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Greetings,

On behalf of the Sauk-Suiattle Indian Tribe, I would like to submit the following comments to the state's Draft Rule for Human Health Criteria and Implementation Tools in the Washington State Water Quality Standards published Jan. 12, 2015. Sauk-Suiattle asserts that the state's proposed rule fails to protect human health, particularly the state's most vulnerable segment of the population – Native Americans – who eat the most fish and thus are most at risk by the state's proposal. The changes in the rule amount to very little effective change to the previous water quality standard, which was universally acknowledged as inadequate, even by Ecology. This failure falls short of the state's obligation to protect clean water as delegated by the U.S. Environmental Protection Agency under the Clean Water Act, and it falls short of the state's obligation to honor Tribal treaty rights to continue to harvest fish that are safe to consume.

In recent years, Ecology staff took some painfully slow but encouraging steps toward improving the fish consumption rate from its woeful 6.5 grams/day (one fish meal per month) to 175 grams/day. It should be emphasized that 175 grams/day was a compromise position for Sauk-Suiattle and our neighboring Tribes – 175 grams was still less than many Washington Tribes' average daily fish consumption (as several studies have shown), but much more protective than the existing rate. But then, after pressure from industry, particularly Boeing, the state took almost all the teeth out of the new fish consumption rate by proposing to also decrease the cancer risk level from one-in-one million to one-in-100,000.

This is unacceptable. And there is a simple solution: restore the cancer risk level to one-in-one million. This is a risk level that Ecology has supported since 1991. Industry representatives have argued that these standards are too restrictive, but those concerns could have been addressed. Instead, the proposed rule effectively undermines the whole purpose of creating a new Human Health Criteria in the first place – to protect Washington residents from toxic contamination that builds up in the fish we all eat. The state has not provided adequate justification for increasing the cancer risk, contrary to the requirements of the Clean Water Act.

Sauk-Suiattle has worked closely with our neighboring Tribes and the Northwest Indian Fisheries Commission (NWIFC) for many years on this issue, so it is dismaying to

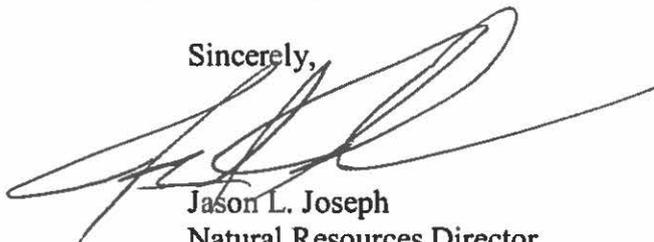
come so close to achieving a strong improvement in water quality and human health, only to see the proposed new rule unravel under political pressure. NWIFC has worked with member Tribes, including Sauk-Suiattle, to compile a very detailed comment document about the draft rule, and I would strongly encourage Ecology staff and Governor Inslee to read through those comments. The document makes a strong argument for setting the fish consumption rate at 175 grams/day and the restoring the cancer risk rate to one-in-one million. The document is referenced here because it includes the many studies that justify the Tribal fish consumption rates. The document also details the history of legal interpretations and policy decisions that have preceded this draft rule.

One of the strongest arguments is that Ecology has long acknowledged the need to increase the fish consumption rate to be more protective of “high consuming populations” such as Tribes, Asian Pacific Islanders, immigrants and sport fishers. The whole point of increasing the fish consumption rate was to be protective of these populations. So then why would the state undermine that objective by increasing the cancer risk level, which would inordinately affect those very populations, and children for that matter?

In order to protect these vulnerable groups, their cultural practices and values must be taken into account in establishing consumption rates. Fish consumption and cancer prevention rates which are based primarily upon consumption by those who only consume the flesh or fillets of fish may be highly inadequate to protect people such as those of the Sauk-Suiattle Indian Tribe and other tribes and tribal elders who consume *every* part of the fish. Salmon is the mainstay dietary source of food for the Sauk-Suiattle people. There are songs, stories, ceremonies and dances that commemorate its place in our lifestyle. The salmon is consumed in various ways: canned, smoked, dried, boiled, cooked over open flame with alder, fried steaks, baked with simple seasonings. We eat every part of the salmon and many other species including the backbone, the tips, the head – eyeballs, soft bones and cheeks – tails and certain internal parts or organs. The fish head and backbones are seen by our elders as an especially feasting part of the salmon. Even the salmon eggs were dried and cooked over open fire and were seen as the parts reserved for the special guests at the table. Harmful toxins can be absorbed and stored in these other parts and organs of aquatic species, often in even higher concentrations than in the mere flesh. Until there are further studies of the consumption and cancer rates of those who consume the entire fish in this fashion, the proposed rate cannot be said to be adequate.

A lot of effort has been put into updating Washington’s water quality standards. If this draft rule is adopted, most of that effort will have been wasted. It is not too late to do the right thing. Set the fish consumption at 175 grams/day and restore the cancer risk level to one-in-one million.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jason L. Joseph', with a long horizontal flourish extending to the right.

Jason L. Joseph
Natural Resources Director
Sauk-Suiattle Indian Tribe