



Northwest Indian Fisheries Commission

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Governor Christine Gregoire
PO Box 40002
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*CRIS -
Fish Consumption Rates
Are Important To All of
us. Not just Tribes
Thank You
Brynn*

RE: Fish Consumption Rates and Rule-Making by the Department of Ecology

CRIS
Dear Governor Gregoire,

Recently the Department of Ecology prepared a technical document about fish consumption rates—how much fish the people of Washington eat. These rates are used in the rules and regulations that govern the clean-up of contaminated sites and protection of water quality. The Ecology document received hundreds of comments from industries, cities, environmental groups, state legislators, and tribes. We would like to provide you with some reaction to the comments, and offer to meet with you and Washington State Legislators to hear our perspective.

It's important to recognize that fish consumption rates affect all Washington citizens, not just tribes. Many of the comments received by the Department of Ecology on this issue agreed that the existing standards are too low. These standards are established to avoid pollution with toxic chemicals so that all of us can safely swim, recreate, and work in Washington waters. We all want to be able to eat fish at levels that doctors say are good for us, and are good for our state's fish and shellfish industries.

Tribes are particularly concerned about fish consumption rates because our people are some of the highest consumers of fish. Most people in the state already know that tribes consume a lot of fish and shellfish, but several tribes have also completed dietary studies to document this consumption. The studies were scientifically reviewed when Oregon did their evaluation of water quality standards and the studies were reviewed by the Environmental Protection Agency before they approved Oregon's rate. Some of the comments on the new Ecology document call for more study of the studies—this is just a way to delay or avoid a change to existing inadequate standards.

We are also very concerned about comments suggesting that the standards do not need to protect smaller groups of people who regularly consume fish, such as tribes, Asians and Pacific Islanders, but instead should only protect the "general" public. It is sad that toxic chemicals in fish will affect our groups the most, and sadder still that some individuals and industries don't seem to care about this injustice. Setting standards is not about race or ethnicity – it is simply about protecting those that are the most susceptible, including children, pregnant mothers, and

those that are ill. It is not unreasonable to set these standards at a level that would protect a high percentage of a vulnerable sub-population, in fact it is entirely appropriate.

Some of the individuals and organizations that commented on Fish Consumption Rates said that a higher rate will have negative impacts to the economy or to particular industries. Toxic contamination affects the health of all citizens and future generations, and we think it is inappropriate to consider economic benefit versus public health as a reasonable choice.

On top of the public health issues that affect everyone in Washington, the state is fully aware that the tribes have a right to take fish at all of their usual and accustomed fishing grounds and stations. If the fish are too toxic to consume, they cannot exercise their treaty right. The state has a duty to ensure that fish taken by the tribes are safe to eat—by the tribes and by other consumers in the “general public.”

Tribes have been working with the Department of Ecology and the Environmental Protection Agency for over 20 years to revise water quality standards, including fish consumption rates, to protect human health and the environment. We urge the state to allow Ecology to proceed with their work without additional delay and distraction, and to move forward with full implementation without weakening other related standards.

Several tribal leaders have been meeting with Director Sturdevant on this issue, and are willing to share their perspectives with you. Please contact Mike Grayum, Executive Director of the Northwest Indian Fisheries Commission to arrange a meeting to hear from them. Thank you.

Sincerely,



Billy Frank, Jr.

Cc:

Senator Lisa Brown, Senate Majority Leader
Senator Mike Hewitt, Senate Minority Leader
Senator Karen Fraser, Majority Caucus Chair
Senator Linda Parlette, Minority Caucus Chair
Representative Frank Chopp, Speaker of the House
Representative Richard DeBolt, House Minority Leader
Representative Eric Pettigrew, Majority Caucus Chair
Representative Dan Kristiansen, Minority Caucus Chair
Dennis McLerran, EPA Regional Administrator
Ted Sturdevant, Department of Ecology Director