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**Statement of Elwood Patawa
Chairman, Board of Trustees
Confederated Tribes of the Umatilla Indian Reservation**

Oregon Environmental Quality Commission
Public Hearing on Toxics/Fish Consumption Rate Rulemaking
Portland, Oregon
Wednesday, February 16, 2011

Good afternoon. I'm Elwood Patawa, the Chairman of the Board of Trustees of the Confederated Tribes of the Umatilla Indian Reservation. I want to thank you for holding this public hearing today, and for your attention to this issue of great importance to the CTUIR. We would also like to thank Dick Pederson and other DEQ staff for meeting with us and working with us over many years on this issue.

The CTUIR supports the revised rules proposed by the Oregon Department of Environmental Quality. The rules represent the culmination of years of effort by the CTUIR, the State of Oregon, the Environmental Protection Agency and many interested stakeholders. We encourage you to vote to adopt the revised rules.

In doing so, we all need to remember that improved human health is the driving goal behind this effort. The current fish consumption rate does not represent the fish consumption habits of Northwest Natives, other ethnic groups, and those Oregonians who choose to eat more fish.

The current EPA national default value of 17.5 grams per day was determined on a per-capita basis for the entire US population, including both fish consumers and non-consumers. With Oregon's historic and current use of the Columbia River and its tributary fisheries, and the use of Oregon's coastal tributaries, it's easy to see that this national standard does not make sense for Oregon.

The 175 grams per day fish consumption rate is an accurate and reasonable value to use, and would safely protect 95 percent of fish consumers. Studies reviewed by DEQ's Human Health Focus Group in their June 2008 report corroborate this rate, and indicate that Asian and Pacific Islanders and Eastern European communities in Oregon also consume fish at levels similar to Columbia River Treaty Tribes.

The approach of using sensitive populations to set the standard is not unlike DEQ's consideration of asthmatics as the sensitive population in developing air quality standards—protect those most likely to be harmed.

We want implementation of the standards to be fair and achievable, and the CTUIR supports DEQ's proposed implementation tools, including intake credits, background pollution allowances, and variances. DEQ's intake credit, for example, allows facilities to account for pollutants already present in their intake water as long as the facility does not increase the mass or concentration of a pollutant at the point of discharge. The rules also provide that they can be phased in over time, in some circumstances. We know that some changes will be difficult, but the CTUIR is committed to working with all parties to see that they are made reasonably and effectively.

Oregon needs to control its own approach to managing water quality for its citizens. If DEQ fails to change the current standard by *this summer*, EPA is required to set the standard and the implementation tools would most likely not be part of that process. By implementing the proposed rules, Oregon would take responsibility for the health and quality of life of its citizens.

Some might wonder why we don't simply reduce our fish consumption, or stop eating fish altogether. That is not a plausible or even rational scenario. Fishing is one of Oregon's true shared heritages, and it has been the lifeblood of Oregon tribes for a thousand generations. Tribal religion and culture depend on, **and even require**, water and salmon and other native fish. Reducing fish consumption is not the answer.

As stewards of the state's waters, we need to increase the health of the water, and provide fish that are safe for Oregonians to eat. The CTUIR asks you to adopt the proposed rules. They will better protect our people, and many others who eat a lot of fish, like we do. All Oregonians will be able to enjoy the many benefits of cleaner water and a healthier environment. Thank you.