

March 18, 2015

Maia Bellon, Director  
Washington Department of Ecology  
PO Box 47600  
Olympia, WA 98504-7600

Attn: Water Quality Program, Cheryl Niemi; [swqs@ecy.wa.gov](mailto:swqs@ecy.wa.gov)

**RE: Comments on the State's Draft Rule for Human Health Criteria and Implementation Tools in Washington State Water Quality Standards**

Dear Director Bellon:

The Jamestown S'Klallam Tribe has been paying close attention to the revision of human health criteria in state water quality standards as it has a direct effect upon treaty resources and potentially Tribal citizen health. The State, Tribes and EPA have all documented that the current health criteria are not sufficiently protective. In 2011, the Jamestown S'Klallam Fish and Game Committee reviewed fish consumption rates when we assumed that state action on the issue was imminent. The Committee recommended a fish consumption rate of at least 175 g/day, as an appropriate step toward clean water and toxic chemical reduction.

At that time there was no discussion about manipulating the cancer risk level or other factors to lessen the required water quality improvements resulting from an increased fish consumption rate. Since then, the fish consumption criterion is largely rendered moot by weakened provisions in the draft rule. Therefore, after all of this time and effort, we are writing to express our disappointment.

Our Tribe has multiple concerns about the draft rule, and we endorse and adopt the comments being submitted by the Northwest Indian Fisheries Commission (March 2015). We remain especially concerned that the standards for many highly toxic chemicals such as PCBs, and mercury will not require any improvement, and the standards for arsenic will actually be less protective. The Department of Ecology should restore the cancer risk rate of one-per-million and other provisions to protect fish consumers of Washington State.

Additionally, implementation tools should be used as a stepping stone to achieve compliance. They should be employed as a means toward accountability. Some flexibility will be essential, but they must not become a tool to help dischargers avoid compliance altogether.

The harvest and consumption of fisheries resources is a Treaty right and an essential part of our culture and economy. Protecting the health of Tribal citizens, especially our children, from exposure to toxic chemicals via fish consumption is a seven-generation issue. Protecting the vitality of Washington State waters and ensuring that fish from these waters are safe to eat is a serious responsibility. We urge DOE to embrace it and revise the draft rule. We hope that our mutual goals for protecting human health will come to a protective and timely conclusion.

Sincerely,



W. Ron Allen, Tribal Chairman/CEO