

OFFICE OF THE CITY ATTORNEY
Ronald Ramsingh, City Attorney
Eric Nordback, Assistant City Attorney
Nicholas Trovato, Assistant City Attorney
Amanda Willett, Paralegal
Claire Hurd, Legal Assistant



PHONE: (305) 809-3770
FAX: (305) 809-3771
EMAIL: cityattorney@cityofkeywest-fl.gov

THE CITY OF KEY WEST

1300 WHITE STREET
KEY WEST, FLORIDA 33040

To: The City Commission for the City of Key West
From: Eric Nordback, Assistant City Attorney
Meeting Date: September 14, 2023
Agenda Item: Restricting the use of phosphogypsum as a pavement aggregate in City roads.
Sponsor: Commissioner Jimmy Weekley

Action Statement:

The proposed resolution seeks to prohibit the use of phosphogypsum, a radioactive byproduct of phosphate fertilizer production, in any projects within the City limits, to protect the public health, safety, and welfare of the City residents and visitors from the potential health and environmental risks of using phosphogypsum.

Background:

On June 29th, Florida Gov. Ron DeSantis signed a bill into law allowing the radioactive byproduct of phosphate fertilizer, phosphogypsum, as a pavement aggregate alongside crushed stone, gravel, sand, and other materials. In fertilizer, phosphorus is important for plants to grow strong roots; to make this fertilizer however, phosphate rock is dissolved in sulfuric acid and phosphogypsum is what is left over. Phosphogypsum contains radionuclides such as uranium, thorium, and radium which can produce hazardous gas that can cause lung cancer. These gases are dangerous for construction workers, residents, and visitors coming to the City of Key West. In addition, these gases can enter buildings through doorways and other openings creating a larger risk of health complications. The Environmental Protection Agency has prohibited the use of phosphogypsum in road construction. Phosphogypsum's only current use is in protective "stacks" where it is stored in its hardened state under a layer of water to protect the public from radioactive exposure and for limited agricultural and research uses.

Options:

1. To pass the resolution banning the use of phosphogypsum in any projects within the City limits. This option would promote public safety and protect the public health and welfare of the City residents and visitors from the risks associated with using phosphogypsum.
2. To deny the resolution banning the use of phosphogypsum in projects within the City limits.

Recommendation:

Pass the proposed resolution. This decision would be consistent with the City's commitment and duty to enact regulations to protect the public health, safety, and welfare of its residents and visitors.