



COLUMBIA RIVER INTER-TRIBAL FISH COMMISSION

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January 16, 2015

Paula Wilson
Idaho Department of Environmental Quality State Office
1410 N. Hilton
Boise, ID 83706

RE: Human Health Water Quality Criteria – Risk Management and Protection of Public Health

Dear Ms. Wilson:

The Columbia River Inter-Tribal Fish Commission (CRITFC) thanks you for the opportunity to provide comments on Idaho's policy choices regarding acceptable risk in setting human health based water quality criteria as described in the December 2014 discussion paper, "Risk Management and Protection of Human Health." In this discussion paper, DEQ asserts reasons for weakening key variables in the state's water quality criteria that have been in effect in Idaho for more than 20 years. CRITFC and its member tribes urge the Idaho Department of Environmental Quality to reconsider this position and instead fulfill its mission to protect Idaho citizens from the adverse health impacts of pollution by not weakening Idaho's current cancer risk level criteria of 10^{-6} and default relative source contribution value.

CRITFC is not alone in this request. We join the member nations of the Affiliated Tribes of Northwest Indians (ATNI) who strongly support the use of protective human health criteria in state water quality standards in order to protect the health of vulnerable, high fish-consuming tribal members who choose to exercise their rights to fish in the watersheds of the Pacific Northwest. A copy of ATNI Resolution 13-44, "Reduce Cancer Risk to Tribal Fish Consumers to at Least One in One Million" is attached for your reference. This position reflects the reality that tribes in this region are disproportionately at risk to water-borne pollutants through the unique cultural, ceremonial, and subsistence practices and lifelong exposure of place-based fishing communities.

Fish consumption by tribes is much more than a voluntary behavior as stated on page 7 of the discussion paper and the notion that it is the reason that the cancer risk level should be weakened is inappropriate. In fact fish consumption by tribes should be one of the principal reasons that Idaho should maintain their current cancer risk level at 10^{-6} or it is certainly a sufficient reason to increase the level to 10^{-7} . Tribal rights to fish are guaranteed in treaties with the United States. CRITFC's member tribes ceded roughly one-third of the Columbia Basin to the United States government, but forever retained the right to take fish from these waters. Implicit in the treaty promises of 1855 was the understanding that the fish taken would be healthy and safe to eat. Idaho must take the responsibility to reduce cancer and related risks caused by Idaho's

authorized industrial and other dischargers that results in tribal peoples' exposure to toxic contaminants from exercising their treaty-protected right to consume fish harvested in Idaho waters.

CRITFC's position on this topic is strongly science-based. Biomonitoring studies reveal that adults, children, and even fetuses in the United States carry a substantial burden of toxic chemicals (e.g., Fourth National Report on Human Exposure to Environmental Chemicals (2009), Biomonitoring California <http://www.biomonitoring.ca.gov/results>). In addition, there is a growing body of scientific evidence demonstrating that toxic chemical exposures are taking a serious toll on public health and playing a significant role in the incidence and prevalence of many diseases and disorders, including learning and behavioral problems, asthma, reproductive problems, birth defects, obesity, and cancer. The President's Cancer Panel's summary report (April 2010) states that "the true burden of environmentally induced cancer has been grossly underestimated." The report criticizes federal and state regulators for using considerations of cancer risk due to environmental factors that are "woefully out of date, given our current understanding" and fail to account for new scientific evidence on synergistic effects, multi-generational exposures, and the growing incidence of cancer in US children under 20 years of age. For the state of Idaho to entertain the notion of decreasing the protections provided by the current cancer risk level and relative source contribution without full consideration of new scientific evidence to the contrary is a move in the wrong direction in protecting the health of all of Idaho's citizens.

Finally, the plan described in Idaho's discussion paper to follow the Florida Department of Environmental Protection's approach in developing chemical-specific relative source contribution values for non-carcinogenic chemicals requires additional information specific to Idaho fish and waters. CRITFC requests that information that Idaho has on the content of these non-carcinogenic chemicals in Idaho fish tissue be provided to the tribes. This information would be needed to determine how an increase in the fish consumption rate would justify an alteration of these values from the 20% default.

CRITFC fully supports the principal goal of the Clean Water Act to eliminate pollution from our Nation's waters and believes in a future where the Columbia River fishery is once again free of harmful contaminants. Thank you for considering our comments during this rulemaking. If you have any further questions please contact me or Dianne Barton, Water Quality Coordinator at 503-238-0667.

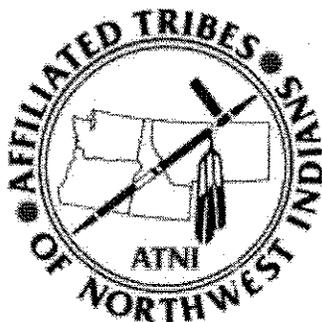
Sincerely,

A handwritten signature in blue ink that reads "Babtist Paul Lumley". The signature is written in a cursive, flowing style.

Babtist Paul Lumley
Executive Director

Attachment

Cc: Dennis McLerran, Administrator, EPA Region 10



2013 Mid-Year Convention Airway Heights, Washington

RESOLUTION #13 - 44

“REDUCE CANCER RISK TO TRIBAL FISH CONSUMERS TO AT LEAST ONE IN ONE MILLION

PREAMBLE

We the members of the Affiliated Tribes of Northwest Indians (ATNI) of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants rights secured under Indian Treaties, Executive Orders, and benefits to which we are entitled under the laws and constitution of the United States and several states, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise to promote the welfare of the Indian people, do hereby establish and submit the following resolution:

WHEREAS, the ATNI are representatives of and advocates for national, regional, and specific tribal concerns; and

WHEREAS, ATNI is a regional organization comprised of American Indians/Alaska Natives and tribes in the states of Washington, Idaho, Oregon, Montana, Nevada, Northern California, and Alaska; and

WHEREAS, promotion of the health, safety, welfare, education, economic and employment opportunity of native people, and preservation of their cultural and natural resources are primary goals and objectives of the ATNI; and

WHEREAS, since time immemorial, we the first people of the Pacific Northwest have cared for and sustained the First Foods beginning with the pure water that we hold sacred and are guided by our traditional religious and cultural practices, are obligated to take action now to care for the water for the next seven generations; and

WHEREAS, many waters throughout the Pacific Northwest now contain unsafe levels of toxic contamination causing native people to face unacceptable health risks due to their consumption of shellfish and fish from these waters; and

WHEREAS, national Environmental Protection Agency (EPA) guidance allows subsistence fishermen to be exposed to cancer risks that are 100 times greater than those of the general population; and

WHEREAS, numerous regional fish consumption surveys show that this guidance has a disproportionate health impact in Native American communities, where a higher percentage of the population eats significant amounts of fish in comparison to the general population; and

WHEREAS, the application of standards that disproportionately and negatively impact tribal communities is prohibited by EPA's tribal trust responsibility, and EPA is required to uphold its national environmental justice policies; and

WHEREAS, EPA has effectively repudiated the applicability of its national cancer risk guidance to Native Americans in the Pacific Northwest by disapproving water quality standards submitted by Oregon and Idaho that were consistent with the risk thresholds for subsistence fishermen set forth in national guidance; and

WHEREAS, numerous regional fish consumption surveys show that this guidance has a disproportionate health impact in Native American communities, where a higher percentage of the population eats significant amounts of fish in comparison to the general population; and

WHEREAS, EPA relied upon these surveys to support its disapproval of water quality standards submitted by Oregon and Idaho that were consistent with the risk thresholds for subsistence fishermen set forth in national guidance which effectively repudiated the applicability of its national cancer risk guidance to Indian people in the Pacific Northwest; and

WHEREAS, formalization of this position throughout the Pacific Northwest is necessary to protect and improve human and environmental health through water quality and sediment standards for the benefit of natural resources, First Foods, and indigenous people throughout our region; and

WHEREAS, protecting Native Americans will protect all people who benefit the most from the beneficial use of fish consumption; now

THEREFORE BE IT RESOLVED, that ATNI does hereby request that EPA immediately establish a regional and/or national policy that ensures that all Native American fish consumers will be protected to an incremental cancer risk threshold that is at least as protective as the threshold for the general population of 1 in 1,000,000, and consistent with ATNI Resolution #12-54 to accomplish a tribal fish consumption rate of no less than 175 grams per day for human health criteria rulemaking in the Pacific Northwest.

CERTIFICATION

The foregoing resolution was adopted at the 2013 Mid-Year Convention of the Affiliated Tribes of Northwest Indians, held at Northern Quest Resort Casino, Airway Heights, Washington on May 13 – 16, 2013 with a quorum present.



Fawn Sharp, President



Norma Jean Louie, Secretary