



Stillaguamish Tribe of Indians

Natural Resources Department

March 20, 2015

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

ATTN: Water Quality Program
swqs@ecy.wa.gov
Cheryl Niemi

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 Stillaguamish Tribe has long been an advocate for clean water in the Stillaguamish Watershed and Puget Sound. Recently, the Tribe has been involved in Washington State's attempt to update water quality standards through the revision of the Human Health Criteria. The Tribe is disappointed with how this process has developed and with many of the provisions in the proposed draft rule.

The development of a fish consumption rate protective of tribal members is a priority to the Stillaguamish Tribe. Consumption of fish and shellfish is a way of life for the Tribe. Fish and shellfish are key components to our economy, our ceremonies, and our culture. The proposed fish consumption rate of 175 g/day was seen as a compromise to the Stillaguamish Tribe assuming other provisions of the rule would not adversely impact this rate. This has turned out to not be the case. Now that other provisions of the draft rule have become more lenient, namely the cancer risk rate, a fish consumption rate of 175 grams/day is in no way protective of tribal members.

The Stillaguamish Tribe is disappointed that Washington State has drafted rule language increasing the risk of cancer by an order of magnitude. An increase in the cancer risk rate from 10^{-6} to 10^{-5} essentially negates any benefit from increasing the fish consumption rate to 175 grams/day from 6.5 grams/day and leaves many cancer-causing and highly toxic chemicals unchanged. An increase in the cancer risk rate disproportionately impacts tribal members since they are amongst the highest fish consumers in Washington State. This is unacceptable to the Stillaguamish Tribe. The increase also sends the wrong

message to the general public that is consistently being encouraged to consume more fish and now, based on the draft rule, would have a higher risk of getting cancer.

There are other concerns the Stillaguamish Tribe has about the proposed draft rule. The Tribe is concerned with the proposed standards for some highly toxic chemicals such as PCBs, Arsenic and Mercury. The draft rule includes language that will not require any improvements by dischargers for PCBs. Arsenic standards actually become even less protective in the proposed draft rule when compared to the current Human Health Criteria. The State doesn't even address Methylmercury in the proposed draft rule. The Stillaguamish Tribe also supports the comments on the draft rule that are being submitted by the Northwest Indian Fisheries Commission in March 2015.

Washington State has the opportunity to develop water quality standards that are not only protective of the health of its current citizens, but also to those citizens for generations to come from exposure to toxic chemicals in water and fish. The proposed draft rule does not do this. The draft rule continues to put disproportional risk on tribal members and other fish consumers. The proposed rules are geared to help dischargers avoid compliance instead of holding them accountable.

The State is required to meet the provisions of the Clean Water Act and to preserve the beneficial uses of water, including fishing. The Stillaguamish Tribe has a treaty reserved right to take fish at our usual and accustomed fishing grounds, and the State has a duty to ensure that these fish are safe to eat so that the tribe can exercise this right. The State should reconsider the provisions in the draft rule and restore critical elements including the cancer risk rate of 10^{-6} and other provisions that will protect fish consumers in Washington.

Sincerely,



Shawn Yanity
Tribal Chair
Stillaguamish Tribe of Indians

Cc: Ann Seiter, Fish Consumption Rate Project Coordinator, NWIFC
Tara Boser, Cultural Resources Director, Stillaguamish Tribe