



Pope Resources
A Limited Partnership

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Mr. Ted Sturdevant, Director
Washington State Department of Ecology
PO Box 47600
Olympia, WA 98504-7600

Re: Draft Fish Consumption Rate

Washington's surface water and sediment quality standards, including standards designed to protect those who consume fish and shellfish from our regional waters, are currently among the most restrictive in the nation. While over the last 30 years Washington's water quality and cleanup programs have resulted in substantial environmental improvements that have been the envy of many other regions in the U.S., the high fish and shellfish consumption rates being considered here will have the unintended consequence of diverting the positive energies being applied to environmental cleanup to regulatory gridlock and unproductive litigation.

For example, adoption of the high consumption rate values being considered by the Department of Ecology, when combined with current (and proposed) risk assessment methodologies, would inappropriately set "zero discharge" requirements and define most of Puget Sound as a "cleanup" site because concentrations are greater than natural, pre-development conditions. This is inconsistent with local, state, and national health recommendations that encourage seafood consumption for health reasons (even with the low levels of contaminants that are present in our waters and in our markets), and background-based cleanup standard that is not achievable, or affordable. What is more likely to occur as a result of these proposed consumption rate changes is regulatory gridlock, where real environmental achievements take a back seat to litigation fueled by setting standards that cannot currently be achieved.

If the Department of Ecology elects to still go ahead with changes to the fish and shellfish consumption rates, we offer two specific recommendations to limit the potential for unintended consequences of such an action:

1. The fish and shellfish consumption rates should be specific to the species being consumed. Salmon make up the overwhelming portion of the total in the Pacific Northwest, and numerous studies have shown that salmon accumulate most of their body burden of bioaccumulative contaminants such as PCBs and dioxins/furans during their first few years of life while they are at sea. Therefore, any change in Washington regulations will not impact what bioaccumulates in salmon. The appropriate focus of the fish and shellfish consumption rate for both the water quality and cleanup programs should be on shellfish and non-migratory finfish species. This needs to be made very clear in the Department of Ecology's fish consumption rate document.

2. Similarly, the water quality and cleanup programs need to adopt consumption rates that are relevant to the small geographic areas that are the focus of these programs. Given the wide range of sources (including our neighborhood markets) that we all use to obtain fish and shellfish for consumption, there is no rational reason to assume that an individual would obtain 100 percent of their diet of these species from a single, small geographic area. The diet fraction currently used in the cleanup (MTCA) regulation of 50 percent for risk assessment calculations is already highly conservative, as the Department of Ecology pointed out during the original promulgation of the MTCA regulation.

We have long supported the state's efforts to restore Puget Sound through the efforts of the Department of Ecology and the Puget Sound Partnership. This monumental effort requires the strategic use of available funds to achieve the most widespread impacts. We also recognize that we're in a time of limited resources and budget constraints, which creates the imperative that we spend wisely and support cleanup measures that provide the greatest public health and environmental benefit in an efficient and cost-effective manner. We believe that the new proposed rules are not achievable and would result in over-allocating finite resources to attempt to reach an unattainable goal. We would in effect be wasting valuable and finite resources chasing ever diminishing returns, and as a result funds would be taken away from other viable cleanup efforts. Ultimately this would come at the expense of real restoration in other parts of the Puget Sound.

Thank you for considering our comments.

Sincerely,



David L. Nunes
President and CEO