

to protect human health and meet the requirements of the Clean Water Act. After months of dialogue, EPA issued a determination on December 1, 2022 acknowledging that Florida's 1990s-era human health criteria for priority toxic pollutants did not protect Florida's people and waterways, and asserted that new and revised water quality criteria are needed. Specifically, EPA identified 40 priority toxic pollutants regulated by Florida that needed updated criteria, and 37 additional priority toxic pollutants that Florida had no criteria for, despite Clean Water Act requirements.<sup>2</sup>

EPA gave FDEP 12 months to adopt new and revised water quality criteria, but that time lapsed with no action. As a result, on December 1, 2023, EPA published a proposed rule to establish new and revised human health water quality criteria for 73 priority toxic pollutants in the state of Florida.<sup>3</sup> These rules were scheduled to be finalized in late 2024 or early 2025, but were not promulgated when President Donald Trump issued an executive order instructing all federal agencies not to promulgate new rules. In response to this inaction, the Environmental Defense Alliance and Waterkeepers Florida have filed a Complaint in the U.S. District Court for the Middle District of Florida (Jacksonville Division) against Administrator Zeldin to compel him to finalize those rules as the Clean Water Act requires.

"The goal of the Clean Water Act is to ensure that all U.S. waterways are 'fishable and swimmable,' but lax enforcement from our state and federal environmental protection agencies has prevented that goal from becoming a reality" says Waterkeepers Florida Chair, Jen Lomberg. "Floridians deserve water that is clean and safe enough to swim in and fish from."

Miami Waterkeeper, Dr. Rachel Silverstein, who has been involved in this effort since 2016 added, "The people of Florida deserve to be protected from exposure to toxic chemicals -- especially after decades of living with unacceptably high levels of cancer-causing and neurotoxic pollutants. This is a much-needed action to protect Floridians, our water, and our wildlife."

David Ludder, attorney for the Environmental Defense Alliance added, "The executive order issued by President Trump does not supersede or suspend the requirements of the Clean Water Act. Among those requirements is a congressional mandate that the Administrator of EPA promulgate water quality criteria no later than 90 days after EPA publishes proposed criteria determined to be necessary to protect fishing and shellfishing uses of waters."

#### **ABOUT WATERKEEPERS FLORIDA**

Waterkeepers Florida is a regional entity composed of the individual Waterkeeper organizations working in the State of Florida to protect and restore our waters across over 45,000 square miles of watershed, which is home to over 15 million Floridians. Part scientist, teacher, and legal advocate, Waterkeepers combine firsthand knowledge of their waterways with an unwavering commitment to the rights of their communities and to the rule of law. Whether on the water, in a classroom, or in a courtroom, Waterkeepers speak for the waters they defend – with the backing of their local community and the collective strength of Waterkeeper Alliance.

#### **ABOUT THE ENVIRONMENTAL DEFENSE ALLIANCE**

The Environmental Defense Alliance strategically uses law and policy to protect human health and the environment. For more information, visit: <https://www.environmentaldefensealliance.org/>

---

<sup>2</sup> <https://www.epa.gov/system/files/documents/2022-12/Administrator-Determination-Florida-December-2022.pdf>

<sup>3</sup> <https://www.govinfo.gov/content/pkg/FR-2023-12-08/pdf/2023-26734.pdf>