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| PUBLIC HEALTH DIVISION  Office of Environmental Public Health | oregon_health_authority_final |
| John A. Kitzhaber, MD, Governor |

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**Memorandum**

To:  Andrea Matzke, Water Quality Division,

Oregon Department of Environmental Quality

From:  David Farrer, Public Health Toxicologist

Barbara L. Stifel, Environmental Health Specialist

Healthy Waters Team, Research and Education

Public Health Division, Oregon Health Authority

Date:  January, 20, 2011

Subject:  Water Quality Standards Review and Recommendations:Toxics

The Oregon Health Authority (OHA) would like to thank DEQ for the opportunity to comment on their “Proposed New and Amended Rule Language: Human Health Toxics Rulemaking” and “Proposed Revisions to Toxics Criteria Tables 20, 33A, and 33B and Addition of New Human Health Toxics Table 40: Toxics Rulemaking.” We recognize that this effort represents a tremendous amount of staff time, work and knowledge. We look forward to the improved health of Oregonians and their environment to be brought about by the implementation of these rules.

General comments:

1. The OHA commends DEQ for updating the fish consumption rate to 175 g/day. This consumption rate is well supported for the subsistence and Tribal fishers in Oregon, and this is an important step to ensure that our waters are safe and usable by all Oregonians.
2. The OHA is also pleased that the proposed changes make explicit DEQ’s authority to regulate non-point sources, specifically forest lands, which can be a significant contributor to pollutants in state waters.
3. The OHA appreciates the way DEQ has divided human health and ecological criteria into separate tables. We believe this makes for more clarity in presentation.

Specific comments:

1. Table 40, page 6 of 59, Pollutant #85 – methylmercury -- We recommend that the superscript “j” be shown in the same cell with the value “0.040” on that line and that the change in units (mg/kg rather than µg/L) be mentioned more explicitly in the text of footnote “j” in the next row. We think following this suggestion would make more obvious the use of different units for methylmercury’s criteria value than the units used for the other pollutant criteria.
2. The same as specific comment 1 but applied to page 56 of 59 last line – methylmercury.