SQUAXIN ISLAND TRIBE

Squaxin Island Tribal Council Policy
Fish Consumption Rates
Adopted 11 January 2012

Summary

The Squaxin Island Tribe will support an increase in the Washington state, regulatory fish consumption rate to a minimum range between 157 and 267 grams per day for the current rule-making processes related to sediment management and water quality standards, if the following conditions are met:

1. Any fish consumption rate adopted not be considered a "tribal" fish consumption rate;
2. The state and tribes memorialize a process with explicit milestones to gradually increase the fish consumption rate to eventually reflect what people who consume large quantities of fish actually eat;
3. Salmon and shellfish are included in the fish consumption rate; and,
4. Other variables in the health risk assessment like cancer risk rates do not change to dilute the increased safety gained from a higher fish consumption rate.

Discussion

The Squaxin Island Tribe would like to go on record with our policy position regarding the effort by the State of Washington to revise the fish consumption rates it uses to establish sediment management and water quality standards. The objective of those standards is to protect the health of the environment and the resources it supports.

Since time immemorial, our maritime ancestors from Noo-Seh-Chatl– Henderson Inlet, Steh-Chass– Budd Inlet, Squi-Aitl– Eld Inlet, T'Peeksin– Totten Inlet, Sa-Heh-Wa-Mish– Hammersley Inlet, Squawksin– Case Inlet, and S'Hotle-Ma-Mish– Carr Inlet have lived and prospered along the shores of the southernmost inlets of the Salish Sea. Salmon and shellfish have always been and will forever be central to our cultural traditions and existence. We know ourselves as "the people of the water."

In 1854, our representatives signed the Treaty of Medicine Creek reserving a right to harvest finfish and shellfish in all South Sound waters, and the U.S. Supreme Court has upheld that right. Implicit in reserving that right was not only that there shall always be finfish to catch and shellfish to dig, but both shall also be safe to eat.

Natural Resources Department / 2952 S.E. Old Olympic Hwy. / Shelton, WA 98584
Fax (360) 426-3971 / Phone (360) 426-9781

This has led the federal government, and through its delegated authority, the State of Washington to develop statutory and treaty obligations to maintain the promised outcome of "abundant fish and shellfish safe to harvest and eat." However, the current condition of natural resources in South Sound falls far short of our expectations and government obligations.

Focusing on the fish safety issue, the consumption rate of 6.5 grams per day (gpd) currently used to establish state water quality standards is not protective of any background, age or level of consumer of local finfish or shellfish. It is a ridiculously low amount and does not represent in any way what the majority of Washingtonians are actually eating.

The fish consumption rate must be substantially increased to protect the health of all Washingtonians. That increase must protect not just the every once-in-a-while consumer of fish or shellfish, but those who eat fish multiple times a day and more importantly, our children who are far more sensitive to any toxic contamination.

The Squaxin Island Tribe provides just one example of the many high rate fish consumers in Washington. We completed a fish consumption survey in 1996. Our upper end of fish consuming members (95th percentile) ate ~250 gpd. It should be noted that this survey was completed before the legal resolution of the Tribe's shellfish rights that assured open access to numerous shellfish species.

A 2000 survey by our neighbors, the Suquamish Tribe, probably better reflects current Squaxin consumption patterns. Their high-end consumers ate ~750 gpd.

Although most fish consumption rate surveys published to date involve tribal members, it is important to remember that groups other than tribes also consume significant quantities of fish. Other groups, like Asian and Pacific Islanders, have reported even higher levels of consumption than some of the Tribal studies. Thus, protecting the health of all Washingtonians is about more than protecting the health of tribal members.

The current rulemaking processes should reflect this broader perspective. They should not be aimed at setting "tribal" fish consumption rates. In fact, that would be highly inappropriate and a violation of tribal sovereignty. Only the Squaxin Island Tribe can set a fish consumption rate in the name of our membership.

Instead, we urge the state to view rate setting as an iterative processes to gradually increase the default, regulatory fish consumption rates to levels fully protective of the health of all Washingtonians.

The fish consumption rate is used in a mathematical equation to set maximum concentrations for toxic constituents in the environment as part of health risk assessments. In general, the higher the fish consumption rate, the lower the maximum allowed concentration of toxics. Such a balance maintains a consistent, low level of risk for human illnesses like cancer.

The September 2011 Fish Consumption Rate Technical Support Document does a good job of reviewing available fish consumption rate studies. We support its conclusion that an increase to a minimum range between 157 and 267 grams per day is warranted with several caveats.

First, everyone must recognize that an increase to even 267 gpd does not encompass how much fish some Washingtonians actually eat or wish to eat. The "wish to eat" reference alludes to some constituent groups desiring to return to more historic levels of fish consumption should availability and safety issues be resolved.

However, any substantial increase does represent a major step forward, and if considered an interim increase, will be acceptable to the Squaxin Island Tribe.

The key to acceptability will be to craft a way to acknowledge that any increase made now is an interim step toward eventual adoption of a fish consumption rate truly protective of the health of all Washingtonians, and to make transparent a formal path forward.

We are comfortable with an interim increase as proposed because at the current level of technology to analyze many toxic constituents, even at a fish consumption rate of 157 gpd, the majority will be driven to regulatory standards below detection levels. Under these circumstances, the sediment management or water quality standards will default to background conditions.

Until detection technology improves appreciably, further increases in fish consumption rates will not lessen the concentrations of toxic constituents in the environment, nor make finfish or shellfish any safer to eat. However, the technology will eventually improve and make further increases in the fish consumption rates more meaningful.

The current lack of sufficiently sophisticated analytical technology does not argue for a go-slow approach. Quite the opposite—adopting a fish consumption rate that drives standards below detection limits will force the advance of technology to occur sooner than might otherwise happen.

Therefore, we want to reiterate that a path forward to a rate truly reflective of Washingtonian's fish consumer behavior must be boldly and forthrightly elucidated and executed for the initial step as recommended in the document to be acceptable to the Squaxin Island Tribe.

Furthermore, there is more to health risk assessment than just the fish consumption rate, although it remains key. Another factor to consider is what fish are included or not in the fish consumption rate.

Simply put, any arguments that salmon should not be included in the fish consumption rate are unacceptable. Salmon are the finfish central to our cultural traditions. It is inconceivable to us that they not be included.

Besides this cultural viewpoint, there is ample, emerging scientific evident that salmon pick up a majority of their toxic constituents in their natal streams and Puget Sound, not from the open ocean. These local sources of toxics must be decreased to make our salmon safer to eat and that will not happen unless salmon are included in the fish consumption rate.

Finally, the previously mentioned health risk equation includes several other variables like dietary fraction, exposure duration, body weight, and inclusion/exclusion of nonconsumers. They are included in the calculation to ultimately determine the acceptable level of toxic constituents in the environment.

None of the additional variables should be changed in any way to dilute the increased health safety provided by a higher fish consumption rate. In particular, our strong preference is that there be no risk of cancer from eating our finfish and shellfish. However, when approached from a regulatory standpoint, we insist that the cancer risk rate used in the equation remain at the lowest rate allowed.