



OREGON STATE SENATE  
900 COURT ST NE  
SALEM, OR 97301

TESTIMONY FOR THE ODEQ HEARING  
MARCH 7, 2011

ODEQ director Dick Petersen wrote in response to questions by Rep. Kennemer and the legislators (dated 2/23/11):

- 1.) No known studies have quantified fish consumption of all Oregonians.
- 2.) He identified 5 studies that he believed to have been scientifically sound and relevant that the ODEQ used to arrive at their numbers. It is the opinion of other individuals with scientific backgrounds in the legislature that these "studies" bear no resemblance to any empirically conducted and statistically significant, reproducible science that they have ever seen.
- 3.) No reports or studies exist that document harm to human beings related to toxins consumed through a fish-oriented diet.

Examples used in the ODEQ determination include information from the 2002 EPA fish consumption rate study, *USEPA 2002b. Estimated per Capita Fish consumption in the United States, USEPA Washington DC. EPA-821-C-02-003* which state:

(Pg 11)

"The CSFII surveys have advantages and limitations for estimating per capita fish consumption. One limitation of the CFSII survey is that individual food consumption data were collected for only two days- a brief period which does not necessarily depict "usual intake".

and

"Survey participants provided two non-consecutive, 24-hour days of dietary data. Both days' dietary recall information was collected by an in-home interviewer. (1.2.2 Data Collection)"

and

(Pg 23) "The Day 2 interview occurred three to 10 days after the Day 1 interview, but not on the same day of the week. The interviews allowed participants "three passes" through the daily intake record to maximize recall ( CSFII survey documentation p. 3-6). Two days of dietary recall data were provided by 20,607 individuals across the four survey years. This constitutes an overall two-day response rate of 77.5%."

and

**Sec: 1.3 “Strengths and limitations of the USDA CSFII survey for estimating per capita food consumption:**

“Low income individuals are oversampled to ensure their representation in the survey.”

and

“Because daily averages are estimated from each respondent from only two days, the precision of an individual’s daily average consumption is diminished. Therefore the limited time period of dietary intake collection does not produce usual intake estimates.”

and

“Non consumption of a given food or food group by a majority of individuals, combined with consumption data from high-end consumers, can result in a wide range of observations. This can lead to a highly skewed distribution of consumption values (p. 27 EPA report).”

From another one of ODEQ’s “scientifically sound and relevant” reports, the “*Human Health Focus Group Report Oregon Fish and shellfish Consumption Rate Project, June 2008*” \* Note: this group report’s “scientific evidence” was gathered from existing literature. There is no reference to any new data being collected on Oregonian’s specifically.

P3: “The discussion and conclusions presented in this report were generated in one year May 2007-08, a relatively short time considering the scope of the questions addressed.”

P4 -5: “Oregon’s current numeric human health criteria are based on EPS’s 2002 recommended CWA Section 304(a) water quality criteria (*USEPA 2002a*). EPA derived these criteria by considering the known toxicity of the regulated chemicals and the likely exposure people have to these chemicals. EPA’s current recommended CWA Section 304a human health based water quality criteria are calculated using the national fish consumption rate of 17.5 g/day. This nationally recommended rate is roughly equivalent to 2 – 8oz fish meals per months. This rate represents the 90<sup>th</sup> percentile of all people who were interviewed from across the US. Until 2003 Oregon’s water quality standards were based on a fish consumption rate of 6.5 g/day, consistent with EPA’s default fish consumption rate (*USEPA 2000a*), EPA increased its recommended rates to a nationally-based per capita default level of 17.5g/day while urging states to rely on local consumption data wherever possible.”

From: *A Fish Consumption Survey of the Umatilla, Nez Perce, Yakama, and Warm Springs Tribes of the Columbia River Basin (CRITFC 1994)*.

“The survey of Columbia River Basin Tribes (CRITFC 1994) is regarded as the study most relevant to Oregon fish consumers.”

“No consumption of any shellfish or open ocean fin fish was reported. Since these questions were not asked in the interview, it is not clear how this may have affected the fish consumption rates reported by the Columbia River Tribes.”

and

“Although the raw data were not available for re-analysis, there was good documentation of the summary statistics conducted.”

Pg 10 “The survey interviewers noted that individuals had difficulties in reporting the quantity of fish they consumed. Overall, there was not sufficient information to calculate reliable fish consumption estimates.

and

From the report *A Fish Consumption Survey of the Tulalip and Squaxin Island Tribes of the Puget Sound Region* (Toy et al. 1996)

Under the section- Relevance:

The Tulalip and Squaxin Island Tribes survey is regarded as being relevant to Oregon fish consuming populations; although some of the fish and shellfish they consumed may not be found in Oregon waters.

and

From the report *Fish consumption Survey of the Suquamish Indian Tribe of the Port Madison Indian Reservation, Puget Sound Region (Suquamish 2000)*

“The Suquamish staff chose to include high consumption rates because they were familiar with the individuals eating those large quantities and that the consumption rates reported were likely to reflect real consumption. With no adjustments made for the high consumption rates, it was noted that the reported means may be highly influenced by the consumption of just a few individuals.”

And finally, from *The Lake Whatcome Residential and Angler Fish Consumption Survey (WDOH 2001)*

“The fish consumption rates from this survey were not useful because of inconsistencies on how the interviewee reported their fish consumption. The four-week recall diet limited the ability to fully quantify fish consumption due to the low number of people that consumed fish during that period.”

The USEPA “*Estimated Per Capita Fish Consumption Report 2002b* specifically states:

“ This large national study is relevant to Oregon and provides context upon which specific, regional data can be used. The methodology used to conduct the survey and analyze the data is

useful for analyzing fish consumption trends of the US. Population via per capita consumption rates. The study does not report state-specific fish consumer survey results from Oregon alone but was designed as a national study. There was a wide variety of fish consumed in this survey, some of which may be found in Oregon waters.”

Respectfully submitted,

A handwritten signature in black ink that reads "Douglas K. Whitsett". The signature is written in a cursive style with a large, prominent initial "D".

State Senator Doug Whitsett