

# Inside Climate News

Justice & Health

## Alabama Environmental Groups Secure Rare Win in Fight to Update Water Toxicity Standards

The new standards will reduce amounts of 12 toxic or cancer-linked pollutants in Alabama waterways, according to clean water advocacy groups that petitioned for the changes.



By [Dennis Pillion](#)

June 21, 2025



An aerial view of the Cahaba River as it flows through central Alabama. Credit: Lee Hedgepeth/Inside Climate News

Alabama environmental regulators have agreed to update standards used to limit the amounts of 12 toxic and carcinogenic substances in the state's waterways, a move that clean water advocates say will help protect those who fish and swim in Alabama's rivers.

Seven Alabama environmental groups petitioned the state's Environmental Management Commission to update those standards in April, and that petition was approved at the June 13 commission meeting.

The commission, a seven-member appointed board that oversees the Alabama Department of Environmental Management, ruled in favor of the environmental groups by a 6-1 vote, despite ADEM's objections.

The decision was a rare win for environmental groups operating in the deep-red state, from a board that rarely votes against the department's recommendations.

"We're pleased but somewhat surprised, given the historical reluctance to give environmentalists what they want," David Ludder, an attorney representing the environmental groups, said in an interview.

Ludder said that, once finalized, the new standards will result in stricter limits on how much of these toxic substances can legally be discharged into Alabama waterways that are sources of drinking water and popular fishing areas across much of the state.

In their petition, the groups noted that the U.S. Environmental Protection Agency published new [Integrated Risk Information System](#) [IRIS] standards in 2015, but the state had never updated its thresholds to match. The IRIS program assesses the latest scientific research on numerous hazardous chemicals to help federal, state and local regulators determine safety standards for exposure.

“EPA did a very large reevaluation of toxic pollutants in 2015 and it was our hope that ADEM would promptly respond to that 2015 evaluation,” Ludder said. “Since then, every three years, we’ve asked ADEM to do that, to complete that evaluation, and they never were able to do it, and they never were able to provide a specific time limit for doing it.”



Petitioners from Alabama environmental groups pose for a photo on June 13 outside the Alabama Department of Environmental Management headquarters in Montgomery, Ala. From left: Katie Holmes and Eva Dillard, Black Warrior Riverkeeper; Justinn Overton, Coosa Riverkeeper; Nelson Brooke, Black Warrior Riverkeeper; David Butler, Cahaba Riverkeeper; Michael Mullen, Choctawhatchee Riverkeeper; David Ludder; Charles Miller, Alabama Rivers Alliance.

Ludder said commission rules require ADEM to use EPA-issued water standards “except where other values are established” in coordination with the Alabama Department of Public Health. That did not happen in this case.

“If you want to set aside the value of the Integrated Risk Information System, you have to develop a justification for something else,” Ludder said at the commission meeting. “And that has to be done in consultation with the Department of Public Health.”

ADEM acting director Jeffery Kitchens told the commission that the petition should be denied because it was “premature,” arguing that ADEM needed more time to evaluate the standards, and that the department was working on the water toxicity standards as a whole instead of keying in on 12 individual contaminants identified in the petition.

Kitchens said the department was moving on a timeline to propose an update to the standards by “late 2026,” aligning with ADEM’s policy of reviewing the guidelines every three years.

“We believe this comprehensive evaluation will result in the adoption of protective, scientifically justifiable criteria,” Kitchens said during the meeting.

Ludder countered that Kitchens’ response did not establish any firm deadlines for updating the standards and that multiple triennial reviews had taken place since 2015 without reflecting the new EPA guidance.

“The petition process is recognized by Alabama law, and it’s designed specifically to move agencies to do something, to reconsider what their rules say,” Ludder said during the meeting. “We’re asking you to do that and not defer to another triennial review.”

The commission—composed of private-sector experts in law, biology, engineering, medicine, geology and veterinary medicine, appointed by the governor—found the argument compelling.

“If our rules say we should be following [the EPA standard], we should be following it until we have a scientific basis to do something different,” Commissioner Lanier Brown, a Birmingham-based attorney, said during the meeting. “And we don’t have something different, so we’ve got to follow those.”

The commission sided with the petitioners, with only commission Chair Frank McFadden voting no.

Ludder filed the petition on behalf of seven Alabama environmental groups: the Alabama Rivers Alliance, Black Warrior Riverkeeper, Cahaba Riverkeeper, Choctawhatchee Riverkeeper, Coosa Riverkeeper, Mobile Baykeeper and the Environmental Defense Alliance.

Charles Miller, policy director for the Alabama Rivers Alliance, said he was encouraged not only by the vote, but by the level of discussion among commissioners, ADEM and the petitioners.

“There were a lot of good questions from the commissioners,” Miller said. “I think this is an example of what happens when we put some thought into our environmental regulations, when we take them seriously.”

ADEM will now be required to update its standards for 12 chemical pollutants. For five of those toxicants—cyanide, 1,3-dichlorobenzene, 4,6-dinitro-2-methylphenol, ethyl benzene, and toluene—the state will switch to the updated EPA standard for an oral reference dose, mirroring the EPA’s IRIS reference dose thresholds.

A reference dose is the amount of a toxic substance that a person can be exposed to on a daily basis that is “likely to be without an appreciable risk” of harm. The EPA uses this metric to evaluate potentially harmful chemicals that are not considered carcinogens.

For six other compounds—1,3- dichloropropylene, 2,4-dinitrotoluene, hexachloroethane, pentachlorophenol, trichloroethylene and arsenic—the state will use the EPA’s updated cancer potency factor. The CPF estimates how much ingesting 1 mg per day of a certain chemical will increase a person’s risk of developing cancer.

For 1,2,4-trichlorobenzene, the petition requested the state shift from using the reference dose threshold to the cancer potency factor threshold.

According to the petition, the updated standards are the result of new research and analysis by the EPA showing the chemicals are harmful at lower concentrations than previously believed.

“While the toxicity values for the toxic pollutants ... may have reflected the best science and scientific judgment available at the time of their adoption by the Commission, new information and scientific methods have become available which demonstrate that the toxicity values for the above-mentioned priority toxic pollutants are not sufficient to protect human health,” the petition states. “The proposed amendment will revise those toxicity values to reflect the best available science and scientific judgment and protect human health.”

Ludder said he expects the department to formally propose the updated standards around December, with the new limits incorporated into permits and advisories after that.

“The toxicity value of these chemicals is not the only consideration in establishing what level of water quality will be achieved, but it will definitely improve things,” Ludder said. “It will reduce the amount of toxins in Alabama waters.”



### [Dennis Pillion](#)

Reporter, Alabama

Dennis Pillion is a reporter for Inside Climate News based in Alabama. He joined ICN in 2024 after 17 years working for Alabama Media Group, including nine as the statewide natural resources reporter. His work for AL.com and The Birmingham News, won numerous Green Eyeshade and Alabama Press Association awards for his coverage of environmental issues in Alabama. He was born and lives in Birmingham, Ala.

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BEFORE THE  
ENVIRONMENTAL MANAGEMENT COMMISSION  
OF THE  
ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

In the matter of:	)	
	)	
Petition to Amend Ala. (ADEM) Admin. Code	)	EMC Rulemaking Petition 25-01
Chap. 335-6-10, Appendix A	)	
Petitioners – Environmental Defense Alliance, et al.	)	

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MOTION

Grant the Petition for Rulemaking and initiate rulemaking proceedings  
on the proposed amendments to ADEM Admin. Code Chap. 335-6-10, Appendix A

ORDER

This cause coming before the Environmental Management Commission pursuant to the above petition for rulemaking and having considered the petition and arguments supporting the petition and the views of the Acting Director of the Alabama Department of Environmental Management and arguments supporting said views, it is hereby ORDERED:

1. That having given due consideration to the petition pursuant to ADEM Admin. Code R. 335-2-2-.05;
2. That the above motion is hereby adopted; and
3. That this action has been taken and this order issued by the Commission effective June 13, 2025; and
4. That a copy of this order shall be served upon the Petitioners and the Department either personally or by certified mail.

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ISSUED this 13th day of June 2025.

APPROVED:


  
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Mary J. Merritt, Commissioner

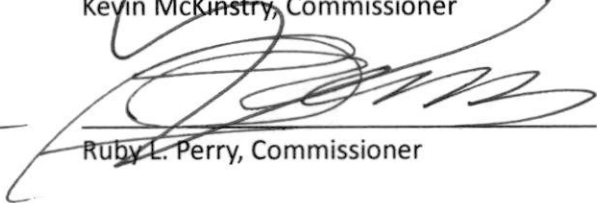
  
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J. Patrick Tucker, Commissioner

  
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John (Jay) H. Masingill, III, Commissioner

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A. Frank McFadden, Commissioner

  
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H. Lanier Brown, II, Commissioner

  
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Kevin McKinstry, Commissioner

  
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Ruby L. Perry, Commissioner

DISAPPROVED:

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Mary J. Merritt, Commissioner

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J. Patrick Tucker, Commissioner

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John (Jay) H. Masingill, III, Commissioner

  
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A. Frank McFadden, Commissioner

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H. Lanier Brown, II, Commissioner

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Kevin McKinstry, Commissioner

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Ruby L. Perry, Commissioner

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ABSTAINED:

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Mary J. Merritt, Commissioner

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H. Lanier Brown, II, Commissioner

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J. Patrick Tucker, Commissioner


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Kevin McKinstry, Commissioner

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John (Jay) H. Masingill, III, Commissioner

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Ruby L. Perry, Commissioner

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A. Frank McFadden, Commissioner

This is to certify that this Order is a true and accurate  
account of the actions taken by the Environmental  
Management Commission on this 13th day of June 2025.

  
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A. Frank McFadden, Chair  
Environmental Management Commission  
Certified this 13th day of June 2025