



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47600 • Olympia, WA 98504-7600 • 360-407-6000

711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

August 30, 2012

Open Letter to Interested Parties

RE: Fish Consumption Rates Technical Support Document

Dear Ladies and Gentlemen:

I am pleased to offer for your review, the Department of Ecology's updated draft of the *Fish Consumption Rates Technical Support Document*. I invite you to read and comment on the draft as we work to finalize the document this fall.

Washington's marine and fresh waters are home to rich stocks of fish and shellfish. Washington-grown fish and shellfish rank among the world's cleanest and healthiest, and they are shipped to markets throughout the world. As the state's population, businesses and industries grow, and as sources of toxics increase, we all need to work together to make certain that this important economic and cultural asset is maintained and protected so that Washington continues to be a leader in the production of clean and abundant fisheries. Likewise, it is essential that Washingtonians are able – now and in the future – to eat locally harvested fish without incurring risks to their health. This means we need to ensure that the limits we place on sources of toxics keep up with the growing potential for toxics to enter the environment.

As one step in a larger effort to protect the quality of Washington's water bodies, Ecology is researching Washington-specific data and compiling information on how much fish and shellfish Washingtonians eat. That data is contained in the updated draft of the *Fish Consumption Rates Technical Support Document*. When the report is finalized, Ecology will use that information in updating regulations that address toxics in fish and shellfish, specifically the process of adopting new human health-based criteria into the state's Surface Water Quality Standards. Deriving water quality standards from more accurate fish and shellfish consumption information will help to maintain the quality of Washington's aquatic environment so that Washington's healthy fish and shellfish resources are protected today and into the future. Protecting the health of these resources is important for the well-being of the state's environment, economy, and people – *all* of its people. Even if you don't eat fish and shellfish harvested from Washington waters, you still share in the benefits those resources bring to our state's economy and the clean water that supports them.



BACKGROUND

Ecology distributed the *Fish Consumption Rate Technical Support Document (Version 1.0)* for public review in early October 2011. The technical evaluations in the document were modeled on similar evaluations completed by the Environmental Protection Agency and the Oregon Department of Environmental Quality.

When the initial draft was released, we asked all interested parties – including tribes, industries, municipalities and citizens of Washington – to engage with us in a meaningful dialogue on fish consumption rates. Ecology received several hundred comments on the draft document. I thank each of you who responded to our request by taking the time to review the original draft and provide us with thoughtful comments.

We have reviewed those comments and revised the technical support document. We have performed additional technical analyses to address issues raised during the public comment period. We also prepared a separate document that summarizes the range of public comments and Ecology's response on key issues.

REVISED REPORT

We have made a number of changes to the technical support document in response to public comments and Ecology's revised regulatory process announced in July. You will notice two major differences between the revised report and the document distributed for public review in October of last year.

First, we have revised the document to focus more clearly on the scientific and technical issues associated with estimating the amount of fish and shellfish eaten by people in Washington. Several people commented that they thought the recommendations in the October 2011 document embodied a number of policy choices that should be only be decided through a process. Ecology agrees that policy decisions are appropriately addressed during the process for revising the state's water quality standards, in the sediment management standards, or through the preparation of cleanup action plans for individual sites. Consequently, the recommendations on selecting a default fish consumption rate for one or more programs (Chapter 7) have been removed. Other sections have been revised to better distinguish science issues and regulatory decisions associated with using the scientific data.

Let me be clear – our decision to remove from this technical document, recommendations for a regulatory fish consumption rate, in no way reflects a backing away from the science. The studies we rely upon are clearly cited and meet rigorous standards of scientific credibility, as defined by standard scientific practices and standards for credible data set by the Washington Legislature. Credible science should and will underpin the policy choice of establishing a new fish consumption rate. It is fair and appropriate that this policy choice be made in accordance with the public rulemaking process, established by the Legislature.

Second, we have revised the document to incorporate additional information on fish consumption rates and exposure for the general population and recreational fishers. The revised document includes additional information on salmon consumption rates and life history relevant to contaminant uptake. We have also included two new chapters. Chapter 5 summarizes sources of uncertainty and variability in current fish consumption rate information. Chapter 6 highlights (but does not attempt to resolve) key policy choices that will need to be made when using the scientific information on fish consumption rates to support regulatory decisions.

These changes reflect Ecology's commitment to updating our current regulatory requirements and our revised strategy for fulfilling that commitment. Specifically, Ecology announced in July that we were not going to propose a default fish consumption rate number in the Sediment Management Standards (SMS) rule (Chapter 173-204 WAC). Instead, we propose to use "reasonable maximum exposure" as the standard of protection for fish consumers on a site-specific basis. Ecology also announced that we will begin the process to update our Surface Water Quality Standards for the State of Washington (Chapter 173-201A WAC) with human health criteria which will include a revised fish consumption rate.

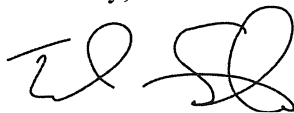
NEXT STEPS

Once again, I ask you to review this document and provide us with your comments. We are accepting public comments through October 26, 2012. Comments may be sent to fishconsumption@ecy.wa.gov. Ecology will convene technical meetings in September and October to discuss this revised report, and information about these meetings will be posted on the Ecology website.

I have said this before, but it is worth repeating. While there is much work still to do, I am confident that through productive engagement and a focus on solutions, we can come together to create common sense, sustainable solutions that achieve meaningful reductions in toxic pollution and afford all our citizens the protections they expect and deserve.

I thank you in advance for playing a part in this effort.

Sincerely,



Ted Sturdevant
Director