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Groups Successful in Updating Toxic Pollutant Values to Protect Health of Alabamians

A Petition for Rulemaking was granted on Friday by the Alabama Environmental Management Commission (AEMC) after seven conservation organizations urged the state to update and publish amended toxicity values for twelve priority toxic pollutants, such as arsenic, cyanide, and more.

The Petition was filed in April and was backed by substantive, credible and relevant evidence, data and information supporting the adoption of the proposed amendments. After compelling public comments, the AEMC acknowledged that they were not following their own rules and granted the petition.

The seven nonprofit organizations' legal action states that Alabama's current toxicity values are not sufficient to protect human health from consumption of contaminated fish, shellfish and water. The groups that filed the Petition for Rulemaking are Alabama Rivers Alliance, Black Warrior Riverkeeper, Cahaba Riverkeeper, Choctawhatchee Riverkeeper, Coosa Riverkeeper, Environmental Defense Alliance, and Mobile Baykeeper.

Several of these groups spoke to the EMC to express frustration with their inaction and to further explain how these outdated toxicity values impact families who rely on the river for sustenance. Alabama failed to review and adopt revised toxicity values for toxic pollutants as required by the Clean Water Act despite the development of new information and science on the toxicity of the twelve pollutants. As a result, Alabama's criteria for these toxic pollutants are outdated and insufficient to protect the health of Alabamians.

"Congress directed States to review and update water quality criteria for toxic pollutants at least every three years," David Ludder, attorney representing the group of organizations, said.

"Alabama failed to update the toxicity values used to calculate surface water quality criteria for Cyanide, 1,3-Dichlorobenzene, 4,6-Dinitro-2-methylphenol, Ethylbenzene, Toluene, 2,4-Dinitrotoluene, Hexachloroethane, Pentachlorophenol, Trichloroethylene, 1,3-Dichloropropylene, Arsenic, and 1,2,4-Trichlorobenzene for ten or more years despite the availability of information indicating these pollutants are more toxic than previously thought. We are pleased that the Commission ordered the Department to initiate rulemaking to consider the updates recommended by the Petitioners and EPA."

The amendments proposed by the Petition for Rulemaking reflect long-delayed updates to oral Reference Dose (RfD) values and oral Cancer Potency Factor (CPF) values recommended by EPA to protect human health. Adoption of these amendments will result in significantly lower water quality criteria for the twelve toxic pollutants and enhanced protection of human health.

“ADEM’s current toxicity values for the pollutants identified by the Petition were badly out of date,” said Eva Dillard, Black Warrior Riverkeeper’s staff attorney. “Newer science and analyses developed by EPA demonstrate that these twelve pollutants are even more toxic than previously thought. We are glad that the Alabama Environmental Management Commission agreed with us that it was time to update these values to protect human health.”

To view the Petition for Rulemaking, [click here](#).

To watch the EMC meeting, [click here](#).

For a picture of the petitioners attending the EMC meeting, [click here](#).

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[Black Warrior Riverkeeper](#)’s mission is to protect and restore the Black Warrior River and its tributaries. The citizen-based nonprofit organization promotes clean water for the sake of public health, recreation and wildlife habitat throughout the Black Warrior River watershed.