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For Immediate Release

Court Orders EPA to Finalize Water Rules to Protect Floridians from Toxic Chemicals

Florida, Statewide | October 30, 2026 – After years of advocacy by the Environmental Defense Alliance, Waterkeepers Florida, and our partners, a federal court has ordered the Environmental Protection Agency (EPA) to finalize water quality protections concerning 73 toxic and cancer-causing chemicals in Florida's waters on or before December 1, 2026. This rule change will finally revise toxic limits for Florida that have languished without update for over 30 years.

Water quality standards for dozens of toxic chemicals that affect human health, called "Florida's Human Health Criteria for Priority Toxic Pollutants" are supposed to be reviewed and updated by state environmental protection agencies, like the Florida Department of Environmental Protection (FDEP), every three years in order to keep pace with updates in scientific research and technology. These toxic pollutants include known carcinogens like benzene and other chemicals found in fumigant pesticides and industrial solvents. However, many of Florida's water quality standards have remained woefully outdated since the 1990s and many more were never even adopted.

"Florida has the largest recreational fishery in the United States and the second largest seafood industry. It only makes sense to protect Florida waters from toxic chemicals that accumulate in our fish," says Lisa Rinaman, St. Johns Riverkeeper.

In 2016, Waterkeepers, the Seminole tribe, and partners in Florida mounted a campaign against an attempt to weaken these outdated regulations, which was proposed using faulty fish consumption data, an inappropriate risk model, and a lack of public engagement. After that rule was finally withdrawn, in January of 2022, the

Environmental Defense Alliance and Waterkeepers Florida sent a petition to the Environmental Protection Agency (EPA) urging the agency to make a determination that new and revised water quality criteria were necessary to meet the requirements of the Clean Water Act. After months of dialogue, EPA issued a determination acknowledging that Florida's 1990s-era Human Health Criteria for Priority Toxic Pollutants did not protect Florida's people and waterways, and asserted that new and revised water quality standards are needed. Specifically, EPA identified 40 priority toxic pollutants that had outdated standards that needed to be updated, and 37 priority toxic pollutants that Florida had no regulatory standards for, despite the fact that standards are required under the Clean Water Act.

EPA gave FDEP 12 months to adopt updated water quality standards, but that time lapsed with no action. As a result, on November 30, 2023, EPA announced its own proposed rule to establish new and revised human health water quality criteria for 73 toxic pollutants in the state of Florida, but this rule was never finalized.

On February 7, 2025, the Environmental Defense Alliance and Waterkeepers Florida sent a Notice of Intent to Sue to the Administrator of EPA citing EPA's failure to promulgate water quality criteria for priority toxic pollutants in Florida's surface waters. On October 27, 2026, the United States District Court for the Middle District of Florida entered a Consent Decree that requires EPA to sign a final rule establishing revised and new human health criteria for priority toxic pollutants in Florida by December 1, 2026.

"Under the Clean Water Act, Human Health Criteria are specifically designed to protect people against adverse health effects from polluted water" says Waterkeepers Florida Vice-Chair, Jen Lomberk. "We are extremely glad that we are one step closer to having these protections in place, but frustrated that it took so long. We should not have to sue our government agencies to protect Floridians from dirty water."

David Ludder, attorney for the Environmental Defense Alliance and Waterkeepers Florida added " This rulemaking is long overdue -- environmental groups have been urging the State to amend its toxics criteria since 1994. Consumers of Florida fish have not been adequately protected from exposure to toxic pollutants in fish tissues for more than 30 years now because of the failure of the Florida Department of Environmental Protection to promulgate new and revised criteria. We are pleased that the Court has ordered EPA to adopt new and revised toxics criteria."

Miami Waterkeeper, Rachel Silverstein, who has been involved in this effort since 2016 added "The people of Florida deserve to be protected from exposure to industrial pollution -- especially after decades of living with unacceptable toxic risk levels. This agreement is a much-needed step to ensure that Floridians are not subjected to undue health risks from dozens of dangerous chemicals."

About The Environmental Defense Alliance

The Environmental Defense Alliance strategically uses law and policy to protect human health and the environment. For more information, visit: https://www.environmentaldefensealliance.org/

About Waterkeepers Florida

Waterkeepers Florida is a regional entity composed of all 15 Waterkeeper organizations working in the State of Florida to protect and restore our water resources across over 45,000 square miles of watershed, which is home to over 15 million Floridians. Part scientist, teacher, and legal advocate, Waterkeepers combine firsthand knowledge of their waterways with an unwavering commitment to the rights of their communities and to the rule of law. Whether on the water, in a classroom, or in a courtroom, Waterkeepers speak for the waters they defend – with the backing of their local community and the collective strength of Waterkeeper Alliance.