PACIFIC COAST FEDERATION of FISHERMEN'S ASSOCIATIONS

Please Respond to:
☐ California Office
P.O. Box 29370
San Francisco, CA 94129-0370
Tel: (415) 561-5080
Fax: (415) 561-5464

http://www.pcffa.org

☒ Northwest Office
P.O. Box 11170
Eugene, OR 97440-3370
Tel: (541) 689-2000
Fax: (541) 689-2500

Oregon Dept. of Environmental Quality (DEQ)
Attn: Andrea Matzke, Water Quality Division
811 SW Sixth Avenue
PORTLAND, OR 97204

11 February 2011
Via Email PDF

RE: Comments on Revised Water Quality Standards for Human Health Toxic Pollutants and Revised Water Quality Standards Implementation Policy

Dear DEQ Staff and Commission Members:

These are the comments of PCFFA and its sister organization, Institute for Fisheries Resource (IFR) on the proposal to change Oregon's current fish/shellfish consumption rate standards from the current (and inadequate) assumption of 17.5 grams/day, to a ten-fold higher standard of 175.0 grams/day. *As a major trade association for commercial fishing families all along the west coast who make their livings catch and marketing ocean-caught fish and shellfish we strongly support this change.*

There are two major problems with the current 17.5g/day standard, to wit:

(1) Fish consumption occurs in the population over a bell curve centered around a "median" value at – *by mathematical definition* – 50% of the data points. Setting a calculated toxic chemical maximum exposure standard that is based upon a projected fish consumption level only *at the median (i.e., 50%) consumption level* for a population simply means that at least 50% of your bell-curve population are potentially getting more exposed to excessive water-borne toxins than your standard -- simply because mathematically 50% will eat *more* than the media amount of fish/shellfish.

Protection levels mathematically set at only the 50% median level of the bell curve distribution based on fish consumption then leaves fully half the population potentially exposed to these toxins at excessive levels, i.e. they are *de facto* allowed to be getting exposed to more than the maximum exposure standards, based on a too-low fish consumption assumption median that 50% routinely exceed. *In order to adequately protect the most vulnerable members of Oregon's population – those who eat more than the 50% median in assumed fish consumption --the fish consumption assumption that*

serves as the basis for maximum exposure levels for all water-borne toxins should be set at far above the actual median fish consumption levels, not at the median. In other words, you should make fish consumption assumptions in these chemical exposure calculations that adequately protect at least 99% of the Oregon population, not just 50%.

(2) The current 17.5g/day standard itself is *far below* the likely median fish/shellfish consumption levels in Oregon, which is not only a coastal state, but whose population clearly consumes more fish and shellfish *per capta* than do residents of the U.S. Midwest, from whom the original estimate of 17.5g/day was originally derived as a national average. Seafood particularly is a major component of the diet of most Oregonians, including especially most coastal residents. This is in addition to Native American Tribal population consumption levels of fish and shellfish well known to be far higher than 17.5 g/day. In addition, Oregon Dept. of Fish and Wildlife sells *several hundred thousand* recreational fishing permits annually to Oregon residents – and those Oregon residents who do fish usually eat any fish they retain. *In short, most Oregonian's average levels of fish and shellfish consumption are almost certainly far higher than the very minimal 17.5g/day national average.* Assuming that Oregonians only eat as much fish per year as do Iowans or other Midwesterners who live far from the Pacific Coastline is not a supportable assumption. Nor does it take the precautionary approach that is warranted in such an important public health issue.

We represent primarily coastal, fishing-dependent communities and families all along the west coast, including Oregon. **I assure you that families who make their living fishing commercially also consume a great deal more fish & shellfish, much of it harvested by themselves, than even most Oregonians – and almost certainly as much, or more, than members of the Columbia River Tribes.**

Fish/shellfish consumption patterns of Oregon coastal residents and commercial fishing families have simply not yet been studied. Fish consumption levels by the Tribes has been studied. But there is no reason to believe that fish consumption levels of people who live on the coast, many of whom make their living harvesting seafood, would be any less than fish consumption levels demonstrated the Columbia River Tribes.

In absence of any information, the precautionary approach would be to apply at least the same consumption standards uniformly as is known for the Columbia River Tribes, rather than potentially expose these vulnerable populations to excessive toxic chemical exposure. *We therefore urge DEQ and the Oregon Environmental Quality Commission to adopt the 175.0 grams/day standard for this purpose.* Please include these comments on the public record, and we thank you for the opportunity to comment.

Sincerely,

Glen H. Spain, J.D.
NW Regional Director
PCFFA and IFR