



LOWER ELWHA KLALLAM TRIBE

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Date: February 17, 2012

To: Representative Steve Tharinger
368 John L. O'Brien Building
PO Box 40600
Olympia, WA. 98504-0600

From: Chairwoman Frances Charles
Lower Elwha Klallam Tribe
2851 Lower Elwha Road
Port Angeles, WA. 98363

Dear Sir:

Recently the Washington Department of Ecology drafted a technical support document related to changing the fish consumption rates that are used to calculate toxic cleanup and water quality standards in Washington. The Lower Elwha Klallam Tribe has reviewed the draft rule and strongly supports Ecology's implementation of this rule as a state wide default fish consumption rate. This represents a vast improvement over the existing rates currently used by the Department of Ecology Water Quality and Cleanup programs. It is important to note that while this rate provides protection to Washington State fish consumers it does not reflect tribal fish consumption rates.

It appears that there are those in the Legislature who oppose this default fish consumption rate increase due to the perceived effects it may have on municipalities and industries in Washington State. The Department of Ecology has spent considerable time, effort and resources on the development of the proposed default fish consumption rate using extensive review and analysis of scientific literature and fish consumption data from Washington State. The proposed default fish and shellfish consumption rate is significantly higher than the existing rates which were never realistic representations of rates of consumption for Washington State consumers. Currently, Ecology's Water Quality program uses a

consumption rate of 6.5 grams per day, equivalent to approximately one bite of fish per day. The WA State Toxics Cleanup program uses a rate of 56 grams per day which is equivalent to approximately 2 ounces of fish per day or the equivalent of one McDonald's hamburger patty per day.

Washington State is known to have a proportionally greater population of fish consumers who consume larger quantities of fish and shellfish than other states.

Ecology's proposal is to replace the two standards with a single standard, which will be in the range of Oregon's EPA approved default rate of 175 grams per day which equals about 6oz of fish per day. This is reasonable and appropriate due to the high fish consumption rates of Washington State citizens, which are likely higher than Oregon due to greater water access opportunities. In comparison, tribal fish consumption studies have indicated a range of consumption rates from 194 grams to over 1000 grams per day.

The proposed default fish consumption rate is specific to Washington State's general population and protects general consumers and most non-native high-end fish and shellfish consumers. In many cases, tribal fish consumption rates are much higher than this proposed rate and should be addressed using tribal consumption values from existing studies

The goal of the new fish consumption rate is to ensure that Washington State consumers of fish and shellfish are adequately protected from environmental contaminants that may result in adverse chronic health effects in the future. We are requesting your support of the Department of Ecology on this issue, as it is important to protect the health of all Washington citizens consuming the fish resources of state waters.


Lower Elwha Klallam Tribe Chairwoman

cc. The Honorable Christine Gregoire, Governor

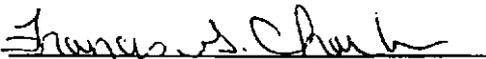
consumption rate of 6.5 grams per day, equivalent to approximately one bite of fish per day. The WA State Toxics Cleanup program uses a rate of 56 grams per day which is equivalent to approximately 2 ounces of fish per day or the equivalent of one McDonald's hamburger patty per day.

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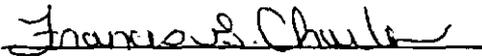
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