

quickly incorporate into state law.” Letter from Blalock to Fox of Feb. 27, 2023 (Exhibit C) at 1.

22. On December 8, 2023, the Administrator of the Environmental Protection Agency published proposed regulations setting forth new numerical water quality criteria for 37 priority toxic pollutants and revised numerical water quality criteria for 36 priority toxic pollutants to protect human health and the designated uses of Florida’s Class I, II, III, and III-Limited waters (e.g., potable water supply, shellfish harvesting, and fish consumption). *Water Quality Standards To Protect Human Health in Florida*, 88 Fed. Reg. 85530 (Dec. 8, 2023) (proposed rule) (Exhibit D).

The Administrator stated therein:

As the EPA stated in [its] determination, one of the primary deficiencies with Florida’s existing HHC is their reliance on the EPA’s national default FCR from 1992. As Florida has acknowledged, its existing HHC are based on an FCR that is far lower than national, regional or state-specific studies suggest Floridians consume. This finding is consistent with the EPA’s 2014 analysis of NHANES data from 2003 to 2010, which indicates that the 90th percentile consumption rate of fish and shellfish from Florida’s inland and nearshore waters ranges from approximately 22 g/day to 30 g/day. * * *

Regarding new HHC, the EPA determined that Florida needs new HHC for 37 additional priority toxic pollutants. Available information included in the state’s rulemaking record and other state actions related to priority toxic pollutants indicates