

From: [Jim Miller](#)
To: [ECY RE Fish Consumption](#)
Subject: Comments on Proposed Revisions to Fish Consumption Rates
Date: Thursday, January 05, 2012 3:00:19 PM

The comments offered below are my own, as a professional in the environmental industry for more than three decades, and do not necessarily reflect the views of my company.

I am alarmed at Ecology's proposal to increase the default fish consumption rates for Washington State residents. These fish consumption rates are applied through multiple levels of theoretical, conservative assumptions to develop sediment cleanup levels, soil cleanup levels for sites in proximity to receiving waters, groundwater cleanup levels and surface water cleanup levels. As acknowledged by Ecology, the results of these "risk-based" calculations sometimes produce cleanup levels that are lower than "background" concentrations. If the fish consumption rate standard is increased, the resulting cleanup levels will be decreased accordingly. I would expect that most, if not all, of the resulting sediment and soil cleanup levels will be lower than background.

Simply because a segment of the population may consume fish or shellfish in relatively high amounts, that fact does not bequest a duty on society to assure that ALL fish and shellfish are safe to consume regardless of where or when they may be obtained. Common sense says that one would use good judgment in where and when individuals obtain their food. Even though I may *like* to harvest clams during a period of red tide, common sense and public notices are sufficient to have me delay those activities or direct them elsewhere.

Our industrial waterfront areas are critically important to the economic viability and sustainability of our region. Reasonable approaches to cleanup of genuine hazards to human health and the environment are appropriate and necessary for these areas. But removing sediment and/or shoreline soil to "background" levels is irrational from a balanced public policy perspective. I believe that implementation of higher fish consumption standards will inevitably result in more important industries leaving our state, the creation or unwanted shoreline brownfield sites that the public cannot afford to remediate, more lawsuits and disputes over cleanup regulations, and fewer (not more) site cleanup efforts. Shoreline site remediation to current standards is largely infeasible from a cost and practical perspective; higher fish consumption standards will only make matters worse.

I urge Ecology to consider the economic consequences of increasing the fish consumption rate for Washington, in addition to environmental and political pressures. From a policy perspective, I urge Ecology to use default fish consumption standards that are consistent with those used by the federal government. We don't need Washington to set unattainable goals that go beyond federal requirements and penalize the weakened economy of our state.

James A. Miller, PE, LG
Senior Principal | GeoEngineers, Inc.

Telephone: 425.861.6063
Fax: 425.861.6050
Mobile: 206.930.9107
Email: jmiller@geoengineers.com

8410 154th Avenue NE
Redmond, WA 98052
www.geoengineers.com

Confidentiality: This message is confidential and intended solely for use of the individual or entity to whom it is addressed. If you are not the person for whom this message is intended, please delete it and notify me immediately, and please do not copy or send this message to anyone else.