



SUBMITTED VIA EMAIL

Jonathan P. Steverson  
Secretary  
Florida Department of Environmental Protection  
3900 Commonwealth Blvd., M.S. 49  
Tallahassee, FL 32399

July 25, 2016

Dear Secretary Steverson,

On behalf of the undersigned organizations and our thousands of members across the state of Florida, we would like to express our deep concern about the rule change proposed by the Florida Department of Environmental Protection (FDEP) that would increase the allowable limits of toxic chemicals in our waterways. On July 26, the Environmental Regulation Commission (ERC) will vote on a rule that could increase legal concentrations of more than half of the 43 toxic substances regulated by FDEP. While we are pleased that additional chemicals will be regulated, the proposed rule change would also increase the allowable limits of numerous toxic compounds that are discharged into the state's rivers, lakes, streams and coastal waters. Such a rule change would come at the expense of Florida's public health, economy, and environment and put all Floridians at risk.

**FDEP proposed standards do not adequately protect all Floridians.**

FDEP used a probabilistic approach to develop human health criteria, instead of the deterministic approach used by the Environmental Protection Agency (EPA). While the probabilistic method does account for more variability in the population, it is also a more complex model untested by the EPA or any other state for setting toxic exposure standards. Furthermore, FDEP's model appears to routinely result in much less conservative limitations, meaning Floridians will be exposed to higher concentrations of potentially dangerous chemicals.

Instead of following EPA's recommendation that exposure to toxins will increase the risk of cancer for no more than 1 in a million people at the 90<sup>th</sup> percentile, FDEP only chose to protect the average Floridian at this risk level. This means that millions of people will be exposed to higher concentrations of toxic chemicals and face a greater risk of cancer. For instance, the proposed changes by FDEP will increase the risk factor for people who eat Florida seafood more than once per week to 1 in 100,000 and up to 1 in 10,000 for subsistence fishermen and those who eat seafood daily.

Fish consumption is one of the primary pathways to exposure to these dangerous chemicals, and Floridians are eating a lot more fish than originally estimated when the current criteria were developed. In fact, the average fish consumption rate has nearly quadrupled. The more fish we eat, the more chemicals we ingest. Raising the pollution limits for dozens of chemicals, as FDEP is proposing, will only further increase our chances of cancer and other health problems.

Aside from having negative impacts on human health, allowing higher carcinogen levels in our water will hurt the market for Florida seafood, deterring the public from choosing "*Fresh from Florida*" shellfish and fish.

### **The FDEP analysis does not consider synergistic toxicity**

People are regularly exposed to a wide range of chemicals from multiple sources in their everyday lives. Exposure to more than one contaminant at the same time can "produce a cumulative or even synergistic toxicity." According to FDEP, "A chemical-by-chemical assessment of risk, as conducted in this analysis, could underestimate risks from more than one chemical in combination.<sup>1</sup>" When considering changes that impact the health and safety of all Floridians, FDEP must err on the side of caution, establishing conservative criteria that accounts for the significant uncertainty inherent in risk analysis.

### **Stakeholder voices go unheard**

The ERC, the body that will ultimately decide whether to adopt or reject DEP's proposed rule changes, is currently missing appointees in two of its seven seats — the environment seat and the local government seat— the former being vacant for more than a year. These vacancies stifle the voices of local communities and environmentalists and prevent these interests from being

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<sup>1</sup> DEP Technical Document - [http://www.dep.state.fl.us/water/wqssp/docs/health/HH\\_TSD.pdf](http://www.dep.state.fl.us/water/wqssp/docs/health/HH_TSD.pdf)

represented. Despite representing to the public that the vote would take place in “early fall”, the ERC vote was pushed forward to July 26, the same day as a much-publicized meeting on the outflows from Lake Okeechobee devastating Florida’s estuaries. The conflicting meetings will limit the attendance of environmentalists and community stakeholders—many of whom will be attending the Okeechobee hearing—at the ERC deliberation. Finally, none of the three workshops that DEP held about the rule change were located south of Stuart, effectively preventing the participation of South Floridians in the decision-making process.

**Floridians simply deserve better.**

The proposed rule change would have dramatic effects on the lives of Floridians. We respectfully request that you do not adopt the proposed rule, and:

- 1) Postpone the ERC meeting until representatives are appointed to fill the required “Environment” and “Local Government” seats on the ERC;
- 2) Direct FDEP to hold public meetings in South Florida to enable participation from all of Florida’s citizens;
- 3) Reopen and extend the formal public comment process to allow for greater citizen engagement;
- 4) Utilize the most conservative models to protect public and environmental health, and our seafood and tourism industries.

We look forward to your rapid response and action on this issue.

Sincerely,

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