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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 WENDY  
FISHERIES RESOURCES, ) STEFFENSEN IN SUPPORT OF  
Plaintiffs, ) PLAINTIFFS’ MOTION FOR  
SUMMARY JUDGMENT

v.

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

1 I, WENDY STEFFENSEN, 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 RE Sources for Sustainable  
5 Communities (“RE Sources”), located at 2309 Meridian Street, Bellingham, Washington 98225.  
6 I have worked for RE Sources since 2003. I currently serve as North Sound Baykeeper of the  
7 organization. I served in this capacity from 2003-2009 and again since September 2013. In the  
8 intervening years, I served as Lead Scientist for RE Sources. I have a BS in biology and an MS  
9 in environmental toxicology and over 20 years of experience in both water quality and  
10 environmental advocacy work.

11 3. RE Sources was established in 1984 by a small group of local citizens who shared  
12 general concerns about waste reduction and pollution. Now, the focus of RE Sources has  
13 expanded to include a number of programs aimed at minimizing waste, promoting sustainable  
14 practices and reducing water pollution throughout the region—the North Sound Baykeeper is one  
15 of those programs. The North Sound Baykeeper, established in 1999, is a member of the  
16 international Waterkeeper Alliance. The Baykeeper team’s goal is for Puget Sound waters to be  
17 of good quality, fishable, drinkable, and swimmable, and our work is aimed squarely at  
18 combating pollution to north Puget Sound waters.

19 4. RE Sources and other parties have filed a lawsuit that would require EPA to issue  
20 a fish consumption rate and associated human health criteria water quality standards for  
21 Washington. That lawsuit is within the Baykeeper’s goal of enabling Puget Sound waters to be  
22 fishable. This declaration is in support of the litigation.

23 5. The litigation also furthers my personal and professional concern about the health  
24 of Puget Sound and the waterways that feed it. The lawsuit seeks to protect fish-consuming  
25 populations in Washington State.

1           6.       As the North Sound Baykeeper of RE Sources, my job is to be a spokesperson for  
2 the waters and habitats of Whatcom and Skagit Counties, especially those that are marine in  
3 nature, using sound science and the precautionary principle to help guide Baykeeper projects.

4           7.       The Baykeeper's work includes field investigations, facility monitoring and  
5 industry training, policy work (including commenting on draft permits and regulations), citizen  
6 outreach and education, and, where necessary, litigation.

7           8.       Our Baykeeper Team is charged with protecting the waters of north Puget Sound,  
8 so that they are of good quality, fishable, and swimmable. Our view is that fish that contain  
9 contaminants in their bodies cannot be said to be fishable. Whatcom and Skagit Counties host a  
10 multitude of dischargers and contaminated sites that contribute contaminants to the water and  
11 sediments. These contaminants can accumulate in fish to levels that make fish unsafe to eat in  
the quantities at which fish-consumers eat them.

12           9.       Industrial dischargers include, but are not limited to four oil refineries, an  
13 aluminum smelter, and various municipal wastewater, wood treatment and fish processing plants.  
14 Contaminated sites include, but are not limited to the Central Waterfront, Cornwall Avenue  
15 Landfill, Georgia-Pacific West, Harris Avenue Shipyard, I&J Waterway, Little Squalicum Park,  
16 R. G. Haley, S. State St. MGP, and Whatcom Waterway sites in Whatcom County and Cap Sante  
17 Marine, Custom Plywood, Dakota Creek, Former Scott Paper Mill, Former Shell Tank Farm and  
18 March Point Landfill sites in Skagit County.

19           10.      RE Sources' approximately 10,000 members share in our interests and concerns  
20 over the discharge of contaminants into the waters and the resulting negative impact on  
21 fishability of our waters. Many people join RE Sources precisely because they care about the  
22 sustainability and quality of the waters in and around Puget Sound and the fishability of our  
23 waters; consequently, our members are concerned about the presence of contaminants in these  
24 waters and in our fish. Many RE Sources members are regular fishers/shellfishers or consumers

1 of fish/shellfish from Bellingham, Chuckanut, Samish, Birch, and Padilla Bays; the Skagit,  
2 Samish, Stillaguamish, and Snohomish Rivers; Padden, Chuckanut, Squalicum, and Whatcom  
3 Creeks; Drayton Harbor, Georgia Strait, and elsewhere in Puget Sound.

4 11. RE Sources' work toward curbing and preventing pollution involves direct  
5 activity at and in a variety of north Sound waters. We have a program that monitors bird  
6 populations in the Georgia Strait on a monthly basis. We monitor the marine and freshwater  
7 bodies in Skagit and Whatcom Counties, listed in detail above, on a regular basis. We have  
8 nature study programs at Fidaglo Bay and Cherry Point Aquatic Reserve, and we have  
9 restoration efforts underway at Little Squalicum Creek. RE Sources engages in these and other  
10 projects because we wish the waterbodies on which they focus to remain or become healthy and  
11 free of pollution.

12 12. I and other members of my immediate family purchase fish from these waters to  
13 eat as a family. I am concerned about contaminant levels in the fish we purchase, and even more  
14 so by the salmon roe, which my family sometimes incorporates into meals.

15 13. It is my opinion that pollution of Puget Sound and other Washington waterways  
16 by dischargers and contaminated sites directly contradicts the Baykeeper's goal to protect north  
17 Sound waters so that they are of good quality, fishable, and swimmable. It is up to the  
18 Washington Department of Ecology ("Ecology") and the U.S. Environmental Protection Agency  
19 ("EPA") to ensure that the fish caught in these waters are healthy to eat in quantities that people  
20 actually consume.

21 14. The inadequate fish consumption rate Ecology uses to determine water quality  
22 and sediment cleanup standards affects me in my work and personal life. These too-low rates  
23 underestimate fish consumption, result then in standards that are too low, and thereby they put  
24 fish-consuming people at a higher risk from contamination. In my personal and professional  
25 opinion, waters containing fish with high levels of contaminants cannot be said to be "fishable"

1 in the way that term is used in the Clean Water Act.

2 15. One of the reasons my family and I choose to live here is because we want to live  
3 in a healthy place and to be connected to the land and water around us. We believe that the north  
4 Sound is such a place. We eat local and organic food whenever possible. Washington's under-  
5 protective standards for fish consumption have interfered with those goals.

6 16. I am also concerned that other animals, such as orcas, eagles, and seals that eat  
7 fish will be harmed by contaminants, making them less able to thrive and reproduce. I watch  
8 eagles and seals from the beach with my 6-year old son. We enjoy watching these animals and  
9 talking about them. I know they are contaminated at varying levels, especially the Puget Sound  
10 orcas, and I want them to be healthy so that they can continue to reproduce and be a source of  
11 joy for families, including mine.

12 17. My family and I eat fish on a regular basis, approximately twice a month. That  
13 level of consumption puts us above Washington's assumed fish consumption rate of one fish  
14 meal per month.

15 18. We purchase fish caught in the north Sound, off the coast of Washington, and  
16 Alaska, all from local fishers. Because of pollution issues, I prefer to feed my family fish from  
17 off the coast and Alaska. I often feel hesitant or anxious when feeding my family, including my  
18 6-year old son, fish from north Sound. I would eat more fish from north Sound and would feed  
19 my family such fish more if I thought it was healthy. Washington's inadequate fish consumption  
20 rate and lax water quality standards prevent me from doing so.

21 19. I am concerned that fish will continue to be polluted and will be unsafe to eat  
22 unless EPA issues an accurate fish consumption rate and water quality standards. I understand  
23 that EPA has long disapproved of Ecology's current fish consumption rate, but neither the state  
24 nor EPA have taken steps to put forth a more accurate rate and standard. Because Ecology has  
25 failed to issue a better standard and EPA has failed to accept its responsibility to step in, I will

1 continue to be harmed unless this Court requires EPA to do so. I believe that the harms  
2 Baykeeper and I suffer will be reduced if this legal action results in quick and decisive action to  
3 promulgate fish consumption rates that reflect actual consumption in Washington.

4 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true  
5 and correct to the best of my knowledge. Executed this 31 day of January, 2014, in  
6 Bellingham, Washington.

7   
8 WENDY STEFFENSEN