



Proposed Rule: Water Quality Standards to Protect Human Health in Florida

November 2023

On November 30, 2023, EPA announced a proposed rule to establish new and revised human health water quality criteria for certain pollutants in the state of Florida.

What does this mean for communities?

Fifty-one years ago, the Clean Water Act (CWA) was passed by an overwhelming bipartisan majority of Congress, and it established a vision that our waters should support fishing and swimming. If finalized, EPA's rule would bring the waters in the State of Florida one step closer to achieving this vision. This action uses the latest scientific knowledge to ensure that locally caught fish are safe to eat for Floridians and Tribes with reserved rights to fish for subsistence.

What are human health criteria (HHC)?

As required under CWA section 304(a), EPA periodically publishes national recommended HHC that represent levels of pollutants or conditions in a water body that are healthy for people. CWA section 303(c)(2)(B) requires states to adopt numeric water quality criteria for all priority pollutants for which EPA has published criteria recommendations, if those pollutants are expected to affect the state's designated waterbody uses. When states designate waterbody uses such as fishing and drinking water supply, they must also establish HHC that protect people from cancer and non-cancer effects of pollutants. CWA section 303(c)(4)(B) authorizes EPA's Administrator to determine that a new or revised standard is necessary to meet CWA requirements.

Background

On December 1, 2022, EPA issued an Administrator's Determination that Florida's existing HHC are not protective of Florida'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 of 6.5 grams per day (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. In addition, Florida does not have criteria for 37 pollutants that are likely to be in its waters. New data have 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.

The state of Florida has acknowledged that updates to its HHC are necessary and has made considerable efforts to adopt new and revised criteria. Florida previously developed updated criteria that were based on EPA's most recent national CWA section 304(a) recommendations and state-specific data, but these were never finalized or submitted to EPA for review under CWA section 303(c).

Establishing protective HHC for the state of Florida

EPA is proposing new HHC for 37 priority toxic pollutants and revised HHC for 36 priority toxic pollutants to protect the applicable designated uses of Florida's waters. EPA derives HHC to protect against carcinogenic effects using the following inputs: cancer slope factor, cancer risk level (CRL), body weight, drinking water intake rate, fish consumption rate (FCR), and a bioaccumulation factor(s) (BAFs). For non-carcinogenic and nonlinear

carcinogenic effects, EPA uses a reference dose in place of a cancer slope factor and CRL, as well as a relative source contribution (RSC), which is intended to ensure that an individual's total exposure from all sources does not exceed the criteria. To derive the proposed criteria, EPA largely relied on EPA's national CWA section 304(a) recommended criteria values and default inputs from EPA's *2000 Methodology for Deriving Ambient Water Quality Criteria for the Protection of Human Health* (2000 HHC Methodology). For example, EPA used its default general population FCR of 22 g/day from its national CWA section 304(a) recommended criteria values to derive the criteria for most of the State. In those areas where the Seminole Tribe of Florida and the Miccosukee Tribe of Indians have off-reservation reserved rights to fish for subsistence, EPA is proposing to derive the criteria using a FCR of 142 g/day (the national default "subsistence" value in EPA's 2000 HHC Methodology).

For a small number of pollutants, one or more of the criteria values that EPA calculated were less stringent than Florida's existing HHC for those pollutants. In those instances, EPA is not proposing federal HHC and Florida's existing HHC will remain in effect for CWA purposes.

Where can I find more information?

Contact Erica Weyer at (202) 566-2793, weyer.eric@epa.gov or Erica Fleisig at (202) 566-1057, fleisig.eric@epa.gov. To access the proposed rule, Federal Register notice, and supporting documents, visit EPA's [Water Quality Standards website](#).