

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COMMISSION OF
THE CITY OF KEY WEST, FLORIDA,
RESTRICTING THE USE OF PHOSPHOGYPSUM AS
A PAVEMENT AGGREGATE IN ANY CONSTRUCTION
PROJECTS WITHIN CITY LIMITS.**

WHEREAS the City Commission finds that phosphogypsum is the radioactive byproduct resulting from the process of phosphoric acid production at a rate of five tons of phosphogypsum waste for every ton of phosphoric acid, and;

WHEREAS phosphogypsum contains calcium sulfate and several contaminants including radionuclides from uranium, thorium and radium which decay to harmful radon gas, toxic heavy metals; fluoride; ammonia; and residual phosphoric and sulfuric acids, and;

WHEREAS most of the nation's phosphate mining occurs in Florida, where 27 strip mines span more than 450,000 acres, and;

WHEREAS the U.S. Environmental Protection Agency (EPA) has regulated phosphogypsum since 1989, and;

WHEREAS on June 30, 2021, the EPA withdrew previously granted conditional approval to use phosphogypsum in government road construction projects, and;

WHEREAS 40 CFR Part 61, Subpart R requires that phosphogypsum be managed to limit public exposure from

emissions of radon and other radionuclides, and;

WHEREAS HB 1191 compels the Florida Department of Transportation to conduct demonstration projects using phosphogypsum in road construction aggregate material to determine its feasibility as a paving material as it studies using phosphogypsum in roads, and;

WHEREAS phosphogypsum poses a substantial present and future hazard and an unreasonable risk of injury to human health and the environment, and;

WHEREAS the City of Key West is committed to the safety, health, and welfare of all its residents and visitors.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AS FOLLOWS:

Section 1: The City Commission directs the City Manager to prohibit the use of phosphogypsum within the limits of the City of Key West.

Section 2: The City shall not use, nor enter into any contracts, inter-local agreements, or agreements for the funding of projects that use phosphogypsum as a pavement aggregate.

Section 3: That this Resolution shall go into effect immediately upon its passage and adoption and authentication

by the signature of the Presiding Officer and the Clerk of the Commission.

Passed and adopted by the City Commission at a meeting held this _____ day of _____, 2023.

Authenticated by the Presiding Officer and Clerk of the Commission on _____ day of _____, 2023.

Filed with the Clerk on _____, 2023.

Mayor Teri Johnston	_____
Vice Mayor Sam Kaufman	_____
Commissioner Lissette Carey	_____
Commissioner Mary Lou Hoover	_____
Commissioner Clayton Lopez	_____
Commissioner Billy Wardlow	_____
Commissioner Jimmy Weekley	_____

TERI JOHNSTON, MAYOR

ATTEST:

KERI O'BRIEN, CITY CLERK