

From: [Alexandra Smith](#)
To: [ECY RE Fish Consumption](#)
Subject: Comments on Fish Consumption Rates
Date: Wednesday, January 18, 2012 1:40:10 PM

Ecology:

Thank you for the opportunity to comment on the fish consumption rate technical document Ecology has developed. I would like to make 3 points as Ecology moves forward to adopting a default fish consumption rate for the Sediment Management Standards and potentially for the water quality program:

1. We believe the default rate should be calculated using fish that actually take on and/or bioaccumulate chemical constituents in Washington waters. In particular, salmon make up the overwhelming portion of the fish consumed in the Pacific Northwest, yet studies have shown that salmon accumulate almost all of their body burden of bioaccumulative contaminants such as PCBs and dioxins/furans while they are at sea. Therefore, any change in Washington's regulations will not change what bioaccumulates in salmon and similarly what salmon consumers are exposed to. We believe it is more appropriate to calculate a default fish consumption rate for Washington using fish and shellfish actually impacted by the quality of Washington sediments and waters: specifically shellfish and non-migratory finfish species.

2. We also ask that Ecology maintain the current fish diet fraction of .5. Given the wide range of sources (including supermarkets and imported fish) that we all use to obtain fish and shellfish for consumption, we think it is not accurate to assume that an individual would obtain 100 percent of his or her diet of these species from a single, small geographic area, except for the most vulnerable populations who rely on subsistence fishing in a specific area. However, given that the number Ecology will be adopting is a default number applicable to all Washington citizens in all situations, we ask that Ecology not adopt a fish diet fraction that only represents one part of Washington's diverse fish eating population.

3. We have a similar concern in what appears to be the de-coupling of the fish consumption rate from the applicable risk range. In the past, EPA and Ecology have chosen a consumption rate that the general public as a whole would not often exceed, but then used a very protective risk level (10-6). The risk level protects high consumers, despite the fact that the consumption rate reflects the more general population. It appears Ecology has de-coupled the risk range from the consumption rate, and instead decided to adopt both a risk range and a fish consumption rate geared to protect the highest fish consumers. The original 10-6 decision on water quality standards was made with more of a general population level consumption rate, and a recognition that the smaller percentage of the population that consumes at much higher levels will be protected by the more stringent risk range. If Ecology independently changes the consumption rate without also re-visiting the risk level/risk range, we could well end up with the very stringent and ultimately unattainable standards that some fear could come out of this process. In the context of the water quality program, it is particularly concerning if unachievable standards are adopted, as the Clean Water Act's citizen suit provisions expose parties who are doing all they can to meet the unachievable standards to potentially costly law suits.

Again, we appreciate Ecology's work on this and appreciate the opportunity to

comment.

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