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THE SUQUAMISH TRIBE

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October 26, 2012

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RE: Fish Consumption Rates Technical Support Document, Version 2
August 27, 2012
Publication No. 12-09-058

The Suquamish Tribe (the Tribe) has reviewed the changes to the original document (FCR TSD V1), as well as information presented in this document (FCR TSD V2) and Ecology's Responses to Public Comments on Fish Consumption Rate Issues. It is disappointing and frustrating that the Department of Ecology abruptly reversed direction on this key issue in August 2012 and chose to remove recommendations for a default fish consumption rate from the document. The FCR TSD V2 does no more than present currently available consumption data.

The Department of Ecology has known for years that the current fish consumption rates do not protect Washington residents—and that tribal communities are at particular risk of toxic exposure because of their traditionally high consumption rates. Numerous studies and surveys, including the August 2000 *Fish Consumption Survey of the Suquamish Indian Tribe Of The Port Madison Indian Reservation, Puget Sound Region*, demonstrate that the current consumption rates used to establish Washington Water Quality Standards (6.5 grams/day) and as the basis for the Sediment Management Standards (54.5 g/day) are neither accurate nor protective.

While the tribes, EPA and Ecology recognize the validity of tribal consumption data, little substantive progress has been made to address the inadequacies of the current consumption rates and regulatory standards that are intended to be protective of human health. Indeed, the same tribal health issues related to fish consumption were raised a decade ago during the 2002-2003 review of state water quality standards. Failure to act on this issue subjects all Washington residents to potentially increased risks associated with contaminated fish and shellfish. It is also not consistent with Ecology's mission to protect, preserve and enhance Washington's environment, and to promote the wise management of our air, land and water for the benefit of current and future generations.

The Suquamish Tribe again recommends the following changes be incorporated into the FCR TSD V2:

- Recommend a default fish consumption rate, or range of rates, based on current data which demonstrates that a significant number of Washington residents consume fish and shellfish at higher rates than those currently used for regulatory purposes. By selecting a default rate or range, Ecology could move forward to revise state regulations and rules to be more protective for all Washington residents. It would be a significant step in the right direction.

(Note that this FCR or range of rates should not be used when site-specific tribal surveys are available and appropriate for use. Fish and shellfish consumption surveys of local watersheds representative of the people being addressed for the particular water body are recognized as the highest preferred source of data.)

- Do not adjust other risk assessment parameters and risk management levels, such as exposure duration, fraction ingested, site use factors, exclusion of salmon or other species, or current conditions, to effectively reduce fish consumption rates.

Treaty-reserved rights to safely access and harvest seafood are legal obligations. Tribes reasonably expect that harvest will increase as water quality and habitats improve.

The Suquamish Tribe remains committed to supporting the development of environmental standards that incorporate more protective fish consumption rates. We look forward to making measurable progress on this issue without further delay.

Sincerely,

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