

Speaking with a **single voice**

Groups representing different segments of the Green Industry are joining forces to get the attention of water policy makers. **BY JOHN WALSH**



United as one. Sending a message. Loud and clear.

These phrases describe what's happening in states when various segments of the Green Industry form under umbrella organizations to educate legislators about the industry's impact on the economy and its need for irrigation water. These umbrella organizations — such as the Florida Nursery, Growers & Landscape Association (FNGLA); Green Industries of Colorado; and the Georgia Urban Ag Council (UAC) — let legislators know how restrictions and laws about issues such as water affect the industry. They're also influencing legislation in their respective states with the goal of protecting their industries.

Strength in numbers

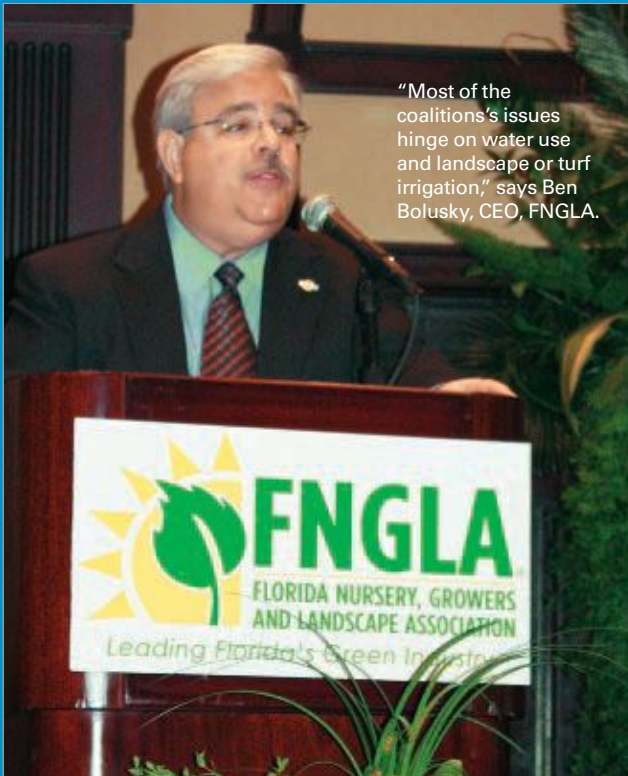
The FNGLA chairs an informal group called the Florida Green Industry Coalition whose members collaborate on legislation that affects the Green Industry. The coalition produces position papers about various public policy issues, bringing together the voices of different Green Industry groups.

"There's strength in numbers," says Ben Bolusky, CEO of the FNGLA. "Most of the coalition's issues hinge on water use and landscape or turf irrigation. Droughts have led to the proliferation of rules and regulations. In Florida, it's either feast or famine with water because of our rainy

and dry seasons. But it's not an issue of water shortage; it's really an issue of water storage. We're bringing the Green Industry and Blue (Water) Industry together in Florida."

Government regulations and environmental activists have spurred Florida's Green Industry to develop a stronger voice in the legislative arena. Because of term limits in Florida, the days of relying on a lone sheriff to guard the town or good ol' boys to push a particular industry issue are long gone. Florida is becoming more urban and suburban, and the nursery/landscape industry is right in the middle of the unfolding transformation.

"Where would Florida be as a world-class tourist destination if it weren't for the plants and services from our industry? We need to be working together," says Bolusky.



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County and municipal ordinances regulating fertilizer use have been increasing. This means more fertilizer restrictions, which ignored science, were spreading. This spring, Florida's legislature passed a fertilizer bill (SB 494) for which the FNGLA led the charge. The bill affects growers, retailers and landscapers, among others.

Additionally, legislators signed a "Florida friendly landscaping" bill into law this spring. It'll be used as a benchmark for environmental friendliness, Bolusky says.

The new law codifies the bedrock principle of horticulture science: Put the right plant in the right place. Florida-friendly landscaping offers broad opportunities for the use of turf, native plants and plants bred for the state's several unique climates.

The FNGLA also challenged the South Florida Water Management District about the number of days one can irrigate lawns during restriction periods. At press time, the issue has yet to be resolved.

Additionally, the FNGLA is working on behalf of the Green Industry relating to land issues. Because Florida is becoming more urbanized, it's important to recognize where the concentration of nurseries are — especially during times when the governments are looking for new ways to fill their coffers, Bolusky says.

In a state with no income tax, everything is taxed unless the legislature exempts it, so there are sales tax exemptions for the Green Industry all over Florida.

"We want to ensure the tax treatment of ag lands is protected," Bolusky says. "We need to protect the tax status

of nurseries, which are concentrated in urban areas."

The FNGLA wants to promote the landscape and nursery industries as an integral part of the green infrastructure, and wants them to be on the receiving end of construction projects and government buildings.

"We're ultimately helping improve the bottom lines of Green Industry businesses," Bolusky says. "Our mission is to enhance members' business success, and our vision is to be a leader that speaks to the overall industry."

Remaining vigilant

Prior to the present formation of the Georgia Urban Ag Council, its four association partners — Metro Atlanta Landscape and Turf Association (MALTA), Georgia Turfgrass Association, Georgia Sod Producers Association and Coastal Landscape and Turf Professionals Association — thought they could work with legislators about the issues affecting their businesses on their own. But that only confused legislators. The groups soon realized forming a coalition based on common issues would be more effective.

"We work well together and identify common issues — labor, immigration, water and pesticide use — affecting the Green Industry," says Mary Kay Woodworth, president of the Georgia UAC and executive director of MALTA.

The first big issue the UAC dealt with was immigration in 2005.

"Georgia has become one of the toughest states when it comes to illegal immigration," Woodworth says. "We have zealous legislators who are frustrated with the federal government's lack of enforcement, and laws have been proposed and passed that are potentially damaging to industries that rely on immigrant labor. We need to make sure businesses that are doing the right thing aren't penalized."

So far, she adds, "in many cases, we've been able to reason with legislators."

But during the past two years, and until recently, it was all about drought and water restrictions.

"The drought issue was a nightmare," Woodworth says. "The state's total ban on outdoor water use in September 2007 was devastating. No business could operate, and consumer confidence was completely eroded. From June 2007 to December 2007, the Green Industry lost \$3 billion in business."

Before a Level 4 drought was reached, the UAC made sure members knew the state's restrictions. However, local governments were allowed to implement additional restrictions, which caused problems because counties and cities enacted their own restrictions at will. For example, a contractor working in six different counties could potentially have to abide by six different sets of water restrictions. Adding to this confusion was contradiction with state laws regarding soil erosion protection — disturbed land was

required to be revegetated, for example, but with outdoor water use restricted, it was impossible to comply.

In February 2008, Georgia House Bill 1281 was proposed. The bill, as passed, says water providers won't be allowed to change state water restrictions unless it petitions the Georgia Environmental Protection Division first. Now, consumers won't be subjected to the hodgepodge of water restrictions.

"It was looked as though we were stepping on the toes of local legislators because they thought they knew best," Woodworth says. "But we helped water providers by allowing them to sell water and landscape contractors by allowing them to use water more appropriately. We had to protect the industry. Something had to be done."

The drought was declared over in June 2009, although even at press time there are still non-drought rules in place. Drought-rule revisions will start this winter. Woodworth says the industry has been assured that in the revision, care will be taken so that no one group will be penalized and everyone will suffer equally during a drought in which state water use restrictions are implemented.

"We need a balance with the environment; we just can't shut the water off," says Jim McCutcheon, CEO of HighGrove Partners, a landscape contractor part of the Georgia UAC. "Water still is a huge issue for us. That overrides anything."

Still, the UAC is dealing with people who want to ban outdoor water use. It needs data and economic information to rebuff them.

"We're beginning to effectively work with other stakeholder groups — water providers, local government, environmental groups," Woodworth says. "That wasn't so 10 years ago. We can't reach a consensus with every group on every issue, but it's good for the industry as a whole.

"Across our region, our industry must build and sustain legislative/regulatory relationships that give us a seat at the table and a respected voice about issues like the need to increase water storage capacity, which is a regional issue that will impact all of the Southeast," she adds.

This year will be a big year legislatively in the state because groups are trying to restrict water use.

"Water woes can't be solved by conservation ... efficiency is important, but additional inventory is a must. We need to remain vigilant," she says.

Green Industries of Colorado (GreenCo), an alliance of eight trade associations representing diverse aspects of

the plant and landscape industry, originally was intended to take care of big-ticket, Green-Industry-related items via lobbying. A few years ago, it hired a lobbying firm, Hicks & Associates, to keep an eye on bills and keep the Green Industry's voice heard.

Quantifying industry's impact

But it also wanted to quantify the Green Industry's impact on the state as a whole. It spurred the first impact study and several thereafter, which were conducted by Colorado State University and funded by trade associations and businesses in the Green Industry. In 2007, the study determined the Green Industry in Colorado was a \$3.3-billion-a-year industry (calculating all factors) that employed 40,000 people.

Like the UAC, water is the biggest issue for GreenCo. In 2002-2003, there was a major drought. Precipitation totaled as little as 4.5 in. for the year, and snow pack was as little as 25% of normal in some river mountain river basins.

"It was determined 50% of residential water usage is for outdoor watering, so municipalities said, 'We'll step in.' That's when GreenCo got loud," says Eric Moroski, president of GreenCo and VP and co-owner of Colorado Springs-based Weisburg Landscape Maintenance. "We all needed to speak with one voice to keep the targets off our back."

GreenCo hired a water consultant in 2004 as a subcontractor, who became GreenCo's face in water issues.

Water quality is becoming bigger issue than water quantity, Moroski says, because all water runs downhill, and erosion affects water quality.

The No. 2 issue for GreenCo recently has been about soil. Before the recent HB 1092 Utility Locates

Bill passed, contractors and homeowners were supposed to notify the Utility Notification Center of Colorado if they were planning to move as little as a teaspoon of soil.

"The bill was poorly designed," Moroski says. "In that case, all lawn aeration would need to be notified."

The new bill, which passed last fall and went into effect Aug. 1, states no notification is needed for routine maintenance for any mechanical digging down 4 in. and hand digging down 12 in.

"This new bill had a very positive impact on us," Moroski says. **LM**



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