Short Note 1.7

Eradication Delays and Related Statistics

In year 2000, I created a website on citrus canker which was active in 2000 - 2003. During this time, I heard a number of claims that the Department was routinely delaying destroying infected trees for many months, despite their claim that citrus canker was a highly contagious disease. Of course, homeowners would not normally complain if the Department delayed in the destruction of their healthy trees. I regarded these claims as largely unsubstantiated, and I knew the Department would vigorously deny these allegations.

The owners of commercial lime groves, including Acosta Farms, LimeCo and Brooks Tropical, LLC in South Florida sent a letter on July 18, 2000 to President Clinton, stating:

> One of the most serious problems was that canker infected trees were allowed to sit in the middle of lime groves for more than sixty days after they were discovered by State/Federal Eradication Program. Given the infectious nature of the disease, this was unacceptable by any standard.
>
> Program personnel were repeatedly notified of this problem. We were told that the policy of allowing infectious trees to remain in a grove situation was inconsistent with practices in the rest of the State.

The Department responded to this letter on June 24, 2000. It did not deny the particular case of a sixty day delay time. It did not deny that the grove owner had repeatedly called the CCEP, asking for their infected trees to be destroyed. Instead, they responded:

> Infected citrus trees were not 'allowed' to sit in the middle of lime groves unless there were problems in determining ownership for other due process problems... In an effort to expedite the removal of infected trees, the CCEP now asks grove owners permission to remove the infected trees even before the legal paperwork is generated.

Both letters are available on the website. The Department's response also notes a lack of cooperation with the lime grove owners in South Florida. Brooks Tropical Farm would ultimately join with residents in obtaining an injunction against the Department.

This "permission to remove" is likely also includes a liability waiver, so the lime grove owners have no recourse in suing the Department. See short note 1.5 Okeechobee Saga where the Department destroyed trees, then tested for canker. The time delay from the visual identification of canker and destruction of trees was 2 days. The time from the visual identification and the the end of completion of all tests was 45 days.

Delays in Residential Eradications

The Department provided me with a printout of the history of inspections and eradication of infected trees for 30 residential homes in Miami-Dade County. The results showed on the average there was 216 days delay from the IFO (Immediate Final Order) and control action (destruction of the citrus tree) as shown in Table 1.

Table 1: Summary of 30 Properties within Miami-Dade County

	Survey	IFO	Control	Time Delay*
1	12/3/1996	10/2/2000	7/6/2001	277
2	12/18/2000	12/19/2000	7/6/2001	199
3	12/18/2000	12/19/2000	7/16/2001	209
4	12/19/2000	12/20/2000	7/5/2001	197
5	12/18/2000	12/19/2000	7/10/2001	203
6	4/21/2000	12/19/2000	7/6/2001	199
7	12/18/2000	12/19/2000	7/5/2001	198
8	9/11/2000	12/19/2000	11/11/2001	327
9	Data errors likely			
10	12/18/2000	12/19/2000	7/10/2001	203
11	No control action take			
12	12/19/2000	12/20/2000	7/3/2001	195
13	4/20/2000	6/20/2000	7/10/2001	385
14	Incomplete Records			
15	Incomplete Records			
16	12/18/2000	12/19/2000	7/6/2001	199
17	12/17/2000	12/19/2000	7/6/2001	199
18	12/19/2000	12/20/2000	7/5/2001	197
19	12/19/2000	12/20/2000	7/5/2001	197
20	9/14/2000	12/20/2000	8/6/2001	229
21	12/18/2000	12/20/2000	7/5/2001	197
22	12/18/2000	12/19/2000	7/6/2001	199
23	12/19/2000	12/20/2000	7/13/2001	205
24	Data errors likely			
25	12/19/2000	12/20/2000	7/6/2001	198
26	12/19/2000	12/20/2000	7/9/2001	201
27	12/19/2000	12/20/2000	7/9/2001	201
28	12/18/2000	12/19/2000	7/5/2001	198
29	12/19/2000	12/20/2000	7/5/2001	197
30	12/18/2000	12/19/2000	7/6/2001	199
				216

* From IFO to Control

At the June 30, 1999 Joint Task Force Meeting, Mr. Ken Bailey stated that eradications were done between 30 to 60 days after discovery. He stated the goal of the Department was to reduce this to two weeks. Of course, during the moratorium period, only infected trees were being cut. The number of eradications soared once the 1900-ft rule was imposed.

Residents' Access to Department Records

There are the Florida Sunshine laws which enable residents to legally obtain information gathered by the Department employees. When I was denied access to information contained on the Department's database of inspections, it was necessary to submit a lawsuit. Fortunately, an attorney assisted me pro-bono. However, the judge informed me I would have to have the name of the homeowner and street address.

I was able to obtain some inspection printouts (PICS reports) by using the Miami-Dade Property Tax database. A sample of the inspection screen printouts will be posted on the supporting documents website with the names of individuals redacted.

Then, on May 24, 2001, Judge Freidman ordered the Department to provide him with a list of all uncut infected trees within Miami-Dade County, so he could issue the necessary warrants to allow the Department and assignees to cut down the trees.

I could now have legal access to many more records. It was still not easy. I had a list of properties by portfolio numbers and had to access the property tax database to obtain names and street addresses. The Department charged me a research fee whenever a name was different from their database. For this reason, I obtained printouts for only 30 residents.

Monitoring the Citrus Canker Eradication Program

It was very difficult to obtain cutting statistics on the CCEP. They preferred to channel partial information through the media, with the usual reminders of how they were protecting a 9 billion dollar citrus industry.

Monitoring the CCEP required knowing many healthy and infected trees were being cut on a weekly basis, and where the cutting was taking place. No progress reports were posted on the Department's website. In searching the internet, I found that Florida Citrus Mutual (FCM) posted the Department's progress reports. In addition, the USDA/APHIS/PPQ posted their biweekly reports.

I found disparities in what the Department's reports and what FCM was reporting. I politely enquired to these differences. The Department replied that they did not know the reason for these differences.

I also found that immediately after the November 2000 decision by Broward Court to halt healthy tree cutting, the Department halted the cutting of infected trees in both Miami-Dade and Broward counties. I found this odd, given how their attorneys had passionately argued for weeks in court, often supported by Department plant pathologists, that citrus canker is highly contagious and immediate action must be taken.

The progress reports have all been removed from the websites. For historical purposes, I have included a few reports which I have retained.

May 2001 Uncut Tree Summary

The order by Judge Friedman in May 2001 produced a listing of 2451 properties that had uncut infected trees in Miami-Dade County. Judge Friedman's requirement of a search warrant did not extend to Broward County. The list was generated by TRS system (Township-Range-Section) which identifies square mile sections. The 2451 properties were spread out across Miami-Dade County in 240 sections, or approximately 10 properties per square mile, as shown below:

Table 2: Uncut Infected Trees- May 2001 per Department Records

Township	Range	Sections												Row Total	Positive TRS per Township
51	41	31	32	33	34	35	36							6	
	42	31	32	33	34									4	10
52	39	10	13											2	
52	40	1	2	3	4	7	10	11	12	13	14	15	21	12	
		22	23	25	26	27	**29**	33	33	35	35			10	
52	41	1	2	3	4	5	6	7	**9**	10	**11**	12	13	12	
		14	15	16	17	21	22	23	25	26	27	28	29	12	
		30	31	32	33	34	35	36						7	
52	42	3	4	5	6	7	8	9	16	17	18	20	21	12	
		28	30	31	32	33	34	35						7	74
53	39	27	35	52										3	
53	40	1	2	3	11	12	13	20	21	24	25	29		11	
53	41	1	2	3	4	5	6	7	8	9	10	11	12	12	
		13	14	16	17	18	19	20	21	22	23	24	25	12	
		26	27	28	32	34								5	
53	42	3	5	6	7	18	19	28						7	50
54	39	1	8	4	1	11	11	13	14	15	16	21	22	12	
		23	24	25	26	27	28	32	33	34	35	36		11	
54	40	1	5	6	9	11	12	13	14	15	18	19	20	12	
		21	22	23	24	25	26	29	32	36				9	
54	41	3	4	5	6	7	8	9	10	15	16	19		11	55
		29	39											2	
55	38	13												1	
55	39	1	3	5	9	10	11	21	24	27	28	30	33	12	
		36												1	
55	40	1	4	6	7	10	13	14	16	17	18	19	20	12	
		21	27	28	29	30	31	32						7	35
56	39	1	5	11	12	25	32							6	
56	40	4	5											2	
56	40	3	4	5	7									4	12
57	38	24	25	28										3	
57	39	8												1	4
														240	240

Each township is an 6 x 6 square mile area, with townships numbers increasing in the southward direction. The distance from the northernmost section to the southernmost, is 38 miles. It would appear that by May 2001, uncut infected citrus trees were very prevalent throughout the residential areas of Miami-Dade County.

None of the court cases ever prohibited the destruction of infected citrus trees. Judge Friedman's order in fact, stated that the requirement of search warrants was strictly a minor procedural one, as he stated the warrants could be mass produced and rubber stamped. A homeowner could not realistically challenge a finding of the Department that an infected tree was located on the property, as the Department had the last word in identification of citrus canker.

As mentioned previously, in the 240 sections with uncut infected trees, there were an average of 10 "parcels" or homeowners' properties had uncut trees per square mile. I was interested to know if some of the sections might have been new sections, I was also interested to identify the sections with the most properties to further explain the distribution of uncut infected trees.

As shown in Table 3, as shown at the end of this note, of the 240 sections, approximately half the properties are located in only 26 sections. They appear fairly spread out across Miami-Dade County, generally in the more populated areas. They are generally in sections that had been discovered with citrus canker prior to year 2000.

The Department did not provide the number of infected citrus trees on each property, but it is likely to be from about 1 to 3 citrus trees per property, based on field study data and assuming the average size of the lots was ¼ acre. This analysis seemed to support the contention of many residents that the Department was purposely leaving some infected trees.

Concluding Remarks

There was a real disconnect between the Department's rhetoric and actions. Why would they not make it a top priority to destroy the infected trees, if canker could spread like wildfire? If resources were scarce, it would seem that the Department would first cut down trees with canker, and come back for those within the 1900-ft circles.

When an infected tree was discovered, this established the right of the Department to cut down all citrus within 1900-ft. However, if the Department has not completed inspections of all properties in the area and issued immediate final orders on all the healthy trees within the cutting circle, the Department may have wanted to maintain the infected trees, in case anyone contested the cutting of their healthy tree. At least, this is one theory of why cutting of infected trees were delayed, often times many months.

The Department could not cut healthy trees in Broward County after November 2000. They voluntarily extended this to Miami-Dade County. It is therefore possible, that the Department was waiting until District Court of Appeals decision of the Broward Case before cutting both infected and healthy trees.

Table 3: Sections with greater than 25 properties with uncut positive trees as of May 2001

Greater than 25 Properties

Ref #	TRS	# Properties	Year Discovered
1	51-41-32	33	1998
2	51-41-33	47	1998
3	51-42-32	70	1998
4	52-40-29	26	1998
5	52-41-03	29	2000
6	52-41-07	30	1996
7	52-41-09	44	1998
8	52-41-11	44	1996
9	52-41-15	104	1997
11	52-41-23	40	1997
12	52-41-27	65	1996
13	52-42-09	86	1999
14	52-42-17	43	1999
15	53-40-01	32	1996
16	53-41-03	26	1996
17	53-41-04	55	1996
18	53-41-08	30	1996
19	53-41-09	57	1997
20	54-39-23	33	1996
21	54-40-06	44	1995
22	55-40-04	28	1998
23	55-40-19	34	1999
24	55-40-20	34	2000
25	56-39-12	39	2000
26	56-40-04	39	2000
Total		1112	
Average year of discovery of of the section			1997.6