

Congress of the United States
House of Representatives
Washington, DC 20515-0918

April 28, 2021

Michael Regan
Administrator
Environmental Protection Agency
1200 Pennsylvania Ave. NW
Washington, D.C. 20460

Dear Administrator Regan:

Congratulations on your recent confirmation as Administrator of the Environmental Protection Agency (EPA). As you begin your tenure, I write to raise your awareness about the harmful algal blooms (HABs) that plague the communities I represent in Martin, St. Lucie and Palm Beach Counties in Florida. You have spoken at great length about the need for environmental justice, and I can think of no more urgent environmental justice issue than the federal government knowingly poisoning its own citizens.

As you know, the EPA has issued guidance stating that water containing more than 8 parts per billion microcystin is unsafe for human contact. This week, water at the Pahokee Marina in Palm Beach County tested at 860 parts per billion, which is over 107 times more toxic than the EPA considers safe for human contact. Even more scary is that fact that water testing above this EPA threshold is regularly discharged by the U.S. Army Corps of Engineers into highly populated areas of Florida.

While the EPA's recreational water quality advisory has been helpful in ensuring residents of areas prone to HABs can be alerted when water in their community is unsafe, more must be done to protect these communities. For example, a study published by scientists at the University of Florida last year found that HAB toxins such as microcystin can, in their aerosolized forms, travel approximately 10 miles from the bloom source by air.¹ Water that tests above the EPA's guidance can cause liver failure, kidney damage, pneumonia and even death when ingested; however, many questions remain about the health impacts of exposure to aerosolized microcystin.

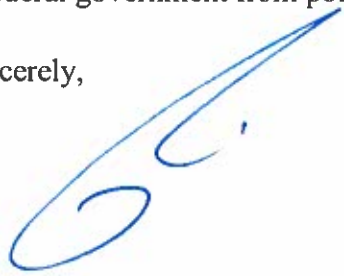
¹ Atmospheric Progression of Microcystin-LR from Cyanobacterial Aerosols
Myoseon Jang, David E. Berthold, Zechen Yu, Cecilia Silva-Sanchez, H. Dail Laughinghouse IV, Nancy D. Denslow, and Sanghee Han
Environmental Science & Technology Letters 2020 7 (10), 740-745
DOI: 10.1021/acs.estlett.0c00464

I am, therefore, concerned that no federal standard currently exists to provide protection to communities in close proximity to these toxic blooms that are likely to be exposed unknowingly to these aerosolized poisons. I am writing to request that the EPA build upon its successful development of the recreational water quality standard to develop a standard to notify and protect communities that may be exposed to these toxins even if they do not come in direct contact with the water.

Moreover, I am concerned that the U.S. Army Corps of Engineers is ignoring the guidance issued by the EPA to prevent contact with water containing greater than 8 parts per billion microcystin. During Congressional testimony on July 10, 2019, Major General Scott Spellmon was forced to acknowledge that the Army Corps had knowingly discharged toxic water exceeding the EPA's standard into densely populated areas of Florida. Nonetheless, these discharges have continued. Therefore, I urge you to work with the U.S. Army Corps of Engineers on a solution to prohibit discharges from Lake Okeechobee when the water exceeds the 8 parts per billion microcystin limit identified in the EPA's recreational water quality advisory.

I would appreciate a written response detailing the steps the EPA will take to address both of these issues. Congratulations again on your appointment, and I look forward to working with you further to immediately prevent the federal government from poisoning its own citizens.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Brian Mast', is written over the 'Sincerely,' text. The signature is fluid and cursive, with a large loop at the end.

Brian Mast
Member of Congress