

The Delray Democrat

Environmental Racism and Big Sugar¹

Michael K. Cantwell

Patrick Ferguson was our speaker at our September meeting night for a presentation on “Environmental Racism and Sugarcane Burning.” Patrick is an attorney and an organizing rep for the Sierra Club Florida’s Stop the Burn Go Green Campaign. His presentation is available [here](#) and is worth watching.

Sugar companies in Florida harvest sugarcane by burning away the plant’s leafy outer stalk, sending plumes of smoke and ash into nearby neighborhoods and sickening residents, damaging the soil, destroying animal habitats, and contributing to climate change. Not every neighboring community that might be reached by the fumes is affected, however, because burn permits are not issued when the wind is blowing east toward Palm Beach.

Sugarcane burning is not only a toxic practice – it is one that is outdated. Instead of burning the leaves and tops of the plants, sugar companies and farmers in Louisiana and Brazil harvest them mechanically, turning these “non-productive” parts of the plant into additional sources of income, enriching the soil, and improving crop yields.

If it sounds like a no-brainer, it’s not. As Upton Sinclair noted, “It is difficult to get a man to understand something when his salary depends upon his not understanding it.” Or his or her reelection.

Big Sugar spent more than \$11 million on Florida campaigns in the 2020 cycle, and they got what they paid for – SB 88/HB 1601, which amended the “Florida Right to Farm Act” and passed with broad bipartisan support. Only one Democrat in the Senate and seven in the House (including Omari Hardy) voted against the bill.

Although FRFA already limited “nuisance suits” against “farm operations,” the amendment pretty much eliminates them:

- It adds “particulate emissions” to the definition of farm operations, making clear that FRFA covers all claims involving the fallout from sugarcane burning .
- It raises the burden of proof on anyone bringing a lawsuit from the “preponderance of evidence” usually applied in civil suits (i.e., better than 50-50) to “clear and convincing evidence.”
- It prohibits lawsuits by anyone living more than ½ mile from the source of the complained activity.
- It prohibits punitive damages and limits compensatory damages to the fair-market value of the property.

¹ *The Delray Democrat*, [October 2021](#), p. 8.

