



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF WATER

December 1, 2022

Shawn Hamilton
Secretary
Florida Department of Environmental Protection
3900 Commonwealth Boulevard M.S. 49
Tallahassee, FL 32399

Dear Secretary Hamilton,

This letter constitutes the U.S. Environmental Protection Agency's (EPA's) Administrator's Determination (Determination), pursuant to Clean Water Act (CWA) Section 303(c)(4)(B), that new and revised water quality standards (WQS) in Florida are necessary to satisfy the requirements of the CWA.¹ Specifically, EPA has determined that new and revised human health criteria (HHC) are needed to protect against adverse human health effects related to pollutants in Florida's surface waters. As explained further below, this Determination is based on information indicating that Florida's current HHC do not protect the State's designated uses and that additional HHC are needed for certain priority toxic pollutants for which Florida currently lacks any HHC.

Florida adopted its current HHC in 1992, based on the science and information available at that time, including a fish consumption rate (FCR) of 6.5 grams per day (g/day). Additionally, EPA promulgated HHC for Florida for a single pollutant – dioxin – in its 1992 National Toxics Rule (40 CFR 131.36) that were similarly based on a FCR of 6.5 g/day. Since 1992, national and regional data have become available that indicate greater levels of fish consumption, particularly among residents of coastal states like Florida. As Florida has recognized in its own efforts to update its HHC, new data have also become available since 1992 on the specific toxic pollutants that are likely to be present in Florida's waters, and how those pollutants may impact Florida's designated uses. New and revised HHC that take into account these updated data will ensure that the State's WQS adequately protect Florida's residents.

The State of Florida has acknowledged that updates to its HHC are necessary and has made considerable efforts to adopt new and revised HHC.² Florida previously developed updated criteria that were based on EPA's most recent national recommendations³ and State-specific data, but these were never finalized or submitted to EPA for review under CWA Section 303(c).⁴

¹ 33 U.S.C. 1313(c); see 40 CFR 131.22(b).

² Florida Department of Environmental Protection. (2016). *Technical Support Document: Derivation of Human Health-Based Criteria and Risk Impact Statement*. https://floridadep.gov/sites/default/files/HH_TSD.pdf

³ See U.S. EPA. (June 29, 2015). *Final Updated Ambient Water Quality Criteria for the Protection of Human Health*, 80 FR 36986.

⁴ Florida Department of Environmental Protection. (2016). *Technical Support Document: Derivation of Human Health-Based Criteria and Risk Impact Statement*. https://floridadep.gov/sites/default/files/HH_TSD.pdf