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October 25, 2024

Washington Department of Ecology (Ecology)  
ATTN: Marla Koberstein  
PO Box 47696  
Olympia, WA 98504-7696

*Submitted via online submission portal*

**RE: Comments on Washington Department of Ecology’s Proposed Updates to Water Quality Standards for Human Health Criteria Under Chapter 173-201A WAC.**

Dear Ms. Koberstein,

Please accept these comments on behalf of Columbia Riverkeeper regarding the Washington Department of Ecology’s (Ecology) proposal to adopt the existing federal water pollution limits for human health criteria (HHC) into state rule.

Columbia Riverkeeper’s mission is to protect and restore the Columbia River and all life associated with it, from its headwaters to the Pacific Ocean. We are committed to clean water, strong salmon runs, and healthy communities. Columbia Riverkeeper represents roughly 16,000 members and supporters in Oregon and Washington and regularly engages in decisions and policies impacting the water quality of the Columbia River Basin.

Columbia Riverkeeper has engaged throughout Ecology and the U.S. Environmental Protection Agency’s (EPA) long history surrounding the promulgation of this rule. We are a steadfast proponent of adopting protective human health water quality standards—specifically, standards based on an accurate fish consumption rate protective of subsistence fishing by Tribes and other groups and standards that use a protective cancer risk level. For the following reasons, Columbia Riverkeeper supports Ecology’s proposal to adopt the EPA’s federal water quality human health criteria.

In the Columbia River Basin, contaminants like cancer-causing polychlorinated biphenyls (PCBs) are a large concern. In addition to being a toxin, PCBs are bioaccumulative in both humans and other species. Resident salmon and steelhead that live their entire lives in the Columbia River are generally more exposed to contaminants than those salmon and steelhead

that live part of their lives in the ocean. The risk associated with consuming Columbia River salmon depends largely on the amount that you eat.<sup>1</sup> For Tribal communities that eat more locally-caught fish than other populations and those that rely on subsistence fishing, this puts them at a higher risk. Adopting these federal standards, calculated using a science-backed, Tribal-based fish consumption rate of 175 g/day and a cancer risk level equal to one-in-one-million, is a necessary step to protect both the most vulnerable populations and all people consuming locally-caught fish and shellfish from Washington waters.

Further, this change will better streamline regulatory processes and provide more clarity. With the adoption of the federal standards, Washington and EPA requirements will be aligned. This adoption minimizes the possibility of confusion over the governing standards and will hopefully result in reduced pollution in the years to come.

### **Conclusion**

In conclusion, Columbia Riverkeeper strongly supports the State of Washington swiftly adopting the federal standards for water quality human health criteria. Instating protective human health criteria is long overdue. Failure to adopt human health criteria based on an accurate fish consumption rate is a failure to promulgate water quality standards that are compliant with the Clean Water Act. If finalized, these laws will lead to less toxic pollution for Washington's water bodies and fish.

Sincerely,

Teryn Yazdani  
Staff Attorney

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<sup>1</sup> Testing by ProPublica and Oregon Public Broadcasting showed salmon with high levels of mercury and PCBs that both Oregon and Washington's health agencies deemed unsafe at the levels consumed by Native people living in the Columbia River Basin. *See The U.S. Promised Tribes They Would Always Have Fish, but the Fish They Have Pose Toxic Risks*, ProPublica (2022), <https://www.propublica.org/article/how-the-us-broke-promise-to-protect-fish-for-tribes>.