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Oregon D.E.Q.  
Water Quality Division  
811 S.W. 6<sup>th</sup> Ave.  
Portland, Ore

DEQ  
MAR 07 2011  
Water Quality

Dear Ms. Matzke,

As a former nurse practitioner I find a lot of fault with the amount of fish and shellfish reported to be consumed that was selected to set the proposed toxic water regulations.

A survey is usually done from memory. When planning such significant regulations, the amounts of fish and shellfish I feel should have been weighed and recorded for at least several months including when salmon is migrating and when salmon are not migrating and an average should have been determined to calculate the yearly exposure of fish intake to these people. It appears that the survey was done when salmon were migrating, as was the fish most reported according to the hearing you had in Ontario.

The six person committee told the Columbia River Tribe when responding to this survey to include what was eaten fresh, from restaurants and from stores. As fish and shellfish from restaurants and stores can be from many sources, this amount should have been excluded. To include intake from these two sources invalidates the total amounts said to be consumed. I also note from the D.E.Q. website that this committee decided to include fish and shellfish from the ocean in the amount said to be consumed monthly " because from the data Pacific coastal could not be determined from deep marine". Besides including salmon which spends most of its time in the ocean, the amount said to be consumed did not exclude other fish and shellfish solely from the ocean. How can this data for monthly consumption said to be valid if fish and shellfish from the ocean were included, when the purpose for the regulations is to establish the possible amount of exposure due to bioaccumulation in fish to pollutants in fresh water? (I noted with disgust that on the site where this six person committee determined the fish consumption a crab and a deep marine fish was on the cover.) To me, what this seems to be saying is that these persons on this committee did not know what type of fish and shellfish were consumed, nor where they were from. Both of these are necessary to know because it is known that different species of fish and shellfish bioaccumulate some of these substances differently. As there are not a lot of shellfish in most of Oregon fresh waters, except crayfish and mussels, I also found the inclusion of shellfish to possibly artificially inflate the actual consumption rate. Crab, clams and oysters should not have been in the total consumption rate as they are only in the ocean and ocean inlets.

As a nurse practitioner, I also think that a research and epidemiological study should have been done to see if this tribe and others who eat more fish from freshwater sources have an increased incidence of illness of any type that could be possibly as a result of an increased fish intake. To not have done this to have this data before these regulations are implemented and afterwards to see if these regulations

could show an improvement in health outcomes, make me question if these regulations are really wanted for improvement of human health care or other purposes.

I do not trust that the D.E.Q. is unbiased in their decision making in that the committee deciding these rules were top heavy with environmental groups and those with tribal interests rather than a cross representation of all Oregonians. I especially think that inclusion of a group that is suing the E.P.A. sitting on this committee (The Northwest Environmental Advocates) and the fact that the D.E.Q. basically works under E.P.A. is a conflict of interest. You need to know that there is multiple pictures of the Columbia River Tribe fishing before dams were put on the Columbia on the D.E.Q. website. It was unfortunate that this was the tribe selected to be the one that reported consuming the most fish in Oregon in that it is well known here in Eastern Oregon that this tribe and other environmentalist have different agendas than other persons who live in Eastern Oregon, chiefly dam removal. As dam removal would affect energy and flooding for many Oregonians, this should not be the goal of these regulations.

Another question I have, is if these regulations are proposed, what keeps the Environmental Advocates from suing the E.P.A. again as these regulations are not as strict as the fish consumption rate the E.P.A. suggests? I do not know where the E.P.A. found anyone eating as much fish as they did, but I do not think that finding a small number of persons who eat more fish than almost everyone else should be the barometer on which laws to protect health and establish regulations should be made. I think the result is too much extremism in regulations that are not achievable. If the regulations are too strict to help clean up our waterways in a method that is affordable, this will not improve the health of anyone, which should be the goal.

Even if all fish was correctly recorded and were only exposed to fresh water in the Columbia and its tributaries, it must be noted that the Columbia River drains water from seven states and British Columbia. While I do not think that this argues for no regulations in pollutants in our waterways but, I do think that the same rules should be implemented at the same time in all states. If upstream pollution was identified earlier at the source and the cause stopped, this could help downstream users of this water both in costs of cleanup and in possible health benefits. I am also concerned that if D.E.Q. knows that much of the mercury in our water in Oregon comes from Asian air. How can this be separated from what is occurring naturally or from industry?

After reading the information on the D.E.Q. hearings, I note that multiple persons have said that the methods currently available do not remove the substances to the level of concentrations wanted. I also note that the costs of any attempt to try to get all of these pollutants from fresh water to the levels desired have been reported to be prohibitively expensive for both industry and cities. I am concerned that these regulations if imposed solely in Oregon will drive persons and businesses out of Oregon. We have already a higher wage than other states and taxes on business and higher incomes. Here in Eastern Oregon, we all ready see a migration of businesses either to Idaho or out of our country.

When the D.E.Q. persons were here in Ontario, Oregon the costs for all smaller cities or businesses could not be stated, nor could D.E.Q. persons guarantee that there would be enough people in their

offices to quickly process vouchers when it is known that state cutbacks are coming and this could affect the numbers of people working at the Oregon D.E.Q.

In discussing these issues with local people interested in our water quality to get my facts correct and to see if what I thought was an accurate reflection, I also spoke to two people who have tried to help us with the amount of naturally occurring substances in our watersheds in T.M.D.L.S. These people spent numerous hours doing this. They have spoken at numerous D.E.Q. meeting. These people are enraged that none of their findings were included in the D.E.Q. records. Does this mean that D.E.Q. will require permits when it is already known that some of the substances to be regulated are above these limits and occur naturally? Why was the D.E.Q. unwilling to accept this information from scientists that could have saved them and others costs of knowing this information?

I think that D.E.Q should determine a cost/risk benefit before a decision to implement these regulations is made. This apparently has not been done. It seems that a cheaper way to protect our health is establishing levels that pollutants can be detected, and removing these with methods that are affordable. If there are still some pollutants that can't be removed, perhaps informing persons not to eat so much fish would be a more cost effective way to improve health. For instance, my daughter who was just pregnant was told by her obstetrician to limit the amount of fish she ate during pregnancy, as fish from many sources can contain mercury and affect the unborn.

Sincerely,

  
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