



## MTCA Science Advisory Board March 11, 2008 Meeting Summary

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### **Location**

University of Washington, Graham Visitor Center, 2300 Arboretum Dr., Seattle, WA

### **SAB Members present**

Dr. Bruce Duncan  
Dr. Elaine Faustman  
Dr. Hank Landau  
Dr. Marjorie Norman

### **Ecology staff present**

Dave Bradley  
Martha Hankins  
Dawn Hooper  
Peter Kmet  
Craig R. McCormack

### **SAB Members absent**

Dr. Mike Riley

### **Audience members**

Tina Gary  
Waverly Thorsen  
Bill Beckley  
Russ Busch  
Mark Johns  
Sharon Haensly  
Carla Yetter  
David Hanson  
Dana Houkal  
Marcia Bailey

Lon Kissinger  
Matt Beirne  
Roy Hummel  
Larry Dunn  
John McCorkle  
Dave McBride  
Bill Bloor  
Heather Trim  
Jim Pendowski  
Tim Nord

## Meeting Summary

The meeting started at 8:45 am. SAB members, Ecology staff, and audience members introduced themselves and Dr. Duncan opened the meeting with characteristic good humor and reminded participants to focus on priorities.

Dave Bradley provided an overview of the questions currently before the Science Advisory Board (SAB). Both the Model Toxics Control Act (MTCA) and the Sediment Management Standards (SMS) rules were adopted in 1991. In the 1990's, EPA evaluated the Rayonier Port Angeles site. Although EPA concluded that the site was eligible to be included on the National Priorities list, they agreed to defer listing while Ecology pursued cleanup under MTCA. Ecology is currently negotiating a second agreed order with Rayonier LLC for additional cleanup studies and evaluations. In October 2007, the Lower Elwha Klallam Tribe (LEKT) submitted a proposal regarding the risk assessment for the site.

MTCA cleanup standards are based on the reasonable maximum exposure (RME). Dave explained that the RME is designed to be conservative but reasonable. Although similar, CERCLA and MTCA definitions are not identical. The MTCA surface water cleanup standards are based on a recreational fishing scenario. However, Ecology may establish more stringent cleanup levels on a site-specific basis using other RME scenarios. Under the MTCA regulations, Ecology must, as appropriate, consult with the SAB, Washington State Department of Health, and EPA when using new scientific information to establish site-specific cleanup levels or remediation levels.

Human health risk assessment recommendations made by the LEKT are currently before the SAB. Dave briefly reviewed the December 14, 2007 SAB presentations by EPA and the LEKT. At that meeting, Board members asked Ecology to refine the original questions presented to the Board. In response, Ecology worked with the Board to divide some of the original questions into multiple questions. Craig McCormack also met with and/or obtained information from EPA, Malcolm Pirnie, and the LEKT.<sup>1</sup> Prior to this (March 11, 2008) meeting, Ecology reviewed these materials and reached the following conclusions:

- Ecology believes that the default MTCA exposure parameters do not provide a reasonable basis for estimating fish consumption exposures for members of the Lower Elwha Klallam Tribe (LEKT).
- Ecology believes that the Suquamish survey provides a sound basis for estimating the shellfish consumption for LEK Tribal members.
- Ecology believes the current MTCA default fish diet fraction value (50%) falls within the range of scientific defensible values and that current information is insufficient to change the default fish diet fraction.
- Ecology agrees with the LEK Tribal recommendations regarding use of an exposure duration of 70 years and body weight of 79 kg.

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<sup>1</sup> Background documents prepared by Ecology and a copy of the report *Scientific Considerations for Identifying Subsistence User Ingestion Rates in Port Angeles, Washington* prepared by Malcolm Pirnie and dated February 22, 2008 were distributed to SAB members prior to the meeting.

- Ecology agrees with the LEK Tribal conclusions that contaminants from the site are unlikely to significantly contribute to the contaminant body burden for salmon that are harvested from local waters.
- Ecology recognizes that there are a number of uncertainties that complicate efforts to estimate fish/shellfish consumption exposures.

To reach these conclusions Ecology analyzed the information and the quality of the information criteria in the MTCA rule.

The audience was invited to comment on the proposal.

### **Audience comments**

Roy Hummel, Malcolm Pirnie/ITT Rayonier Corp., said his goal is to provide additional information for Ecology to consider. He offered support and recognized that Ecology has done a good job of pulling information together.

Marcia Bailey, EPA, clarified that the Region 10 Framework assumes a fish diet fraction (also referred to as source contribution) of 100%. Also, Dr. Bailey noted that the fish consumption rates provided in Appendix B of the Framework are adjusted to account for fish/shellfish consumed from Puget Sound only.

Heather Trim, People for Puget Sound, expressed support for a stronger approach to the fish consumption rate question and stated that what happens in this instance will establish a precedent. She disagreed with Ecology regarding the fish diet fraction, preferring that Ecology make determinations based on current *and future potential for* shellfish habitat.

Larry Dunn, LEKT, said he has more information available. He offered future use and updated land use planning information.

Lon Kissinger, EPA, clarified the fish consumption numbers used in the EPA framework. He noted whether to include or exclude salmon was an important issue for the lower Duwamish waterway.

### **SAB Discussion**

Board members discussed presenting data in a way that helps to clarify the issues. Dr. Faustman requested that page numbers be cited. Dr. Landau noted that the SAB role is not to develop policy, but that it is helpful to understand the context when considering the science. The Board discussed that this requires a clear understanding of how the population is defined: whether the discussion is about *all* tribe members or about a subset of tribal fishers. The population under consideration includes both subsistence and recreational tribal fishers. It needs to be clear if the analysis excludes non-consumers of fish. Dr. Duncan put the question in terms of identifying the population under consideration and asked if there is an Ecology policy that defines the population. Dr. Faustman stated the question as: how much fish do people who eat fish consume? She prefers to be very clear about the questions, that is, what portion of the population do we intend to protect. She recommended looking at the scientific information being presented

and stepping through the questions. After some further discussion about clearly identifying the population in question the Board agreed to address the questions being presented.

After recognizing remarks from the audience, Craig McCormack reviewed the questions being presented to the Board. The central questions pertain to using the Suquamish survey data as a basis for establishing fish consumption rates for the LEKT. Craig noted that Ecology is not asking the board for advice on cleanup standards, but rather for scientific evaluation of the specific questions. He presented GIS maps showing the Port Angeles Harbor, including areas east and west of the harbor, and identified intertidal habitat and tidal variations. Maps show the LEKT with 5647 acres of harvestable shellfish habitat.

Port Angeles harbor pollutants come from a number of different outfall discharges located in the harbor. Pete Kmet noted that the city of Port Angeles has purchased the Rayonier outfall. It is expected that this will result in less shellfish habitat being impacted by discharges in the future. Craig McCormack noted that currently the Green Point area east of the mill site contains highly productive shellfish habitat. In addition, observational diving in the Port Angeles Harbor area shows that shellfish are beginning to repopulate the Harbor.

Dr. Duncan asked for clarification of the designation “unclassified” on the GIS maps. Craig McCormack responded that areas designated as unclassified by the Washington Department of Health have insufficient sampling of shellfish to allow harvesting of the shellfish. The unclassified designation does not mean that there are no shellfish present in the unclassified area.

**Question 1. Ecology has concluded that the MTCA exposure parameters do not provide a reasonable basis for estimating fish consumption exposures for members of the Lower Elwha Klallam Tribe (LEKT). Does the Board believe this conclusion is consistent with current scientific information?**

#### Board discussion

The LEKT is a high fish consuming population. Ecology presented information on fish-consuming populations; Dr. Duncan asked for clarification regarding the basis and rationale for inclusion in Ecology’s summary – do all lines of evidence come from the same study? Craig responded that for Puget Sound the data is limited, as described in the EPA Region 10 Framework. Dr. Faustman noted that there are nine studies of Pacific Northwest fish-consuming populations. The Board asked for clarification about whether the studies are (or are not) independent lines of evidence since some studies may include or depend on other studies. Dr. Landau asked whether the data presented is for the entire tribe or just for fish consuming population within the tribe. Lon Kissinger clarified that the entire tribe consumes fish and that the EPA Region 10 Framework looked at tribal members consuming seafood from Puget Sound.

#### Board Recommendation

The Board agreed with Ecology’s conclusion that the MTCA exposure parameters do not provide a reasonable basis for estimating fish consumption exposures for members of the Lower Elwha Klallam Tribe (LEKT) and that this conclusion is consistent with current scientific information.

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**Question 2. Is it scientifically defensible to use consumption surveys from other tribes with similar dietary habits to estimate fish and shellfish consumption exposures for members of the LEKT?**

Board Recommendation

The Board concluded that it is scientifically defensible to use consumption surveys from other tribes with similar dietary habits to estimate fish and shellfish consumption exposures for members of the LEKT.

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**Questions 3. What factors should Ecology consider when evaluating whether it is appropriate to use consumption surveys from other tribes to estimate exposures for members of the LEKT?**

Board discussion

Ecology listed several factors that should be considered when evaluating whether to use a Tribal survey from one tribe to estimate exposure for other tribes. Ecology cited data hierarchy, study design, similarities in tribal dietary habits and customs, similarities in harvesting techniques, and similarities in wetlands.

Dr. Norman noted that there probably are other factors, and that this is not a complete list. Board members agreed and noted that the Board is not suggesting that this is an exhaustive list; these are appropriate but there may be additional other factors.

Board Recommendation

The Board concluded that the factors identified by Ecology are adequate and appropriate for answering the questions that Ecology has presented to the Board. However, the Board concluded that there may be other factors to consider when evaluating this question.

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**Question 4. Does the SAB believe it is scientifically defensible to use the fish consumption survey completed by the Suquamish Tribe to estimate fish and shellfish consumption exposures for members of the LEKT?**

Craig McCormack summarized Ecology's conclusions on this issue. He noted that the LEKT had surveyed their own members and concluded that their consumption patterns are closer to those of the Suquamish tribe than the Tulalip tribe. He also presented additional information to assist the Board as they reviewed this question. This information included GIS maps illustrating the extent of shellfish habitat in Port Angeles Harbor and nearby areas.

## Board discussion

Dr. Landau noted the distribution of effluent from the mill over the site and going east and asked about the usual and accustomed LEKT tribal fishing areas. Craig McCormack responded that the LEKT fishing areas extend further than the areas shown on the maps. Pete Kmet added that the data shows highly productive habitat in the area and that the LEKT takes advantage of this fact; from the data it appears that there is sufficient habitat to support the proposed tribal shellfish consumption rate.

Dr. Landau asked about the population size and how much shellfish habitat is needed to support estimated consumption levels. Dr. Duncan noted that the usual and accustomed fishing grounds cover an area larger than the site, and that there is uncertainty as to where specific contaminants are located. He suggested that there does appear to be sufficient shellfish habitat. Larry Dunn responded that the map showing harvestable shellfish habitat west of Port Angeles Harbor is incorrect and most of this area is not currently harvestable due to the presence of riprap.<sup>2</sup> He anticipates that future shoreline restoration projects will create more shellfish habitat.

The Board discussed where the contamination is located relative to shellfish habitat, including whether the habitat is of high enough quality to support high harvest rates. Lon Kissinger said that the framework doesn't specify criteria for quantifying sustainable harvest rates. It delineates what should be considered to make decisions regarding high and low quality shellfish habitat but then extrapolation is necessary. Craig McCormack responded that it would take a major effort to quantify harvest rates. For purposes of comparison, he presented maps of the Suquamish and Duwamish shellfish habitats. Areas around Port Angeles Harbor show significantly more shellfish habitat than the Suquamish areas.

The Board discussed current versus future use scenarios. Drs. Norman and Faustman stated that they preferred to consider the current situation separately from future use. They suggested that the Board first consider where the tribe is actually fishing now. The Board could then consider possible future site developments (e.g., relocating City's wastewater treatment outfalls) and potential impacts on future shellfish habitat.

Bill Beckley referenced and provided to the SAB members a report identifying the Green Point area east of Port Angeles Harbor as containing highly productive shellfish beds.<sup>3</sup>

Dr. Landau indicated that how the site is defined is relevant. He observed that as the site boundaries expand, the amount of shellfish habitat and the fish diet fraction would also be expected to expand. Dr. Landau also asked if it was possible to distinguish the site contaminant concentrations from background levels. Craig McCormack responded that MTCA defines a site as where contaminants come to be located. There is currently some uncertainty on the site boundaries. Additional sampling and analysis will be needed to define the extent and nature of contamination for the site.

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<sup>2</sup> "Riprap" consists of irregular rock or concrete pieces placed along the shore and used to prevent coastal erosion.

<sup>3</sup> *Distribution and Abundance of Subtidal Hardshell Clams In Puget Sound, Washington*. Washington Department of Fisheries. Technical Report 14. 1973.

Dr. Faustman reminded the Board that the specific question is whether the fish consumption patterns between the LEKT and Suquamish tribe are sufficiently similar.

#### Board Recommendation

The Board concluded that it is scientifically defensible to use the fish consumption survey completed by the Suquamish Tribe to estimate fish and shellfish consumption exposures for members of the LEKT.

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After a short break the Board resumed discussions. Dr. Duncan proposed that the Board treat question 5 in the same manner as question 3, move on to question 7, and return to questions 6 and 8-10 later. Board members agreed.

#### **Question 5. What factors should Ecology consider when selecting a fish diet fraction that will be used to estimate fish consumption exposures for tribal populations?**

Ecology believes that a number of factors should be considered when selecting a fish diet fraction for Tribal populations. These include:

- Current Tribal fish/shellfish harvesting and consumption habits/patterns
- Future Tribal fish/shellfish harvesting and consumption habits/patterns
- Legal agreements, advisories, or restrictions that define or limit fish/shellfish harvesting
- Nature & extent of fish and shellfish habitat
- Sustainable levels of fish/shellfish relative to the consumption rate
- Federal and state regulations and guidance
- Combination of exposure parameters to define the RME

#### Board discussion

The Board agrees with these factors, but noted that the list is not exhaustive. Other factors may need to be considered.

#### Board Recommendation

The Board concluded that the factors identified by Ecology are adequate and appropriate for answering the questions that Ecology has presented to the Board. However, the Board concluded that there may be other factors to consider when evaluating this question.

**Question 7. Does the MTCA default duration of exposure provide a reasonable basis for estimating fish consumption exposures for the Lower Elwha Klallam Tribe? If not, what value or range of values is consistent with current scientific information?**

Ecology agrees with the LEKT recommendation to use an exposure duration of 70 years when preparing exposure estimates and establishing cleanup levels. Ecology bases this conclusion on LEKT tribal-specific census and demographic information, the EPA Region 10 Framework, and the fact that exposure assumptions are consistent with those applied at other recent cleanup projects.

Board Recommendation

The Board agrees with Ecology that an exposure duration of 70 years is consistent with current scientific information and provides a reasonable basis for estimating fish consumption exposures for the Lower Elwha Klallam Tribe.

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**Questions 8. Does the MTCA default body weight provide a reasonable basis for estimating fish consumption exposures for the Lower Elwha Klallam Tribe? If not, what value or range of values is consistent with current scientific information?**

Ecology agrees with the LEK Tribal recommendation of 79 kg average body weight for Tribal members when estimating fish consumption exposures. Ecology bases this conclusion on a number of factors. This value was used for determining Suquamish fish consumption exposure; it is consistent with information on body weights for LEK Tribal members, EPA guidance materials, and approaches used at other Puget Sound cleanup sites.

Board discussion

Dr. Landau questioned whether the proposed body weight is consistent with a high fish diet. He noted that future body weights should decline if fish consumption increases. The Board discussed whether there is reason to suspect in the future the LEKT average body weight will exceed that of the general population.

Dr. Faustman referenced her participation in the Institute of Medicine's Committee on Food Consumption Issues, saying that the relationship between obesity and dietary protein and carbohydrate is not simple. Many factors other than diet affect weight, primarily a sedentary lifestyle. She recommends using the Suquamish weight data.

The Board discussed the distinction between current and future scenarios with respect to body weight. Board members agree that an average body weight of 79 kg is appropriate for the current scenario. Bill Beckley explained that the LEKT consumption study gave results in terms of

g/kg/day. Then using the value of 79 kg for average body weight results in a consumption rate of 583 g/day.

The Board discussed the possibility of considering the default adult body weight used in MTCA at some time in the future.

#### Board Recommendation

The Board agrees with Ecology that for the LEKT an average body weight of 79 kg is consistent with current scientific information and provides a reasonable basis for estimating fish consumption exposures for the Lower Elwha Klallam Tribe.

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**Question 9. Ecology and the LEKT have concluded that contaminants from the site are unlikely to significantly contribute to the contaminant body burden for salmon and other anadromous species that are harvested from local waters. Does the Board agree that this conclusion is consistent with current scientific information?**

#### Board discussion

Dr. Faustman stated that she needs more information. This decision establishes a clear precedent for future decisions related to Tribal fish consumption rates. She does not agree with the approach of excluding salmon from the analysis. Craig McCormack agreed to provide information on the salmonid life cycle to board members, citing a book by Thomas Quinn and research by Sandra O'Neil. Dr. Duncan recommended speaking with Sandra O'Neil to verify current data, and Dr. Faustman concurred. Lon Kissinger mentioned recent research data for Coho: juvenile salmon have a body burden about 1 - 4% that of adults. The Board agreed that this data should be clearly presented and part of the record.

Dr. Faustman asked whether the LEKT only consume adult salmon. The LEKT representatives said that while it's possible that coastal cutthroat possibly spend more time near shore, the salmon caught are adult salmon.

Dr. Faustman raised the issue of how contaminants are redistributed in the environment. For example, air cycling could distribute contaminants over an area larger than the immediate site. She wondered if there is any air modeling data available. Pete Kmet noted that Rayonier had done modeling of air transport and deposition of mill stack emissions as part of the remedial investigation. Dr. Faustman clarified that she is not talking about air deposition; but about air recycling, (e.g., evaporation of PCBs) which is different and an area of current research. Biotransportation is another redistribution pathway. Craig McCormack referred to an article on the biotransport of contaminants by migrating salmon and agreed to send this article out to board members.

Dr. Faustman expressed concern that excluding salmon entirely could set a precedent. The Board discussed the possibility of using a specific diet fraction for the site, similar to the Oregon

Department of Environmental Quality method of establishing relative source contribution. Dr. Landau noted that excluding salmon from the analysis is based on the assumption that salmon are not being contaminated by the site. Marcia Bailey explained that there are a number of mechanisms by which chemicals are recycled in the environment, including mechanical movement, and suggested limiting the analysis to bioaccumulation.

Dave Bradley suggested rephrasing the question as: what factors should be considered when looking at this issue on a site specific basis? The Board requested data on how much of their lifespan salmon spend at the site.

#### Board Recommendation

Without further data, the Board was unable to support the conclusion that contaminants from the site are unlikely to significantly contribute to the contaminant body burden for salmon.

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**Question 6. Does the MTCA default fish diet fraction provide a reasonable basis for estimating fish consumption exposures for the Lower Elwha Klallam Tribe? If not, what value or range of values is consistent with current scientific information?**

The fish diet fraction (FDF) is defined in MTCA as the percent of the total fish and shellfish in a person's diet that is obtained or has the potential to be obtained from the site. MTCA defines the site as where the contamination has come to be located. Ecology believes that the current MTCA default fish diet fraction (50%) falls within the range of scientifically defensible values and that current information is insufficient to warrant a change from the default value.

#### Board discussion

The Board questioned whether fish species are collocated and whether the LEKT practice species-specific fishing at particular areas. Larry Dunn responded that tribe members fish whatever location that has greatest chance of providing dinner.

Dr. Faustman disagrees with Ecology and supports a FDF of 100% because the potential exists for 100% of the fish and shellfish consumed by LEKT to come from the site. Dr. Norman may support an alternative FDF if it is determined that the potential exists for more than 50% of the fish and shellfish consumed by the LEKT to come from the site.

Dr. Landau asked about the site definition; what percent of the LEKT fishing area does the site occupy? It's important to be able to distinguish the site from background contributions. He noted that without knowing the site boundary there is insufficient information to move away from the default value.

Dr. Duncan asked whether, even with an incomplete understanding, the site could be bounded. Craig McCormack responded that the data is antiquated. Dr. Faustman referred to the oyster larval testing map (on page 18 of the background document prepared by Ecology) and observed

that % mortality numbers on these maps are from 1973 and 1974. Looking also at data provided by the LEKT, Dr. Faustman concluded that there is the potential for the LEKT to obtain 100% of their diet from these beds. Lon Kissinger added that use of the EPA Region 10 Framework is based on an assumption that a reasonable number of people can harvest from particular sites.

The Board discussed both current and future sustainable harvests at the site. They concluded that additional information was needed before reaching a decision to agree or disagree with Ecology's conclusion.

Dave Bradley responded that Ecology has been struggling with these same issues. Diet fraction is somewhat of a catchall term for a number of concepts. For example is the population a small group of individuals fishing in one spot; or a larger number of people fishing in multiple spots? It's important to consider other parameters in the risk equation and to ask at what point does the combination of individual exposure parameters result in an exposure estimate that no longer falls within the RME range.

Board members discussed the definitions in the MTCA regulation, and considered when a diet fraction of less than 100% would be acceptable. Dr. Faustman pointed out that the shellfish beds under consideration are extraordinarily productive. Pete Kmet asked Larry Dunn where tribe members currently fish, and where would they like to fish. Larry responded that a formerly intertidal area west of the Port Angeles Harbor currently contains no shellfish habitat due to riprap; but that the area between tribal lands and Green Point is harvestable. The Port Angeles Harbor has great historical significance for the LEKT as a harvestable area and areas to the east are harder to access. There are areas in the harbor and along Ennis Spit where members currently harvest clams and crabs even though fish consumption advisories restrict harvest. Essentially tribe members consume any shellfish and fish they can get.

The existing MTCA default fish diet fraction (FDF) is 50%. The LEKT proposed a 100% FDF. Dr. Faustman supports use of the LEKT proposal of a FDF of 100%. Dr. Landau is not comfortable moving from the default value of 50% until "the site" is defined and the MTCA requirement for new scientific information is satisfied. Drs. Duncan and Norman remain undecided.

The Board suggested that Ecology define the size and extent of the site contamination. Dr. Norman asked Ecology to evaluate whether the site has enough shellfish to support a consumption rate of 583 g/day (e.g., how many people could consume 583 grams/day of fish and shellfish harvested from the site?). Dr. Faustman requested that the analysis make a distinction between current and future use. Pete Kmet noted that MTCA requires consideration of future use land use. Dr. Norman suggested that unless presented with evidence showing otherwise, the Board could conclude that LEKT fishers could take 100% of their fish from the site; she further suggested that PLPs provide data about the site to support an appropriate exposure area.

### Board Recommendation

No decision reached.

**Question 10: What additional information could be collected during the baseline risk assessment to reduce the uncertainty surrounding current estimates of fish consumption exposures?**

Ecology recognizes that there are several uncertainties that complicate efforts to estimate fish consumption exposures. Ecology seeks ideas about ways to reduce those uncertainties.

Board discussion

The Board would prefer that PLPs provide more recent data about the site.

Board Recommendation

No additional factors were recommended by the Board beyond those already identified by Ecology.

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The Board then discussed next steps and possible revisions of the Model Toxics Control Act cleanup regulation during the five-year rule review.

Dr. Duncan thanked Craig McCormack for his excellent and timely responsiveness to the Board with respect to this proposal. Craig reviewed the list of requests for further documentation. Ecology will:

- Schedule a meeting with Dave McBride from the WA Department of Health
- Distribute technical information to Dave McBride & Dr. Faustman
- Schedule a conference call between Dr. Faustman, Dr. Duncan and Sandra O'Neill
- Evaluate criteria for including or excluding salmon from the LEKT diet computation
- Prepare a conceptual site model of salmon exposure to contaminants from the site to be used when considering the inclusion or exclusion of salmon and fish diet fraction

Ecology will revise the following questions for presentation to the Board at a future date.

- What factors should be considered, on a site-specific basis, to include or exclude salmonids from the total LEKT fish consumption rate?
- Based on a contaminant body burden evaluation, are contaminants from the site unlikely to significantly contribute to the contaminant body burden for salmon and other anadromous species harvested from local waters?

**Audience comments**

John McCorkel, ERI, asked whether the RME should account for the body burden of salmon given that the LEKT do consume salmon.

Dave Bradley responded this might be important when evaluating exposure to non-carcinogens. These substances are typically assumed to have a threshold below which health effects are unlikely. Concurrent exposures resulting from salmon consumption (even if unrelated to the site)

might lead to a situation where the total exposure (site + salmon) exceeds the threshold. Similar situations exist with other chemicals (e.g., lead, perchlorate). Ecology may address this issue during the upcoming rule revision process.

Heather Trim, PPS, noted that under current policy the cumulative effects from other sources are not added to the contaminant contributions specifically from the site. Dave Bradley responded that this is true and possibly an issue for the 5 year review of the MTCA cleanup rule.

After a short break, Board members confirmed the minutes from December 14, 2007 SAB meeting. Pete Kmet reviewed the status of Ecology's agency request legislation in the 2008 Legislative Session. The cleanup settlement account bill was approved by both the House and Senate. This bill creates a separate account to ensure that money from site-specific settlements gets used for cleanup and restoration work at those sites. Legislative appropriation and normal budgetary controls are still required for Ecology to spend these funds. Pete noted that although the agency budget is tight right now, the Toxics Cleanup Program is doing well. Ecology also has a climate change bill that the agency director is involved with. The Board expressed interest in the Toxics Cleanup Program's implementation of the Puget Sound Initiative and requested that Ecology arrange a briefing at a future meeting.

The next SAB meeting will be on June 2, 2008, to discuss remaining fish consumption issues and the 5 Year Review of the MTCA Cleanup Regulation.

The meeting was adjourned at approximately 3:00 pm.

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Meeting summary approved by the Board on June 2, 2008.