



July 22, 2016

Mr. Eric Shaw
Water Quality Standards Program
Florida Department of Environmental Protection
2600 Blair Stone Road
Mail Station 6511
Tallahassee, FL 32399-2400

RE: Revisions to Human Health-Based Water Quality Criteria

Dear Mr. Shaw:

Please accept the following comments from the Surfrider Foundation on the proposed revisions to Human Health-Based Water Quality Criteria. The Surfrider Foundation is deeply concerned by the proposed changes to the Human Health-Based Water Quality Criteria, and as currently proposed, do not believe that they adequately ensure that Floridians can safely fish, recreate and drink from state waters.

Surfrider maintains a large network of more than 250,000 supporters, 84 chapters and 50 academic clubs nationwide, including 11 chapters in Florida. Our members come from all walks of life – surfers, wind surfers, paddlers, beach-goers, young families and retirees – that are united in their desire to ensure clean water, protect public access and to preserve healthy beaches and coastal ecosystems.

Methodology:

The proposed probabilistic method for calculating water quality criteria allows for more pollution than the deterministic methods used by the U.S. Environmental Protection Agency (EPA). The EPA's method of risk analysis uses conservative assumptions- a person who weighs 80 kilograms, consumes 22 grams of fish and 2.4 liters of water daily- to calculate their criteria. FDEP's probabilistic method substitutes a array of values for their variables (body weight, fish and water consumption) - some less protective than the EPA criteria, thereby allowing higher levels of pollution. Under the proposed criteria, the majority of regulated chemicals would have less stringent standards than those set by EPA. Allowable levels of Benzene, for example, would increase by 45% for Class I Criteria and 43.4% for Class III Criteria. Benzene is a known human carcinogen that causes Leukemia. Given the disparities in the two



methods of risk analysis, we suggest that FDEP always select the more protective criteria. When dealing with known carcinogens and endocrine disruptors, it is simply not enough to protect *most* of the population but rather those that are most sensitive to exposure as well. Perhaps the best illustration of this disparity is the lifetime cancer risk of subsistence fishermen (one in 10,000) vs. that of the majority of Floridians (between one in 100,000 and one in 1,000,000). Surfrider members are lifelong surfers, swimmers, anglers, and water lovers- populations often disproportionately impacted by impaired water quality. As such, it is our strong belief that Florida's water quality standards must protect all citizens, especially our most vulnerable and at-risk populations, including children and retirees.

Ultimately, it is not in the best interest of Florida's environment or public health protection to increase the allowable levels of cancer-causing chemicals in our fishing, drinking, and recreational waters- regardless of risk assessment methodology. We strongly encourage the FDEP to select the most stringent criteria possible for Florida's waters and use the deterministic methodology for calculating the criteria as recommended by the EPA and used by every other state. Given the current water quality conditions in Lake Okeechobee and along the coast due to algae blooms caused by unchecked levels of nutrients getting into our waterways, now is the time for our state to do more to protect water quality and public health, not less.

Environmental Regulation Commission & Public Participation:

While there were public meetings and opportunity for engagement relating to the Human Health Criteria Peer Review Committee and proposed criteria, the majority of these took place in 2012. When dealing with public comments, the U.S. EPA recommends "early and continuous involvement with stakeholders.... Stakeholders are more than just the public—they are representatives of communities, organizations, agencies, institutions, and households that can significantly impact the watershed-based permitting process. By supplying data, financial resources, technical expertise, or a personal opinion, stakeholders can make contributions that will enrich both the process and the final strategy."¹ The notice for this final hearing allowed just 21 days for comment- hardly adequate for such an important and complex proposal- the technical support documents alone for this rule change are nearly 300 pages long.

Additionally, the seven-member Environmental Regulation Commission is currently missing two critical representatives. Without the Local Government (vacant since February 2016) and Environmental

¹ U.S. EPA, STAKEHOLDER INVOLVEMENT IN A WATERSHED PERMITTING ANALYTICAL APPROACH AND AN NPDES WATERSHED FRAMEWORK, 2004



Community Representatives (July 2015), the ERC is unable to render a decision that meets their statutory obligation to “consider scientific and technical validity, economic impacts, and relative risks and benefits to the public and the environment.” The Surfrider Foundation strongly recommends that the ERC defer final decision-making on these proposed standards until the vacant seats on the ERC are filled. Additionally, since the last public hearings on these proposed standards were held in 2013, we suggest the FDEP hold additional public hearings and opportunities for comment prior to a final vote.

The proposed revisions to Florida’s Human Health-Based Water Quality Criteria have far reaching impacts, and as such, are deserving of adequate forethought and deliberation. We hope the ERC will defer their vote on these criteria until the full ERC is seated and the general public has additional opportunity to comment on these criteria. Thank you for considering the public interests represented by the Surfrider Foundation. Please feel free to contact me at hparker@surfrider.org or 850-567-3393 if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Holly Parker".

Holly Parker
Florida Regional Coordinator
Surfrider Foundation