

**YOUR HELP IS IMMEDIATELY NEEDED!**

January 6, 2017

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Working to protect Florida's precious water resources

PO Box 5124 | Navarre, Florida 32566 | [floridacleanwaternetnetwork.org](http://floridacleanwaternetnetwork.org)



**Dear Friends of Florida's Waters:**

**A few days ago I shared with you the news of our suit that was filed against the US EPA regarding Florida's human health based toxics rule. I'm writing this morning to ask for your help. Next Tuesday, the Environmental Preservation and Conservation Committee in the Florida Legislature has Florida's toxics rule on their agenda. DEP will be presenting an update, which should be very interesting and full of misinformation.**

**We need to make sure that the members of this committee are well informed about what DEP has done and why it is important for Florida to regulate and protect us from toxic chemicals in our waters (drinking water supplies, fishing, shell-fishing and swimming). Will**

**you please call or email the following committee members and let them know that we want EPA to promulgate new, updated criteria based on EPA's latest science and methodologies and Florida's most protective fish consumption rates? Florida law should maintain the one in a million cancer risk that it has always used and not the "loosy-goosy" risk levels (between one in 70,000 and two in a million) that is proposed in DEP's criteria that the ERC approved in July.**

**Please read the press release below and the top points I suggest that you emphasize. If you need more information just email me and I'll send you what you need. If you are able to attend the meeting and speak that would be great too. If each of us make a contact with these legislators, it will make a difference. Please let your voice be heard!**

**Here are the committee members that you should contact:**

- 1. BOOK, Lauren Frances (D) [book.lauren.web@flsenate.gov](mailto:book.lauren.web@flsenate.gov) (850) 487-5032**
- 2. BRADLEY, Rob (R) (904) 278-2085 [bradley.rob.web@flsenate.gov](mailto:bradley.rob.web@flsenate.gov) (850) 487-5005**
- 3. FARMER, Gary M., Jr. (D) [farmer.gary.web@flsenate.gov](mailto:farmer.gary.web@flsenate.gov) (850) 487-5034**
- 4. HUTSON, Travis (R) (386) 446-7610 [hutson.travis.web@flsenate.gov](mailto:hutson.travis.web@flsenate.gov) (850) 487-5007**
- 5. LATVALA, Jack (R) (727) 793-2797 [latvala.jack.web@flsenate.gov](mailto:latvala.jack.web@flsenate.gov) (850) 487-5016**
- 6. STEWART, Linda (D) [stewart.linda.web@flsenate.gov](mailto:stewart.linda.web@flsenate.gov) (850) 487-5013**
- 7. SIMMONS, David (R) (407) 262-7578 (850) 487-5009**

**Environmental Preservation and Conservation - January 10, 2017 - 2:00- 4:00 p.m.**

**Expanded Agenda Published:**

<http://www.flsenate.gov/Committees/Show/EP/ExpandedAgenda/3569>

**For all of Florida's waters,**

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## **FL-CWN FILES SUIT FOR TOXICS PROTECTION**

**Florida Clean Water Network (FL-CWN) filed suit in the US District Court for the Northern District in Pensacola, Florida on Wednesday in**

**an effort to compel EPA to act on FL-CWN's 2009 petition to have EPA adopt limits on toxic chemicals in Florida waters. Tallahassee attorney David Ludder filed the suit for members of the FL-CWN who are at risk from unregulated and under-regulated toxic chemicals that are found in drinking water sources, fishing and shellfishing waters and places where Floridians swim and recreate.**

**"Florida's polluting industries have gotten a free ride for decades, in spite of state and federal laws that require protection from these toxic and/or cancer-causing chemicals that are in our drinking waters and the fish we eat," said Linda Young, executive director of the Florida Clean Water Network. "The Florida DEP and the US EPA have mastered the art of endless stalling on behalf of the industries that they are supposed to regulate," Young said. FL-CWN petitioned EPA to promulgate new and revised toxic limits for Florida in 2009 because of Florida DEP's failure to adopt new and revised limits.**

**Prior to October 28, 2016, the state of Florida had last updated regulations for toxic chemicals in 1992. The outdated regulations covered only 36 human-health based toxics and were based on the assumption that Floridians eat only about two forks full of fish per day. The US EPA has recommended water quality criteria for about 120 toxic chemicals that are likely to be discharged into surface waters. In Florida there is widespread interaction between surface and ground waters, which means that toxics dumped into a river or estuary can easily migrate into underground sources of drinking water. Many toxic chemicals also flow into surface and ground waters from stormwater runoff, agriculture and other non-point sources.**

**In July the Florida Environmental Regulation Commission adopted DEP's proposed criteria for 92 toxic chemicals. In October DEP sent the new water quality rule to the Secretary of State for certification. Since then, DEP has done nothing more to get final approval of the toxics regulations from EPA, in spite of a federal requirement that the state submit the new water quality criteria to EPA for approval or disapproval within 30 days of adoption. Even if Florida DEP submits the new and revised limits to EPA, they are likely to be disapproved because Florida DEP failed to provide 45 days notice of the public hearing before the Environmental Regulation Commission. Absent approval by EPA, the old 1992 toxic limits remain in effect.**

**The case is now in the hands of a federal judge in Pensacola. She must decide if EPA has unreasonably delayed taking action on the FL-CWN petition. If she says that it has been unreasonable for EPA to take over seven years to respond to the Petition for EPA to promulgate criteria for human health based toxics, then EPA will be forced to grant or deny the petition. If EPA grants the Petition, then**

**the agency must move forward with a series of steps that should eventually result in new criteria for some 120 toxic chemicals.**

**For more information, contact David Ludder, esq. at 850- 386-5671 or Linda Young, 850.322.7978**

**KEY TALKING POINTS FOR COMMITTEE:**

- 1. Prior to October 28, 2016, the state of Florida had last updated regulations for toxic chemicals in 1992.**
- 2. Florida's proposed new criteria would weaken protections which currently use one in a million cancer deaths from exposure to toxics in waters to somewhere between one/70,000 to two in a million.**
- 3. Almost two dozen toxic and/or cancer-causing chemicals would be tolerated at higher concentrations in our public waters used for drinking and fishing, swimming, etc.**
- 4. In DEP's rush to get weakened criteria adopted by the ERC (with two empty seats) they ignored federal public notice requirements.**
- 5. DEP has not submitted the rule to EPA for approval or disapproval in spite of requirement to do so within 30 days of certification.**



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