



March 23, 2015

Sent via email to: swqs@ecy.wa.gov

Cheryl Niemi
Water Quality Program
Washington Department of Ecology

RE: Proposed Rule Amendment to Water Quality Standards for Surface Waters of the State of Washington (Chapter 173-201A WAC)

Dear Ms. Niemi:

The Northwest Food Processors Association (NWFP) would like to provide comments on the *Proposed Rule Amendment to Water Quality Standards for Surface Waters of the State of Washington (Chapter 173-201A WAC)*. NWFP represents many of the food processing companies in Washington regulated by permits under the National Pollutant Discharge Elimination System (NPDES). The human health criteria adopted as part of the Water Quality Standards are of direct interest to food processors' operations in the State of Washington.

Fish Consumption Rate

The proposed rule sets a fish consumption rate at 175 grams per day and is based on local "highly exposed populations" rather than the general population. The methods used and the decisions made by the Department of Ecology result in a rate that represents a value of nearly the 95th percentile of the highest consumers in the state. This consumption rate represents a policy decision rather than a current state-wide survey of fish consumption or current survey of highly-exposed populations. In 2012, JR Simplot Company submitted to Ecology a Review of the Fish Consumption Rates Technical Support Document by Arcadis, identifying concerns with the fish consumption studies being used to assess fish consumption. We continue to be concerned about the inclusion of all fish and shellfish—regardless of sources and including anadromous fish—the survey quality, age of survey, as well as the assumption that short-term dietary surveys reflect long-term dietary behaviors.

Risk Level

The choice of risk level is a policy decision of the state. In its 2000 AWQC methodology, EPA states that it believes that both 10^{-6} and 10^{-5} may be acceptable risk levels for the general population and that highly exposed populations should not exceed a 10^{-4} risk level. These levels are, however, more stringent than the allowable risk levels EPA uses in its safe drinking water regulations.

Arcadis has pointed out in its comments to the state of Idaho (White Paper Responding to the Idaho Fish Consumption Rate and Human Water Quality Criteria—Discussion Paper #7: Risk Management and Protection of Human Health, January 20, 2015) that "in general, the range of allowable risks for the general population typically used to set AWQC (i.e., 10^{-6} and 10^{-5}) are much smaller than the daily risks we encounter simply by being alive (such as the daily risk of dying from an unnatural cause such as a fall or other accident) or activities we partake in on a regular basis (e.g., walking, driving a car, running)". They present data on these other risks and conclude that "these comparisons support the notion that the risks of 1×10^{-6} and 1×10^{-5} and even greater can be considered acceptable for the general

population". Ecology's decision to adopt a risk rate of 10^{-5} is consistent with this view and is supported by EPA guidance.

When this risk level is applied to the proposed fish consumption rate, the resulting numeric criteria are significantly more stringent than the current National Toxic Rule criteria and exceed the levels necessary to protect public health. It is also, extremely conservative when applied to the general population of Washington state, who most likely consume much less than 175 grams per day.

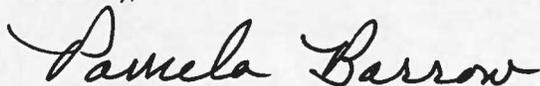
Cost-Benefit Analysis

NWFPA respectfully requests a new economic analysis. We question the finding that the rule changes will not result in costs to existing dischargers as the new criteria will be significantly more stringent than the criteria currently applied in Washington.

In closing, NWFPA appreciates this opportunity to comment on the proposed rule. We would also express our support for the comments of the Association of Washington Businesses.

NWFPA is committed to working with the State of Washington to achieve a healthy and sustainable environment that includes a robust economy and employment opportunities for Washington's citizens. Please contact us if you have any questions or need additional information.

Sincerely,

A handwritten signature in black ink that reads "Pamela Barrow". The signature is written in a cursive, flowing style.

Pamela Barrow
Director, Energy & Sustainability