

Alliance for the Great Lakes * American Rivers * Audubon * Audubon of Florida * Audubon of Southwest Florida * Cahaba River Society * Chesapeake Bay Foundation * Citizens Committee to Complete the Refuge * Clean Water Network * Clean Water Network of Florida * Conservancy of Southwest Florida * Cry of the Water * Center for Biological Diversity * Collier County Audubon Society * Defenders of Wildlife * Ding Darling Wildlife Society * Earthjustice * Everglades Foundation * Environment America * Environment Florida * Environmental Law & Policy Center * Florida Keys Chapter, Izaak Walton League of America * Florida Wildlife Federation * Foundation for Global Sustainability * Great Salt Lakekeeper * Gulf Restoration Network * High Country Citizens' Alliance * Kentucky Resources Council * Lake Superior Greens * Lower Mississippi Riverkeeper * Mankato Area Environmentalists * Midwest Environmental Advocates * Milwaukee Riverkeeper * Minnesota Center for Environmental Advocacy * National Garden Clubs, Inc. * National Wildlife Federation * Natural Resources Defense Council * Northwest Environmental Advocates * Palm Beach County Reef Rescue * Prairie Rivers Network * Red River Watershed Association * River Network * Sierra Club * St. Johns Riverkeeper * St. Louis Audubon Society * Sanibel Captiva Conservation Foundation * Southern Environmental Law Center * Spokane Riverkeeper * Western Lake Erie Waterkeeper Association

June 15, 2010

The Honorable David Obey
Chair, Appropriations Committee
H-218 Capitol
U.S. House of Representatives
Washington DC 20515:

Dear Chairman Obey:

We understand that Representative Crenshaw may offer an amendment to the FY2010 Supplemental Appropriations Bill to stop EPA's funding to establish numeric water quality criteria to protect Florida's waters from excess nutrients, particularly pollution from sewage, manure and fertilizer, as required by a Consent Decree from a federal court. We urge you to oppose this amendment, which would thwart long-delayed efforts to establish legal limits on pollutants threatening the health of people, fish and wildlife in Florida.

For more than a decade, even as the Florida Department of Environmental Protection increased its efforts to address pollution from these organic wastes, serious nutrient pollution persisted and grew worse. In 2008, testing by the Florida Department of Environmental Protection revealed that 1,000 miles of the state's rivers and streams, 350,000 acres of Florida's lakes and 900 square miles of its estuaries were contaminated by nutrient pollution from sewage discharges and fertilizer or manure runoff. "The actual number of miles and

acres of waters impaired [by these pollutants] is likely higher," the DEP noted, "as many waters that have yet to be assessed may also be impaired."

All across Florida, this pollution jeopardizes the health of aquatic ecosystems and fisheries, public health, the ability to swim and boat in lakes and rivers, and Florida's most important industry – tourism. Algae outbreaks plague many lakes, rivers and springs. The outbreaks can make boating and swimming dangerous or impossible, result in massive fish kills, and reduce waterfront property values.

Algal blooms are caused by excess nutrients, particularly nitrogen and phosphorus from human and animal wastes and other sources, and the amount this pollution correlates to the size of algal blooms. When algae decompose, a process called eutrophication robs water systems of oxygen causing hypoxic "deadzones" where marine life cannot live.

Some algae are also toxic and pose public health risks. Exposure to toxic algae can cause rashes, skin and eye irritation, allergic reactions and gastrointestinal upset. Swimming can cause serious illness if water is ingested. Some algae are known tumor promoters, and they produce neurotoxins which interfere with nerve cell function and hepatotoxins which attack the liver.

The stench produced by red drift algae smells like raw sewage and drives away beachgoers. Red tide has been linked to respiratory problems and often results in closed beaches during the tourist season. These closures have a devastating effect on the tourist economy.

Nutrient pollution can also endanger drinking water. Algae outbreaks are drawn into water intake pipes and attempts to disinfect the algae-laden water often cause the algae to suddenly release dangerous toxins. In June 2008, a water treatment plant serving 30,000 people was forced to shut down after a toxic blue-green algae outbreak on the Caloosahatchee River made the drinking water plant unusable. According to the EPA, excess nutrients can contribute to the "formation of disinfection byproducts in drinking water, some of which have been associated with serious human illnesses such as bladder cancer."

On January 14, 2009, the EPA determined that setting numeric water quality criteria for nutrients was required to comply with the Clean Water Act and that Florida's reliance on case-by-case interpretation of its narrative nutrient criteria was inadequate. On August 19, 2009, the EPA entered into a phased Consent Decree with conservation groups to set numeric nutrient criteria unless Florida submits and EPA approves numeric criteria before final EPA action. After a hearing, the judge found that there was extensive record evidence of extensive nutrient pollution in the State of Florida. He also determined that the Consent Decree was a reasonable compromise, that it was consistent with the Clean Water Act and with public policy, and that it would abridge no other person's rights – opponents of EPA's rule will have ample opportunity to challenge the substance of the rule in federal court. Under the Consent Decree, the agency will finalize proposed standards for lakes, streams and springs, which have already undergone peer review, in October 2010. The EPA will finalize criteria for coastal and estuarine waters by August 2012 – a deadline that the EPA just extended to allow more time for Science Advisory Board review.

By withholding funding to carry out the Consent Decree, Representative Crenshaw's amendment would make it impossible for the EPA to comply. In addition to delaying the implementation of standards needed to protect the public and the environment in Florida, the amendment could encourage other states to delay setting numeric nutrient standards. Nutrient pollution is a critical national problem, and if Congress passed this amendment, it could wrongly signal that effective standards to control it are unnecessary.

Representative Crenshaw's amendment would stymie efforts to control a significant public health and environmental threat. We urge you to oppose its inclusion in an appropriations bill. As visual evidence of the need for numeric nutrient criteria for Florida's waters, we are enclosing photographs of algae outbreaks and warnings during the past five years. The most recent photograph was taken this week.

Thank you for considering our views.

Sincerely,

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Enclosures:

- 1) Martin County Health Department Algae Warning for St. Lucie River, 2005
- 2) Caloosahatchee River Algae Outbreak, August 2005
- 3) Tourists Wading Through Red Drift Algae on Bonita Beach, 2006
- 4) Caloosahatchee River Algae Outbreak at Olga, Florida, June 2008
- 5) Algae Outbreak, Christopher Creek, July 2009
- 6) Dead Fish and Algae, St. Johns River, June 2010

CC: Members of the House Appropriations Committee





