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Clean Water Advocates Push EPA on State's Toxic Fish Rules

Public health endangered--fish consumption rates underestimate risk to people

Seattle, WA-- Today, Waterkeepers Washington, a coalition of statewide clean water advocates, put the U.S. Environmental Protection Agency (EPA) on notice it could be sued under the federal Clean Water Act for failing to protect Washingtonians from toxic pollution entering Puget Sound, the Columbia River, the Spokane River and other waterways.

Studies across Washington State show high levels of toxic pollution in certain types of locally caught fish and shellfish. According to Waterkeepers Washington, EPA is violating its duty under federal law by failing to take action and protect public health.

The 60-day notice letter of intent to sue under the Clean Water Act targets the so-called "fish consumption" rate. Earlier this year, the fish consumption issue was at the heart of the near shutdown of state government when Boeing and other industries lobbied the state to add years of delay to new toxic pollution laws.

According to the Waterkeeper groups, EPA is violating the law by allowing Washington's Department of Ecology (Ecology) to grossly underestimate the state's fish consumption rate, which is used to set water quality standards. The state of Washington incorrectly estimates its citizens have one of the lowest fish consumption rates in the nation. Consequently, water pollution limits are too high and fail to protect people who eat locally caught fish.

"EPA has long known that Washington Ecology never properly adopted a realistic fish consumption rate," said Janette Brimmer, an Earthjustice attorney representing members of

Waterkeepers Washington. "EPA's lack of action is allowing polluters to discharge mercury, PCBs, lead and other toxins at levels that threaten public health. The EPA can no longer turn a blind eye to this."

An accurate fish consumption rate is important to public health because it is used to set water pollution standards. Central to the process is estimating how much fish people eat. Washington relies on an outdated system for setting fish consumption rates for water quality instead of establishing rates based on the best available data, particularly local surveys that reflect the amount of fish people actually eat.

Problems associated with underestimating fish consumption, including big business interests lobbying against reforms, are documented in a series of reports by investigative journalist Robert McClure of Investigate West--<http://www.invw.org/article/business-interests-trump-1344>

"If there's a false assumption that people eat less fish, regulators believe they can dump more pollution into our waterways. This is flat-out wrong," said Chris Wilke, executive director of Puget Soundkeeper Alliance. "The feds and state need to start setting realistic fish consumption rates fix the rules and protect people."

In Washington State, fish consumption is estimated at a scant 6.5 grams (less than a quarter ounce) of fish or shellfish a day--a morsel that fits on a snack cracker. The monthly estimate is slightly less than 8 ounces--a modest serving of fillet. Under that estimate, less stringent water pollution limits are set.

"The one-fillet-a-month estimate is ridiculously low, particularly for the large number of local sport fishers, Native Americans, Asian Americans and others for whom fish and seafood plays a significant dietary role," said Matt Krogh, North Sound Baykeeper.

Surveys of local Native American tribes dating back to the 1990's show consumption rates greatly and regularly exceeding the one-fillet-a-month estimate even with severely reduced stocks and contamination of salmon, shellfish, and other fish relied upon by these tribes.

"Catching and eating fish is not only a basic right of citizens here in Washington, it's a way of life for many people," said Bart Mihailovich, Spokane Riverkeeper. "Yet Washington's water quality standards are among the nation's least protective when it comes to human health. This needs to change immediately by evaluating the best science, adopting a realistic fish consumption rate and new toxic limits."

"Why do states like New Jersey and Oregon have better protection against toxic pollution than Washington?" stated Brett VandenHeuvel, Executive Director of Columbia Riverkeeper. "We should be proud of our fishing heritage and stand for clean water, not bow to industry pressure."

Members of Waterkeepers Washington filed a 60-day notice of intent to sue letter under the Clean Water Act after years of unsuccessful attempts to persuade the federal agency and Ecology

to set a realistic fish consumption rate and better protect people's health from the risks of neurological damage, cancer and other diseases.

Earthjustice attorneys Janette Brimmer and Matthew Baca are representing the members of Waterkeepers Washington, a coalition of licensed Waterkeeper organizations in the state of Washington including Spokane Riverkeeper, Columbia Riverkeeper, Puget Soundkeeper Alliance and North Sound Baykeeper.

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www.spokaneriverkeeper.org

www.columbiariverkeeper.org

www.pugetsoundkeeper.org

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