradicating, controlling and preventing the dissemination of citrus canker in this state, the Department shall remove and destroy all citrus trees which are infected or are located within nineteen hundred feet of an infected citrus tree. Following that, all references to risk assessment, risk assessment procedures have been deleted. In paragraph B under the immediate final orders we have changed the procedures for that. We discussed those in some detail at the last meeting - at the last workshop. We are either going to deliver those in person, by certified mail, that was a comment that we received at the last meeting, or attached to a conspicuous place on that property. The immediate final orders shall provide the following information to the property owner: One, the physical location of the infected tree which is necessitated destruction of the property owner's tree. Two, the diagnostic report which resulted in the determination that the infected tree is infected with citrus canker, and three, the distance between the infected citrus tree and the property owner's citrus trees. Those are the only changes proposed to the rule at this time.

MR. GASKALLA: Just some real quick ground rules on this afternoon's meeting. We will ask the participants that wish to speak, we'll call you by name, if you can come to the microphone here to my left and state your name for the record, and keep in mind that we are recording this via our court reporter, so if you could speak clearly and deliberately to help her properly record or capture all of the key salient points, I would appreciate it. Also, I would greatly appreciate just some general common courtesy. Be respectful of those making comments and respectful for all those present here at the meeting. We will initially limit comments to five minutes per participant, but if there's time left at the end of the meeting and other comments or other more lengthy discussions are in order, we will continue. With that we'll call our first participant.

MS. RIHERD: Susan Peterson.

MS. PETERSON: My name is Susan B. Peterson. I live in Fort Lauderdale, and I have a wonderful healthy Key lime tree. This morning it was my food and also my medicine because I'm a children's entertainer and a singer and I have some problems with hoarseness, so a nice squirt from that Key lime tree really helps my voice. It's both my food and my medicine. And speaking of being respectful, I would like the Governor and the Department of Agriculture to respect our constitutional rights as citizens and stop this program of want and destruction of our private property. This is a taking that you're doing, and it's wrong. I have remarks from the last meeting, and they were comments on my opinion of the bogus science the nineteen hundred foot rule promulgated from the flawed scientific study of Doctor Gottwald which still has not been released to us, but I'm going to read part of this and I'll hand the rest of it to you so it may save a little wear and tear on the nice court reporter's fingers. How dare you come down here once again to Broward County and threaten us with organized home invasions, destruction of our valuable fruit trees and jail if we protest against trespass onto our private property. What shamelessness our Governor Jeb

Bush and Commissioner Bronson have shown by not cancelling this bogus hearing on the bogus nineteen hundred foot rule and its third scientifically unsupported version in this terrible time of trauma for everybody in this country. You have the colossal nerve to come down here and present plans to rob us of our property and our right to be secure in our homes and in our persons. This is a time when everyone needs to feel secure inasmuch as is possible under the present difficult circumstances, yet you have the gall to show up on the orders of your bosses representing big government and big citrus and tell us that we have no rights to be secure from unlawful trespass nor to enjoy our private property. You want to literally take the food from our mouths. God bless Judge Fleet or I wouldn't have had that Key lime for my food and medicine this morning. Your department has already traumatized and destroyed the property, peace of mind and faith in government of thousands of good people in Dade and Broward Counties. You have employed what I see as organized gangs of home invaders who are hired, as far as I know, without criminal background checks by private contractors and they have been empowered by big government to trample on our U.S. Constitutional rights. How many of these temporary employees are criminals or even terrorists, perhaps recycled Contras from the previous President Bush administration? Will they be back in the dark of night to invade our property on their own time? Could there be thieves, rapists, child molesters among them? Enough is enough. Go away. Stay away and don't come back. At this time when we really need national unity for everyone to be pulling together to keep our country free, you have the audacity to come here and threaten us with more destruction. For shame. Shame on Governor Bush, too.

MR. GASKALLA: Just a brief response to that. You know, I hope we're all Americans here, and we're here at this workshop because one was requested, not because we're here to force anything on anybody. This is America, and we're here to hear your comments, to make this rule and make this program as good as it can be, and to have any connection between what we're doing here today and what happened earlier this week, I'm highly offended and I will not allow that type of analogy to be made. Next comment.

MS. RIHERD: Andrew Meyers.

MR. MEYERS: I'm Andrew Meyers. I work for Broward County. Mr. Gaskalla, please don't tell us what type of comments you're going to permit to be made or what you're going to allow. People feel very strongly about these issues, and please let them exercise their First Amendment right to speak as they wish to do.

MR. GASKALLA: If you would keep your comments to the rule amendment, I would appreciate it.

MR. MEYERS: I'm responding to your comments, sir. Thank you. I have two main concerns with this workshop today and a general concern about your rule amendment. First of all, several Broward County Commissioners have been contacted by our residents who are either unable to be here during the business day or were put through tremendous inconvenience and expense to be here during the day. There's absolutely no reason why this workshop should not have been held after 5:00 p.m. Your department talks a good game when it says that it seeks input from individuals, but it continues to act in a way that denies residents access to this process. I know people have written to you and have complained about these issues and you've responded that people can submit

written comments. That's completely unacceptable. If written comments are just as good as attending, then you're wasting everybody's time and money by holding this workshop. You should have just accepted written comments from everybody. Interestingly in the same August 31st issue in which you published notice of this workshop, your Department published notice of other hearings involving, and let me get this right, some forest management plans. Those hearings, unlike this one, are going to be held at night. Will the Department commit right now to holding another rule development workshop on some evening later this month or early next month in Broward County during the evening?

MR. GASKALLA: No.

MR. MEYERS: Okay. I kind of assumed that's where you'd be going, Mr. Gaskalla.

MR. GASKALLA: But keep in mind, we are having one in the evening in Dade County, we are having another one in the morning in West Palm Beach.

MR. MEYERS: I understand that you guys were pressured into holding those other hearings, sir, I'm fully aware of that.

MR. GASKALLA: That's not true.

MR. MEYERS: Okay, let me use my five minutes and you can use the rest of your time when you get a chance, sir. My second problem with this workshop is that it was illegally noticed. The Administrative Procedures Act requires at least fourteen days between notice and the time a workshop is held. Here you published notice thirteen days in advance. On that basis Broward County objects to this improper workshop and demands that a properly noticed workshop be held in Broward County. Now, I hope that the Department did not intentionally ignore a statutory mandate and that it was merely done accidentally. But how can this Department expect the people of Broward County and the people of Florida to entrust you to protect the so-called nine billion dollar citrus industry when you guys can't even count to fourteen? As far as suggestions for any rule, Broward County has been litigating with you for most of the past year, so I'm pretty sure you guys know what we consider to be the problems with your program. My one suggestion would be for you to start with a clean slate instead of feeling constrained by past mistakes. You must stop acting defensively and you must recognize that your customers are all Floridians, not just a powerful citrus interest who have had so much influence on your actions so far. Thank you.

MS. RIHERD: Barry Silver.

MR. SILVER: Thank you. Mr. Gaskalla, are we allowed to ask questions and get answers, or is this one way?

MR. GASKALLA: You can ask questions as long as they are relative to the rule amendments.

MR. SILVER: Okay. If the public has determined that they oppose this program and if the consensus here is that the public is opposed, will that have any effect upon the Department of Agriculture?

MR. GASKALLA: We'll take all comments into consideration, yes.

MR. SILVER: Well, what consideration will be given? If everybody here says they're opposed to it, will that change your program?

MR. GASKALLA: Not necessarily.

MR. SILVER: What are we doing here then? Is this an exercise in futility to give a facade of public input, or is there no public input in your program?

MR. GASKALLA: No, there's a great deal of public input into this program, and this is a workshop on the rule amendments to make those rule amendments as good as they can be.

MR. SILVER: You arrested a guy for violating a program that has been since declared invalid by a court. I'm referring to a client of mine whose case is coming up September 21st. The program that he resisted has been declared invalid. Do you plan on prosecuting this gentleman, or are you going to drop those charges before September 21<sup>st</sup>?

MR. GASKALLA: That being a legal matter is outside the scope of this hearing to start with, and that will not be my decision to make.

MR. SILVER: At the last meeting I pointed out various things that were presented to the Legislature - by the Legislature, actually, and you admitted that some of them were false. I suggested you might want to tell the Legislature that the law that they passed was based on erroneous information. Have you since told the Legislature that they were mistaken?

MR. GASKALLA: No, I have not, and I did not recall making that statement.

MR. SILVER: Let me refresh your memory. When I told you that the Legislature said in its findings that every tree within nineteen hundred feet of an infected tree is automatically infected, you told me that that's not true. I then suggested --

MR. GASKALLA: No. No. No, that's not what I said.

MR. SILVER: Okay. Well, let me ask you again: Is every tree within nineteen hundred feet of an infected tree also automatically infected?

MR. GASKALLA: Under certain circumstances they certainly could be.

MR. SILVER: No, I'm not talking about could be. What I'm saying is necessarily is it automatically a given that every tree within nineteen hundred feet is automatically an infected tree? Is that true?

MR. GASKALLA: Being the good attorney that you are, you're twisting my words around, which I can respect that, but what I said was that under certain conditions, weather events, spread patterns that all trees within nineteen hundred feet could eventually come down with citrus canker.

MR. SILVER: Okay, I'm not twisting anything. I'm asking questions, and being a good politician you're doing a good job of avoiding it, but last time you didn't. Last time you were a little more candid and you said, no, that's not a true statement. You know, sir, that it's false to suggest that every tree within nineteen hundred feet of an infected tree is also infected. You can dance around it, you can avoid it, but you know that's a lie, and you also know that the Legislature passed the law based on that lie, and I think that the people of Florida are definitely outraged and legitimately so that that statement would come out of the Legislature and that you, sir, have an obligation to correct it, but you're dancing and you're not. Another statement that the Legislature made which is another lie is that a tree with citrus canker will eventually die. You know that's not true, don't you?

MR. GASKALLA: There's some literature, some scientific literature that indicates young trees can be killed by citrus canker.

MR. SILVER: Okay. Can you point out any tree that you know of that's actually died from citrus canker?

MR. GASKALLA: Well, we're in an eradication program here, so we don't let the disease progress to that point.

MR. SILVER: Right, but before the eradication program existed, do you know of any tree that was killed by citrus canker?

MR. GASKALLA: I haven't seen any that were totally dead, but I saw some that were certainly on their last legs.

MR. SILVER: Okay, you might want to correct that information, because I think that you know that a tree with citrus canker doesn't automatically die, and if you're going to sit there and deny that then we have a serious problem because then you, sir, are lying to this audience and you, sir, are insulting our intelligence.

MR. GASKALLA: Well, I respectfully am telling you that I did not make those statements. You're telling me that I did, so we're just at a point of disagreement here.

MR. SILVER: I'm telling you what the Legislature determined which is false, and I think that you have an obligation to correct those false statements. The hearing that you're going to have in Palm Beach County during the day does no good to the people that I represent, most of whom are working people. Unless the Department has a contempt for people who work, I suggest that the Department reschedule that hearing in Palm Beach County, because what you're saying is we're not interested in hearing what you have to say. I also suggest that before you cut down a million trees and spend a quarter of a billion dollars on a program that you publish the findings of a doctor. Do you know why the data of Doctor Gottwald has still not been submitted? Do you know?

MR. GASKALLA: It's out there on the outer table for your perusal.

MR. SILVER: The data?

MR. GASKALLA: The entire report.

MR. SILVER: Okay, but what about the data upon which the report is based? Where is that?

MR. GASKALLA: That is in Doctor Gottwald's possession.

MR. SILVER: And why don't we have it?

MR. GASKALLA: You'll have to ask Doctor Gottwald that question.

MR. SILVER: Sir, that statement shows contempt for the people here. You're telling me that you've cut down a million trees and spent a quarter of a billion dollars of taxpayer money and you can't tell me why we don't have that data, that I have to ask Doctor Gottwald? I think that you should be embarrassed to say that, sir.

MR. GASKALLA: Well, I'm not at all embarrassed. The report that's out on the table has all the information --

MR. SILVER: But not the data.

MR. GASKALLA: It has the data in summary form.

MR. SILVER: The data is not available. We've been asking for it and it still isn't. In fact, there's no possible way that you can take that information and come up mathematically with nineteen hundred feet, it's impossible from the information, because the data hasn't been submitted, and when you tell us that we should ask Doctor Gottwald why that's the case, how can you as a department trample upon the rights of all of these people and then tell us, well, ask Doctor Gottwald and he'll have to come up with it. You know, sir, the only place that a citrus is safe in Florida is on a license plate or in a grove. The people apparently according to you don't have any rights, and that, sir, is unacceptable, and I would think that the Department, especially at this time, and you might not like my analogy either, but I'm going to tell you that at this time the people need to have their faith in government restored, and you, sir, and this program are doing the opposite. The spread of canker is not nearly as serious as the spread of apathy and cynicism towards government. That is a real and present danger, and that danger is created by this immoral program, and we suggest and the people that I represent suggest that you actually listen and not dictate to the people who are here and actually take a step that perhaps is unprecedented in government, and that is to do what we in the Jewish faith will be doing on Yom Kippur, to say I'm sorry, I made a mistake, we atone and we're going to make retribution and we're going to change our path and move in a different direction. I hope that perhaps the Department can learn that lesson at this time of year of atonement and forgiveness and change this policy before you cause even more heartache and more money to be paid for the taxpayers of this state.

MR. GASKALLA: Just a statement, a response. You know, I know that maybe most of you in this audience don't trust me, maybe don't like me, don't like what I represent, but I do work for the Florida Department of Agriculture, I am the Director of the Plant Industry Division and it's my responsibility to protect Florida agriculture, not just commercial agriculture but non commercial

agriculture as well, and not just myself but Miss Riherd, members of my staff, we have reviewed and re-reviewed the information on citrus canker. There's over four hundred years of plant pathologist experience that we draw on in the scientific community to make the decisions that we have had to make on this program, and they've been hard decisions. I had to condemn over three hundred acres of commercial grove earlier this week up in Hendry County, and that's no easier or no harder than to tell a homeowner that their tree has to be removed, but these are tough decisions. I don't take them lightly. I look at all the information that's made available to me, and if I did not think that it was the right thing to do to remove infected and exposed trees, ladies and gentlemen, I would not be up here on this stage today. You don't have to agree with it, you don't have to like it. As a matter of fact, I don't like it, but I have to do what the preponderance of the evidence within the scientific community tells me I've got to do, and it's a tough issue. Next speaker.

MS. RIHERD: Ruby Madden.

MS. MADDEN: Hi. My name's Ruby Madden. I live in Fort Lauderdale. First of all, I want to agree with Mr. Meyers concerning his comments on the time that this meeting was scheduled for. I know a lot of people who would have come here but they have to work. But my feeling is that if you were serious about protecting the citrus industry in this state, you would start with cutting a swath perhaps two thousand or twenty-five hundred feet south of the southern most grove across the state, sort of like a fire break. If you think that nineteen hundred feet is the cut-off for the stuff jumping to trees, come down two thousand feet or twenty-five hundred feet from the southern most grove and protect the groves that you want to protect. Do that first, then come back here and reevaluate the situation in Broward County and the other southern counties. You could continue to cut the infected trees here, but the trees that are only exposed you should just leave alone. They're not a problem at this time. Would you kill a baby because three years from now it might get measles? Just save the trees that are exposed and then when they are sick worry about them then. And let's see what else I have here. I'm having a problem with the microphone. And before you kill our trees, just remember that in Great Britain earlier this year when they had the hoof and mouth disease they killed more than two million head of cattle before they discovered, whoops, we don't have to do this, this is not going to prevent the spread of the disease and killing these cattle was not the thing to do. There are people in England who committed suicide because they lost their cattle because of people with this bogus scientific information that went out and killed cattle and ruined livelihoods. People here are probably going to be upset. I don't think they'll commit suicide when you kill their trees, but there is no reason to come in and take trees that are not a danger. And meanwhile, I would urge everybody to tell their friends anywhere in the United States to boycott Florida's citrus throughout this country and let the stuff pile up on the shelves and rot there, because if you don't care about us, we shouldn't care about you, and everybody who has one of those oranges on their license plate, go out and get some red paint or nail polish and draw an X through it.

MS. RIHERD: Richard Zoppi.

MR. ZOPPI: Good afternoon. Richard Zoppi, Boca Raton, Palm Beach County. Before I start, I want to say a couple things in a personal manner. Mr. Gaskalla, Connie, I respect both of you and I'm sure most of these people respect you. We do not respect the integrity of the Department of Agriculture, there isn't any, and I will tell you why. Specifically your boss, Commissioner Charles

Bronson, and I wish you would really give it some sincere thought, Mr. Gaskalla. Your position I understand is dictated, but you're a man of integrity, and I think as we talked back in July, you should get another job. You're very capable. Okay, I said my name is Richard Zoppi, I'm a resident of Boca Raton, Palm Beach County. Mr. Gaskalla, I have some very important points for you to insert into your new rule and I have a gift and a message for Commissioner Charles Bronson of the Department of Agriculture. According to your DOA propagandists, Liz Compton and Mark Fagan, since 1995 the DOA has spent two hundred and twenty-five million on canker eradication, two million on legal fees, twenty-six million on lost canopy, and other costs. That adds up to a quarter of a billion dollars. That's a B asin Bronson, a quarter billion dollars of the people's tax money spent on a lie, mismanagement and violating the American citizens and Florida residents rights of the Constitution. There is no law, there is no declaration, there is no rule that circumvents or supersedes the United States Constitution and the Bill of Rights which every American has. This is the bedrock upon which America was founded. The DOA just doesn't get it. This is America. It is the same Constitution by which Charlie Bronson holds office. Charlie Bronson has breached his oath of office which requires him to protect the health, safety, and welfare of the people of Florida, not any special interests or industry, yet to this day Charlie Bronson continues to perpetuate Bob Crawford's lie, Tim Gottwald's lie, and Craig Myers lie. Charlie Bronson says, and I quote, "He takes his work seriously and is very proud of what the DOA has accomplished." Charlie Bronson says that right now he's on a prayer watch regarding the spread of canker. The fact is his inspectors spread the canker more than any other means of transmission. These inspectors do not decontaminate themselves when trespassing from property to property.

UNIDENTIFIED SPEAKER: Amen.

MR. ZOPPI: I also pray, I want you to know. However, my prayer is to give thanks that we the people of Florida are blessed with two great judges, one is Judge Van Laningham from Tallahassee and the other is my personal hero, Judge J. Leonard Fleet. I pray that Van Laningham and Fleet are DOA's worst nightmare. I pray that very soon the evil DOA citrus canker eradication lie is ordered to cease and desist. Mr. Gaskalla, I told you in July that the system needs an enema, and, again, I explained that as a cleansing, a much needed housecleaning which will come in the form of an election in 2002. The people will remember in November. It is ironic that my gift for Charlie Bronson is made by Fleet Pharmaceutical Company. It is a Fleet Enema for the DOA and Charlie Bronson, because you're all full of it. Thank you, and God bless America.

MS. RIHERD: Jack Haire.

MR. HAIRE: My name is Jack Haire and I live in Fort Lauderdale, Florida. H-a-i-r-e is the spelling. Yes, that's a pretty hard act to follow there, but --

MR. GASKALLA: I like to receive gifts, but that's not what I had in mind.

MR. HAIRE: I know. Right.

UNIDENTIFIED SPEAKER: Louder.

MR. HAIRE: Okay, I'm trying to get the microphone here adjusted right. There seems to be a little

problem with it. Just one second. How's this? Where I'd like to go is with costs. I realize that one of the tenets that we were here to discuss about this rule making procedure has to do with costs, whether we can do something cheaper or better, so this past week I took some time to look into the cost studies that were used to justify this eradication program, and what I found is that there are no cost studies. There was a belated cost study done by the Citrus Mutual which is nothing more than an administrative arm of the citrus industry. There was no government cost study done on this. We have asked for it numerous times. The Citrus Mutual did come out with an estimated annual cost of what it would take the citrus industry to live with canker, which is an admission that they can live with canker. Eradication is not the only answer. The amazing thing about this so-called cost study by the Citrus Mutual is that it is not a cost study. There's no attempt to include or compare the losses endured by the residents or to look at other alternatives. This violates every principle of cost analysis practices common throughout the world and even applicable to our everyday life. Every successful business corporation must follow these procedures if they hope to survive. My questions that I have here, Richard, is for you to go back and ask that the Department provide a viable, credible cost study that incorporates all of the choices available and includes the residential losses. The two choices that come to mind, and I'm sure there's others, is number one, if you go forward with A, eradication, you must include the residential losses and the anticipated class action claims that are now estimated to exceed one billion dollars. The second choice is to go with treatment and controls or to live with canker. The additional costs of sprays -- Okay, the additional costs for the sprays but you cannot add the cost of the sprays already being used to treat the other citrus diseases and pests and these sprays can also be effected against canker. Of course I'm talking about the copper based sprays. From there I start off and I thought, geez, you know, the whole tenet of this eradication program is based on the 8.5 billion dollars at risk. I went to the web sites for the Department of Citrus and Citrus Mutual, and also it turns out that the only thing at risk is the fresh fruit, that it scars the skin, blemishes the skin and makes it difficult to export. It turns out that thirteen percent of all production goes to fruit. The other eighty-seven percent goes to juice which is not affected by canker and would not be affected by any quarantine. The thirteen percent of fresh fruit admittedly brings in more revenue for the Department, for the citrus owners which accounts for twenty-four percent or two hundred and thirty-one million dollars in revenue of fruit on trees, and I realize this is much lower than your loaded costs where you go to the 8.5 billion dollars. From there of that twenty-four percent I passed out, I have this bar graph, I think I passed it out to most of the folks, maybe you could follow along here, but the twenty-four percent of total fruit, 17.7 percent goes to export. Of that 17.7 percent, 11.5 percent remains in the United States and in Canada. Only 6.2 percent goes to foreign countries. I realize these numbers are sort of boring, but the real clinker was when I went to the pages there to look where these things are shipped, and for instance, in the United States I started looking at the cities that it goes to, New York City, Boston, Philadelphia, Detroit. These are all non citrus producing locations. There would be no quarantine in effect. We could continue shipping to those cities. The only city that was in a citrus producing state was Los Angeles, and that accounted for 1.01 percent of the total export. I then looked at the foreign market and was equally shocked there. I went through Belgium, Denmark, China where canker is endemic, Hong Kong, Italy. I said, oh, there's Italy. Zero. There's no shipments to Italy. The only place on this whole list that would not - that would be affected by quarantine is Puerto Rico, and it comes to .01 percent.

MR. GASKALLA: Jack, as a point of clarification, the European union has regulations, a block.

MR. HAIRE: Okay, I already anticipated that question. I also called up to Washington and talked there with Peter Deutsch's office, the people there, and the general consensus is they cannot enforce that. In other words, if you're sitting there telling me we can't ship oranges to Norway in freezing winter weather because of the European market, you are falsely advised.

MR. GASKALLA: They're already enforcing it. We can't ship out of --

MR. HAIRE: Well, it's under this free trade under Jeb Bush and it's opening up. Whether you like it or not we're going to have the export and import markets coming in here. The import figures, I don't want to bore everybody here and go on for a half hour about it, but I'm not sure if most people know that Argentina right now where canker is endemic is shipping fresh fruit right now into the United States into what they call a canker free zone, and in the year 2004 they're going to ship fresh fruit directly into Florida, into this state. To summarize, I am shocked at these findings. We're talking about two million dollars right now, and I'll even take issue with the European market, I think I looked at that. That amounted to about six million dollars is what's going to the European market, so we're still talking peanuts here.

MR. GASKALLA: No, that's not correct. We ship over twelve million cartons of citrus to Europe every year, so --

MR. HAIRE: I'm taking these figures right out of the citrus - Department of Citrus. I handed them to you, and my questions to you are to please verify these figures, please get back with me, and if you disagree, I would like to see your own cost figures that contradict your own figures here coming from the Department of Citrus and Citrus Mutual.

MR. GASKALLA: I appreciate that, and we will look at this and give you our response.

MR. HAIRE: My third question is, why isn't Palm Beach County quarantined? There have been recent findings there, it has been found as far north as Jupiter. You certainly had no problems quarantining Broward County. Why isn't Palm Beach County quarantined?

MR. GASKALLA: Well, we're on the brink of doing just that. A couple more finds up there it will be hard to justify doing anything, but --

MR. HAIRE: I also understand that because it's not quarantined that when you remove the infected tree that the homeowners are immediately allowed to replant citrus. Is that true?

MR. GASKALLA: In Palm Beach County?

MR. HAIRE: Yes.

MR. GASKALLA: We are encouraging them not to, but because it's not within a quarantine area at this time we have no way to prohibit it.

MR. HAIRE: Okay, so people are allowed to plant. In other words, for instance, the example I'm going to use is Delray Shores where one infected tree resulted in the taking of seven hundred

healthy trees, they removed them. The next day the people came back and replanted. You tell me that makes any sense at all.

MR. GASKALLA: Well, that's why we're likely going to have to place that area under quarantine.

MR. HAIRE: My last point I'd like to make is why didn't the Department go to rule making after Judge Fleet back in November of 2000, almost a year ago, and we're a year now subsequently forced to go now to the rule making where he asks you to go. All of these subsequent legal costs, all this waste of time and taxpayers treasures and resources have been wasted because you refused to go where you are now being forced to go.

MR. GASKALLA: Well, this is not my decision alone. There's been a lot of discussions within the Department involving different legal scenarios, so, you know, it's been a step by step process.

MR. HAIRE: Yes, but I want to make a point. You could have done this -- So much time, so much waste, so much harm, so much hurt has been done here by the mismanagement and, again, as Richard said, this certainly is not personal, Richard. I respect you and Connie and the legal team and there are some wonderful people with the Department, but there's so much lacking, there are so many questions here, and if you could help us answer this we would greatly appreciate it. Thank you.

MS. RIHERD: Helen Ackerman.

MS. ACKERMAN: Hi. Good afternoon. Can you hear me? My name is Helen Ackerman and I'm a resident of Plantation, Florida, and I have a letter to you that I hope you will respond to me in writing. It starts out, "Dear Mr. Gaskalla. I have materials which indicate that various labs, pharmaceutical firms and the like have been in contact with the F.D.O.A. since 1983 in an effort to have their products evaluated for citrus canker eradication. I would like to have a copy of your summary report for each product, treatment technique since 1983 with the following information provided: One, the product name. Two, the date of the product's test in Florida. Three, the name of the company representative present during the test, and four, the result of the field test in Florida by the DOA and conclusion. The other information I would like is a report for the last three years on growth management practices for all citrus diseases including citrus canker. I would like to know the percentage of disease control by one or more of the following materials: BlightBan, Harpin, Actigard, Mankocide, Kocide, Gentamicin, Streptomycin, Kaolin and others. And the final request is a report on the use of in flight spray systems choosing laser sizing and other ultra high pressure hydraulic nozzle spray units. I want to know the markers used to determine actual spray coverage that is a fluorescent markers or other detectors to note where the sprays are actually going." And I want to thank you in advance for this information.

MR. GASKALLA: We'll send you what we have.

MS. ACKERMAN: Thank you.

MS. RIHERD: Cesar Del Campo. Cesar Del Campo. If I mispronounce this name, I apologize. Mary Truchelut.

MS. TRUCHELUT: Truchelut.

MS. RIHERD: I'm sorry about that.

MS. TRUCHELUT: I'm supposed to be number twenty-one speaker.

MS. RIHERD: Are we on number twenty-one?

MR. GASKALLA: Yes. No. No. I'm sorry.

MS. RIHERD: I apologize. These were out of order.

MR. GASKALLA: You're at the mic. Go ahead if you'd like.

MS. TRUCHELUT: Okay, my name is Mary Truchelut, T-r-u-c-h-e-l-u-t. I live in Wilton Manors, Florida. I have a healthy Key lime tree, it's the first tree I planted and the first home I bought and it means a lot to me. I've had four IFO's issued on it. On the most recent one I filed an appeal. I feel like I wasted my two hundred and fifty dollars. I'm still trying to get it back. I'm a runner. I ran in my neighborhood this morning. I noticed there were a lot of American flags hanging outside of homes, and I wish that I could fly one, but I do not feel that I can because I feel like my country has been taken away from me through this program. The Department of Agriculture wants my tree. My tree's healthy. I would have brought you fruit this morning, but I'd be arrested for carrying it to you. The fruit is perfectly yellow, round healthy Key limes. The tree's fruiting right now, and like Susan Peterson, I am enjoying it. I resent the fact that I don't know how much longer I'm going to be able to enjoy it, and I feel like its life is at stake every minute of every hour of every day in the state. I feel like I am under siege. I feel like all of us here in Broward County, in Miami-Dade County and now Palm Beach County are also under siege from this program. Our government has been wrestled away from us through the Department of Agriculture and through private interests. I resent the fact that my tree has to be sacrificed in order to save some unknown profits from this faceless industry who suddenly needs our help. I'm wondering if and when I ever lose my job and my income is affected if the Department of Agriculture and citrus industry of Florida is going to give me money so that I can continue to live and thrive. All I want to say is I am an American citizen, I respect the two of you up there, I respect our state and our way of life, our government. I didn't want to allude to the events that happened two days ago. I do feel, however, that this program has done some serious damage to the citizenry of this country and if it is allowed to continue through our courts, I think each one of us has to ask what are our priorities here, what happened to our Bill of Rights, and I too, I think it was Susan, I may be wrong on that, who mentioned the boycott. I am going to do everything I can to boycott Florida's citrus products if this program is allowed to continue, and I'm hoping that everyone in South Florida will point toward that effort and devote all of their time to that as well. Thank you.

MS. RIHERD: Marion Henderson.

MS. HENDERSON: Thank you, Connie, Richard. I just have a couple of things to say, and it's all good news, actually. Doctor Gottwald's study, the nineteen hundred foot study, it's not quite ready for prime time. I don't think you should base a proposed rule on it, and the reason is this: There are

two reasons: One, Doctor Gottwald or his team did not verify the bacteria in the focal tree with a DNA nor serological test, therefore, there was no way to be certain that the bacteria in the focal tree was actually *Xanthomonas* Asian strain. By the same token, the bacteria in the "infected trees" were not verified either. Even if they had been verified, there was no way to determine that they came from the focal tree. The way that that is done in a proper scientific analysis is to tag the bacteria in the focal tree. Now, it's very easy, it's done all the time. It could and should have been done by Doctor Gottwald and his team. Now, the other thing is this: The American Phytopathological Society has published two compendium of citrus diseases. Are you familiar with the American Phytopathological Society? Okay, the first compendium of citrus diseases was published in 1988. One of the -- There were three editors. One of the editors was a Doctor L.W. Timmer, that's Doctor Pete Timmer at the University of Florida at Lake Alfred, and another one of them was Doctor Jack O. Whiteside also of the University of Florida, Lake Alfred. Now, these are -- The two of them are the two leading experts on citrus diseases, and if you'll look at the table of contents in the compendium, you'll find that most citrus diseases are actually fungal diseases. There are a very few bacterial. This *Xanthomonas* Asian strain is one of the minor leaf spotting, they called it a cosmetic problem, and then there are a couple of virus things. Now some of the viruses are more serious. But in any event, Doctor Timmer told me that *Xanthomonas* Asian strain is not a problem for residential citrus trees, it is not a problem for Florida's commercial citrus trees with the possible exception of the commercial fresh grapefruit. Now, as Doctor Whiteside has explained to me, Doctor Whiteside says that *Xanthomonas* Asian strain is endemic in Florida and inconsequential. Now, Doctor Whiteside explained that the reason that *Xanthomonas* Asian strain is not a problem for Florida's commercial fresh grapefruit is because pedlar fall is towards the end of February. I know that pedlar fall, that means when the fruit starts developing on the tree, and so long as you do not have wind driven rain during the first fifty days that the commercial fresh grapefruit is on the tree you will not have the little beauty spots on them, because after the first fifty days the rind is tough enough that even if you were to have wind driven rain, the bacteria can't penetrate the rind. So in Florida it's not a problem. There are a couple of unique features within Florida's climate. One is that we only have one major crop per year on our commercial fresh grapefruit. We do have a secondary crop, but it's minor, it's not important, and the rinds are very thick, but it comes out at a different time of year. Our primary crop, the major crop on the commercial fresh grapefruit starts toward mid to late February. It's more than fifty days old before our rainy season starts, which is the end of May or the first of June. Now, one thing that Doctor Whiteside pointed out is that in Florida, and, again, it's our unique climate, when the rain does start, even if it's windy like in June, within two minutes after the rain starts it's coming straight down, so it's really not a problem. And another thing, and I know that you've seen some of those commercial fresh grapefruit groves. Those trees are so close together the wind can't get in there anyhow, but that's my opinion and that's my comment. What I'm saying is there's no need for this rule. There's certainly a less expensive way to handle this. Richard, you'll recall, possibly you'll recall we talked about this briefly over a year ago at that international citrus canker workshop there in Fort Pierce and you said why don't they just eradicate the citrus - the fresh fruit and be done with it, we can forget all this nonsense. Well, I agree with you a hundred percent. Now, some of the environmentalists might say, oh, we don't want our food eradicated or whatever. Some of the scientists were telling me that actually back in the 1980's when we had the false citrus canker nonsense, I mean the previous eradication program where they - the U.S.D.A. and Florida Department of Agriculture, this is called regulation production, but it went around and destroyed over twenty-four million nursery saplings. But anyhow, during the 1980's eradication program, in

order for the fresh fruit to be exported to other areas at the packing houses they would simply be washed in something like a chlorine solution, or there are about three other types of solutions that can be done. We can just do that. Now, that is certainly less expensive than going around and destroying all the three million residential citrus trees, although I understand as Kenneth Keck, the Director of Legal and Regulatory Affairs for Florida Citrus Mutual told me Florida Citrus Mutual wants all of the residential citrus trees eliminated. But that's not what you're suggesting here. You're suggesting that we implement some kind of rule here to cut down all the citrus trees within nineteen hundred feet of an infected tree. Oh, yes, we haven't discussed genetic drift. If you'll look up on the website or wherever, just go into a search and go on bacteria and then type in Xanthomonas. You'll find that Xanthomonas campestris pv, whatever. Xanthomonas campestris is one of the most numerous bacteria in the world and certainly in Florida and it's inconsequential, so it doesn't really matter, but there are a lot of -- The way the bacteria were named was really depending on what they were found on. Like there's a Xanthomonas hibiscus and then there's a Xanthomonas campestris pv citri and there's even a Xanthomonas campestris pv poa annua. Well, what's the difference in all of these? Could it be a nutritional factor? The last one I mentioned, by the way, the Environmental Protection Agency in Washington D.C. was supposed to have granted their approval now for use of -- A company in San Diego is producing these for use on commercial golf courses, and what they would do is mix the bacteria in their sprinkler system and then in the green area, you know, that's the part where they putt around the hole, they would then spray the bacteria on the golf course, and there's a weed, a poa annua weed that grows on golf courses. When that Xanthomonas bacteria gets into that little weed then it replicates as do all the Xanthomonas bacteria and it suffocates the little weed, and they're even going to be settling it in seven or eight other states including, you're not going to believe this, Florida. But anyhow, what's the big difference between all of these different kinds of Xanthomonas campestris bacteria? And I'm suggesting it's possibly, the differences might be accounted for, in fact, by genetic drift, and one of the components creating that difference might be nutrition. For example, Commissioner Craig Meyer told me -- I said why are we just cutting down citrus trees? I mean, citrus is not the only host for Xanthomonas Asian strain, and Craig Meyer told me that, well, if the bacteria is -- If it's not on citrus then it's not citrus canker, like I'm really dumb, and I am, but if the expression doesn't happen to be on a citrus plant then the bacteria is not citrus canker, Richard, the whole thing is nonsense. Please stop it. Don't bother us anymore with this. Thank you.

MS. RIHERD: Thomas Schwarz.

UNIDENTIFIED SPEAKER: You should wait until the clapping is done before you announce the name. We didn't hear it.

MS. RIHERD: Thomas Schwarz.

MR. SCHWARZ: You have to wait. Until you're my age and you'll understand.

MS. RIHERD: Mary Schwarz is the next speaker.

MR. SCHWARZ: Maybe she'll pass.

MS. RIHERD: Then the next one on the list is Anna Johnston.

MR. SCHWARZ: It's nice of you to ask us to talk in every workshop on the proposed rule. Unfortunately, you didn't supply us with the proposed rule, and I find it very difficult to address the propriety of such a rule where it has not been supplied. I am disturbed somewhat by the chairman's statement that under the law he is to protect the citrus industry.

MR. GASKALLA: Sir, if you could step a little closer to the mic, please.

MR. SCHWARZ: I'm disturbed by your statement that your role under the law is to protect the citrus industry. That is not the case. All public servants are to protect the citizenry and have special opportunity in narrow ways. To enhance one group of individuals over another --

MR. GASKALLA: Sir, I would take issue with the statement that you said I made. I said protect Florida agriculture both commercial and non commercial.

MR. SCHWARZ: I'm sorry? I didn't hear.

MR. GASKALLA: I said in my statement, I did not say the Florida citrus industry. I said the protection of Florida agriculture both commercial and non commercial.

MR. SCHWARZ: Agriculture, yes, I'm sure you protect all of agriculture, but we here today are talking about citrus, and there may be turnips or beets or something you're protecting, but you can't protect one group at the cost of another and avoid constitutional violation. Now, I'm only a lawyer fifty-five years. I should have been earlier, but I was out defending you folks. I happened to have been off to the deck on one of the ships at Pearl Harbor and I see all the flags coming out because they had the bombing. That's hogwash. It isn't a question of patriotism, it's a question of good sense. If you feel that the citrus or other plant industries are more important than the rights of people, then I am very sorry for our government.

MR. GASKALLA: And by the way, I don't feel that way.

MR. SCHWARZ: Well, everything that you said indicated that you did. But in any event, as I say, and the folks have said all their peace, but to have a workshop to consider the implications of a rule and not supply the rule or the proposed rule is ludicrous and indicates a bias and intention that I find throughout the whole program. Thank you.

MS. RIHERD: Miss Johnston. The next speaker after Anna Johnston is William Bradley.

MS. LABOTSKY: My name is Elsa Labotsky(phonetic), and I'm speaking for my mother, Mary Schwarz.

MS. RIHERD: Oh, okay.

MS. LABOTSKY: I'm substituting for my mother. We represent lost trees already. Over a year ago they cut down nine trees on my parents' home and they were a variety of different types of citrus trees. They provided shade and food and my parents use them as a main supplement to their food

budget. It isn't that they're starving now, it's just that they have to pay for fruit if they want it instead of being able to -- And they're on Social Security and they're old and this is not a good idea. The questions that I'd like to raise that occurred to me when this program was begun was who benefits, and at the time that my parents' trees were cut down it was in the range of a half a million trees that had been cut down and I thought, well, it costs about two dollars and fifty cents to go out and buy a bag of oranges or grapefruit, and a half million trees, so if they're producing, say, a bag a week over the -- It was about a six month growing period, they'd have fresh citrus for about six months out of the year, those half million trees probably produced a million dollars a week or a million and a half dollars a week in revenue, for the potential revenue for the citrus industry in Florida. So I was concerned that the benefits of this program are to broaden the market to the tune of when it was half a million trees, twenty-six million dollars a year. That's not an insubstantial amount of money. It's bigger than some of the foreign markets. The people that are looking at boycott have a good reason for feeling that way. The other thing that has concerned me in this is that the previous, I don't know if it's the Secretary of Agriculture, Mr. Crawford took a very lucrative job with the citrus industry, and I believe that that is a taint to the whole program.

MS. RIHERD: Anna Johnston was next. Sorry. And then you, Mr. Bradley.

MS. JOHNSTON: All right, my name is Anna Johnston. I'm a resident of Fort Lauderdale, I'm a Florida native. I graduated from Winter Haven High School which is in the citrus belt. My concern today is for a creature that can't speak for itself, specifically the giant swallow-tailed butterfly. That has not been addressed in any hearing or any literature that I have seen from this program. Our orange pamphlet here suggests various plants to plant in place of citrus. However, the giant swallow-tail, as you may know, is citrus specific for its larva. In Broward County especially at one time the swallow-tail larva could live on torchwood and wild lime principally in Broward County. However, because of development all of the habitat has been destroyed so that now the swallow-tail only can feed on citrus. If the citrus is destroyed that will seriously eliminate the swallow-tail in Broward. It won't cause it to become extinct, it is prevalent in other areas. However, it is our largest butterfly and I think our most beautiful in this area. The state did not do a formal environmental impact study before the citrus canker program was instituted. There is awareness, perhaps, on some entomologists' part of the impact on the giant swallow-tail, but there has been as far as I know no formal address to this. I am bringing this your attention because I haven't heard anyone else do it.

MR. GASKALLA: Thank you, and we have a lepidopterist expert on our staff and we'll consult with him and see what the impact might be.

MS. JOHNSTON: Yes, I will be watching. All right, thank you.

MS. RIHERD: William Bradley, and next up after Mr. Bradley is John Penn.

MR. GASKALLA: And after John Penn we will take a brief ten minute break.

MR. BRADLEY: I'm Bill Bradley from East Las Olas. I have here a hundred dollar certificate at Wal-Mart. I've been to five Wal-Marts since I had this certificate for six months now, I guess. Wal-Mart does not sell trees. I take issue with that. I think there's some collusion there which I am

offended at. The other thing, and most everything I wanted to say has pretty well been said, I did have one remark that the people who come around to do the chopping, I've lost a grapefruit tree to this, are very casual about this business of being somewhat cleanly. They blow the stuff all over the street with that chopper that blows it in, they don't wash their feet whatever it is that they're not trying to track around. The group that came to me was a very nice group, but they were not conversive with your rules of trying to keep the citrus in my yard. I'm losing my voice. That was just an observation. If it happened to me it will happen to everybody those people come in contact with, and that's only one group. Thank you.

MR. GASKALLA: Thank you.

MR. PENN: Good afternoon. My name is John Penn. I've been a resident here of the State of Florida for forty years. I reside in Plantation. I was here at your last meeting of July the 24th, and I think not only myself but quite a few of the people in the audience that took the time to come at that point asked you a lot of questions and you sat up and nodded like you're doing today, and with all due respect we didn't, I think, expect answers right then, but you advised they would be forthcoming to a lot of their questions. My first question to you today is where were they published and when?

MR. GASKALLA: A summary of the workshop major issues was out on the table. If you didn't pick one up on the way in, please do so, and if I did not address your specific question, if you'll see me during the break or after the meeting, I'll be glad to do everything I can.

MR. PENN: Well, you kind of alluded, and maybe I misunderstood, and I'll certainly give you the benefit of the doubt, but you alluded that there would be something published, and I would think that just to arrive here today and pick it up and try to digest it before this meeting so if we had further questions -- You know, what is wrong with the newspaper? What's wrong with your Internet site? You can go on the Internet and find more information on other sites than you can on the government's site that's got all this money for this program. How many quarter of a billion? So that's one thing. I've got a couple of other questions I would like to ask today. Would that be all right?

MR. GASKALLA: Certainly.

MR. PENN: I understand, and this is third-handed, but maybe you can verify, that in the groves north of Okeechobee up in the center of the state that if they have an infected tree right now they simply yank it out of the ground, burn it right there and put another one in its place. Is that true?

MR. GASKALLA: Absolutely not.

MR. PENN: I understand that's going on from people that work in the groves. I got it third-handed, but the source I got it from I know, and the person he got it from works right amongst the groves, and I understand that that goes on north of Okeechobee.

MR. GASKALLA: I can tell you that is not correct.

MR. PENN: So I -- You know, that's where I got my information. I can't say I was standing there, and I'm certainly not a scientist, but it's kind of disheartening when you hear that and you sit here and you're grinding trees, so that's a concern.

MR. GASKALLA: Well, let me for the record say that we're practicing nineteen hundred feet statewide and commercial and residential areas, and some grove owners have elected to go beyond nineteen hundred feet and they are not eligible to replant for at least a year and then it can only be resistant varieties and in most cases it's at least two years past the last detection of the disease.

MR. PENN: And then the other thing that bothers me the most, and I'm going to read one little thing at the end, but this is kind of a question. There's been a general lack of communication from the Department of Agriculture, not necessarily you all, I'm not going to condemn the two of you all sitting here doing your job, but why do you continue, and I'm referring to the Department, to operate under a stealth shield? There's newspapers, there's the Internet, there's all kinds of media. I'm sure that people would do press releases if you would release them. The only thing you see it from is other sources. You never see it from the Department. I saw a little thing one time, here's a meeting, you know, and at the last one we asked why the meetings had to be early in the day, people may be off to work, and here we are again. So, are we going on deaf ears? That's my question. And I'll read you the -- So I guess my final thing to this is when are we going to get some common sense answers? Now, I would like to read one thing. I sent this to the -- I sent it to our Governor, I sent it to Bob Butterworth, I sent it to the chairs of your Department both in the Senate and in the House, and this one is addressed, Dear Attorney Bob Butterworth and it's regarding citrus canker eradication and Department out of control."This issue has gotten way beyond the issues of cutting trees and citrus canker to the big issue of a self rule making self interpreting self administrative autonomous Department of the State of Florida. As a citizen of the state, I am asking you to please listen to the public recorded minutes of an ill advertised Florida Administrative Weekly July the 20th, 2001 one time, one place workshop meeting held in Fort Lauderdale by the DOA of Tuesday, July the 24th, 2001 at 10:00 a.m. There are many issues at stake which may be buried unfairly within the DOA if not reviewed otherwise. Who are they accountable to?" Thank you.

MR. GASKALLA: We have a couple representatives from elected officials that would like to speak before we take a break. The first is Cindy Lerner.

MS. LERNER: Thank you. I'm a State Representative for District 119 in South Dade. I'm here today because as of the meeting that we held with Commissioner Bronson on Tuesday there was no notification which I requested at that meeting of a public hearing in Dade County. Now that I see that you are calling one for October, I appreciate that. I will make sure to get the word out since it's in the evening, because I know that a room this size will be filled with people in Miami-Dade who have experienced removal of trees are still at risk. I too own a Key lime tree in my backyard, I've had several notices, but I'm here not on behalf of myself and my own lime tree but on behalf of my constituents. I sit on the Agriculture Committee in the Florida House and I have spent the past almost year that I've been in office trying to learn and understand both the issues and responsibilities from the Department's point of view so that I can be responsive and work well with the Department and also to learn and understand the issues that my constituents, and

especially the agriculture community in South Dade faces and the many challenges that they face, and as you well know, the commercial lime industry in South Dade has been completely eliminated. But more than that I hear more frequently what you've heard today, the resentment and the lack of understanding and lack of just pure distrust that the people in South Florida feel for the Department, and it's absolutely beyond belief to me as an elected official that a part of the government that you all represent, and I know you are just here as representatives and you're taking a beating for that, but if anybody is at fault for the risk to the citrus industry, it's the Department of Agriculture and the way they've handled this eradication program. I will tell you that as a lawyer I am now at the point where I feel it is incumbent on me to do some independent research on the legal basis upon which the Department has initiated and continues its eradication program. What I said to the Commissioner the other day was that the litigation is spreading faster than the canker at this point, and there's a reason for it, because the courts are listening and the courts are justifying what the people are seeking in terms of relief. The courts agree, and it's only a matter of time before this program is completely eliminated as unconstitutional. The statute upon which you are basing your eradication program, 581.031, sub 15A grants you unconstitutional authority to intrude onto private property. You have heard for over several years now the impact of the citizens of Florida of that intrusion and have utterly failed to sit down and work out a procedure that is fair to the Department, yet fair and balances the needs of the public. I have been asking for over a year of the Department to do that. I have been pleading with this new commissioner and with his predecessor to either appoint a task force, let elected officials sit at the table with the Department as representatives of the people and try to understand, find a balance, if there is one, and work out this dilemma. If there are diseased trees that have to be removed, there are people who are willing to allow diseased trees to be removed, but beyond that there is no agreement. There is also no willingness by your Department to sit down and figure out a solution beyond that. If we could be ordered to go to mediation we should, because this is an issue where you are insisting you have the right and the responsibility to protect and the citizenry is insisting that they have a right and responsibility to protect their private property rights. If I've learned nothing else this past session as a legislator, it is that this administration both in the House and the executive branch value nothing more than individual rights and individual responsibility and yet a department of the executive branch has been doing nothing but trampling on people's individual property rights and with a self righteous attitude that at all costs you must defend the citrus industry, but what you are doing is destroying the very industry because you have backed yourselves into a corner based on non credible data. I asked for a year for this study from Doctor Gottwald, I asked for it the other day from the Commissioner. I was assured not only that the study would be made available to me but the peer review which was supposedly published last winter would be made available to me. I am seeing the study for the first time today, and even as a non scientist it doesn't look like it's worth the paper it is printed on. There is no peer review provided, and if the Department feels it has a valid interest in eliminating a disease, then the Department had better go find better scientific data upon which to base its intrusion into private property interests than what its doing because you will continue to lose in court. You are losing in the court of public opinion and you are losing in the court of law. So I am once again asking for you to take a message back to the Commissioner that the data is no good, find someone else whose independent and unbiased –

MR. GASKALLA: I cannot take that message back because the data is fine.

MS. LERNER: You may feel so. I am giving a message on what my opinion is. If you are unwilling

to give the message back, I'll send a letter myself. That's fine.

MR. GASKALLA: I will communicate your message.

MS. LERNER: My message is that in my opinion the data is no good, and if it's going to take legislation this coming session to amend the statute to assure some mechanism that before the Department intrudes on one more piece of private property, it better have a more valid scientific basis upon which it will rely, then I will take it upon myself to do that. Thank you.

MR. GASKALLA: Representative Sobel.

MS. SOBEL: Thank you very much. It's rough following my colleague Cindy Lerner on this issue. Anyway, my name is Eleanor Sobel, I'm a state representative in Broward representing Hollywood and Hallandale Beach, and first of all, Mr. Gaskalla, and, Miss Riherd, I thank you for being here, although it was very hard to get here today. You know that there was a bombing at our Federal Courthouse and everybody here who was here today really went through –

UNIDENTIFIED SPEAKER: A threat.

MS. SOBEL: I'm sorry, a threat. Right. Thank you for correcting that. Went the extra mile to really attend this meeting, although we did not get official notice from our delegation executive directors. It came through constituents who E-mailed us to come to this meeting, so that needs to be corrected, that the delegation executive directors needs to be notified to notify elected officials and citizens as well as the media, so I found out from an E-mail that came from people who are involved in this hearing today, not from any -- And I did call Sandy Harris who is our executive director and she said she didn't know anything about this, because I thought it might have been cancelled. Oh, you sent it to her. There's somebody else who sent it to her in Broward. So I hope that at future meetings you will take care of getting the information out. Second, I know you don't want to compare today and this hearing to what has happened in the world, but there is a correlation, and I'll be very sensitive about it, and that is a year ago in Hollywood we had a hearing on this very same issue, and the sentiment that was expressed throughout the entire hearing was vulnerability, victims rights being violated, and the country today is in mourning because we feel our rights, what happened in New York and in Washington just brings back home that our rights that were vulnerable that were victims were violated, and we're angry, and that's the same sentiment, the same sentiment how people feel about their property rights and the trees that have been taken down. There's a definite clear analogy. What I would like to see is some sort of warrant to protect property rights. I know that one of my colleagues, Senator Geller, has some warrant that he has come up with, but I know that in light of what has happened in the world that the FBI has gone onto people's property looking for suspects in South Florida but they had to have local police warrants. They could not go, even those people who were possibly involved with this criminal heinous act, they could not go into the people's houses without having warrants. So why can't - why can't in promulgating this rule of nineteen hundred feet which I have a question about too, why can't we as a state and to respect the people have some sort of warrant that would allow you to go onto people's properties? And that should be addressed in this rule and it should have a time limit on it. It should not be a blanket warrant that they can go anytime, you know, for so many years, and I wish you would address that. The third thing about this report: I'm not a lawyer, I'm not a scientist,

I'm a former school teacher. I'm reading this report. It's very hard for the average layperson to understand this. I think it needs to be -- I think it needs to have like an executive summary on what it says. And I question why you're handing out a draft. Why are you handing out a draft? Is it that it's not really set in stone?

MR. GASKALLA: It has been submitted for publication, but that is the draft form, but it has not yet been published.

MS. SOBEL: Well, why -- Well, usually a draft means that it needs to go through some revisions, that it is not actually accurate at the present time.

MR. GASKALLA: It has gone through peer review, it just has not been published in final form.

MS. SOBEL: So is that a legal reason that it's not published yet?

MR. GASKALLA: Well, when you publish in a scientific journal you submit it, they send it out for peer review and then it comes back and then it is published. That is the version that has been peer reviewed but has not yet been published.

MS. SOBEL: Okay, where will this be published?

MR. GASKALLA: It's been approved for publication in *Phytopathology* which is the plant disease journal in America probably within the next three to four months.

MS. SOBEL: Okay, but we're promulgating a rule today based on this, and you say this is a matter of publication.

MR. GASKALLA: Not just on that.

MS. SOBEL: Not just on this? The nineteen hundred feet is not just based on this?

MR. GASKALLA: No. It's based on that, on the foundational research but a lot of discussion with other plant pathologists who have knowledge of the disease.

MS. SOBEL: And that information has been made available to the public here today?

MR. GASKALLA: We've published a lot of information on our website that is available to the public.

MS. SOBEL: I guess that's the question. Where is the peer review on this information and where can we get access to that?

MR. GASKALLA: I'm not sure I understand the question. The peer review is just a review of the manuscript.

MS. SOBEL: Is that public record?

MR. GASKALLA: Well, it would be an anonymous - it's an anonymous peer review. It's done by Phytopathology Magazine, so I suspect it will be available through that magazine.

MS. SOBEL: And would this be available on the Internet or available in hard copy?

MR. GASKALLA: I'll check and see.

MS. SOBEL: Okay. Well, that's it. Thank you very much.

MR. GASKALLA: We'll take a ten minute break to show mercy on our court reporter.

MS. RIHERD: And following the break, Brendon O'Brien will be our next speaker.

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

MR. GASKALLA: Brendon O'Brien.

MR. O'BRIEN: Hello. My name is Brendon O'Brien. I live in Fort Lauderdale. I just have a few questions I would like to have addressed. I'm sure you're aware of the Administrative Procedures Act in Florida defines and limits the power of administrative agencies to act, makes them go through a certain rule making process before these rules can be created. One of the new revisions that was passed in 1996 by the Legislature calls for negotiated rule making in situations where there's a large amount of public opposition to a proposed rule. What negotiated rule making is basically a mediated rule making procedure. It allows for a panel of concerned citizens and industry representatives to get together and come to a consensus about what a fair rule would be. My question to you is has this rule been considered, negotiated rule making? And if it has not, don't you think that represents a fair and more democratic approach to rule making than simply having the Department of Agriculture issue their own rule?

MR. GASKALLA: I wasn't aware of that, but it's certainly an interesting concept and we'll take it back and see if that would be an appropriate thing to do.

MR. O'BRIEN: Also why hasn't a statement of regulatory costs been issued? Florida Statutes call for administrative agencies to issue a statement of regulatory costs whenever the costs imposed on the citizens are going to be high. Certainly that's the case here. We're talking about removing people's citrus trees. Why hasn't a statement of regulatory costs been prepared to allow people to know just how much this program is going to cost?

MR. GASKALLA: Well, I think we have prepared a cost analysis. Whether or not it was thorough enough to incorporate all those factors in, I'll have to go back and look.

MR. O'BRIEN: Well, it's not necessarily a cost analysis. It's specifically a statutorily defined statement of regulatory costs pursuant to this rule that we would like to see prepared for this that

lays out the costs of this program, and we'd like to see that prepared. My other question is seeing as how the Department's policy has been to enact rules first and then carry them out and then go and litigate, wouldn't it be cheaper to allow more public input on the rules to take more time to create a rule and then wait to enact a rule that people are able to agree upon and come to a consensus than to create a rule and then go and litigate it, because what you have is the state litigating against itself. Your lawyers are paid for by the citizens of Florida, the lawyers and all the municipalities and counties that are challenging this are paid for by the citizens of those cities and counties. Wouldn't it be a lot cheaper to sit down beforehand and come to a rule that everyone can agree upon than to fight the matter in the courts?

MR. GASKALLA: Good point. That's one of the reasons we're here today.

MR. O'BRIEN: My other question is the nineteen hundred foot rule is based on the science of Doctor Gottwald and his colleagues. Is that not correct?

MR. GASKALLA: Basically.

MR. O'BRIEN: Basically? And others. And it seems to me that that rule and others here hasn't adequately been explained to people here. They feel that that rule is arbitrary, the report hasn't been explained to them. All they know is someone is coming to cut down their citrus tree. Why aren't the scientists who developed this study which the nineteen hundred foot rule is based upon here today, and although they're not here today, could they be made available at the other workshops to explain the science behind this rule to concerned citizens?

MR. GASKALLA: We'll certainly take that into consideration, and it might be time to have another public forum to bring the key scientists in and let them explain the science and ask and answer some questions.

MR. O'BRIEN: You think that would be a good idea though to have a scientist present at the public hearing to explain the rule to everyone?

MR. GASKALLA: At a workshop of this nature we considered that as a possibility here today and decided not to do that, but that doesn't mean that we can't at future workshops.

MR. O'BRIEN: What were the considerations in deciding not to do that? Why was it decided not to be a good idea?

MR. GASKALLA: Well, really this workshop was to look at the rule amendments, and we felt like we had enough expertise to at least explain the basics as to what we're doing and why we were doing it, but if there's interests to look at a more in depth view of the science, we'll certainly take that into consideration at future workshops.

MR. O'BRIEN: I think that interest is evident by all the people here today and I think that that interest has been made abundantly clear because everyone is extremely concerned about the cutting of their citrus trees, so if you can make those scientists available at the next public workshop that's held, that would be greatly appreciated.

MR. GASKALLA: Sure.

MR. O'BRIEN: My final question really concerns the relationship that I think everyone in this room is very concerned about between the citrus industry itself and the Department of Agriculture. I think a lot of the citizens here, somewhat rightfully, view the Department of Agriculture as being under the control of the citrus industry, and even earlier today when you were talking about the citrus industry you said we ship this much fruit to Europe every year, we ship this much fruit over here. What exactly is the relationship between the citrus industry and the Department of Agriculture?

MR. GASKALLA: We basically regulate the Florida citrus industry. We're certainly not part of the Florida citrus industry, and I use the term we rather loosely. When I mean we, I mean the State of Florida.

MR. O'BRIEN: Okay, thank you very much.

MS. RIHERD: Arlene Meyer, and after Arlene Meyer Ginger Metraux.

MS. MEYER: My name is Arlene Meyer and I've lived at the same place, same location for forty-one years and I certainly resented that they think they can cut my healthy trees down. I have seven of them, and I also even enjoy Key limes and then I have a honeybell which I like and I have another little one that just shot up from there which I was not aware of, but they found it, and I certainly wish that they could stop all this nonsense cutting down our trees and trampling on our rights and snooping around in the backyards, and I think too they should have been finger printed. I am also a retired teacher, but then just to do something on the side I worked for the Polk City Directory and I had to be fingerprinted. So why weren't these people fingerprinted? Maybe they molested a child or something. The same thing with these other people that come around and they couldn't hardly speak English and then we're forced to trust them. So I wish you'd stop all this and save our healthy trees because you went way out of bounds to take the authority, and say we will stop this. You should have checked the law first. Thank you.

MS. RIHERD: Next will be Ronald Payne after Miss Metraux. I apologize for the mispronunciation of your name.

MS. METRAUX: It's pretty close. Thank you. This really is not a very good microphone setup. Everybody has been struggling with it. Maybe we'll just have to hold it. It keeps falling over. Well, look at that. There's an indication of your new job. Sorry about that. Sorry about that. My name is Ginger Metraux and I live in Plantation, Florida. A lot of what I wanted to ask today from you and I want to talk to you today about has been covered, so I want to talk about a couple of other things. First of all, Jack Haire appeared earlier and brought up some very interesting figures about the actual amount of fruit profit or the percentage of the industry that would be really most highly impacted because of citrus canker. The result of that is that it looks like that there's just a few million dollars, and I don't really know what exactly that figure is, but compared to the three hundred plus million dollars that's already been spent on eradication, it almost sounds like it would be cheaper to risk the canker and let the government do another one of their support and the poor beleaguered grower if they should happen to have canker and give them some kind of

remuneration for their losses, and it would be a far cheaper cheaper cheaper thing to do than what is being done so far, and there are many government programs that are just throwing many away uselessly. This would save our backyard trees and it would enable everybody to have some time to where you could actually look at the treatment protocol, because there's so much controversy about the nineteen hundred foot rule, there's so much controversy about the scientific data and the scientific facts and so forth that I want to bring up a point that has not been addressed here, and that is there are a lot of amateur gardeners and growers and also some that are actually doing growing for agriculture purposes who have been doing it for many many years and they know a lot about plants, and not just what they learned in the agriculture schools, and what they have picked up is the kind of what you might say intuitive capacity to work with plants and to work with - to know the timings to work with things, that they don't do it all just kind of by some figures in a book, and it's like when you want to go to a really good doctor, you may not want to go to the doctor whose just out of med school, you want to go to one who has lots and lots of experience. Now, this experience really comes from observation over many years, and a lot of times this is referred to in scientific circles with a certain amount of a sneer of the lip and a little sarcasm as being called anecdotal evidence. Anecdotal evidence is generally not accepted as scientific proof but anecdotal evidence is generally where the tire hits the road, this is where the people who know what they're doing have made their own discoveries and so forth. Prior to last year's injunction there was a lot of information that was coming out of people sharing information with others about the treatment of canker. There have been people who said, oh, I have found canker. Years ago I found canker and I just sprayed a diluted hydrogen peroxide spray on it. It went away. The trees are just as pretty as they ever were. Why hasn't someone ever from the Department investigated these like backyard solutions that people who have a knowledge of the tree who have been studying it, and this is just backyard growers. It could possibly be even happening in professional groves that people have found ways of treating a tree preventing canker or else really treating it effectively to where the tree doesn't go under any kind of loss of -major loss of leaves, branches, fruits, etcetera, et cetera. We want to find what the anecdotal evidence is around the world. Canker has been around the world for like decades. We ought to know what people are doing, what people are thinking outside of an isolated kind of scientific laboratory type of environment and outside of a limited repertory of procedures and processes that are taught at agriculture schools. So my question to you is, aren't you the one, aren't you the Department that's supposed to look into all the products for treatment, all the possibilities and all the alternatives for canker treatment?

MR. GASKALLA: We do look at some of them, and the ones that appear to have some merit we forward to the University of Florida which is actually the research agency within the State of Florida to do agriculture research, and they are actually looking at a variety of products doing the research down in South America where canker is endemic to see if these products are effective.

MS. METRAUX: All right, and how long have they been doing this research?

MR. GASKALLA: This particular research has been underway at an accelerated rate for the past year and a half.

MS. METRAUX: Okay, and about the new products that are coming onto the market, will they be thoroughly tested and analyzed in trial settings and so forth? Can it be done in the State of Florida? Can we not use it in Palm Beach and Broward while we have this wonderful opportunity right here

in our backyard to find out what works?

MR. GASKALLA: Well, it's much easier to do the controlled research in South America where the disease can be worked with more freely without the intense quarantine measures, and we're attempting to eradicate the disease here so we don't want to leave it in place for long periods of time.

MS. METRAUX: Oh, okay, so you'd rather take all the trees out up here and they get to keep their trees and when you find the solutions down there then maybe a few years later we could start replanting. You know, I think it would be a little fairer to work with us here and now in the situation that we've got. It seems to me that canker does not kill trees but it does seem the Department of Agriculture has been doing a good job of it so far. So in the meantime, I want to just express since I feel that since you're not regulated, you don't have a regulatory board that watches over you and makes sure that you're accountable and there's not like a public review board to my knowledge -- Do you have a public review board that's made of lay people, citizenry as well as agriculture people that review the actions and the opinions and look at that? Do you have any kind of board like that?

MR. GASKALLA: Not specifically, no.

MS. METRAUX: Oh, okay. Well, I didn't think so, because it seems like -- I don't know what we need to do to make you accountable to the wishes of the people and to work with us in a mediation type of format like what was mentioned before. How do we get impact with you? We can come and talk to you, but this doesn't mean that you're going to take us that seriously. You're here to listen to us because it's a formality. Is any of this going to be taken seriously? Is there going to be any adjustments made? Is there going to be any kind of panel of citizens that are going to actually - that you're going to work with, or are you going to go into some private board room, shut the door and make all the decisions and we have no more participation?

MR. GASKALLA: No, we'll follow the rule making process which as a result of these workshops, you know, we may or may not make adjustments to the rule that will be published in the Florida Administrative Weekly, and we'll --

MS. METRAUX: Does the rule making process include any kind of participation by lay people?

MR. GASKALLA: At each step of the way it does. I mean, workshops --

MS. METRAUX: In the final decision making part?

MR. GASKALLA: Well, in the final decision making part it is up to the agency to promulgate a rule that is effective. The Legislature has a joint administrative procedures committee that looks at the rules to make sure that they are fair and equitable, so there's a couple of different checks and balances that it goes through.

MS. METRAUX: I see. All right. Okay, now another thing -- I want to bring up another topic, and

that came after Anna Johnston talked about the giant swallow-tailed butterfly, and that is that in last October in my neighborhood most of the citrus trees were removed up within that kill circle, and it's been rather devastating, I think, to the neighborhood, because I walk through my beautiful neighborhood, it's an older neighborhood, older trees. We must have lost five, six, seven hundred trees to one diseased tree that was about - a spindly tree about eight or nine feet tall and I have noticed ever since then a significant decrease in the amount of nature, of presence of nature. The migrations last fall and this past spring of birds has been significantly reduced in my neighborhood. I feel that also the lack of fruit drop which was contributing to food of the little local wild animals whose habitat that development has generally taken away that these - that nature needs to be also considered, too. I also want to reemphasize the loss of tree canopy, particularly in the older neighborhoods. I know that citrus trees often are very small. When you look at a professional growth they're very small, but I do notice that, you know, in an older neighborhood we had a grapefruit tree that must have been about fifty, sixty feet tall, it was like a pivotal gorgeous tree in the neighborhood, there was a swing on it and children came and played on it and we had more than one person volunteer to chain themselves to that tree, and people cried throughout the neighborhood and mourned that tree. That was the most beautiful champion gorgeous tree of our neighborhood, and the nature that goes with that and the canopy that goes with that, the shade that cools us. I mean, the heat that has been effectively given a more ascendancy because of the lack of shade and the lack of cooling may also have contributed somewhat to some of the drought that happened over the last fall and into the spring. I'm not sure. I have no idea about that, but nevertheless, I know that temperatures do have a very strong impact on weather and, of course, the birds and the animals need help, too. So consider them as well when you make your decision. So I wish to thank you for coming here, and I hope that this has not all been for not. Thank you

MR. GASKALLA: Thank you.

MS. RIHERD: Ronald Payne and then Natalie Moore. Ronald Payne. Natalie Moore. Lori Gold.

MS. MOORE: Hi. My name is Natalie Moore and I'm a resident of Fort Lauderdale. I received my first IFO back on July 26th and it stated that the infected tree was fifteen hundred and seventy-one feet away from my property and it verified, stated that the tree was verified as infected on July 6th. Well, then on Friday, August 10th I received my second IFO. Well, I went to look at the infected tree and low and behold it's not there. So on Monday morning I called your citrus canker hotline and I said, hey, the tree's gone, why should my tree still be subject to removal because this infected tree is gone? And I'm told that now there's another tree eight hundred and ninety-two feet away from your property that's infected and I said when was that verified as infected? And I was told October 27th of 2000. I received no paperwork in reference to that tree, and I'm just -- I don't have much faith in the accuracy of the Department of Agriculture when they make mistakes like this, and that tree is still standing that's eight hundred and ninety-two feet from my property. That's all I have to say. Thank you.

MS. RIHERD: After Lori Gold is Anne Ahrens.

MS. GOLD: Good afternoon, Richard Gaskalla, Connie Riherd. Thank you for coming. We thank you, I thank you for having the meeting. I thank you for having listened, to leave yourself open to have scheduled meetings for Miami-Dade and Palm Beach Counties that's appropriate. I hope we

can keep chiseling away at you and eventually you'll have a meeting when working people can come without any undo hardship. That will be the next step, I hope, evening meetings. In fact, the last evening meeting in Pompano had over two hundred people, so that you had seventy-two people, I believe, was our count today at a 1:00 meeting. Just think of all of the support you'll have behind you of the population here in Broward County. The first issue that I want to bring up with respect to the rules -- I thank you for finally having given out copies of the Gottwald report, that report on which you have based for the last three years the policies that you've implemented prior to undertaking the rule making procedure. I understand that it's stamped with draft. I haven't read it. I will read it. I have heard that it is riddled with issues and problems and things of that nature. That might be true, it might not be true, but what my observation is that is frankly rather than putting it in at this stage of the game prior to having it reviewed by the population that you're serving, prior to having it peer reviewed, prior to having it published, prior to having it subject to commentary of elected officials, the public, et cetera, it seems that to print it as a rule prior to all of this is almost as though you're printing your desired outcome and then you're creating rules to back into that which you would like to have result. I don't understand that. That would be the way it would appear to me, and I'm sure I'm not alone. It's almost as though you're building a house or you've built the house and then you'll go back and do the foundation. My suggestion is the study -- The second rule that I guess is open for commentary -- Let's see. The way you have immediate final order, which I believe is five, you've changed controlled procedures to removal procedures. That's rule 5B, immediate final order. Just to kind of run through it quickly so that for those who haven't had the opportunity to peruse it, we'll see where my comments are coming from."The Department shall issue an immediate final order stating the removal methods to be implemented on the property. It may be delivered in person, by certified mail or attached to a conspicuous place on that property. Immediate final orders are not required for removal action in commercial citrus groves provided the owner agrees voluntarily to the removal action and enters into an agreement not to sue the Department. The immediate final orders to be used by the Department in furtherance of the destruction of citrus trees under this rule form numbers," and it sites which forms, "Are hereby incorporated by reference. Simultaneously with the delivery of an immediate final order pursuant to the section, the Department shall also provide the following information to the property owner."So first, let's see, you're providing the IFO, you're making it conspicuous and then you're going on to say what type of information, physical location of the infected tree which has necessitated destruction of the property owner's tree, the diagnostic report which resulted in the determination that the infected trees infected with the citrus canker, and the distance between the infected citrus tree and the property owner's citrus tree, that's what you are proposing now follow my comments. First of all, again, you're basing this on the prior item which is the science which has just been put into our hands in draft form. It hasn't been corroborated, it hasn't been printed, it hasn't been peer reviewed, it hasn't been reviewed, it hasn't been commented on. So you've predicated all future rules on a rule that, again, backs into the outcome and establishes future rules from that which hasn't yet been substantiated. I'd like to ask that you insert in addition to these things and in addition to proving the risk on a property basis, because I think that should be itemized so that people do understand where it is you're coming from with respect to their individual property. I don't see anything in here that deals with reasonable notice that gives ample opportunity for the individual to respond. For example, in Dade County, specifically South Miami, Pine Crest, etcetera they now have a ten day response period, and that response would include their veto. That means no as the individual property owner it is my decision to not allow you onto my property. Therefore, and also should be written into the rule the fact that it would then be

incumbent upon the Department of Agriculture to go to the court, to get a warrant to go upon the individual property based upon the science, which is that initial foundation which you must prove, and then those individual pieces of information and risk factors including but not limited to the ones that you've already stated. I think you've started the list. I think you have a ways to go. And based upon that, individually you might be entitled to that warrant to go on the property if, in fact, a risk on a case by case basis was, in fact, proven. Something else that I don't see here, continuing on. Especially given the recent tumult over the past few months in the courts as people, individuals have been appealing your unilateral decisions and have been doing so in various circuit courts, appellate courts, we now find ourselves up in the Department of Administrative Hearings in Tallahassee. I think it's a little bit confusing and should be spelled out now what that appeals process is, and given that in the past it has been made part and parcel of the IFO which you have quoted by number and written into this rule, I think it is highly appropriate that you now spell out that appeal process. Now is the time. Finally on a very very personal note, and I'll be speaking for myself, unless there are other people who believe that my sentiments echo theirs, I do not think that the Department would have been judged any less harshly had you exercised what I personally would have considered to be appropriate judgment by having postponed this meeting for a week or at least a few days after the fact given that so many of us in South Florida and in Broward County have had a piece of us removed by the tumultuous experience that we've all faced, and I think that that would have shown good judgment. I don't think it's a surprise that the same judgment exercised by having the meeting held today that it is a surprise, but I think that it would have shown a little bit more humanity and sensitivity had you postponed today's meeting for a future date. Thank you.

MS. RIHERD: Anne Ahrens was the next speaker, and after that Ann Scully.

MS. SCULLY: Hi. My name is Ann Scully. I reside in Coral Gables, Florida. I appreciate the opportunity to speak today. I have spoken already at the Coral Gables Commission meeting on a number of occasions. I'm probably one of the few individuals that actually filed my own appeal almost a year ago, and I currently have a stay on my property with the Third District Court of Appeals. Basically the basis of my appeal was I too got the immediate final order and I immediately contacted the state. I was faxed the information on where the single and one only host tree was in the neighborhood, and it's just one property in many in this whole circle. I've spoken to several pathologists, I've done a lot of research. I know more than I care to even admit about knowing about citrus canker. The frustrating thing is the one tree with canker was removed from this one host property in May of 1999 but yet it took the state a year and a half to even give me an immediate final order even though at that point, you know, everything supposedly had been promulgated and done, you know, with the nineteen hundred foot rule, et cetera, et cetera. At this point the nineteen hundred foot rule hadn't even been made public yet, and I think that's the reason why I initially got the stay from the court. I was also contacted by Wes Parsons who is an attorney for the state, and he actually called me up one day and he said, you know, Ann, we've made a mistake. We're going to remove your immediate final order. We made a mistake about your property in your neighborhood. And I thought, yay, I've won. I paid my two hundred and fifty dollars, I won my appeal, I was astatic, but I also said, you know, Mr. Parsons, can I get that in writing and can you also give me notification that there are no other host trees within nineteen hundred feet of my property. He told me he would have to get back with me. I got a call a few days later and he said, well, we do have a new host property. It was the same property. They missed a tree that was within a hundred and twenty-five feet of the original tree that was removed in

'99. That tree still stands and it's still the only host tree in my entire neighborhood, but because of the untrained professional -- not even professional -- untrained personnel hired, they missed a tree and now it's still reaping havoc on my whole neighborhood, and that just infuriates me. I just want to read something. I just got this draft today. You know, it says that this nineteen hundred foot rule was discussed back in December of 1998, and it almost seems that this nineteen hundred foot rule isn't even Mr. Gottwald's rule. Based on that data plus prior experience with the disease, the panel, not Doctor Gottwald, the panel has represented neither the shortest or the longest minimum distance for the spread during the target of the thirty day survey cycle, and the panel supposedly was made up of state, federal and commercial growers. And then I kept on reading, and then it just appears that, you know, thus the new rule will still appear to be a reasonable representation of the intent of the panel establishing a distance that is neither the longest nor the shortest calculated. So this nineteen hundred foot rule almost seems like a number out of the sky. Yes, that number sounds good. There's no true scientific data that says it's nineteen hundred feet. It's a guesstimate. So then I'm reading more, because I don't subscribe to the Florida Administrative Weekly, but basically the draft of this rule has a lot of things taken out that I really don't understand why, because the whole paragraph about the risk canker or the canker risk assessment group, you took out all of the scientific data or the scientific or who recommended it out of the rule, and it's pretty definitive. You took out a lot here. Now it's changed to removal procedures, removal of the citrus for the purpose of eradicating, controlling, preventing. Basically it just says anything within nineteen hundred feet, period. Now, I don't know if you guys have ever been to Coral Gables. Coral Gables is a beautiful community, I love it. We also are very fortunate to have a lot of tree cover, and that might be why we only have one host tree in this vast nineteen hundred foot circle that has canker. Because of the tree cover maybe it can't spread the way that it might if you have a neighborhood that has no tree cover. And but basically if you go to my house I have thirty feet chefalero trees that surround my property and I have a little Key lime tree in the back. It could be protected by the chefalero hedge, and even in some information that I have from your website -- As a matter of fact, I think it has your signature on it somewhere, or not signature but your name on it, but it was talking about the disease management. Reduction of wind is one approach. Wind breaks are planted to reduce wind speeds. I'm a nosey little person and I started calling citrus growers in central Florida and I said do you guys have like wind breaks around your property? Do you, you know? And unless they were already there, typically no. I truly feel that these -- And please understand where I come from. I'm originally from Alabama and my family's huge in agriculture, peanuts, soybean, corn, you name it, and I know my dad moves heaven and earth to protect his crops, whether it's buying an irrigation system, and in that case it required him to literally build a pond to back up the water to irrigate, but I keep thinking what are these citrus growers doing? Why aren't they putting up wind breaks? Why aren't they doing some necessary steps instead of coming all the way down here to us? The last time I checked, it takes me about three hours to drive to Orlando from my house, why they're not taking the steps to even protect their own crops? And that's all I keep hearing. We're here to protect mostly the central Florida citrus industry. We're in South Florida. I've got one host tree in my neighborhood, one. Not a lot. One. I'm protected by chefaleros. This rule gives that tree no protection even though in your own report you have windbreaks could be effective. I mean, has any of that even been considered, or it's nineteen hundred feet or nothing?

MR. GASKALLA: The reason the risk assessment language was removed from the rule was the administrative rule or hearing officer in Tallahassee said that it was not definitive enough and we needed to be more definitive in the rule, thus that's why we're replacing that with nineteen hundred

feet.

MS. SCULLY: But there's no basis, there's no true scientific data in the rule to support. The nineteen hundred feet literally appears to be a guesstimate.

MR. GASKALLA: It's an average taking all the data into consideration.

MS. SCULLY: And, you know, and even it said right after it, you know, it even says a lot of this could have even been spread by human or some other mechanical means. So, again, I see flaw here. I mean, if you came to me and you said --

MR. GASKALLA: All that was factored in in the decision making process, all methods of movement of the disease.

MS. SCULLY: But the nineteen hundred foot rule, it's really just your best estimate.

MR. GASKALLA: Not mine. It's the scientific community.

MS. SCULLY: Your meaning the -- Okay, where --

MR. GASKALLA: About four hundred years of expertise if you add it all up.

MS. SCULLY: Where is the -- Who were the particular research scientists in that December, '98 meeting?

MR. GASKALLA: Doctor Gottwald, Doctor Graham, Doctor Schubert, Doctor Sun, I believe Doctor Timmer.

MS. SCULLY: At the next hearing on October 10th, is there a way to -- or not even a hearing, it's supposed to be a workshop.

MR. GASKALLA: Yes.

MS. SCULLY: At the next workshop, can we -- Somebody else suggested it, can we have some of these scientists here?

MR. GASKALLA: Yes, we will take a hard look at that.

MS. SCULLY: Okay. Just please think long and hard because, I mean, it's very frustrating.

MR. GASKALLA: I understand.

MS. SCULLY: Very very frustrating, and I just hope that through the court system that we can stop this.

MS. RIHERD: The next speaker is Kerry Cochell or Cochell.

MR. COCHELL: Cochell.

MS. RIHERD: Cochell. I'm sorry.

MS. PAPNIKOLAOU: Excuse me. How many are there?

MS. RIHERD: How many more speakers? There are four more speakers. There are three -- I mean four counting Mr. Cochell.

MR. COCHELL: Hi, I'm Kerry Cochell from Dania Beach. I moved here five years ago from Michigan. I take care of my senior neighbor's trees. They don't eat that much and they don't have to pick up the ones that fall on the ground because I harvest, squeeze and freeze, and I love my citrus trees just like everyone else here does. I was in the Hollywood get together last year, and it dragged on so long that I didn't want to get up and continue the process till midnight, so I have been reading everything in the paper, anything that's printed, anything I hear, and I have yet to hear my main fundamental question answered. Everyone's picking apart every little thing in there, and that's a good thing, but what does my tree have to do with anything? I understand what you're trying to do, but what does cutting down my tree down on Griffin Road have to do with anything in this whole process? What is it going to accomplish? It's not going to protect anything, is it? That's the question I have. That's the only question I have not heard answered yet. What does cutting my tree down have to do with anything? What's it going to accomplish?

MR. GASKALLA: I assume that you have an exposed tree that is not showing visual --

MR. COCHELL: From what I can tell everything in South Florida is exposed.

MR. GASKALLA: Well, within nineteen hundred feet of an infected tree.

MR. COCHELL: Okay.

MR. GASKALLA: The science that we have been provided indicates that if those trees are not removed that the disease will continue to spread and up through the Broward and Palm Beach County corridor up into the central part of the state, and that's what we're trying to stop, because this is a disease of serious consequences to citrus both commercial and non commercial, some varieties more than others.

MR. COCHELL: Okay, I understand that. Then that goes on to the next question that I have heard other people talk about is the fact that if that's the case, and I said this last year about the wind break, why are you chasing after -- Why is this hind sight stuff going on? Why don't you start where you need to be and work your way this way and plant your wind breaks and your mottes and guarded towers and do whatever else you think is going to work, because everything here that I have seen is pure guess work on your part. You don't know what causes it, how to kill it, you know, all this other thing. Maybe other information has come to light since then, I don't know about it, but it seems to me that you need to protect -- If that's what you're protecting, because you're not protecting my tree by killing it or anyone else's trees. It makes no sense.

MR. GASKALLA: That was our strategy when we were cutting at nineteen hundred feet. We started at the northern most find and worked our way south, and that created a buffer of sorts, but just to go and cut even a mile wide buffer is not going to be ultimately effective, because if you have disease on the diseased side of that buffer and it continues to build up, it will eventually jump that fire break. It's just when you have a tremendous amount of disease a tropical weather event is going to move that disease across that barrier.

MR. COCHELL: Okay, so if that's the case it only takes one infected tree then.

MR. GASKALLA: That's true, but the more disease you have the more spread you're going to have. It's just a principle of plant pathology. The amount of spread is directly proportional to the amount of inoculum present.

MR. COCHELL: Okay. Well, again, everything appears to be faulty to me just like everyone else has said. One other thing. The last time the boys came around and knocked on my door I did my duty. I said no, and they were very polite. I've done all right with those guys. And then the next day another group came by and knocked on the door. You guys have a lot of those white vans, I'm telling you, and I said no, and they were very polite. And then the third day the guys that finally spoke English showed up, and darned if Broward County's finest didn't show up. So we smoked and joked and had a good time, but like I told the officer, if they ever show up with chainsaws, it's going to be a different outcome.

MS. RIHERD: I'm struggling with this name. Pole Papnikolaou, Papnikolaou, P-o-l-e --

MS. PAPNIKAOLAOU: P-a-p-n-i-k-a-o-l-a-o-u. P-a-p-n-i-k-a-o-l-a-o-u.

MR. GASKALLA: Would that be you?

MS. PAPNIKAOLAOU: Papnikaolaou. You can see when you come from Miami Jackson Memorial Hospital Papnikaolaou. Did you ever see it from I-95?

MS. RIHERD: I'm sorry, I don't hear you.

MR. GASKALLA: I don't think so, but you're up.

MS. PAPNIKAOLAOU: Thank you. Hi. Can you please introduce yourself. I don't know exactly because I missed the beginning of the session.

MR. GASKALLA: My name is Richard Gaskalla, I'm Director of the Division of Plant Industry within the Florida Department of Agriculture and this is Connie Riherd, the Assistant Director.

MS. PAPNIKOLAOU: Are you a member or are you executed to represent the Agriculture Department?

MR. GASKALLA: I am a staff member within the Department.

MS. PAPNIKOLAOU: You're a staff member. Okay, I don't have a tree. I did have in the past. It's a good thing it didn't happen when I was having the house. I live in a condo, but that does not matter. I'm here because I see -- I go around in the neighborhoods and I see the people crying about their trees. I'm surprised that the Agriculture Department, it took the measurements for the industry in forces into the residential areas. The nineteen hundred feet it should be on a citrus area, not on a residential area, because two things is very definite, is the Pontos (sic) trees and the Filicksaro (sic). Now, if it is a Filicksaro in the residential area it is bad, but if it is Pontos you can treat it. If it is one house he has a tree and he has a canker, you cut it, you burn it, it will not go to the next house. So I don't know from where all those doctors and professors that came with that idea to force in a residential area the nineteen hundred foot distance to eliminate the canker. Can you please tell me.

MR. GASKALLA: I had a little bit of trouble following you, and let me just restate it and see if I got the question, and that is that you don't feel it's necessary to cut trees out to a distance of nineteen hundred feet in residential areas?

MS. PAPNIKOLAOU: No. If it is a Filicksara -- You know what Filicksaro is? When the tree dies then the wind will blow to the next tree, but if it is canker, you know the canker, the fungus? It will not go to the next tree. It will eliminate the tree, you treat it, the area, you burn what you can from that tree and then a couple of feet away you can plant another tree, but you're not supposed to go to the next house and start cutting them. Where they came with that idea? I've been well to visit the Commissioner and I will most represent all the distance to really eliminate this misleading.

MR. GASKALLA: Thank you.

MS. PAPNIKOLAOU: Any suggestions from the floor? Ladies, I'm talking about you, all the residents.

UNIDENTIFIED SPEAKER: Well, I think that's a smart idea, because if you burn the tree then they don't schlep in.

MS. PAPNIKOLAOU: Exactly.

UNIDENTIFIED SPEAKER: You know, they come in and contaminate everything and then they bring all the trees out. I've seen them floating by my neighborhood and the branches are flying all over the place and they come in. I've never seen them decontaminate at all.

MS. PAPNIKOLAOU: No, they don't

MR. GASKALLA: Well, burning a tree in a residential area is not an option.

MS. PAPNIKOLAOU: Sir, this is the only way you eliminate it, believe me. That's why I like to -- I'm going to get involved in this and I'm going to straighten up that matter, and I'll point, please, tell the Commissioner to stop cutting trees anymore so by the time I find out what's going on. The people deserve this. Thank you very much.

MR. GASKALLA: Thank you.

MS. RIHERD: The next speaker is David Cuthbertson and then after him is Jack Seller.

MR. CUTHBERTSON: Hi, Richard.

MR. GASKALLA: You can adjust that mic if you'd like there.

MR. CUTHBERTSON: I'll talk like this. I'm not going to be here too long. I'm not a scientist or a lawyer or anything, but I live in Wilton Manors. My name is David Cuthbertson. I've been there for thirty years, almost thirty years. I've planted -- I've got two grapefruit -- I have twelve citrus trees and I have a lot of other rare fruit trees. I've been a member of the rare fruit council for a number of years, but I'm a real estate appraiser, I've been in condemnation for forty years, and I understand you all are paying a hundred dollars a tree, or are you all paying a hundred dollars for the whole deal?

MR. GASKALLA: A hundred dollars per tree, and that was appropriated via the Legislature.

MR. CUTHBERTSON: And how is that arrived at, that value? We're law abiding citizens here, I'm pretty sure. Under the Fourth and Fifth Amendment you have a right to prove if the nineteen hundred foot rule is right that you all have a legal right to condemn the property, what was established as private property. So you're coming in, you should pay first before you cut my trees down and you should give me just compensation. Market value, I think, is called for in the Fourteenth Amendment. Isn't that correct?

MR. GASKALLA: Well, it depends if you consider those trees to be healthy or not, and I know that's a controversial issue.

MR. CUTHBERTSON: Yes. Well, I mean, I've been -- My wife and my grandfather, we eat three grapefruits a day and we calculate that up. That's a thousand fruit a year, so it costs me probably a thousand dollars a year to buy that fruit from up North and then for ten years on capitalization that's worth ten thousand. Are you all willing to pay me ten thousand for my grapefruit tree? I'll give you my orange trees. Are you all willing to do that?

MR. GASKALLA: That wouldn't be my decision to make.

MR. CUTHBERTSON: Well, I don't think your budget allows for it, and I don't want you all on my property.

MS. RIHERD: Jack Seller.

MR. SEILER: First let me correct you. That's Jack Seiler, S-e-i-l-e-r.

MS. RIHERD: Oh, I'm sorry.

MR. SEILER: I'm a State Representative for this area. I'm not sure what he did to the microphone

here, but --

MR. GASKALLA: You can clip it there.

MR. SEILER: I'll do the exact opposite. Let me just -- I represent District 92 which is Fort Lauderdale, Davie, Oakland Park, Wilton Manors and parts of unincorporated Broward, and I think you've heard today the level of frustration that this area down here has with this program and that we've had for some time with this program. Now, I wasn't serving in the State House of Representatives when this was passed. I just became a State House Representative member last November, but I can tell you I'm extremely frustrated with the program, I'm extremely frustrated with the Department and have been having communications in Tallahassee with the Department to express my displeasure with the way this has been handled. I mean, first and foremost I think you'd agree with me this has been a complete public relations disaster. The way it's been handled by the Department, the way the public has not been communicated with, has not been kept informed I've got problems with. The second thing, from our standpoint trying to get straight answers to straight questions. Jack here, I know he's up here, I don't know if Jack spoke earlier, I suspect he did, Jack has been sending E-mails out just asking very simple questions and for some reason we don't ever get simple answers. You may have the right answers. I'm not saying I have the answers. I just think that as representatives of the State of Florida and as representatives of all of us that the public ought to get straight answers to straight questions. I mean, this nineteen hundred feet thing you're talking about, I came in late, I apologize, I had other meetings, but you're talking about you might bring back some scientists and some experts at the next meeting. I don't think might is a good answer. I think --

MR. GASKALLA: That will be my recommendation. That won't be my decision to make.

MR. SEILER: Whose decision will that be so I can talk to that person?

MR. GASKALLA: Well, Representative, I would suggest that you communicate that directly to Commissioner Bronson, but it makes good sense to me. I assume it will happen but I just can't today say, yes, that it will. I mean, that will be my recommendation.

MR. SEILER: How about the timing of these meetings? Who sets the time of these meetings? Because that's another thing my office got a number of phone calls, a number of E-mails about. Setting this at 1:00 today obviously prohibits a lot of people from being here. I had other commitments earlier, but who chose 1:00 in the afternoon when a lot of homeowners that have citrus trees are not available? Obviously they're working and they will be working until 5:00, 6:00tonight. Can you tell me who set that?

MR. GASKALLA: That was the Department's decision to set it during daylight hours, but we're having one in Dade County in the evening and we're having one up in West Palm Beach in the morning. We're trying to cover a variety of different time frames.

MR. SEILER: Okay, you're coming back in October. Is that workshop going to be in the evening? I have a lot of constituents, I know Representative Ryan has a lot of constituents, I know earlier

Representative Rich was here. We have a lot of constituents that want to be heard on this and they're telling me, look, we can't be here at 1:00. We just got done doing redistricting meetings down here, we have more coming up in October, we're doing one at 5:00 at night. I chaired annexation in Broward County this past summer. Every meeting was held in the evening so that people could get there. I think it's the obligation of the Department to set the meetings at a convenient date, time and place to promote attendance and to promote the input. We're all public servants. We're here to serve the public, so we ought to be here to listen to them and give them a date and time. So, again, let me just emphasize, please, your future hearings ought to be set at such a time that the public can be fully heard and be available. The last thing, I'm going to send an E-mail, I'll talk to Mr. Bronson myself, but I'll send an E-mail with the questions I received from Jack Haire and some other people here in this room just to get some straight simple answers to this. I, again, don't have the answers, I'll state that on the record. I know Judge Fleet, I'm an attorney here in Broward County and I have a tremendous amount of respect for Judge Fleet, so when he issued the order that he issued last year, it sent some flags up in my office, and so I would encourage that when you do come back in October it is going to be at 6:00 in the evening, that you do have some scientists here and we get some straight answers to some straight questions. Thank you.

MR. GASKALLA: Thank you. That finishes up the comment cards that we've received. We said we'd be here till 5:00. It's a few minutes before 4:00. Yes, sir.

UNIDENTIFIED SPEAKER: How do you put a card in? I would like to address --

MR. GASKALLA: That was going to be my next statement. If there is anybody here that did not fill out a card that would like to speak, now is the time. Yes, sir.

MR. HAIRE: Richard, just real quick here, if I can butt in here. We need copies of the transcript. Do you know when they'll be available?

MR. GASKALLA: Let me ask the court reporter real quick.

(Whereupon, there was an off the record discussion had, after which the proceedings resumed).

MR. GASKALLA: Within about five working days it will be available. If you'll just drop me an E-mail or call me or whatever, we'll make arrangements.

MR. HAIRE: Will you put it on your website?

MR. GASKALLA: It might be a little lengthy to do that, but we'll try to make it available, electronically available somehow.

MR. HAIRE: Thank you.

MR. SEILER: Can I get some clarification? Somebody just asked me some questions. What meetings are coming up in South Florida, what dates and what times?

MR. GASKALLA: Two meetings on October 10th, one in West Palm Beach and one down in Dade County.

MR. SEILER: Okay, and the Dade is at 6:00 and the West Palm Beach is at 10:00?

MR. GASKALLA: Correct.

MR. SEILER: Are there any further meetings scheduled for Broward County other than this one today?

MR. GASKALLA: This is the second one we've had in Broward County, but we do not plan any further at this time.

MS. PAPNIKOLAOU: Where?

MR. GASKALLA: I'm sorry?

MR. SEILER: She would like to know where does the general public get notification of the meetings.

MR. GASKALLA: There should be some handouts on the table that have those dates and locations and times. If not, see one of our public relations people. Are you still here? He'll take care of you.

MR. SEILER: Thank you.

MR. GASKALLA: You can state your name for the record, please.

MR. CROUTHAMEL: Yes, one of the reasons I didn't fill out a card is you usually -- My name is Crouthamel, C-r-o-u-t-h-a-m-e-l. I've lived here for thirty years and in the present house twenty-five, twenty-six years. Two Key lime trees. They've been inspected four times and I always get a clean bill of health. I live in an area where there's not many residential areas to the south of us, it's all freeway, so the other day I got a notice that my tree had to be cut down because I had a contaminated tree within the nineteen hundred foot area. It said it was eight hundred and some odd feet. I didn't bring all this up because I wasn't really that keen on it, but I looked at that and I said I know where that guy lives. I talked to my next-door neighbor. He said I got one that says I'm nine hundred feet away. I said that guy is a half a mile from here. Well, all I did was take out my GP portable navigator, laid it down, two GP's, laid it on a grid, worked it over, and I'm over two thousand feet away. So he did the same thing, and then I went in, and I have a capacity to get photocopies, aerial photographs of the neighborhood. That too has graphic depiction of how you can figure it out. All right, now here you are, you're going to tell me you're going to cut my tree down, but your math is terrible. I'm supposed to do all of that, hundreds of dollars worth of appeals because your math is crazy? That's the question.

MR. GASKALLA: Well, the fact that you're here today, sir, is a good thing and we'll certainly go out and double check, and if it's not within nineteen hundred feet then we will first of all apologize, and secondly, we won't cut your tree.

MR. CROUTHAMEL: How do I get that to happen?

MR. GASKALLA: Well, I'll take care of that here today before I leave.

MR. CROUTHAMEL: All right.

MR. GASKALLA: If you'll give me your name and address I'll make sure I follow-up on it.

MR. CROUTHAMEL: All right. The next is all this is really about is two things, personal liberties in the country and money. Why don't you assess the citrus industry per box for all the money and --It's there. It's their benefit. The state shouldn't be involved with this sort of thing. If they want to protect themselves, then they ought to pay for it.

MR. GASKALLA: That's an interesting concept. It's not my decision to make.

MR. CROUTHAMEL: Well, pass it on. Thank you.

MR. GASKALLA: Yes, sir.

MR. RICHARD: My name is Robert Richard. I'd just like to make a suggestion in light of what happened the last couple of days. Is there any provision for stopping somebody from grinding a diseased tree, getting in their car, driving up the Turnpike and throwing it all out the window and destroying the entire citrus industry? Is that a possibility? Is it that contagious?

MR. GASKALLA: That would be in the realm of bio terror.

MR. RICHARD: Well, if that's the case and we're spending all this money on like that gentleman's tree in Dania, what are we doing to stop somebody from doing that?

MR. GASKALLA: Well, it's a difficult thing to know what everybody is doing going up and down major arteries without stopping cars.

MR. RICHARD: But is it possible?

MR. GASKALLA: But we are inspecting all the roads statewide. They are disease free.

MR. RICHARD: But is it possible that all of these thousands of trees you're cutting down somebody could be aggravated enough to do it? I mean, is it that contagious that by just driving up the Turnpike and opening the window and throwing it out in the air that it would have that much of an effect on the industry?

MR. GASKALLA: It could be spread easily if somebody wanted to deliberately do so.

MR. RICHARD: I mean, I hope nobody does, but, I mean --

MR. GASKALLA: As I do.

MR. RICHARD: I just wonder that if there's that much at stake and if there's no way to protect it then are we not spending a lot of money and aggravating a lot of people on something that we're not going to be able to prevent anyway?

MR. GASKALLA: Well, it goes well beyond citrus canker. There are a lot of things that can be done in the realm of bio terror. That could bring a country to its knees as far as its food supply, and the U.S. Government is aware of that and they're taking measures to address it, but it's not unlike what happened this week. Sometimes there's only so much you can do.

MR. RICHARD: Right, but my point is, would we not be better off spending what we're spending on somebody's tree in Dania trying to find a way to prevent somebody who consciously wants to hurt the crop from doing that?

MR. GASKALLA: I don't know how we would do that.

MR. RICHARD: I don't either. I don't either. But hindsight is always twenty/twenty and I just think we need to be aware that this is a possibility. It is a frightening thing. Thank you.

MR. GASKALLA: Anyone else? Is there anyone that has not yet spoken that would like to? If not, Marion, you can finish this up, maybe.

MS. HENDERSON: I would like to do that, Richard. I'll take you up on it. According to the two pathologists that I quoted earlier that were editors of the American Phytopathological Society compendium of citrus diseases, two of the leading experts in the world on citrus diseases, one of them, Doctor Timmer said the bacteria is not a problem. The other one, Doctor Whiteside, said the bacteria is inconsequential. Now, one of the leading scientists, who would prefer to remain nameless, told me to ask the Division of Plant Industry -- That's your thing, Richard, right?

MR. GASKALLA: The last time I checked.

MS. HENDERSON: A question, and the question is this: Are there any peer reviewed scientific articles explaining how the bacteria is a problem for citrus? And the answer is I got no response from Doctor Schubert except an article which demonstrated that the bacteria is self limiting and therefore it cannot be a devastating plant disease.

MR. GASKALLA: Marion, I have a dozen articles that say that, and I'll be glad to send them to you.

MS. HENDERSON: Richard, you've already given me a whole stack of historical things. It's really amazing -- We can go into that at some other time. Doctor Chuck Suavey (phonetic) who is your fifty/fifty partner in this regulation of production program told me that there are no peer reviewed scientific articles explaining how the bacteria is a problem for citrus. The proteins on the plant cell connect with the proteins on the bacteria membrane and when there's a sufficient number of connections that triggers within the plant cell, that activates the plant's systemic acquired resistance. That's the citrus tree's immune system. Fine. What happens is the acid in the trunk of the

tree mixes with oxygen down in the root system, the tree creates and deploys additional enzymes and proteins that reside between the plant cells. Now, that enables the tree to withstand stresses, environmental stresses like the high sun, the hot sun, the high winds, the long dry period, the heavy wet period, whatever the environment, as well as viruses, bacteria and fungus. Now, with respect to bacteria, these additional enzymes and proteins residing between the plant cells interfere with the bacteria's membrane in its ability to replicate, that's like in a field condition like in a grove, it's very difficult to spot Xanthomonas Asian strain. Xanthomonas Asian strain is self limiting in two respects: One is as the article explained that Doctor Schubert sent me, the bacteria contains a gene and it creates a protein that makes it self limiting. In the immediate vicinity there is a thin layer, but that limits the interaction between the bacteria and the plant. And the other way it's self limiting, of course, is that it triggers the SAR response, as I mentioned earlier. Now just about a month ago I asked Doctor Timmer how those enzymes and proteins are deployed. Would it be with a new leaf growth flush or would it be into the old leaves that stay on the tree up to three years in some cases, and Doctor Timmer said it's deployed in the existing leaves of the tree. What we're talking about is an endemic inconsequential bacteria that was selected back in 1912 as a pretext for establishing our state inspection service. You probably know the history. In 19 --

MR. GASKALLA: Very well. It wasn't the --

MS. HENDERSON: It wasn't the Division of Plant Industry.

MR. GASKALLA: The growers and shippers asked the state to put together a regulatory agency to eradicate citrus canker because they could not.

MS. HENDERSON: The purpose of this inconsequential --

MR. GASKALLA: Ma'am, just one point here.

MS. HENDERSON: Yes.

MR. GASKALLA: I don't really know how productive this is, but if we do bring scientists down to the next meeting or two, that might be a better time for you to go into the details of this, because it's not that I'm not interested, but there's not much I can do as far as a response.

MS. HENDERSON: Well, Richard, I would think -- How long have you been on the job? You should know this stuff. You've been on, what, almost fifteen years. Now you joined the Division of Plant Industry back in the mid 1980's, didn't you?

MR. GASKALLA: Well, longer than that, but I'll be the first one to tell you I'm not a plant pathologist.

MS. HENDERSON: Well, I'll be the first one to tell you you have a duty and obligation and responsibility to the citizens of Florida to get educated on this issue.

MR. GASKALLA: I am educated on this issue.

MS. HENDERSON: Okay, how can you let somebody sit up here and stand up here and say, oh, my, it's going to spread all over the place and the bacteria. The bacteria is endemic, it is already all over the place and it's inconsequential, and so what.

MR. GASKALLA: I'm not sure we share that theory equally.

MS. HENDERSON: What?

MR. GASKALLA: Not everyone shares that theory.

MS. HENDERSON: The leading scientists in this country do.

MR. GASKALLA: That's not true.

MS. HENDERSON: Oh, yes they do, and let's get them altogether. Okay, Richard, you get them together and we'll talk about it.

MR. GASKALLA: That was my point. I think that's the point, we need to get them here and let you ask them questions directly.

MS. HENDERSON: You get Jim Graham, Dean Gabriel, Jeff Jones, Pete Timmer, Jack Whiteside. Yes, okay.

MR. GASKALLA: You generate the questions and send them to me.

MS. HENDERSON: Okay, I'll give you a list.

MR. GASKALLA: Okay.

MS. HENDERSON: All right. Super. Maybe we can get this squared away.

MS. BECK: Kathy Beck. Just a short question. My father lives in the Orlando area and I drive up there a lot. I notice there is a lot of unkept groves. Obviously they're not working groves. When you say that the Agriculture Department has found trees up there, are they in the working groves or are they in some of these groves that seemingly are being held for later development purposes? The trees that are there with vines are growing and obviously -- They get a break on taxes. They save the land until some developer wants to come in. What is the percentage of the citrus canker in the working groves in that area, or do you have an idea?

MR. GASKALLA: We found a few infections in abandoned groves, but the bulk of it has been in commercial working groves, unfortunately.

MS. BECK: Okay, thank you.

MS. RIHERD: But none in Orange County.

MS. BECK: Okay. I know since the freezes came down maybe fifteen years ago the concentrate plants, number one, aren't working in that area. My father did boiler systems on that, and so I do know that it's just like the tomato industry in Homestead, sold their land out to development. You can't eat condominiums.

MR. GASKALLA: No, and it's interesting that it's not just that those abandoned groves pose a risk for canker but they harbor a lot of different problems, and we're trying to work with the property owners to get those pushed out and let them put pines or something else in that's more productive.

MS. BECK: It's like when someone buys a home with a nice citrus and they don't care for citrus so they let it go bad, those are the ones we wish the Agriculture Department could have targeted to start out with and see if they couldn't have eliminated a great many that willingly would have been given up to your program. Thank you.

MR. GASKALLA: Thank you. Anyone else? We can hang around till 5:00 if we need to, but if there's no one else that has anything else to say, I just want to thank those that are here for hanging in there till the bitter end, and we will make this transcript available within the next five or six working days, and if you would like to have a copy, if you'll give me your name and address or contact me somehow through the Department, we will make arrangements. Thank you.

(Whereupon, the proceedings concluded at 4:10 o'clock p.m.).

STATE OF FLORIDA  
COUNTY OF BROWARD

I, VALERIE LEHTO, Registered Professional Reporter and Notary Public, certify that I was authorized to and did stenographically report the foregoing proceedings and that the transcript is a true and complete record of my stenographic notes. Dated this 19th day of September, 2001.

VALERIE LEHTO  
Registered Professional Reporter  
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