



The Confederated Tribes of the Colville Reservation

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February 29, 2012

The Honorable Lisa Brown
Majority Leader, Washington State Senate
307 Legislative Building
Olympia, WA 98504-0403

RE: Rulemaking to improve environmental standards for fish consumption

Dear Senator Brown:

It has come to my attention that the Washington State Department of Ecology is in the process of writing rules to provide for a higher rate of “safe” fish consumption; that is, to increase the amount of fish from Washington waters which can be safely eaten each day. If this amount is increased, the allowable levels of toxicity in the fish (and their habitat waters) must be reduced to assure safe consumption. Unfortunately, there are some in the State Legislature who do not want to see these new rules take effect, and the current Senate Budget has included an amendment (the “fish consumption rate budget proviso”) aimed at limiting Ecology's ability to deal with this issue. I am writing to express the Colville Tribes’ opposition to this amendment

If this “proviso” becomes law, it could seriously curtail, or even halt, Washington’s efforts to revise its safe fish consumption rate. This revision must proceed without delay and with necessary funding.

The federal Clean Water Act requires Washington to periodically revise various environmental standards, such as those for sediments and water quality. Those standards are based on safe fish consumption rates. As part of this process, Washington must re-examine the fish consumption rate used to establish the standards. Ecology is proposing to increase safe consumption levels because the current state fish and shellfish consumption rate of 6.5 grams per day (approximately a quarter of an ounce) does not reflect actual consumption by Washington residents, particularly Tribal members who rely on fish as a major staple in their diets. By increasing the consumption rate to a reasonable, realistic level, Ecology will be required to reduce pollution in the waters where the fish live. Our fish will be safer to eat and our waters will be cleaner.

A failure to timely revise state fish consumption rates and water quality standards risks greater involvement and interference in state operations by the U.S Environmental Protection Agency. Standards not based on reasonably accurate local fish consumption data for Tribal members and

others also risks possible EPA disapproval (as has occurred in Oregon), and greater EPA involvement in Washington's internal agency processes.

The "fish consumption rate proviso," is an irrelevant amendment to the state's budget. It is a thinly-veiled attempt to slow down or stop Ecology's long overdue rulemaking update. The Colville Tribes urges you to oppose this amendment and to remove it from the budget legislation.

Thank you very much for your attention to this important matter.

Sincerely,

A handwritten signature in cursive script that reads "Michael O. Finley".

Michael O. Finley
Chairman
Confederated Tribes of the Colville Reservation