



## King County

### Department of Natural Resources and Parks

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Seattle, WA 98104-3855

January 13, 2012

Martha Hankins  
Toxics Cleanup Program  
Washington Department of Ecology  
PO Box 47600  
Olympia, WA 98504-7600

Dear Ms. Hankins:

Thank you for the opportunity to provide comments on the Washington Department of Ecology's (Ecology) *Fish Consumption Rates – Technical Support Document*. King County shares Ecology's long-term interest in protecting human health and believes Washington State's existing default fish consumption rates are inconsistent and outdated. Our state's marine and freshwater fisheries are of great ecological, social, cultural, and economic importance. King County strives to protect fish health and habitat, in part, so that fish and shellfish collected from waterbodies within King County can be safely consumed. Therefore, King County agrees that default fish consumption rates should be updated to be more representative of Washington resident fish consumers.

King County applauds Ecology's launch of a review process for the Sediment Management Standards (SMS) rule, Washington Water Quality Standards for Surface Waters, and the Model Toxics Control Act (MTCA) Cleanup Regulation. As you know, King County is actively involved in sediment cleanup in the Lower Duwamish Waterway and water quality monitoring through our countywide ambient monitoring program and various National Pollutant Discharge Elimination System permits. King County would support any changes to these rules and regulations that improve implementation and coordination between programs and provide standards for assessing biological resources and human health in marine and freshwaters. This letter provides the King County Department of Natural Resources and Parks specific comments associated with the *Fish Consumption Rates – Technical Support Document*.

King County agrees that the recommended 157–267 gm/day consumption range characterizes the upper percentiles of “high end seafood consumer” exposure. However, we believe that values in this range are not applicable for all waterbodies on a statewide basis as elaborated below. We also have concerns regarding the technical feasibility of implementing these rates that will ultimately need to be addressed.

Comments on the Technical Document, concerning the approach used to derive these values and how various consumption rates might be derived and applied statewide, are presented below.

1. King County encourages inclusion of general population seafood consumption surveys for self-harvested and locally caught seafood purchased in local markets to describe the level of protectiveness provided by the proposed consumption rates to all Washington citizens.
2. Details of the 1991 Commencement Bay survey, which are the basis for the current MTCA default consumption rate of 54 grams/day, are not provided in the document. The data contained in this survey were also not included in the statistical analysis conducted to develop the proposed range of consumption rates. We recommend that Ecology provide more information about this general recreational consumption survey and describe why these data were not included alongside the cited tribal and API survey details.
3. The selected API consumption survey appears to include fish and shellfish which were store-bought and not sourced locally (e.g., tuna). King County believes data for nonlocal store-bought fish like tuna, or tropical species, should be removed from the API dataset and the distribution of the remaining locally sourced fish and shellfish used instead. We recommend that this issue be addressed and clarified in the document and the statistical analysis is re-evaluated to develop consumption rates reflecting self-harvested and locally sourced seafood purchased in local markets. Consumption rates forming the basis of Washington water quality and sediment management standards should not include nonlocal seafood.
4. Ecology has specifically requested feedback on the inclusion of salmon consumption in the proposed consumption rates. Marine shellfish data and salmon have been included in the proposed rate to be applied to all water bodies, even those where these species are not present. King County recommends that Ecology consider the presence of salmon and shellfish when selecting consumption rates for different waterbodies. To address the problem of including salmon and shellfish ingestion as part of the effort to protect, restore, or remediate waters and sediments where suitable habitat for these organisms does not exist, King County proposes that Ecology develop three consumption rates:
  - a. A rate for use in marine and coastal estuarine waters where anadromous adult salmon and the typical suite of crab and shellfish species would be expected.
  - b. A rate for the Columbia River and major tributaries, along with lakes where Kokanee are present.
  - c. A rate for streams and lakes which only serve as migration corridors for migratory salmon or where salmon or shellfish are absent.
5. King County is concerned that the proposed consumption rates may exceed sustainable harvest levels in some cases. In particular, small streams and lakes are unlikely to sustain harvest rates of 157–267 grams/day. King County encourages Ecology to work with fisheries managers and consider sustainable harvest rates in setting criteria for a specific waterbody.
6. The document discusses the issue that contaminants in salmon are in part derived from oceanic waters outside the influence of Ecology's regulatory programs or potential contaminant sources in Washington. King County agrees with this conclusion. However, the source of contaminants in any particular fish or shellfish tissue does not change the rate at which people consume those species, notwithstanding fish and shellfish advisories or other factors leading to consumption

suppression. King County believes the most appropriate way to address the issue of contaminant sources is through site-specific study to understand contaminant sources and fish habitat usage. King County believes that distinguishing locally sourced contaminants from oceanic contaminant sources in particular fish or shellfish is best done at the waterbody, species, and contaminant specific level.

King County recognizes that the purpose of the new default fish consumption rate is to estimate exposures from individual waterbodies. Because it is unclear how the requested recalculations described above may influence conclusions about differences in exposure, King County requests that Ecology reissue the technical document with these issues addressed.

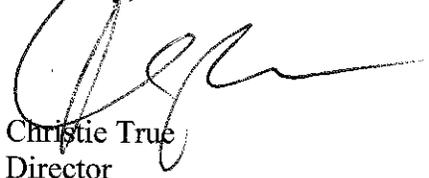
King County also recognizes that significant regulatory compliance and implementation issues may arise from incorporating the proposed fish consumption rates in revisions to water quality standards, sediment quality standards, and MTCA. In particular, using significantly higher fish consumption rates will result in the technical infeasibility of meeting these standards in numerous locations for some common contaminants.

Since the details of these implementation concerns and the possible technological barriers to water quality permit, SMS, and MTCA compliance are unknown at this time, King County will be commenting on those rulemaking changes and efforts when they are issued. It also raises the fact that alternative approaches to meeting water quality and public health objectives will likely be required. King County would like to work together with Ecology and other stakeholders in developing these important policies.

Thank you for the opportunity to comment on the scientific basis for establishing statewide fish consumption rates protective of high end consumers. We look forward to continuing to work together with Ecology, the Washington Department of Health and others to make them both scientifically sound and clearly implementable.

If you have any questions, contact Dave White, Science and Technical Support Section Manager, at 206-296-8243.

Sincerely,



Christie True  
Director

cc: Mark Isaacson, Division Director, Water and Land Resources Division, Department of Natural Resources and Parks (DNRP)  
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