

United States Senate

WASHINGTON, DC 20510

The Honorable Daniel Inouye
Chairman
Senate Committee on Appropriations
Room S-128, The Capitol
Washington, D.C. 20510

The Honorable Jack Reed
Chairman
Subcommittee on the Interior,
Environment, and Related Agencies
Senate Committee on Appropriations
131 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Thad Cochran
Ranking Member
Senate Committee on Appropriations
Room S-146A, The Capitol
Washington, D.C. 20510

The Honorable Lisa Murkowski
Ranking Member
Subcommittee on the Interior,
Environment, and Related Agencies
Senate Committee on Appropriations
131 Dirksen Senate Building
Washington, D.C. 20510

March 8, 2011

Dear Chairmen Inouye and Reed and Ranking Members Cochran and Murkowski:

As we continue debate of the Fiscal Year 2011 continuing appropriations legislation, I respectfully request that Section 4035, as amended by Representative Tom Rooney, be included in the legislation considered by the full Senate. This provision would temporarily halt numeric nutrient criteria for the State of Florida finalized by the Environmental Protection Agency (EPA) on December 6th, 2010.

As you know, since 1998, the EPA has encouraged state adoption of numeric nutrient criteria to help address the ecological effects, such as algae blooms, of naturally occurring nutrients such as phosphate. In January 2009, despite continued efforts by the Florida Department of Environmental Protection to regulate the discharge of these nutrients into Florida waterways, the EPA made a formal determination to set Federal standards for the state. The first phase of these standards was finalized on December 6th, 2010.

There have been numerous concerns raised regarding the numeric nutrient criteria set by the EPA. Cost estimates have been widely disparate. The EPA estimates that implementation of the standards would cost \$135.5 to \$206.1 million annually. However, the Florida Department of Agriculture and Consumer Services has determined that the new standards would cost \$1.148 billion annually. Despite the massive discrepancy, to date, the EPA has refused a Congressional request to conduct an independent analysis of the economic impacts. Furthermore, there have been questions raised regarding the scientific basis and methodology used for the EPA standards.

It would be imprudent to allow the EPA to move forward with these regulations without further review of the many unanswered questions, particularly given the substantial regulatory and financial consequences that would burden the state of Florida. By maintaining Section 4035, in time, we will be able to sufficiently address the many concerns raised and ensure that there is confidence in the regulatory regime being promoted by the EPA as we work to address water quality in the State of Florida.

Thank you for your consideration.

A handwritten signature in blue ink, appearing to read "Marco Rubio", is written over a horizontal line. The signature is stylized and cursive.

Senator Marco Rubio

Cc: The Honorable Harry Reid
The Honorable Mitch McConnell