Kurt Spitzer

From: Kurt Spitzer
Sent: Tuesday, August 11, 2020 1:07 PM
To: Thomas Frazer (thomas.frazer@floridadep.gov)
Cc: Danielle Hopkins
Subject: BGATF - cyanotoxin criteria

Dr. Frazer -

This is a follow-up to the most recent meeting of the Blue Green Algae Task Force, during which time consideration was given to recommendations establishing water quality standards for cyanotoxins. These comments are submitted on behalf of the Florida Stormwater Association.

We urge the members of the Task Force to limit any recommendations concerning standards for cyanotoxins to those concerning public health advisories and related educational programs. We specifically urge the members of the Task Force to not recommend the development of cyanotoxin water quality standards or criteria under the Clean Water Act and related state programs, for the reasons stated herein.

- Florida already has criteria and programs designed to protect human health and protocols for monitoring and responding to the algal blooms associated with cyanotoxins. We believe that improvements could be made to those programs so that effectiveness of public notification and education efforts are more robust, widespread and uniform throughout Florida.

- MS4s and various other NPDES permit holders that must comply with the conditions of their permits and related water quality improvement programs do not discharge cyanotoxins. They discharge nutrients that may contribute to the growth of harmful algal blooms, which may produce cyanotoxins. There already are water quality criteria and standards for nutrients. Adding criteria for cyanotoxins that are not scientifically defensible will serve to increase confusion and expense in Florida's TMDL, BMAP and NPDES permitting programs, and increase permit-holder's exposure to third party litigation, without realizing any discernable improvement in water quality or in the protection of human health.

- The foundation of Florida's TMDL and BMAP programs is based on sound science. But the correlation between the existence of cyanotoxins and nutrients or other pollutants discharged by NPDES permit holders (and also pollutants discharged by entities that are not required to obtain permits) cannot be demonstrated with scientific certainty. For cyanotoxins, the relationship between the response variable and the variable itself cannot yet be determined.

We therefore urge the Task Force to recommend robust improvements to public health education and notification programs, and to refrain from recommending that parameters for Cylindrospermopsin and Microcystins be included as criterion for water quality standards, unless and until a scientifically defensible relationship between cyanotoxins and the underlying pollutants and conditions causing their growth can be demonstrated.

We appreciate your consideration and that of the Task Force.

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