

notification letter, the Assistant Administrator wrote, “Specifically, EPA made an Administrator’s Determination that certain new and revised human health criteria (HHC) are needed to protect against adverse human health effects related to pollutants in Florida’s waters, as described in the attached Determination. In particular, without an update to the 6.5 grams per day (g/day) fish consumption rate that Florida used to derive its currently applicable HHC, established in 1992, Florida is not keeping pace with the current practices of Florida residents, who appear to be eating far more fish than the 6.5 g/day input indicates.” Letter from Fox to Ludder & Lomberg of Dec. 1, 2022 (Exhibit A) at 1.

18. On December 1, 2022, the Assistant Administrator for the Office of Water of the Environmental Protection Agency (the Administrator’s duly authorized delegatee) transmitted to the Secretary of the Florida Department of Environmental Protection the Administrator’s Determination that new and revised water quality standards in Florida are necessary to satisfy the requirements of the Clean Water Act. Letter from Fox to Hamilton of Dec. 1, 2022 (Exhibit B).

19. The Administrator’s Determination states: