

David Batts

Dear Ms. Koberstein,

I am in favor of the proposed rule content posted at [https://ecology.wa.gov/getattachment/12525aee-d68c-41cc-b6b7-1fa07a1af228/OTS-5866"For-Filing.pdf](https://ecology.wa.gov/getattachment/12525aee-d68c-41cc-b6b7-1fa07a1af228/OTS-5866); with the following additional notes:

I maintain that human health criteria should be based on and reflect what's acceptably low toxicity - usually considered to be the cancer risk level of one case in a million, although some other biological effects (e.g., teratogenicity) may be relevant for some pollutants; and accurate consumption rates must factor into establishment of those criteria. Effluent treatability and economics may factor in how the Department of Ecology addresses criteria exceedances, but should not be factors in determination of safe concentrations.

With regard to arsenic, noting the criteria are for inorganic only: A cursory survey of a number of papers on arsenic in seafood finds repeated assertions that organic arsenic is non-toxic, or so low in toxicity as to not be a human health issue. Taylor et al. (2017)* suggest both that that's not entirely the case, and that there are large data gaps regarding organic arsenic toxicity. Clearly not enough time to bear on the current Rule update, but it appears that in the long run HHC for organic arsenic may be warranted as well.

- Taylor, Vivien, Britton Goodale, Andrea Raab, Tanja Schwerdtle, Ken Reimer, Sean Conklin, Margaret R. Karagas, and Kevin A. Francesconi. 2017. Human exposure to organic arsenic species from seafood. *Science of The Total Environment* 580:266-282.

Sincerely,

David Batts

These are my personal comments, not representing any other entity.