

promulgated any new or revised numerical water quality criteria for 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).

38. The absence of new and revised numerical water quality criteria for priority toxic pollutants in Florida's Class II, III and III-Limited waters presents a present and continuing threat of injury to the health of recreational and subsistence fishers, their families, and other persons who consume fish and shellfish from those waters. With regard to this present and continuing threat, the Environmental Protection Agency stated:

The EPA believes that the human health or environmental conditions that exist prior to this action result in or have the potential to result in disproportionate and adverse human health or environmental effects on communities with environmental justice concerns. Florida's current FCR of 6.5 g/day is far lower than national, regional or state-specific studies suggest Floridians consume. In addition, Florida does not have HHC for certain priority toxic pollutants that are likely to be present in Florida's waters. As a result, Florida's HHC are not protective of Florida's designated uses. Many groups in Florida, such as subsistence and recreational Tribal and non-Tribal fishers, consume self-caught fish and shellfish. Florida's current HHC expose these higher fish consumers to greater risk from toxic pollutants. Florida's low FCR and lack of HHC for additional priority toxic pollutants potentially