



Northwest Pulp & Paper Association
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VIA E-MAIL

January 17, 2012

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

Re: NWPPA comments on Ecology's "Fish Consumption Rates Technical Support Document, A Review of Data and Information about Fish Consumption in Washington", Publication No. 11-09-050

Dear Director Sturdevant:

On behalf of the Northwest Pulp and Paper Association (NWPPA), we respectfully submit for your review and response the following comments to the above-referenced Publication.

The NWPPA is a 56-year old regional trade association representing eight (8) member pulp and paper mills in Washington State. Our members currently employ approximately 4,000 people in Washington State. The average pulp and paper mill worker compensation is over \$65,000 annually, plus benefits. These are predominately union-represented jobs that provide family-wage employment. Many of these jobs are located in rural communities, faced with the highest unemployment rates in the state. These high-wage manufacturing jobs support a 3-to-1 job multiplier, and even higher in rural communities. Until recently, Washington had shrunk to only 12 pulp and paper mills operating in the state. That number now stands at 11 with the recent announcement by Kimberly Clark that it will close its facility in Everett, costing approximately 700 family-wage jobs.

The pulp and paper sector operates in a highly competitive global market; overseas competition has significant cost advantages. As one of the most highly regulated, point-source discharge industries in the state and country, the pulp and paper sector is greatly affected by new water quality regulations and standards. Existing and new regulations, particularly during these extremely difficult economic times, affect the bottom line and make it that much more difficult for our members to retain existing jobs, not to mention

creating new ones. For these reasons, NWPPA has great interest and concern with this issue.

When the Publication became available for public review, NWPPA contacted the National Council for Air and Stream Improvement (NCASI) and asked them to review Ecology's recommendations on a technical and scientific basis, and address the questions raised therein. NCASI is an independent, nonprofit organization that provides technical support to the forest products industry on an array of environmental issues.

Attached hereto is a copy of NCASI's comment letter, dated January 11, 2012, which has been filed separately in this matter. As you'll see, NCASI offers the following summarized observations:

1. Any decision to change the current default fish consumption rates (FCRs) should be justified in terms of *overall* benefit to public health.
2. The proposed range of default FCRs overstates the fish consumption rates for the vast majority of residents in Washington State.
3. Ecology's analysis of the data from the fish consumption studies used to develop the proposed FCRs is significantly flawed.

It is our understanding that once Ecology reviews the comments to this Publication, it will decide on an FCR ranging between 157 and 267 grams per day and then use that rate in its current rulemaking process updating the Sediment Management Standards (SMS) under WAC 173-204. We also understand that the FCR ultimately adopted in the SMS rulemaking will be consistent with the FCR adopted in the 2013 triennial review of the human health-based water quality criteria in WAC 173-201A, *Water Quality Standards for Surface Water Bodies*.

The NCASI analysis raises important questions about the limitations of scientific information available to Ecology, the agency's statistical evaluation of available FCR information, and the extension of that evaluation into the water quality standards rulemaking process.

This is very important work. Ecology's policy choices with the use of an FCR in surface water quality and sediment management standards will hold great public interest and have significant cost implications to public and private entities who require NPDES permits authorizing wastewater discharges, or hold potential liable party status for legacy contamination of sediments. Similarly, these policy choices and regulatory outcomes have the potential to be very resource intensive for the Department of Ecology and other state agencies to implement any comply with. Finally, the ability to attract new industrial and commercial development in the state, and to construct the public infrastructure to support that growth, might well be affected by the outcomes of this current regulatory process.

It is for these reasons that we believe and insist that Ecology must review, consider and respond in writing to the NCASI comments – and all other comments – received from

stakeholders during the comment period. Any decision made by Ecology must be made based on sound science. If this process is not based on a sound scientific and technical review, it will undermine the credibility of the entire process.

NWPPA looks forward to a productive working relationship with Ecology as this process moves forward. Please do not hesitate to contact us with any questions or assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Christian M. McCabe". The signature is fluid and cursive, with the first name being the most prominent.

Christian M. McCabe
Executive Director
Northwest Pulp & Paper Association

Attachment (1): NCASI comments of January 11, 2012.

Cc: Steve Stratton, NCASI West Coast Regional Manager
Keith Phillips, Governor Gregoire's Executive Policy Office
Jim Justin, Governor's Legislative Director
Senator Lisa Brown
Senator Mike Hewitt
Representative Frank Chopp
Representative Richard DeBolt