

ERC signs off on controversial water standards



Jeff Burlew, Democrat senior writer 9:16 p.m. EDT July 26, 2016



(Photo: Joe Rondone/Democrat)

Despite vehement opposition from environmental groups, state regulators signed off Tuesday on new standards for Florida's rivers, lakes and coastal waters that include less stringent requirements for certain toxic chemicals.

The Environmental Regulation Commission approved the new human health criteria for surface waters in a 3-2 vote. The decision came after hours of emotional testimony from concerned citizens, who said the new standards will increase chances Floridians will get cancer from eating seafood and drinking water.

Linda Young, executive director of the Florida Clean Water Network, which led the fight against the new standards, called the decision "beyond outrageous."

"This is a wholesale denial in Florida of the value of our lives," she said. "This is our governor — who is the person who's driving this — saying Floridians' lives don't matter. What matters are our industries, our corporations, making more money. And they can do that by putting more pollution in our waters."

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People listen to Tom Frick, the director of the Environmental Assessment and Restoration Division as he addresses the Environmental Regulation Commission during a meeting about Florida water quality standards at the DEP building on Tuesday. (Photo: Joe Rondone/Democrat)

The Florida Department of Environmental Protection, under the federal Clean Water Act, is required to periodically update limits on a number of toxic chemicals it will allow to be dumped into its surface waters. It tried several years ago to update standards on the books since 1992 but didn't win ERC approval.

The agency, as part of its latest plan, updated limits for 43 chemicals and added another 39 compounds to its list, nearly doubling the amount of the toxic compounds it regulates.

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People who wish to address the Environmental Regulation Commission rise to take a public oath before their meeting at the Florida Department of Environmental Protection building on Tuesday. (Photo: Joe Rondone/Democrat)

About half the chemicals regulated today, however, would have less stringent standards. And limits for most of the 80-plus chemicals would have less restrictive standards than Environmental Protection Agency recommendations, when factors like local seafood consumption are considered, opponents asserted.

Drew Bartlett, DEP's deputy secretary for ecosystem restoration, said the new standards would protect the average Floridian at a cancer-risk level of one in a million. Others would have higher or lower protection depending on how much they weigh and how much fish and water they consume.

"What drove a lot of the changes are the toxicity values that EPA provided us," he said. "We just felt that it was critical to get ... that information updated. And it's critical that we have these new parameters. That is a complete lift for protecting human health."

An overflow crowd of activists, concerned citizens and others traveled from across the state to attend the ERC meeting and a morning protest outside DEP offices. They packed into one conference room and spilled over into another.

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Husband and wife Don and Nancy Crane hold signs in protest of water quality standard changes during a meeting with the Environmental Regulation Commission at the DEP building on Tuesday. (Photo: Joe Rondone/Democrat)

Several speakers criticized the ERC, whose seven members are appointed by the governor, for considering the new standards at a time when it is down two members. The vacant posts are set aside for representatives of local government and the environmental community.

The disappointment from opponents was clear after the vote. "Baby killers" one man murmured. Another man stormed the dais to protest the vacancies and had to be escorted out by security. One woman stood speechless as tears ran down her face.

U.S. Rep. Gwen Graham, D-Tallahassee, issued a statement calling the vote "insulting" and "unconscionable" given statewide water-quality problems and the Flint, Michigan, water crisis.

"Floridians from across the state traveled to Tallahassee to express those concerns ... and the Environmental Regulation Commission ignored them," she said. "Gov. Rick Scott is ignoring them. They're not just out of touch — they're completely disregarding the will of the people they represent."

Under the plan, limits for benzene, a carcinogen known to cause leukemia and used in fracking, would nearly double. Less stringent limits also would be in place for arsenic, a well-known poisonous substance, and PCBs, a banned substance linked to numerous health problems.

"In an age where we all either have a family member with cancer or a neighbor with cancer, DEP's proposal to allow higher pollution standards will result in greater harm to Floridians," said Dr. Ron Saff, a member of Physicians for Social Responsibility.

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Tom Frick, the director of the Environmental Assessment and Restoration Division addresses the Environmental Regulation Commission during a meeting about Florida water quality standards at the DEP building on Tuesday. (Photo: Joe Rondone/Democrat)

Commissioner Adam Gelber, who voted against the plan, said the new standards relied too heavily on regional, not local data. And he questioned why DEP staff changed its initial proposal for benzene, which saw allowable amounts lowered over recent weeks.

"I feel like there's a fatal flaw there," he said. "How would those other criteria change if we went back and did whatever was applied to the benzene?"

Commission Chair Cari Roth, who voted in favor of the standards, said that in practical effect, the plan would not lead to more toxins going into state waters.

"It is more good than harm," she said.

The new standards, which go to the EPA for final approval, will likely be challenged in court, though it wasn't immediately clear who might sue. Young said her organization wouldn't mount an administrative challenge because the process is "rigged." But she said the network may sue EPA if it signs off on the criteria.

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