

JANETTE K. BRIMMER (WSB #41271) THE HONORABLE JOHN C. COUGHENOUR
MATTHEW R. BACA (WSB #45676)

Earthjustice
705 Second Avenue, Suite 203
Seattle, WA 98104
(206) 343-7340 | Phone
(206) 343-1526 | Fax
jbrimmer@earthjustice.org
mbaca@earthjustice.org

*Attorneys for Plaintiffs Puget Soundkeeper Alliance,
Columbia Riverkeeper, Spokane Riverkeeper,
RE Sources for Sustainable Communities, Pacific Coast
Federation of Fishermen’s Associations, and Institute
for Fisheries Resources*

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

PUGET SOUNDKEEPER ALLIANCE,)
COLUMBIA RIVERKEEPER, SPOKANE)
RIVERKEEPER, RE SOURCES FOR) No. 2:13-cv-01839-JCC
SUSTAINABLE COMMUNITIES, PACIFIC)
COAST FEDERATION OF FISHERMEN’S)
ASSOCIATIONS, and INSTITUTE FOR) DECLARATION OF KATELYN
FISHERIES RESOURCES,) KINN IN SUPPORT OF PLAINTIFFS’
) MOTION FOR SUMMARY
Plaintiffs,) JUDGMENT

v.

UNITED STATES ENVIRONMENTAL)
PROTECTION AGENCY and GINA McCARTHY,)
Administrator, United States Environmental)
Protection Agency,)
Defendants.)

1 I, KATELYN KINN, hereby state and declare as follows:

2 1. I am over the age of 18, have personal knowledge of the following, and could
3 competently testify if called as a witness in this legal action.

4 2. My principal place of business is the office of Puget Soundkeeper Alliance
5 (“Soundkeeper”), located at 5305 Shilshole Avenue N.W., Suite 150, Seattle, Washington 98109.
6 I have been employed by Soundkeeper since July 2010. My present job title is Legal Affairs
7 Manager. I received a law degree from California Western School of Law in 2009 and am
8 licensed to practice in Washington and California.

9 3. Along with three other Washington Waterkeeper groups and two commercial
10 fishing groups, Soundkeeper has filed this civil action challenging ongoing violations by the U.S.
11 Environmental Protection Agency (“EPA”) of its non-discretionary duty under the Clean Water
12 Act to promulgate standards necessary to meet the requirements of the Clean Water Act and to
13 protect designated uses including the consumption of fish. This declaration is in support of that
14 action.

15 4. I am personally and professionally concerned about the toxics in Washington’s
16 waters, fish, and communities. I am particularly concerned about the health of Puget Sound and
17 the waterways that feed it.

18 5. This litigation is within Puget Soundkeeper’s mission to protect and restore the
19 water quality of Puget Sound and its freshwater tributaries.

20 6. Soundkeeper is a non-profit organization with a mission of protecting and
21 preserving Puget Sound by monitoring, cleaning up and preventing pollutants from entering its
22 waters. Soundkeeper uses legal and regulatory tools in addition to operating a proactive
23 pollution prevention and cleanup program to accomplish its mission. Soundkeeper was founded
24 in 1984 as the first citizen advocacy organization to focus on the health of Puget Sound. In 1990
25 Soundkeeper became a founding member of the Waterkeeper Alliance, which today includes

1 over 200 member organizations on six continents, each one a local grass roots advocate for
2 protecting community water resources. Today, Soundkeeper advocates for a healthy Puget
3 Sound on behalf of its 2,500 members, supporters and volunteers. This includes many
4 individuals, families, business owners, educators, shellfish growers, restaurateurs, environmental
5 professionals and policy makers as well as fishermen, boaters, kayakers, wildlife enthusiasts,
6 SCUBA divers and others who are concerned about the health of the Sound. To expand its role
7 beyond the Sound, Soundkeeper regularly partners with members of the Waterkeeper Alliance,
8 Waterkeepers Washington—which consists of Soundkeeper, Columbia Riverkeeper, North
9 Sound Baykeeper, and Spokane Riverkeeper—and other organizations on issues of regional,
10 national and global significance.

11 7. As Legal Affairs Manager of the organization, I manage Soundkeeper’s active
12 enforcement work, research new cases, monitor compliance with settlements, and represent and
13 advocate for the interests of Soundkeeper and its members on a wide range of issues and
14 policies. In this role, I interface regularly with Soundkeeper’s Legal Committee and Board of
15 Directors as well as outside legal counsel. Chris Wilke manages me in this position.

16 8. I spend an average of one day each month on our waterway pollution patrols.
17 While on the water, I learn about different parts of the Sound and its freshwater tributaries. I
18 also operate Soundkeeper’s Pollution Hotline, which involves documenting and responding to
19 citizen reports, collecting additional relevant information, and reporting pollution incidents to
20 local, state and federal authorities.

21 9. Washington’s fish consumption rate is far below what I understand people
22 actually consume in the state, meaning that Washington’s current human health criteria and fish
23 consumption rate are underprotective. I am generally familiar with the amounts of fish people in
24 Washington consume because I have reviewed various fish consumption surveys and
25 Department of Ecology’s January 2013 technical report and engaged in many conversations on

1 the topic with local friends, colleagues and Soundkeeper members and supporters. Washington's
2 fish consumption rate is far below what I consume, as I discuss below.

3 10. I have seen the correspondence where EPA has repeatedly communicated its
4 disapproval of Washington's fish consumption rate to the Washington Department of Ecology
5 ("Ecology"), but neither EPA nor Ecology has taken action to propose or finalize a more
6 protective rate and health standards that would be based on that rate.

7 11. This failure and continuing delay increases exposures to high levels of toxins and
8 harms Soundkeeper's mission of protecting Puget Sound, the species we protect, and consumers
9 of fish and shellfish.

10 12. I am worried about communities throughout the Puget Sound basin and what
11 toxics in Puget Sound means for their ability to safely enjoy recreation and fishing and
12 shellfishing in Puget Sound's waterways. I am also concerned for subsistence fishermen and
13 women who depend on fishing in Puget Sound for their diet. Soundkeeper works with these
14 community subgroups on many levels, including volunteer beach cleanup events, waterway
15 pollution patrols, educational outreach, technical advice and certification programs (WA Clean
16 Marina Program), citizen lawsuits under the Clean Water Act and Resource Conservation and
17 Recovery Act to stop pollution and pollution discharge permit appeals aimed at improving the
18 regulation of pollution discharges to Puget Sound. Soundkeeper's goal of protecting and
19 preserving Puget Sound so that its waters are "swimmable" and "fishable" (safe for swimming
20 and fishing) by residents and visitors is harmed if these communities are injured due to EPA's
21 inaction.

22 13. The inaccurate fish consumption rate also hurts the economy in our region since I
23 know harvesting of fish and shellfish to be a major industry in the region. Soundkeeper's work
24 improving Puget Sound's water quality assures that sustainable harvesting can continue and is in
25 the interest of our membership that includes recreational and commercial fishermen.

1 14. On a personal level, I live in Seattle less than a mile from Elliott Bay, work in
2 Soundkeeper’s office in Ballard just feet from the Lake Washington Ship Canal and regularly
3 recreate on and near waterways all around the Puget Sound basin. In particular, I routinely
4 kayak on Lake Washington, Lake Union and the Duwamish River.

5 15. This past summer, I enjoyed stand-up paddle boarding off Alki, in Filucy Bay,
6 Drayton Passage and on the Sammamish River. This year, I canoed on the Green River, the
7 Black River, the Upper Duwamish River, Nookachamps Creek, the Skagit River, Lake
8 Washington Ship Canal and the Samish River and kayaked in the Nisqually River Estuary and
9 Freshwater Bay in the Strait of Juan de Fuca near the mouth of the Elwha River. In addition, I
10 am frequently on the Soundkeeper patrol boat on Elliott Bay, the Duwamish River, Lake Union
11 and Lake Washington. I also enjoy swimming in Lake Washington.

12 16. Since moving to the region in 2009, I have engaged in recreational fishing and
13 shellfishing around Puget Sound. At the height of my crabbing in 2010, I personally harvested
14 approximately 25 Dungeness Crabs from Marine Area 10 waters in the vicinity of Yukon
15 Harbor. I have harvested oysters and clams from private tidelands around the Sound. Most
16 recently, in July 2013, I harvested geoduck from private tidelands in Filucy Bay. I very much
17 enjoy harvesting, cooking and eating crab, oysters, clams, geoduck and other seafood from Puget
18 Sound. Although I have never personally caught one in Puget Sound, I also enjoy eating salmon,
19 ling cod and other fish harvested from its waters.

20 17. I estimate that I eat fish and/or shellfish from Puget Sound approximately 4-6
21 times per month. I eat seafood sourced from outside of Puget Sound waters 2-3 times per week
22 (9-13 times per month). All told, I eat approximately 14-18 fish meals per month, far in excess
23 of Washington’s current one fish meal per month estimate. I intend to continue eating fish and
24 shellfish at approximately this rate in the future.

25 18. Raised by a fisherman in Northern Wisconsin, I was brought up with a deeply

1 ingrained personal connection to our waterways. The idea that we should be able to safely fish
2 and consume fish from local waterways has always been an integral part of my personal identity.
3 The credos around the importance of eating local fish that I was taught as a child on Lake
4 Michigan has only grown stronger over time, and has stayed with me as I have relocated to new
5 watersheds. Today, as a resident of the Puget Sound basin, I have a very strong connection to its
6 waters. Eating fish from Puget Sound has strong personal and cultural significance for me and it
7 is essential to my personal well-being.

8 19. While it has been a few years since I've crabbed and eaten my own catch from
9 Puget Sound, I fully intend to do it again although I may not because I am worried that
10 contamination of the Sound from the myriad of current pollution sources makes that unwise.
11 Today, I regularly purchase shellfish harvested from Puget Sound, including clams, oysters,
12 mussels and geoducks from places all around the Sound, from Totten Inlet and Chapman's Cove
13 to Dabob and Samish Bays. I enjoy purchasing shellfish from retail locations to cook at home. I
14 also enjoy ordering fresh local shellfish at my favorite local restaurants. If it were more readily
15 available for purchase on a retail level, I would purchase and consume salmon caught from Puget
16 Sound on a more regular basis.

17 20. I eat less fish/shellfish than I would like to because of the levels of toxics in
18 Washington waters. My desire to eat local seafood is curtailed by my concern about its safety.
19 If Puget Sound were cleaner, I would certainly eat more fish and shellfish from its waters.

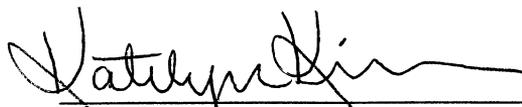
20 21. I am deeply concerned about the contamination of Puget Sound's fish and
21 shellfish from its many pollution sources. And, I am increasingly concerned about the
22 healthfulness of eating the fish that we catch or purchase and consume from Puget Sound and its
23 tributaries. I am especially concerned about the negative health effects of consuming fish in
24 Washington on my family and friends and, in particular, on young children because they are
25 particularly vulnerable to physiological and neurological abnormalities during early stages of

1 development.

2 22. I am particularly concerned about my own consumption of fish from Puget Sound
3 and other Washington waters because I am of child-bearing age and I intend to have children
4 some day. I am concerned about the impacts that toxins in fish may have on my present
5 physiology and my ability to conceive. I am concerned about passing bioaccumulative toxins on
6 to my future fetus. During pregnancy, this concern will be compounded by the fact that what I
7 consume passes directly through my system to the fetus. I am also concerned about consuming
8 carcinogens due to the heightened risk of cancer, potential reduction in lifespan and the risk of
9 subjecting my future offspring to a shorter-lived parent. Further, the health of our waterways
10 will most certainly play a role in my decision of whether and when to have children and where to
11 raise them.

12 23. In this statement, I have described how EPA's failure to timely promulgate a
13 revised fish consumption rate harms the central goals and purposes of Puget Soundkeeper
14 Alliance, and my own personal interests ranging from pursuit of water-based recreation to
15 ensuring the health of my family. I believe that these harms will be reduced, and perhaps
16 eliminated if, through this legal action, EPA timely promulgates a revised fish consumption rate
17 and accompanying water quality standards for the State of Washington.

18 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true
19 and correct to the best of my knowledge. Executed this 24th day of January, 2014, in Seattle,
20 Washington.

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22 KATELYN KINN
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