



October 25, 2024

Marla Koberstein
Department of Ecology
Water Quality Program
300 Desmond Dr SE
Lacey, WA 98503

Dear Ms. Koberstein,

Thank you for the opportunity to provide input on the proposed updates to the human health criteria in Table 240 of WAC 173-210A-240, Toxic Substances.

Washington Conservation Action Education Fund (WCA) is a 501(c)(3) organization founded in 1967 as Washington Environmental Council. WCA's mission is to develop, advocate for, and defend policies that ensure environmental progress and justice by centering and amplifying the voices of the most impacted communities. Puget Soundkeeper is a member-based nonprofit organization that has been working for decades to enhance and protect surface waters across the state of Washington. Its education, outreach, community science, law, and policy work address myriad impacts to surface waters, including toxic pollution and the effects of toxicity on the communities and ecosystems of the Puget Sound watershed. Our organizations are committed to clean water protection for all Washington waters.

We understand that significant time over the last decade has been invested to arrive at this rulemaking. We appreciate the resources invested and support Ecology's proposal to formally adopt as state law the human health criteria that EPA put into effect for Washington. As you know, toxic pollution disproportionately impacts communities that consume a diet rich in fish and shellfish, particularly Tribes and communities of color in Washington. Adopting human health criteria that set protective limits for toxic substances like polychlorinated biphenyls and arsenic reduces human exposure through fish consumption and decreases negative health impacts.

Since this proposal maintains the pollution limits currently in place, we encourage Ecology to proactively seek opportunities to establish even more protective criteria in the future in consultation with Tribes, affected communities, and the public. We agree that adopting the federal human health criteria into state rule provides regulatory certainty for Clean Water Act programs already in place in Washington and appreciate that Ecology is taking this step.



Additionally, we encourage Ecology to use the Environmental Justice Assessment that is required under the HEAL Act for this rulemaking as a tool to gather and incorporate input from the communities who these pollution limits are designed to protect. The EJ Assessment should have a clear nexus to the outcome of the rulemaking process that is shared with the communities engaged. It is important that EJ Assessments are not simply a box checked, but a meaningful opportunity for communities to engage in decisions that affect their health and wellbeing.

Communities cannot participate in processes that they do not know about. As Ecology conducts EJ Assessments, both in this rulemaking and future rulemakings, it is critical that you test methods of outreach to determine how to reach diverse audiences that are not typically engaged with Ecology's work.

Thank you again for the opportunity to provide input on the proposed updates to the human health criteria. We support adoption of these more protective parameters. Please reach out to Katie Byrnes (kbyrnes@waconservationaction.org) with any questions.

Sincerely,

Katie Byrnes
Toxics & Stormwater Policy Manager
Washington Conservation Action
Education Fund

Emily Gonzalez
Staff Attorney, Director of Law & Policy
Puget Soundkeeper Alliance