

**U.S. EPA's Proposed Rule: Water Quality Standards to Protect  
Human Health in Florida  
Public Hearing #2 Transcript  
January 24, 2024 – 4:00 p.m. to 6:00 p.m. Eastern Standard Time**

**(Slide 1) Kary Phillips:** Hello and welcome to today's online public hearing for U.S. EPA's Proposed Rule: Water Quality Standards to Protect Human Health in Florida. This session is sponsored by the United States Environmental Protection Agency's Office of Science and Technology. The purpose of today's public hearing is to provide background on the proposed rulemaking and then for interested parties to provide oral comments on the proposed rule. I am Kary Phillips of Tetra Tech, a contractor to EPA, and I will be moderating today's hearing with support from my colleagues. Thank you for joining us.

**Kary Phillips:** Before we introduce our speakers today, let's start by going over a few housekeeping items. You should be connected to this session through your computer or mobile device. At this time, you should see a slide titled "Logistics: Options for Audio." You can listen to the presentation through your computer or mobile device speakers but will need a microphone if you would like to make oral testimony. If you do not have speakers or a microphone on your device, you may use a phone to call in. We will provide detailed instructions on how to provide oral testimony after the presentation.

**Kary Phillips:** Instructions for calling in are available in the menu on your screen to the right of the Unmute button. Select the arrow to the right, then "Switch to Phone Audio" and follow screen prompts. Following the on-screen instructions for calling in will link your phone line to your computer and allow you to use controls on your screen. For example, to mute or unmute yourself or to raise your hand to speak.

**Kary Phillips:** Alternatively, you may also call in directly to (301) 715-8592. The Meeting ID is 843 1288 3282. Once you are connected to the audio, if you hear an echo, please turn off your computer speakers. If you have any technical difficulties, please chat with Tech Support. If you would like to download a copy of the slides for today's presentation, a PDF of the slides has been posted to the Chat window for all participants. If you do not see the PDF, please chat with Tech Support. A copy of the slides will also be posted to EPA's website after today's presentation.

**Kary Phillips:** Please note that all lines have been muted upon entry to avoid any echo and sound issues. If you have un-muted your device or phone to test your audio, please mute yourself on the screen, or by pressing \*6.

**Kary Phillips:** Today's public hearing will be transcribed, and all oral comments will be considered part of the official record for this rule. As such, when developing the official response to public comments and finalizing the rule, the oral comments provided today will become part of the official record along with the written public comments submitted via the docket for this rulemaking. If you provide an oral comment during today's online hearing, you do not have to submit the same comment in writing in order for it to be included in the official record. If you are interested in making a written comment, directions will be provided during this hearing. Please note that EPA will not respond to comments today; however, EPA will respond to the oral comments received at this hearing, along with all comments it receives during the comment period, in EPA's response-to-comments document that will accompany the final rulemaking. Also, EPA will not be answering questions today.

**Kary Phillips:** Today's presentation for the online public hearing has been reviewed by EPA staff for technical accuracy. However, the views of those making an oral comment and their organizations are their own and do not necessarily reflect the views of EPA. Mention of commercial enterprises, products, or publications does not mean that EPA endorses them.

**(Slide 2) Kary Phillips:** Now that we have completed the discussion of housekeeping items, let's start today's online public hearing. EPA staff who are present for today's hearing include: Erica Weyer, Erica Fleisig, Katherine Snyder, and Joel Hansel. And with that, we will begin the presentation by EPA. I will now turn it over to Erica Weyer to provide a brief overview of the proposed rule.

**(Slide 3) Erica Weyer:** Good afternoon, everyone. On December 8th, 2023, EPA published a proposed rule to establish new and revised human health water quality criteria for certain pollutants in the state of Florida. The rule proposes to establish human health criteria that reflect the latest science to protect the health of Floridians by improving the quality of the surface waters they fish from and use in drinking water sources.

**(Slide 4) Erica Weyer:** Clean Water Act (CWA) section 101(a)(2) establishes a national goal of "water quality which provides for the protection and propagation of fish, shellfish, and wildlife and provides for recreation in and on the water," wherever attainable. To protect people from cancer and non-cancer effects from pollutants in drinking water and fish and shellfish, states must establish human health criteria for their surface waters. EPA periodically publishes criteria recommendations under CWA section 304(a) for states to consider using to meet these CWA section 101(a)(2) goals.

**(Slide 5) Erica Weyer:** CWA section 303(c)(2)(B) requires states to adopt numeric water quality criteria for all priority toxic pollutants for which EPA has published CWA section 304(a) criteria recommendations. In 1992, Florida adopted human health criteria for 43 priority toxic pollutants that it determined may be present in state waters, utilizing EPA recommendations available at that time. In 1992, EPA's recommendations for human health criteria were based on a national default fish consumption rate (FCR) of 6.5 grams per day. Florida adopted criteria using this national default FCR and has not subsequently revised those criteria.

**(Slide 6) Erica Weyer:** EPA Administrators Determination. On December 1, 2022, the EPA Administrator determined that new and revised human health criteria are necessary to protect Florida's designated uses. In particular, EPA determined that the FCR used to derive Florida's existing human health criteria, 6.5 grams per day, needs to be updated to consider more recent information. EPA's current national default FCR is 22 grams per day. EPA determined that new human health criteria are needed for additional priority toxic pollutants to protect Florida's designated uses. EPA's determination was responsive to an external petition requesting that EPA exercise its discretionary authority to update Florida's human health criteria.

**(Slide 7) Erica Weyer:** EPA periodically publishes national recommended criteria under CWA section 304(a) that reflect the latest scientific knowledge. In 2015, EPA published updated 304(a) human health criteria for 94 chemicals and followed EPA's 2000 Methodology for Deriving Water Quality Criteria for Protecting Human Health. When developing the proposed human health criteria for Florida, EPA considered its current CWA section 304(a) recommendations.

**(Slide 8) Erica Weyer:** Tribal reserved rights. When developing the proposed human health criteria for Florida under the CWA, EPA additionally considered applicable federal statutes through which Florida tribes reserved certain natural resource rights. The Seminole Tribe of Florida and the Miccosukee Tribe of Indians of Florida have off-reservation rights reserved under federal law to fish for subsistence in areas in and around Everglades National Park and Big Cypress National Preserve.

**(Slide 9) Erica Weyer:** Proposed rules scope of pollutants. Based on the scope of EPA's administrative determination, EPA is proposing the following: provide human health criteria for 36 priority toxic pollutants and new human health criteria for 37 priority toxic pollutants.

**(Slide 10) Erica Weyer:** How EPA derived the proposed criteria. EPA derives human health criteria for carcinogenic facts using the following inputs: cancer slope factor, cancer risk level, body weight, drinking water, intake rate, fish consumption rate, and bioaccumulation factor or factors. For pollutants with non-cancer effects, EPA uses a reference dose in place of a cancer slope factor and cancer risk level, as well as a relative source contribution, which is intended to ensure that an individual's total exposure from all sources does not exceed the criteria.

**(Slide 11) Erica Weyer:** To derive Florida-specific criteria, EPA is proposing to use the same cancer slope factors body weight of 80 kilograms, drinking water intake rate at 2.4 liters per day, bioaccumulation factors, reference doses, and relative source contribution factors that the Agency uses in its current 304(a) recommended human health criteria. For carcinogens, EPA is proposing to use Florida's longstanding cancer risk level of 1 in 1 million excess risk.

**(Slide 12) Erica Weyer:** EPA is proposing to use two different fish consumption rates depending on where the human health criteria apply. For most of the state, EPA is proposing to use the national default recommended general population fish consumption rate of 22 grams per day, and for those areas where tribes have off reservation reserved rights to fish for subsistence, EPA is proposing to use a fish consumption rate of 142 grams per day, or the national default subsistence value in EPA's 2000 human health criteria methodology.

**(Slides 13 and 14) Erica Weyer:** This slide shows a map depicting in yellow, as of the date of publication of this proposed rule, the areas with reserved rights based on the relevant statutes and related documents provided by the Tribes. The areas in yellow are where the Tribes have reserved rights and where the EPA is proposing HHC based on a FCR of 142 g/day. The map also depicts in purple and brown the Tribal Reservations and Trust Lands. Please note that the standards in this proposed rule don't apply in Indian country, i.e., on the Tribes' reservation and trust lands. This map is also available in the docket for the rule.

**(Slide 15) Kary Phillips:** In a moment, we will provide instructions for making an oral comment today, but first we will provide instructions for submitting written comments in one of the following ways. Again, if you provide oral comments during today's online hearing, you do not have to submit the same comment in writing. However, if you plan to submit a written comment, you may do so through the website at [regulations.gov](https://www.regulations.gov) (our preferred method), mail your comment, or submit a written comment via hand delivery. The instructions for submitting a written comment through these mechanisms are explained in more detail on this slide. Remember, when submitting a written comment, please make sure to reference the Docket ID No. EPA-HQ-OW-2023-0378. I will pause here for a few moments to allow time to record this information.

[Paused for 15 seconds]

**Kary Phillips:** We will now open the hearing for interested parties to make an oral comment. If you would like to ask a question or make a comment, please raise your hand. Depending on the device you are using, there are different ways to raise your hand. If you are on a computer or internet-based mobile device: Click on the Reactions button in the menu on the bottom of your Zoom window. If you do not see a Reactions button on your computer, hover towards the bottom of your Zoom window, and a menu bar should appear. Over the Reactions button, select Raise Hand.

**Kary Phillips:** If you called in using your phone, please press \*9 on your phone to raise your hand.

**Kary Phillips:** When it is your turn to speak, the host will call on you by name or by the phone number you dialed with. At that time, you can unmute yourself by pressing the unmute button on your screen, or dialing \*6 on your phone. Please feel free to turn on your video while you are speaking. If you have technical issues, please start a chat with Technical Support.

**Kary Phillips:** Remember, EPA will not respond to comments today; however, EPA will respond to oral comments received at this hearing—along with all comments received during the comment period—in EPA’s response-to-comments document accompanying EPA’s final rule. Also, EPA will not be answering any questions during the hearing today. Each commenter will be announced before providing an oral comment. Each commenter will have a maximum of five minutes to make an oral comment. A timer will appear on the screen indicating approximately how much time each caller has left. Commenters are responsible for watching their own time. Each commenter will be given a 10-second warning using the timer appearing on the screen. At the five-minute mark, the slide will read “Time is up” and commenters will be muted. If you provided your oral comment and were stopped after five minutes, you can resume making your comment after all commenters have had the opportunity to provide their comments. Please raise your hand at that time and wait for your name to be called.

**Kary Phillips:** When it is your time to make an oral comment, your name will be announced, and you will be able to unmute yourself. If you called in using your phone, your phone number will be announced, and you will be able to unmute yourself. Please state and slowly spell your name for the official record and if applicable, provide the name of your organization. After the self-introduction, your five-minute time will start. We will now begin the public comment process. There may be a short pause before the first commenter is introduced. Rachel, do we have any commenters in the queue?

**Rachel Buzzeo:** Looks like we have two public commenters right now with their hands raised. Daryll Joyner, it is now your time to speak. Please unmute and introduce yourself and begin your comment.

**Comment #1 Daryll Joyner (Oral Comment):** Hello, my name is Daryll Joyner. I work for Dewberry Engineers and my client is Tampa Bay Water. We have tried to engage EPA previously, so they know some of our issues already, but I would like to note that Tampa Bay Water is concerned that focusing solely on the priority pollutants is not adequate to completely protect potable water supplies. In Florida, those are the Class One waters and we had requested that a broader list of parameters be addressed, most notably fluoride. That was not allowed. It was not included as part of the determination, but we still think it is necessary to protect source waters for drinking water facilities. We will be providing written comments that elaborate on these in more detail.

**Kary Phillips:** Thank you for providing your comment. Rachel, could you invite the next person?

**Rachel Buzzeeo:** Yes, Sydnei Cartwright, it is now your time to speak. Please unmute, introduce yourself and begin making your comment.

**Comment #2 Sydnei Cartwright (Oral Comment):** Hi, my name is Sydnei Cartwright. I am with Miami Waterkeeper. Good afternoon, everyone, I am an environmental policy specialist here at Miami Waterkeeper. I want to say that Miami Waterkeeper commends and supports the efforts made by EPA in advancing Florida's human health criteria. We find that it is long overdue and something that Miami Waterkeeper prioritizes. We pushed back against the State's proposed human health criteria in 2016 and we also petitioned for the human health criteria reform in 2022 alongside Waterkeeper Florida and the Environmental Defense Alliance. EPA's commitment to refining and passing these criteria aligns seamlessly with our mission here at Miami Waterkeeper, which is to protect Florida's water and to protect South Florida's water resources. Waters are the lifeblood of our communities. They provide recreational enjoyment and sustain our diverse ecosystems and economies. We cannot overstate the importance of stringent and science-backed human health criteria. It is the bedrock for ensuring the safety and well-being of Floridians who depend on our water for various aspects of their daily lives. Again, Miami Waterkeeper recognizes that we value EPA's efforts, and we acknowledge their significance in safeguarding our waterways. We look forward to continuing this collaborative process. Thank you.

**Kary Phillips:** Thanks for providing your comment. Rachel, do we have any other commenters in queue?

**Rachel Buzzeeo:** At this moment we do not have any other public commenters in the queue.

**Kary Phillips:** Okay, thank you. We will pause here to wait for more commenters in the queue at this time. If there are no additional commenters and 15 minutes have passed with no comments, the hearing will end early. You are welcome to stay with us or leave the meeting. If you have a comment at this time, please use the Raise Hand function.

**[Five minutes pass by]**

**Kary Phillips:** We have gone 5 minutes with no additional comments. We will stay on the line in case there are additional commenters. If there are no additional commenters and another 10 minutes pass with no comments, the hearing will end early. You are welcome to stay with us or to leave the meeting. If you have a comment at this time, please use the Raise Hand function.

**[Ten minutes pass by]**

**Kary Phillips:** At this time I'd like to conclude today's public hearing. Thank you to everyone who joined us and provided an oral comment.