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The Spokane Tribe's Multipathway Subsistence Exposure Scenario and Screening Level RME

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Exposure scenarios are a critical part of risk assessment; however, representative scenarios are not generally available for tribal communities where a traditional subsistence lifestyle and diet are relevant and actively encouraged. This article presents portions of a multipathway exposure scenario developed by AESE, Inc. in conjunction with the Spokane Tribal Cultural Resources Program. The scenario serves as the basis for a screening-level reasonable maximum exposure (RME) developed for the Midnite Uranium Mine Superfund site. The process used in developing this scenario balances the need to characterize exposures without revealing proprietary information. The scenario and resulting RME reflect the subsistence use of original and existing natural resources by a hypothetical but representative family living on the reservation at or near the mine site. The representative family lives in a house in a sparsely populated conifer forest, tends a home garden, partakes in a high rate of subsistence activities (hunting, gathering, fishing), uses a sweat lodge daily, has a regular schedule of other cultural activities, and has members employed in outdoor monitoring of natural and cultural resources. The scenario includes two largely subsistence diets based on fish or game, both of which include native plants and home-grown produce. Data gaps and sources of uncertainty are identified. Additional information that risk assessors and agencies need to understand before doing any kind of risk assessment or public health assessment in tribal situations is presented.

Tribal considerations

KEY WORDS: Native American; subsistence diet; multipathway; exposure scenario

1. INTRODUCTION

Exposure assessment has been termed the "wasteland of risk assessment"[4] because so much information is lacking with regard to exposure patterns and rates, and this is especially true for specific populations such as Native American communities. The need to address a tribe's subsistence exposure is based on fundamental considerations of the tribe, as a people, and the role the reservation and its natural resources play in supporting them. The United States recognizes that Indian reservations were, and are, intended to provide permanent homelands for members of the particular tribes. As such, those members possess the inherent right to use reservation natural resources for subsistence, religious, and other cultural purposes. The Spokane

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[4] Carol Henry, American Chemistry Council, quoted in Wakeland, 2001 *EHP 108*(12): A559.
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Tribe's effort to preserve its culture and environmental quality has, on numerous occasions, been formally memorialized by pronouncements of the tribe's official governing body. The immediate impetus for developing this tribal scenario is the Midnite Uranium Mine Superfund Site, an inactive open-pit uranium mine located on the Spokane Reservation, that has contaminated various media with radionuclides and heavy metals. The exposure scenario described herein is an effort to ensure the proper evaluation of risk to Spokane Tribal members who engage in traditional practices in areas affected by the mine. While this scenario attempts to include as many activities related to Spokane cultural practices as possible, there undoubtedly exist unintended omissions and instances of understated exposure. It is important for readers to understand that this scenario is designed to reflect traditional lifestyles whose practice has been and remain the long-term intent of the tribal council, rather than a current snapshot of statistical cross-sectional surveys. While the latter may be more "quantitative," such surveys would not provide the level of protection needed for safe practice of traditional ways.

The scenario relies on existing ethnographic information about traditional Spokane lifestyles identified by the tribe as accurate[1-3] as well as confirmatory interviews with elders. The Spokane Tribe has determined that information regarding cultural activities, gathering areas, and resources is a cultural resource, and restricts access to that information (Spokane Tribal Resolution 1996-0018); therefore, details regarding specific species, locations, uses, or activities that are deemed proprietary have been omitted.

The scenario also serves as the basis for a screening-level reasonable maximum exposure (RME) developed for the Midnite Uranium Mine Superfund site. This article presents portions of a multipathway exposure scenario developed by AESE, Inc.[4] in conjunction with the Spokane Tribal Cultural Resources Program. It includes dietary factors specific to the Spokane Tribe and builds on previous work,[5] refines some of the exposure factors used in earlier work, and demonstrates how a complex scenario can be used to develop a screening-level RME under CERCLA. It should be noted that the term "subsistence" has been used in this article as a short-hand term that encompasses a broader range of activities than those necessary to sustaining human life such as eating and drinking. It includes other cultural and religious practices as well, such as medicinal and ceremonial uses of natural resources.

Our experience in developing tribal subsistence-based exposure scenarios has led to a set of technical, ethical, and procedural rules:

- To be most useful to regulators and others seeking to protect the health of subsistence users, the information should be developed with an eye toward satisfying appropriate court rules for admissibility of expert testimony. While both state and federal courts have such rules, Federal Rule of Evidence 702, on which many state court rules are modeled, is the most widely applied and interpreted. Rule 702 permits "a witness qualified as an expert by knowledge, skill, experience, training, or education" to testify when his or her "scientific, technical, or other specialized knowledge will assist the trier of fact to understand the evidence or to determine a fact in issue." In response to two U.S. Supreme Court cases holding trial judges responsible for excluding unreliable expert testimony, Rule 702 recently was qualified by amendment. To be admissible, the rule now requires federal courts to find: "(1) the testimony is based upon sufficient facts or data, (2) the testimony is the product of reliable principles and methods, and (3) the witness has applied the principles and methods reliably to the facts of the case." The subsistence scenario incorporates information from a variety of disciplines, including cultural and traditional environmental knowledge. To prevent a challenge to the admissibility of the subsistence scenario as being unreliable, we wish to ensure that the subsistence scenario has been developed as much as possible using

general scientific criteria adopted from the *Daubert* case:[5]

- That each parameter can be tested or verified (documented, modeled, measured, or elicited from acknowledged experts), and that each assumption has been systematically validated. Risk assessors can rely on ethnographic data, verbal representations from subsistence practitioners, and so on. We relied on (1) open peer-reviewed literature on exposures through different but analogous pathways and caloric content of foods, (2) ethnographic documents and reports concerning traditional lifestyles and practices, and (3) statements from tribally recognized cultural experts. This latter expertise derives from their traditional environmental knowledge, and is based on confidential information, so we cannot verify it in the sense of reanalyzing raw numerical data, but we can verify the expertise of the cultural experts who summarized their knowledge of resources and activity patterns for us.
- That another risk assessor could repeat the same steps and would construct essentially the same scenario, because the approach for developing an exposure scenario is fairly standardized.
- That the scenario is accepted by colleagues as reasonable and factual rather than eccentric, unreliable, or mere opinion, or that it meets the "general acceptance" test set forth in *Frye v. United States*, 293 F. 1013 (App. D.C. 1923), the predecessor case to *Daubert*. We satisfy this criteria by obtaining peer review from qualified colleagues ("the relevant scientific community") even beyond the editorial peer-review process. Does this mean that exposure scenarios for over 500 tribes must be peer reviewed and published in *Risk Analysis* in order to be admissible in court should they be challenged during a CERCLA or NEPA process? We believe that if a standardized process is followed and the scenario is reviewed by an advisory board of qualified peers that actual publication is not necessary, even though publication in a peer-reviewed journal is a commonly accepted standard for peer review.

- The scenario must be both scientifically relevant and reliable, and culturally relevant and reliable. The process must be culturally sensitive, respectful, draw on traditional environmental knowledge (such as the observational expertise of elders), and must be developed from within the tribe by a toxicologist/risk assessor in partnership with tribal cultural and technical experts. Collaboration with the Cultural Resources Program provided the cultural assurance.
- Policy-level approval must be obtained. The process must meet Institutional Review Board rules or their equivalent for conducting human research (which we believe includes cultural or anthropological research)

[5] See *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993) (holding trial courts responsible for excluding unreliable scientific expert testimony); *Kumho Tire Co. v. Carmichael*, 526 U.S. 137 (1999) (holding trial courts responsible for excluding unreliable nonscientific expert testimony). An authoritative discussion of *Daubert* and the reliability tests for expert testimony is contained in the Federal Rules of Evidence Advisory Committee Notes, which accompany Rule 702. They include a "nonexclusive" list of considerations for reliability of scientific expert testimony under *Daubert*:

(1) whether the expert's technique or theory can be or has been tested—that is, whether the expert's theory can be challenged in some objective sense, or whether it is instead simply a subjective, conclusory approach that cannot reasonably be assessed for reliability;
(2) whether the technique or theory has been subject to peer review and publication;
(3) the known or potential rate of error of the technique or theory when applied;
(4) the existence and maintenance of standards and controls; and
(5) whether the technique or theory has been generally accepted in the scientific community.

Kumho found that depending on the particular circumstances of the case, these factors may also apply to nonscientific testimony. Other factors considered by post-*Daubert* courts include: whether the expert's opinions were developed independent of litigation or for the purpose of testifying; whether there exists too great an analytical gap between data and opinion; whether obvious alternative explanations have been accounted for; and whether the same level of intellectual rigor is applied in the testimony as would be required in field practice. In addition to reliability, courts will require a testifying expert to be "qualified," and the testimony must be relevant and helpful to the trier of fact. Thus, the emphasis is on testimony being relevant and reliable more than on whether there is a strict litmus test of generating a theory and statistically testing a null hypothesis.

such as informed consent, benefit to the tribal community, disclosure of the risk of adverse consequences, and confidentiality. Repeated conversations with tribal program managers and/or policymakers ensured that there was an understanding of the way that the risk information was to be used, the potential adverse consequences of developing a scenario from a risk acceptance perspective or precedent, and related concerns.

- Identifying resources and activities on a base map overlain by ecological habitats, and constructing a dependency web (culturally relevant natural history diagrams)[6] as a pictorial representation of the ethnohabitat proved helpful. A subsistence food pyramid is another useful tool.

2. THE SPOKANE TRIBE AND ITS ECOCULTURAL LANDSCAPE

The Spokane Indians are part of the Interior Salish group, which has inhabited northeastern Washington and northern Idaho since time immemorial.[1] The Spokane Reservation lies at the confluence of the Spokane and Columbia Rivers in northeastern Washington. Salmon was the most important commodity in the early economy of the tribe. Since the construction of Columbia River dams the anadromous salmon are no longer available. Instead, Kokanee (landlocked sockeye salmon) and resident trout and other species have been substituted. Abundant game also supports an alternative game diet, along with a wide variety of roots, berries, and other plants. Because the reservation is still fairly pristine and undeveloped, it provides enough resources for some members to continue a traditional subsistence dietary lifestyle, and for all members to obtain traditional foods.

The ecology of the reservation area is characteristic of the arid montane areas of the northern Columbia Basin transitioning into the Okanagon highlands to the north. Annual precipitation is approximately 16 inches. The Spokane lands include the two major rivers (the Columbia River and one of its tributaries, the Spokane River) including the waters to their far banks, and various other large and small tributaries, springs, ponds, and wetlands. Mount Spokane is a central feature of the reservation landscape. A Douglas fir zone exists at the highest elevations, with Ponderosa pine and Western juniper zones with a variety of understories at lower elevations, and grassland-sagebrush shrub steppe and riparian areas along the waterways.[7–9] Areas affected by activities at the Midnite Mine include the mined area on Mount Spokane and adjacent upland habitats, several seeps and springs with riparian habitats, and a major creek (Blue Creek) that empties into the Spokane River arm of Lake Roosevelt, the reservoir created in the Columbia River by the Grand Coulee Dam.[10]

The Spokane traditional lifestyle is governed by ecological seasons and the activities that people undertake in response. A significant portion of the population follows this lifestyle in full or in part. Hunting, fishing, and gathering are essential to support nutritional, cultural, spiritual, and medicinal needs of tribal members. Hunting and gathering on the reservation is allowed based on the needs of the family. Typically, all family members work in the field on a regular basis to keep the extended family unit stocked with a wide variety of plants and wildlife. While in the field, tribal members live off the land by consuming surface and spring water, wild plants, and wildlife. In addition to the time spent in hunting, fishing, or gathering, time is also spent cleaning, processing, and preserving hides, drying vegetal food or medicines, and making a wide variety of items. The Spokane people use over 200 varieties of plants.[11] Huckleberries are gathered, as are a wide variety of roots, shoots, moss, leaves, stems, cambium, seeds, and flowers. Most natural resources have several human uses[12,13] as well as providing multiple ecological functions and services. A more complete description of edible plants, ethnographic information, plant technology, ethnobotany, and ethnopharmacology is found in AESE.[4]

3. GENERALIZED LIFESTYLE OF A REPRESENTATIVE COMPOSITE SPOKANE TRIBAL FAMILY

This section describes a family-based exposure scenario founded on traditional Spokane lifestyles and diets (one fish-based diet and one game-based diet). This hypothetical but representative family lives in a house in a sparsely populated conifer forest, tends a home garden, pursues a high rate of subsistence activities and a regular schedule of other cultural activities. The lifestyle is moderately active, with daily sweat lodge use and outdoor employment.

The family composition was determined with the guidance of the Spokane Tribal Culture Program and current tribal demographics. Each family includes an infant/child (age 0–2 years) who breastfeeds for two years and crawls and plays; a child (age 2–6), a youth (age 7–16) who attends school, plays outdoors near the residence, and is learning traditional practices; two adult workers (one male, one female, age 17–55; the female breastfeeds the infant) who work outdoors on reclamation and environmental and cultural activities and also engage in subsistence activities, and an elder (age 56–75) who is partly at home and partly outdoors teaching and demonstrating traditional cultural practices. All members (except the infant) partake in family sweat lodge use and in cultural activities throughout the year. In actuality, a family typically includes members who are employed conventionally and members who are full-time subsistence providers.

3.1. Residence

A conventional suburban scenario would identify a person living at home and growing a garden. The subsistence family is superficially similar to this, but they live in a more open house, spend more time outdoors in cultural and subsistence activities, eat both garden and native foods, and are fully interactive with the environment. The family spends its entire lifetime on the reservation, rather than the suburban default assumption of 30 years. The house has no landscaping other than the natural Ponderosa and understory, some naturally bare soil, a gravel driveway, no air conditioning, and a wood-burning stove in the winter for heat. Each house has its own well for domestic use and a garden irrigated with groundwater and/or surface water. Each house has a nearby sweat lodge. The amount of indoor dust is not known, but is likely to be higher than in suburban communities with manicured lawns, air conditioning, and paved streets.

3.2. Generalized Daily Activity Patterns of Each Family Member

Due to space limitations, the average daily activity pattern is not described for each age range and each gender, but in the full scenario, such information would be included in this section.[6] While activities of Spokane males and females are different, they likely result in a similar frequency and duration of environmental contact, so the genders may be separated or combined. The daily activity patterns can also be combined into entire lifetimes for the evaluation of cumulative risk.

3.3. Sweat Lodge Use (Ages 2–75)

The daily use of the sweat lodge is an integral part of the lifestyle that starts at age two. Sweat lodge construction has been described in the open literature.[14,15] Although the details vary among tribes and among individual families, sweat lodges are generally round structures (6 feet in diameter for single-family use). A nearby fire is used to heat rocks that are brought into the sweat lodge. Water (4L) is poured over the rocks to form steam (a confined hemispheric space with complete evaporation of the water, which is available for inhalation and dermal exposure over the entire skin area). Water is ingested (1L is included in the total drinking water ingestion rate) and medicinal plants are used (not specifically included).

3.4. Cultural Activities

All persons participate in day-long outdoor group cultural activities once a month, such as pow-wows, horse races, and seasonal ceremonial as well as private family cultural activities. These activities tend to be large gatherings with a greater rate of dust resuspension and particulate inhalation. Individuals also tend to be more active during the ceremonies, resulting in greater inhalation and water ingestion rates. These activities are folded into the higher soil ingestion, water ingestion, and inhalation rates rather than being estimated on a single-event basis.

3.5. Diet

The Spokane food pyramid looks markedly different from the USDA food pyramid. Caloric needs are generally cited in the range of 2,000 to 4,000 kcal per day for adult males, depending on the level of activity. We use 2,500 kcal/day for the Spokane Tribe, based on a moderately active outdoor lifestyle and renowned athletic prowess (as did Scholz[3]). The original diet of the Spokane Indians was based on salmon and included large and small game, roots, berries, and many other plants.[2,3,11] Hunn[16] estimated that 45% of the native Columbia Plateau dietary calories came from protein (fish and game), with higher estimates

for upriver tribes such as the Spokane.[3] Historically, the Spokane Tribe consumed roughly 1,000 to 1,500 grams of salmon and other fish per day.[2,3] The most robust upper bound estimate of original (predam) salmon intake by the Spokane Tribe is the Walker estimate (cited in Reference 3) of 1,200 pounds per year of salmon per adult, or 1,426 gpd (about 3 pounds/day), yielding 2,566 kcal/day before migration (i.e., if caught in the estuary) and $2566 \times 0.64 = 1643$ kcal/day after migration from the ocean to the Spokane area. With the construction of the Grand Coulee Dam, the anadromous salmon runs were destroyed, so there was a shift to big game and to Kokanee and resident trout. Because the intent of this scenario is to evaluate exposures that traditional members currently receive and that more members will receive as they regain a traditional diet, two diets were evaluated: a high fish diet and a high game diet. Eighty percent of each diet is native, augmented with vegetables grown in a household garden. The current realistic high fish diet based on availability, percentage of the diet, and caloric content consists primarily of fish (885 g/d, somewhat lower than historical levels), supplemented by big game, aquatic amphibian/crustacean/mollusks, small mammals, and upland game birds. The high game diet reverses the fish-game quantities, and both diets include identical amounts of native and domestic plants. Both forms of the diet are approximately 40% protein, 25% fat, and 35% carbohydrate (given the limited data available for native foods), which is comparable to other hunter-gatherer diets.[17] Until recently, this diet was even higher in fish-derived protein, and was stable for at least 5,000 years (based on archaeological evidence of salmon runs). The carbohydrates are largely unprocessed and include many roots but little grain. The fats are from fish, game, nuts, and seeds.

3.6. Drinking Water

Daily replacement water needs are approximately 2L/100 pounds body weight (more during exercise or pregnancy).[6] Athletic activity can result in a loss of 1.5 L/hour; replacement volumes are recommended as 1 to 1.5 ml/kcal of energy expended.[18] Harris and Harper[5] estimated an average water ingestion rate of 3 L/day for adults, based on total fluid intake for the Confederated Tribes of the Umatilla Indian Reservation. However, that number did not account for all uses. This scenario includes adult water ingestion of 1L while at home (from the household water supply), 1L taken from home to the worksite, 1L consumed from worksite sources, and 1L from the household or spring to rehydrate during use of the sweat lodge, for a total of 4 L/d.

3.7. Soil Ingestion

Soil ingestion by young children (0–6 years) is assumed to be 400 mg/day for 365 days/year. This is higher than the prior EPA default value of 200 mg/day.[19] It reflects both indoor dust and continuous outdoor activities analogous to gardening or camping,[20] but is less than a single-incident sports or construction ingestion rate.[21,22,23] For adults, the soil ingestion value is also 400 mg/day, reflecting an unspecified upper percentile.[21] This value also better reflects the environmental setting, the typical residential situation, gardening and gathering activities, the preparation and consumption of native and garden plants, the consumption of other natural foods, and a variety of additional outdoor activities (work, play, cultural activities). However, it may still substantially underestimate the amount of soil and sediment on garden produce and gathered plant foods. In particular, episodic events such as gathering in wetlands or road work could result in 1 gram of soil ingested per event,[21,22,23] which may be over and above the 400 mg ingested daily. If there is geophagy (eating dirt for micronutrients or salt), the ingestion would be higher yet. In fact, the intentional presence of some Mother Earth in food may be beneficial medically[23] and spiritually.

3.8. Inhalation Rate

We believe that an inhalation rate of 30 m^3/d is more accurate for the Spokanes' active, outdoor lifestyle than the EPA default rate of 20 m^3/d.[21] EPA[21] reviewed several extensive studies that examined ventilation rates based on direct management and activity diaries in developing the default rate of 20 m^3/day. EPA recognizes that special populations, such as athletes or outdoor workers, have higher average rates and recommends

[6] U.S. Air Force at http://www.capnhq.gov/nhq/cp/ encampments/AETC.htm#AETC.; Coyle at http://www.veggie.org/veggie/fluid.exercise.shtml).

Table I. The Spokane Subsistence Composite RME Scenario

Medium	Description (Not All Routes of Exposure are Listed)
Groundwater	Each family has their own well for drinking/household, watering the garden, sweat lodge
Surface water	Each family uses surface water (seep and creek) for domestic and garden use, washing locally gathered materials, and the worker uses surface water during fieldwork and sweat lodge
Air	Indoor radon, sweat lodge radon, outdoor radon daughters, inhalation of resuspended dust, inhalation of aerosols
Soil	Direct ingestion, deposition on plants, as-gathered conditions, and indirect (uptake from soil to plant)
Sediment	Duplicates the soil; gathering may include high rates of sediment exposure that may be underestimated
Sweat lodge	Daily for 2 hours, using groundwater (springs) or surface water
Pathway	**Description (Not All Routes of Exposure are Listed)**
Inhalation	30 m^3/d to accommodate indoor and outdoor activities; the inhalation rate for strenuous outdoor activities may actually be underestimated (can be discussed as a source of uncertainty)
Drinking water	4 L/d; this is duplicated for surface and groundwater if both are contaminated; fluid replacement needs for strenuous activity may be underestimated
Other water uses	Garden irrigation, dermal and inhalation while showering, other standard routes of exposure
Sweat lodge	Steam, inhalation, immersion
Soil ingestion	400 mg/d (100 mg/d from indoor sources and 300 mg/d from outside sources); outdoor sources may vary in concentration; indoor dust is equal to local outside soil; this is duplicated if sediment is included; episodic events 1 gram each
Other	Other factors are as reported previously (dermal, etc.; Harris and Harper, 1997)

High Fish Diet—About 2500–3000 kcal/d (Moderate Adult Level)		High Game Diet—About 2500–3000 kcal/d (Moderate Adult Level)	
Fish (10% of which is organ meat with 10x concentrations; sockeye and mixed trout are used for calorie estimates)	885 g/d = 1300 kcal	Big game (10% of which is organ meat with 10x concentrations; deer and elk are used for calorie estimates, not beef)	885 g/d = 1000 kcal
Big game	100 g/d = 110 kcal	Fish	75 g/d = 180 kcal
Local small game, fowl	50g/d = 75 kcal (or 25g birds, 25g rabbits)	Local small game, fowl	50 g/d = 75 kcal (or 25g birds, 25g rabbits)
Aquatic foods (mussels and crayfish are nutritionally similar)	175 g/d = 120 kcal	Aquatic foods	175 g/d = 120 kcal
Vegetal calories	1600 gpd = about 1000 kcal (mixed species)	Vegetal calories	1600 gpd = about 1000 kcal (mixed species)
10% garden (above ground)		10% garden (above ground)	
10% garden (below ground)		10% garden (below ground)	
40% gathered terrestrial below ground		40% gathered terrestrial below ground	
20% gathered terrestrial above ground		20% gathered terrestrial above ground	
20% aquatic		20% aquatic	
Other calories (medicines, etc.)	Not determined	Other calories (medicines, etc.)	Not determined
Dairy (children only)	0.5 L/d milk	Dairy (children only)	0.5 L/d milk

Note: The best estimate of original (predam) salmon intake by the Spokane Tribe is the Walker estimate (cited in Scholz *et al.*, 1985) of 1,200 pounds per year of salmon per adult, or 1,426 gpd (about 3 pounds), yielding 2,566 kcal before migration and 2566 × 0.64 = 1643 kcal after migration from the ocean to the Spokane area. The current 885 gpd is based on a combination of calories estimates, availability, interviews, and dietary balance. The current Spokane diet relies on Kokanee (landlocked sockeye) and trout (bull or Dolly Varden, rainbow), suckers, whitefish, other species. Salmon and steelhead are obtained whenever possible. Mussels and crayfish were also eaten regularly.

Both fish and game are eaten fresh, smoked, or dried, but there are few data on calories or contaminant concentrations according to method of preparation. No contaminant loss during preparation is assumed, since contaminants could become more concentrated as well as being lost with fat loss.

The dietary data are not adequate to distinguish fruit, berries, greens, roots, bulbs, fungi/moss, seeds/nuts, medicines, or sweeteners on a caloric basis, nor domesticated from wild plants. If data for uptake from soil/sediment or dust/sediment load for a native species becomes available, the intake of that species will be estimated. The proportion of above and below ground plants is based on reliance on tubers and bulbs, using USDA caloric information on domesticated plants from the same plant families. Intake of other plants (medicines, rose hips, etc.) occurs but was not determined.

Dairy may be underestimated (cheese, milk), and eggs are not specifically included, but should be included depending on the information supplied by tribal members.

While many animal species are similar with respect to how much nutrition they provide to people, their contaminant concentration will vary according to their habitat and ecological niche, as well as their location and size of home range. This is estimated through the ecological food web or actual sampling data.

All the exposure factors are constant through the year (i.e., they apply 365 days/year).

calculating their inhalation rates using the following median hourly intakes for various activity levels (in m^3/hr): resting = 0.4, sedentary = 0.5, light activity = 1, moderate activity = 1.6, heavy activity = 3.2. For outdoor workers, a median rate is 1.3, with an upper percentile of 3.3, depending on the ratio of light, moderate, and heavy activities during the observation time. "Inhalation rates may be higher among outdoor workers/athletes because levels of activity outdoors may be higher, therefore, this subpopulation group may be more susceptible to air pollutants and are considered a 'high risk' subgroup."[21] Using this EPA guidance, a median rate of 26.2 m^3/d is obtained from eight hours sleeping, two hours sedentary, six hours light activity, six hours moderate activity, and two hours heavy activity. This represents minimal heavy activity (construction, climbing hills, etc.), and is a median rather than a reasonable maximum. The California Air Resources Board[25] also reviewed daily breathing rates based on activity levels and concluded that 20 m^3/d represents an 85th percentile of typical American adult lifestyle (eight hours sleeping and 16 hours of light to moderate activity), a lifestyle that is less active than an outdoor lifestyle in a topography that includes steep slopes, as on the Spokane Reservation.

4. A SCREENING-LEVEL COMPOSITE RME

Due to the number of age groups, daily activities, and limited EPA funds for determining both media-specific exposure point concentrations as well as developing and subsequently running the risk model, EPA requested that the tribe condense the scenario into a screening-level composite RME application for use in the Midnite Mine risk assessment (Table I). The principle of developing a screening scenario is to reduce the number of calculations by combining (not eliminating) pathways and age groups, and maximizing exposure factors to a reasonable degree. The screening-level risk assessment then generally employs the composite RME and the upper 95th percentile exposure point concentrations in each medium, wherever they occur throughout the site, so that any location, activity, diet, or water source has the chance to drive risk. This means that the result of the screening-level risk assessment is not strictly location, pathway, age, or activity specific. It only indicates whether unacceptable sitewide risk is possible and shows the spatial aspects of the risk profile if plotted on a base map. In the future, EPA or the tribe will need to use the full scenario and location-specific exposure point concentrations to assess risk attributable to location, pathway, age, or activity. Such information will be required to evaluate the remedial alternative during the feasibility study and to quantify residual risk once remediation has been completed.

The full scenario was condensed as follows. The daily time allocation is 12 hrs/d indoors, 2 hours in the sweat lodge, 7 hours outdoors working, playing, and other nonsubsistence activities, and 3 hours of subsistence activities in *each* contaminated area where these activities might occur. This will result in more than a 24-hour day, but is necessary to reduce the number of calculations. Alternately, the person can live and subsist at the single most contaminated location. Soil ingestion remains at 400 mg/d for 365 days/year (100 mg from indoor sources and 300 from outdoor sources; for multiple contaminated subsites, each contributes 300 mg, which could result in more than 400 mg/d; alternately, the single most contaminated soil location can serve as the sole source of soil-based exposure). For application to other areas, such as wetlands, 1 gram per visit may be used.[21,22] Drinking water

Table II. Examples of Differences in Exposure Factors for a 70 kg Adult

Parameter	Default Value[1]	Subsistence Value[2]
Drinking water ingestion	2 L/day	4 L/d (includes 1L during sweat lodge use)
Soil ingestion	200 mg/d (children) 50 mg/d (adult)	400 mg/d for all ages
Inhalation rate	20 m^3/d	Varies by average activity level; 30 m^3/d.
Meat & fish ingestion[3]	21.1 g/d (general population) and 70–170 (subsistence); 17.5 g/d (general population) and 142.4 g/d (subsistence)	885–1000 g/d fish and 100 g/d meat (high fish diet), or 885 g/d meat and 75 g/d fish (high game diet); 50 g/d small game for each, 175 g/d shellfish for each; no dairy for adults is included in this total
Vegetable ingestion	Fruit and vegetable totals: 539 g/d; grain: 287 g/d[4]	1600 g/d; fraction obtained locally = 1, both gathered and home-grown
Exposure frequency	Varies according to climate and activity	365 d/yr unless documented otherwise
Exposure duration	30 yrs (assumes retirement elsewhere) or less (average time spent in a home)	70 yrs (a full lifetime)

[1] EPA *Exposure Factors Handbook*, in totals per day assuming 70 kg body weight.
[2] These values apply only to the Spokane Tribe unless verified specifically for other tribes. Dietary factors are specific to the Spokane Tribe. Total caloric intake is assumed to be the same for both scenarios but in fact may be higher for the more athletic outdoor lifestyle.
[3] *Exposure Factors Handbook*, Volume II, Section 10.10 recommends using 21.1 g/d total fish and shellfish as the mean value for the general population and 70 g/d for Native American subsistence populations (mean value) or 170 g/d (95th percentile). EPA Office of Water (Methodology for Deriving Ambient Water Quality Criteria for the Protection of Human Health 2000, EPA-822-B-00-004 and Water Quality Standards for Indian Country at www.epa.gov/ost/standards/tribal/tribalfact.html) uses 17.5 g/d as the 90th percentile for the general population and 142.4 g/d for subsistence populations as the 99th percentile, all in uncooked weight. These values are all for adults and are all based on current cross-sectional surveys that likely omit traditional tribal members. The Spokane value reflects existing documentation on historical subsistence consumption rates with caloric evaluation, confirmatory interviews with the tribal cultural staff, and tribal policy goals for regaining traditional healthy cultural lifestyles, not on dietary surveys.
[4] *Exposure Factors Handbook*, Volume II (mean values).

remains at 4 L/d, which is derived from the most contaminated source (this is duplicated for surface and groundwater if both are contaminated). This results in an upper bound sitewide risk estimate. Risks for an actual individual who specializes in certain activities (i.e., the hunter or the fisher), spends more time in fewer locations or a single location, or fully utilizes a contaminated medium such as groundwater, could be as high as but no higher than this upper bound estimate. Subsequent analyses using either the complete scenario or the composite RME can examine particular pathways and locations, or can be used to support risk management decisions such as remedial goals, subsistence soil and water remedial screening levels, or tribal regulatory standards.

Table II shows some of the major differences between EPA default exposure factors and our subsistence scenario. We are not presenting a sensitivity analysis in this article because the relative contribution of various exposure factors will depend on the concentration of contaminants in various media and their physical parameters, and specific human activity patterns at the contaminated site. This will be the subject of another article. However, we expect that the major factors for subsistence lifestyles or lifestyles with high environmental contact rates will be soil ingestion, drinking water, exposure duration, and diet. We should note that the dietary factors in the *Exposure Factors Handbook* reflect major categories of the diet rather than a necessarily complete diet—adding average caloric content for the categories identified in the *Handbook* totals about 2000 kcal/d for the general population, which is lower than actual national average caloric intakes by up to one-third. That other third of the diet is not likely to come from the contaminated site, so from an exposure perspective this does not detract from suburban dietary exposure estimates. The subsistence diet in this article, however, yields a full day's calories (~2500 kcal). If one tried to construct a subsistence diet solely from the *Handbook*, the caloric intake would fall short of an adequate amount even if the intake factors for Native Americans were used. One could erroneously equate "subsistence" with a modern diet supplemented with fish, game, and wild plants using

intake rates that are given in the *Handbook*. This could be due to several factors: whether reservation dwellers were specifically sampled during the three-day recall surveys (versus urban or suburban dwellers who happened to be Native American), the difference between current reservation conditions (with USDA commodity foods) and a truly subsistence lifestyle, socioeconomic factors, and so on. Thus, developing a subsistence exposure scenario with a traditional diet and cultural practices specific to reservation living needs to rely primarily on ethnographic data and cultural information, and only secondarily on national dietary survey data.

5. DATA GAPS AND SOURCES OF UNCERTAINTY ASSOCIATED WITH THE SCREENING-LEVEL RME

An incomplete list of data gaps and uncertainties are briefly discussed below. The relative error caused by each uncertainty cannot be ascertained at this time. We believe that the overall uncertainty and variability are greater in tribal communities than in suburban communities due to the greater number of risk factors and the potential for several risk factors to cluster in particular communities and individuals. Because tribal members could be at greater risk due to both greater exposure and greater sensitivity, an additional safety factor or precautionary approach may be warranted in these types of situations.

5.1. Mobile Versus Stationary RME

The typical suburban RME for members of the general population is a house-bound individual with a local garden, or a residential farmer who is largely self-sufficient. In these cases, the house and garden are assumed to be located at the contaminated site and available for unrestricted use. The subsistence family also lives where the contamination occurs if this is physically possible, but may spend more time away from the immediate residence during subsistence activities. However, a subsistence RME should not assume that exposure is diluted by spending significant amounts of time in uncontaminated areas. For large sites with variable contaminant concentrations, problems arise when trying to perform a single risk assessment to evaluate multiple hot spots (as not-to-exceed concentrations), even if the risk assessment assumes that the person moves around from hot spot to hot spot or if all subsistence activities are assumed to occur where the upper 95th concentration limit occurs. Additionally, the problem of spatially integrating widespread contamination still remains because, conceptually, 10 acres of contamination poses a greater risk than one acre with the same contaminant concentration. Temporally, persistent contaminants pose a longer risk, and therefore a greater total risk, than degradable contaminants. Unfortunately, the present regulatory framework does not use spatial or temporal risk metrics (such as risk acre-years, or dose per community gene pool across several generations) to account for this cumulative exposure over time and space and people.

5.2. Special Activities

There are special circumstances when some people may be highly exposed that have not been included in the complete scenario or the screening-level RME. For instance, some men hunt or fish for the general community, and many people provide roots and fish and game to elders in addition to their own families. Gathering of some plants (e.g., cattails, water potatoes, reeds, and rushes) is a very muddy activity and rivershore or lakeshore activities may underestimate sediment exposure (soil ingestion can be 1 gram per event[21,22,23]). Washing, peeling, weaving rushes, and other activities results in additional exposure. For example, basketmakers clean and wash their materials, incur cuts on their hands, and hold materials in their mouth. Flintknappers may receive additional exposure through obtaining and working with their materials. In addition, there are potential pathways that are not specifically identified but that might contribute additional exposure, such as contaminated firewood used for smoking food, plants used for teas, flavoring, smudging, or medicine, contact with contaminated animal parts (paints, bone ornaments, clothing), sitting on the ground for long periods of time while processing or during ceremonial activities, and so on. Even though the composite activity patterns are intended to reflect reasonable maximum exposures, there is a potential for underestimating some pathways (i.e., this is not a worst-case scenario).

5.3. Community Exposure Burdens

An entire community exposure burden estimate or population dose estimate may be needed that

includes people who do not reside in but occasionally visit the contaminated area (this includes inadvertent intruders onto the site). If a resource is contaminated, the entire community is exposed. The assumption that protecting the RME adequately protects everyone else may result in a failure to provide all the information that the tribe's governing body needs for informing its members. There may be sensitive individuals (children, elders, the sick, the occupationally exposed) who, arguably, may or may not be protected by using standard reference doses and other factors. Also, tribal leaders often make decisions at the community rather than the individual level (i.e., the survival of the individual may not be as important as the survival of the family or community, so the community is also an appropriate unit of analysis). Therefore, decisions where everyone is exposed to a low level of contamination may be different from and more stringent than decisions where a few individuals are at high risk or decisions where risks are distributed over time, space, or populations rather than localized. We believe this to be an important but understated element of real risk and risk-based decision making (not to be dismissed as perceived risk, or cultural amplification of real risk, or a risk management determination). The nature and extent of community exposure can be estimated over time and space by estimating the number of people and the number of generations that could live in each area or concentration isopleth and be exposed (a community chemical effective dose equivalent). The total number of generations and the number of people per generation need to be described in terms of the total number of people exposed, total dose for the community (or the gene pool), proportion of each generation exposed, and so on. Even more broadly, the total dose for a small community's combined gene pool or neuronal pool could be estimated. Finally, the proportion of each generation that is affected, rather than simply the number of people (in a small population), can be determined.

5.4. Background Exposure and Communitywide Exposure from Other Sources

Under the National Contingency Plan and subsequent EPA guidance, EPA is charged with evaluating incremental risk to humans caused by a release from the subject site. This means that when evaluating a Superfund site, EPA is not charged with evaluating risk associated with high concentrations of naturally occurring substances, such as arsenic, measured in background soil, water, or food, if the concentrations were not increased by on-site activity, nor risk associated with releases of contaminants from another site. When there is background contamination (however that is defined), or widespread low-level contamination, this contamination contributes to cumulative exposure to many or all people in the community. From a human health standpoint, the origin of the contaminant is irrelevant. However, from a liability-based regulatory standpoint such as CERCLA, the origin is paramount. In the case of the Spokane scenario, it is known that Columbia River fish are contaminated with PCBs and metals (there are existing fish advisories for Lake Roosevelt and for an upriver portion of the Spokane River), but cleanup at the mine site is proceeding as if this contamination is not present or that people are not exposed to it. When an entire community is exposed to nonsite contaminants, we believe that this should be included as part of the total risk burden, and that the clean-up goals for the incremental risk posed by the site itself may need to be modified (see, for instance, OSWER Environmental Justice Action Agenda, EPA 540/R-95/023, which states that "OSWER supports Agency-wide efforts to develop scientifically valid standards to measure cumulative risk."). Other EPA approaches are more cumulative in nature, such as the Guidance on Cumulative Risk Assessment (http://www.epa.gov/ORD/spc/cumrisk2.htm); Toward Integrated Environmental Decision Making (EPA-SAB-EC-00-011; http://www.epa.gov/science1/ecirp011.pdf); and various permitting programs based on total toxicant burdens in a watershed or airshed. As another example, the EPA approach to arsenic or other substances in drinking water is to require treatment to safe levels even if these are lower than natural background levels.

5.5. Individual Exposure Factors

The exposure assessment literature is lacking relevant information for subsistence activities. For instance, gardening or camping are typically used by risk assessors as an analogue for hunting and gathering activities, athletic physiological factors are used as an analogue for more vigorous outdoor activities, sports nutrition information is used in checking diet, and so on. Several pathways are simply unknown, such as the use of medicinal plants

(further, certain of these pathways need to be included in a way that does not violate confidentiality). We believe that some factors, particularly soil ingestion, are still underestimated. The amount of exposure obtained as a person consumes wild foods (often without being able to wash them first as is assumed in a typical suburban scenario) is unknown, as is the amount of soil remaining on gathered vegetation even if it is washed, because environmental samples are generally not analyzed in an as-gathered or as-consumed condition.

5.6. Ecological Food Web as an Input to Human Exposure

At present, the tribe does not know if the ecological risk assessments being prepared by EPA for the Midnite Mine will provide the appropriate information for estimating human subsistence dietary information. Existing ecological and human health risk models are generally incompatible. Ecological models typically have more species but fewer pathways, while human health models have many more pathways but generally less trophic-level capability. The lack of transfer factors (soil to plant, and dispersion through the food web) may also pose a problem. EPA is attempting to address this nationally; it is especially important to include tribal considerations during these discussions.

5.7. Seasonality and Acute Exposures

Some of the original activity patterns over the annual seasonal cycle have been modified in modern times, but the ecological cycles have not. Therefore, people must still gather plants according to when they are ripe, hunt according to game and fowl patterns, and fish when the spawning runs occur. The Spokane Tribe Cultural Resources Program confirmed that although specific activities change from one season to the next throughout the year, these activities are replaced by other activities with a similar environmental contact rate. This scenario assumes that exposure is fairly homogeneous because even in winter months materials are gathered, cleaned, and used, and native foods are eaten (i.e., all factors are applied 365 days per year). However, it is possible that excessive acute exposures occur, over and above the annually averaged exposure rates included in this scenario.

5.8. Co-Risk Factors

Many co-risk factors cluster in tribal communities, including poverty, higher rates of existing health conditions (such as diabetes), poorer access to health care, inadequate infrastructure, 500 years of cumulative psychological stress, employment in occupations with more chemical exposures, and so on. Data on other factors such as enzyme polymorphisms related to detoxification or disease susceptibility are simply absent. Each of these factors is known to influence the health response to chemicals, although data are lacking about their combined effect as well as their prevalence in any particular tribal community.

6. CONCLUSION

Although the scenario discussed in this article greatly improves the accuracy of risk-based decision making in Indian Country, much still remains to be done in order for tribes to achieve the same proportional degree of risk reduction that suburban communities have enjoyed for many decades. Existing human-health-based regulatory standards were not developed with subsistence in mind, so tribes are always less protected because they are always more exposed. This is not meant to indict standards as intentionally ignoring certain populations, simply that there are situations and populations that did not receive attention when the regulations were written many years ago. The inequity of this situation has not been fully explored, but is the topic of current research. Additionally, this scenario is not generalizable to other tribes, particularly the diet section, although the soil and drinking water exposure factors may prove to be fairly similar for many tribal settings.

The true worth of any risk assessment is measured by whether its results are used, even if the ultimate decision is based more on other factors such as economics, technical feasibility, or precaution. One of the goals of a project manager is to achieve a stable decision, or one that is durable over time, even if this is not explicitly stated. Decision stability is not merely due to compromise or consensus, but also to whether a community's expectations are met regarding the specific metrics and impacts to be assessed. Decisionmakers or community leaders have certain information needs that can help design a truly useful risk assessment, even if the assessment takes form somewhat differ-

ently from the norm. We believe that deliberately incorporating community concerns into both the risk assessment and the risk management decision makes decisions more stable and robust, not less scientific. It is a matter of opinion whether responding to community issues within the risk assessment itself, rather than deferring these items until a later risk management phase, improves the assessment and makes it more useful by tailoring it to the specific situation, or merely results in inconsistency by making results less useful for comparing risks between sites.

We would also like to raise the bar for risk ethics. The traumatic history of federal actions against tribes is still recent history for many tribal nations and tribal members experience remnants of federal extermination and assimilation policies literally every day. This is a strong and discomforting statement, but it is a reality risk assessors and project managers must recognize if they work on tribal risk issues. It might even be said that tribes are still at war, a war that is being fought in the courts on a daily basis to preserve their rights, jurisdiction, resources, religion, homeland, and way of life. We do not want risk assessors to underestimate how serious this is to tribal members and tribal staff. Many or most tribal members can name ancestors who died defending their rights and homelands, and the current generation of tribal scientists honors this by vigilantly protecting the rights and resources on which their culture and identity and existence depend. Mistrust of the federal government and its risk assessment tools can be extremely high and pervasive. Particularly in tribal communities, risk assessors or public health assessors typically run afoul of tribal perspectives because they do not understand the community and its history. There is a tendency to want to get the details right first, then step back and look at the implementation or consequences (i.e., to keep risk assessment separate from risk management). We do not intend to introduce bias into the risk assessment that might come from knowing so much about the community that unconscious judgments are made about how to tailor the assessment (for instance, making a subconscious determination that remediation might take dollars away from other visibly urgent needs). We simply want the assessor to be more aware of the subjects of his or her assessment from the start so as to avoid pitfalls, missteps, and negative community reactions. Currently, tribes and regulators still operate from two different decision paradigms. We wish to recognize the tremendous progress made in recent years by various federal agencies in increasing the attention paid to these issues, but we recognize how much remains to be done.

DISCLAIMER

This exposure scenario has been approved for publication by the Spokane Tribal Council and for use in the Midnite Mine risk assessments. It should not be viewed as a release or waiver of any claims or rights concerning the protection of human health and the environment, the injury of natural resources, or any other claim or right.

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Risk Analysis, Vol. 23, No. 5, 2003

Letter to the Editor

Marc Stifelman[1]

Harper *et al.* specify a lifetime daily inhalation rate of 30 m^3/day in "The Spokane Tribe's Multipathway Subsistence Exposure Scenario and Screening Level RME." At first glance, it seems reasonable that a higher inhalation rate would be appropriate for a tribal subsistence exposure scenario compared with rates applied to risk assessments prepared by EPA under CERCLA for nonsubsistence exposure scenarios. However, upon closer examination, 30 m^3/day appears biologically implausible based on daily caloric requirements, which are a better measure of long-term breathing rates (Layton, 1993).

The *EPA Exposure Factors Handbook* (*Handbook*) (U.S. Environmental Protection Agency, 1997) recommendations described by Harper *et al.* (2002) were taken out of context. The *Handbook* recommendations specifically apply to short-term exposures (i.e., data derived from short-term inhalation studies apply to exposures of similar duration) (U.S. Environmental Protection Agency, 1997). These studies measured inhalation rates within a time scale of hours. For lifetime exposures, the *EPA Handbook* (U.S. Environmental Protection Agency, 1997) recommends inhalation rates of 11.3 and 15.2 m^3/day for female and male adults, respectively, based on Layton (1993).

With the exception of Layton (1993) most inhalation studies estimated inhalation rates by determining the relationship between inhalation rate and heart rate using short-duration, controlled activities over a range of exertion levels for each subject. Inhalation rates of individuals conducting daily activities were then derived by measuring heart rates and converting the heart rate to inhalation rate using the individual's heart/inhalation rate relationship. These studies reported hourly inhalation rates, appropriate for estimating short-term exposures. An alternative approach to measuring short-term inhalation rates associated with various activities is to calculate inhalation rates using caloric energy consumption to balance inhalation with metabolic respiration (Layton, 1993). This approach was the basis for the average lifetime inhalation rates recommended by the *Handbook* and has been expanded by others to develop metabolically consistent estimates of multiroute exposures (Layton, 1993; McCurdy, 2000). The metabolic approach is appealing because it relates caloric requirements to respiration to reduce the uncertainties associated with using hourly inhalation rates to estimate lifetime exposures. There is less uncertainty associated with daily energy consumption rates than with using short-term inhalation rates to estimate average lifetime daily inhalation rates because it is easier to measure food intake than air intake. Dietary and activity patterns were based upon the probabilistic National Health and Nutrition Examination Survey and the Nationwide Food Consumption Survey (cited by Layton). Survey results were adjusted upward to account for under-reporting of foods consumed. The most recent survey reported daily intakes of approximately 2,000 kilocalories (U.S. Department of Agriculture Beltsville Human Nutrition Research Center, 1998).

Using equations developed by Layton (1993) and the caloric requirements of 2,500–3,000 kilocalories specified by Harper *et al.* (2002) yields inhalation rates of 14.3–17.1 m^3/day, respectively, which contradict the 30 m^3/day rate. A lifetime inhalation rate 30 m^3/day is not supported by any of the studies evaluated by the *Handbook* (U.S. Environmental Protection Agency, 1997) or by more recent studies (Marty *et al.*, 2002). Furthermore, 30 m^3/day equates to 5,250 kilocalories/day, an implausibly high value for a lifetime and approximately double the energy requirements specified by Harper *et al.* (2002).

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Using the equations from Layton (1993) yields the following results:

$$V_E = E \times H \times VQ$$

V_E = minute ventilation volume liters per minute (1 L/min = 1.44 m^3/day)

H = volume of O_2 in liters consumed per kJ expended (0.05 L O_2/kJ)

E = energy expenditure kJ per day (1 kJ = 0.239 kcal)

VQ = ventilatory equivalent ratio of V_E to V_{O_2} unitless (both quantities are liters per minute) ($VQ = 27$)

Daily Kilocalories Consumed	Estimated Daily Inhalation Rate
2,000	11.4 m^3/day
2,500	14.3 m^3/day
3,000	17.1 m^3/day
3,500	20 m^3/day
5,250	30 m^3/day

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Risk Analysis, Vol. 23, No. 5, 2003

Response to Letter to the Editor

Barbara L. Harper,[1]* Brian Flett,[2] Stuart Harris,[3] Corn Abeyta,[1] and Fred Kirschner[1]

We would like to address several points raised in Stifelman's letter. He says that the Layton metabolic approximation, developed via studies performed by others on the general population, indicates that a long-term inhalation rate of 30 m^3/day is biologically implausible relative to the Spokane Tribe's diet and traditional lifeways. Stifelman would apply national (urban and suburban) averages for respiratory and metabolic parameters, average suburban activity levels, and average suburban dietary values to people who maintain an active outdoor lifestyle throughout their entire adult lives (through the age of 70 years) and eat a native diet. However, we documented both the diet and its caloric content as well as the activity levels in the traditional lifestyle. In other words, instead of estimating inhalation rates based solely on caloric intakes (Layton's approach), we documented caloric intake rates *and* estimated inhalation rates from activity tables. This approach is preferred when activity data are available; otherwise, spirometry would no longer be necessary—one would only need caloric intake to calculate inhalation rates. Stifelman merely confirms that the parameters Layton used for the general population do not apply to the traditional tribal members and their active, outdoor lifestyle and native diet.

1. WHAT ARE TRADITIONAL LIFEWAYS?

The exposure factors in the Spokane Tribe's scenario are based on the lifestyles of traditional tribal members, including youth who are learning traditional subsistence skills, adult outdoor workers who also hunt, gather, and fish, and elders who gather plants and medicines, and prepare and use them (e.g., making medicines or baskets, etc.) and who teach a variety of indoor and outdoor traditional activities. This may be hard for modern office workers to conceptualize, but traditional tribal communities have no sedentary members except the frail elderly, whereas one-quarter of modern American adults of all ages report no leisure time physical activity at all.[4] We provided EPA with a description of typical "days in the life of" and "years in the life of" each age group, including seasonal variations, for use in the Midnite Uranium Mine Baseline Human Health Risk Assessment. We further documented this lifestyle and diet with published anthropological studies specific to the Spokane Indians, and ethnographic literature on foraging theory, hunting-gathering lifestyles, and tribal recommendations on diabetes prevention.

2. USE OF THE LAYTON METABOLIC EQUATION TO CALCULATE INHALATION RATE FROM DIETARY CALORIES, RATHER THAN DIRECT OBSERVATION OF ACTIVITY LEVELS AND BREATHING RATES

EPA (1997) thoroughly reviewed the Layton method in the *Exposure Factors Handbook*. It is an alternative method, not necessarily a better method, and as noted by EPA "the lower [inhalation rate] level obtained with the metabolic approach (25%) compared to the activity pattern approach is not well supported by the data." (*Exposure Factors Handbook*, pp. 5–16). The equation employed by Layton assumes

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4 http://www.cdc.gov/brfss/pdf/2001prvrpt.pdf and http://www.cdc.gov/brfss/pubrfdat.htm.

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such a tight link between ventilation rate and caloric intake, that caloric intake can be used to estimate ventilation rate and vice versa, by using national averages for the equation's simplifying factors. Stifelman asserts that this relationship can be extended to traditional tribal members and their unique genetics and lifestyle. We disagree. Any of a dozen variables for respiratory physiology, oxygen transport, and oxidative processes in muscle cells may be different for people practicing active traditional lifeways, and some of these are known to be different in certain indigenous populations (e.g., Andes Quechan and Tibetan peoples and their genetically based altitude adaptations for oxygen utilization). Another set of variables for metabolism and native diets needs to be considered as well. All of these variables are well known, but it is not known how these variables cluster in various ethnic populations. We believe it is improper to assume all ranges of ages, gender, ethnicities, fitness levels, and pulmonary conditions are captured in single national averages. Tribal populations are not represented by a "high end tail" of a national melting pot of ethnicities, but discrete lifestyles protected by Treaties and/or federal Trusteeship obligations.

Perhaps the most relevant factors associated with ethnic-specificity are the thrifty genotype(s), insulin use, and oxidation and adiposity patterns (Goran, 2000; Fox *et al.*, 1998; Muzzin *et al.*, 1999; Rush *et al.*, 1997; Saad *et al.*, 1991; Kue Young *et al.*, 2002), as well as ethnic differences in spirometry (Crapo *et al.*, 1988; Lanese *et al.*, 1978; Mapel *et al.*, 1997; Aidaraliyev *et al.*, 1993; Berman *et al.*, 1994). Research on the thrifty genotype suggests that there may be several stress response genes that enable indigenous populations to respond to environmental stresses and to the rapid transition between extremes, including feast and famine, heat and cold, disruption in circadian rhythms, dehydration, seasonality, and explosive energy output or rapid transitions between minimum and maximum exercise and $V_{O_{2max}}$ (Kimm *et al.*, 2002; Snitker *et al.*, 1998). These genes "uncouple" several energy expenditure parameters (Kimm *et al.*, 2002) embedded in Layton's equation, further indicating that ethnic-specific data should be developed if Layton's equation is used.

Similarly, the national average diet cited by Stifelman is not relevant to populations who eat traditional diets. Most tribes are recommending a return to native diets wherever possible for people who are not already eating traditionally. We agree with Stifelman's implication that our caloric intake (we used 2,500 kcal/day) might be somewhat underestimated (see, for instance, Steegmann *et al.*, 2002). However, we believe that the thrifty genotype, with its more efficient energy utilization, alters the ratios of ventilation rate, calorie needs, and activity levels so that the documented Spokane diet (2,500 kcal/day or a little more) and observed activity levels are compatible with an inhalation rate of 30 m^3/day.

3. SHORT-TERM VERSUS LONG-TERM INHALATION RATES

Most federal and state agencies use either the EPA default value of 20 m^3/day or use activity levels to estimate long-term inhalation rates. We found no examples of federal or state agencies that rely on a metabolic equation to derive inhalation rates. When we developed the Spokane exposure scenario, we evaluated activity levels through anthropological data and confirmatory interviews, and used the CHAD-based EPA recommendations for ventilation rate for the different activity levels. Several examples of similar approaches are:

- EPA's National Air Toxics Assessment (homepage: http://www.epa.gov/ttn/atw/nata/natsa3.html) uses the CHAD database in its HAPEM4 model to estimate national average air toxics exposures even though "the lack of activity pattern data that extend over longer periods of times presents a challenge for HAPEM4 to predict the long-term (yearly) activity patterns that are required to determine chronic exposures." Therefore, "an approach of selection of a series of single day's patterns (from CHAD) to represent an individual's activity pattern for a year was developed."
- The California Air Resources Board (CARB, 2000; Funk et al., 1998) reviewed daily breathing rates based on activity levels and measured ventilation rates for many activities in the CHAD database. The average hourly rate for sleeping was 0.5 m^3/hr, light activities at 0.55 m^3/hr, moderate activities at 1.4 m^3/hr, and heavy rates of activity levels at 3.4 m^3/hr. The CARB concluded that 20 m^3/day represents an 85th percentile of typical adult sedentary/light activity lifestyles. This is based on 8 hours sleeping and 16 hours of light activity with no moderate or heavy activity, or 1 hour per day of moderate and heavy activity each.
- In their technical guidance document, "Long-term Chemical Exposure Guidelines for

Deployed Military Personnel," the U.S. Army Center for Health Promotion and Preventive Medicine (USACHPPM) recommended an inhalation rate of 29.2 m^3/day for U.S. service members. Deployed personnel were assumed to spend 6 hours sleeping at an inhalation rate of 0.4 m^3/hr, 4 hours in sedentary activities (at 0.5 m^3/hr), 6 hours in light duties (at 1.2 m^3/hr), and 8 hours in moderate duties (at 2.2 m^3/hr).[5]

- EPA used 30 m^3/day for a year-long exposure estimate for the general public at Hanford, based on a person doing 4 hours of heavy work, 8 hours of light activity, and 12 hours of resting.[6]
- The DOE's Lawrence Berkeley Laboratory also used 30 m^3/day: "the working breathing rate is for 8 hours of work and, when combined with 8 hours of breathing at the active rate and 8 hours at the resting rate, gives a daily equivalent intake of 30 m^3 for an adult."[7]
- For radionuclide exposures, EPA recommends using a lifetime average value of 19.2 m^3/day for men and 16.5 m^3/day for women, based on the Third NHANES (EPA, 1999). They also reviewed the Layton paper and pointed out that the single *VQ* number proposed for all ages and activity levels and both genders poses great uncertainty, and stated that because "reliable age- and gender-specific central values for *VQ* have not been established, the ICRP's recommended age- and gender-specific inhalation rates, rather than rates derived from Layton's method, are applied in [this FGR 13 document]" (EPA, 1999, p. 139).

4. THE USE OF POPULATION-SPECIFIC INFORMATION RATHER THAN NATIONAL AVERAGES

EPA instructs risk assessors to identify the receptor population and their activities or land use.[8] "Assessors are encouraged to use values which most accurately reflect the exposed population."[9] The OSWER Land Use Directive[10] requires the identification of land uses for the baseline risk assessment; when the affected resources are on reservations or areas where tribes retain usufructory rights, a subsistence/residential land use must be assumed if the Tribe so indicates. Executive Order 12898[11] requires the identification of subsistence consumption of natural resources, and for Indian Tribes this includes the activities required for obtaining those resources.

EPA recognizes that inhalation rates may be higher in certain populations, such as athletes or outdoor workers, because levels of activity outdoors may be higher over long time periods. "If site-specific data are available to show that subsistence farmers and fishers have higher respiration rates due to rigorous physical activities than other receptors, that data may be appropriate."[12] Such subpopulation groups are considered "high risk" subgroups.[13] EPA (1997) recommends calculating their inhalation rates using the following *median* hourly intakes for various activity levels (in m^3/hr): resting = 0.4, sedentary = 0.5, light activity = 1, moderate activity = 1.6, heavy activity = 3.2. EPA's median rate for outdoor workers is 1.3 m^3/hr, with an upper percentile of 3.3 m^3/hr, depending on the ratio of light, moderate, and heavy activities during the observation time. Other EPA risk assessments typically use 4.8 m^3/hr for construction workers, 2.5 m^3/hr for groundskeepers, and similar values applied to an 8-hour work day and extended for an entire worklife.

Since we have population-specific data, we believe that EPA is required to use it in order to meet its statutory mandate to protect human health—and particularly if members of an explicit population are identifiably discrete. Using EPA guidance on hourly inhalation rates for different activity levels, a reasonable inhalation rate for an average tribal member's active lifestyle is a *median* rate of 26.2 m^3/day, based on 8 hours sleeping at 0.4 m^3/hr, 2 hours sedentary at 0.5 m^3/hr, 6 hours light activity at 1 m^3/hr, 6 hours

[5] http://www.gulflink.osd.mil/particulate_final/particulate_final_s06.htm and http://www.gulflink.osd.mil/pm/pm_en.htm.

[6] http://yosemite.epa.gov/r10/AIRPAGE.NSF/1887fc8b0c8f2aee8825648f00528583/f8e71305849715288825693000 72cd00?OpenDocument.

[7] www.lbl.gov/ehs/epg/tritium/TritAppB.html.

[8] http://www.epa.gov/superfund/programs/risk/ragsd/table4instructions.pdf.

[9] *Exposure Factors Handbook*, vol. 1, pp. 5–23.

[10] OSWER Directive 9355.7-04, "Land Use in the CERCLA Remedy Selection Process" (May 25, 1995).

[11] White House, 1994. Federal Actions to Address Environmental Justice in Minority Populations and Low-income Populations: Feb. 11, 1994; 59 FR 7629, Feb. 16, 1994.

[12] EPA (OSWER) "Human Health Risk Assessment Protocol for Hazardous Waste Combustion Facilities, Support Materials Volume 1: Human Health Risk Assessment Protocol for Hazardous Waste Combustion Facilities," p. 6-4, at http://www.epa.gov/earth1r6/6pd/rcra_c/protocol/volume_1/chpt6-hh.pdf.

[13] *Exposure Factors Handbook*, vol. 1, 1997, pp. 5–24.

moderate activity at 1.6 m^3/hr, and 2 hours heavy activity at 3.2 m^3/hr.

5. CONCLUSION

Unlike other exposure factors, which are upper bounds, the inhalation rate is a median rate.

EPA says "an upper percentile is not recommended"[14] with no reason given. This is inconsistent with the usual RME approach used in Superfund risk assessments, and could result in under-protection of children, the elderly, athletes, asthmatics, and the half of the population with above-average inhalation rates. Due to a tribal desire to protect more than just the average traditional person, we have chosen to round up the value of 26.2 m^3/day to 30 m^3/day. We are continuing to collect data on tribal activities analogous to CHAD categories, and will continue to follow EPA's general HAPEM4 approach. We should note that we are not focusing on a cross-section of tribal members, some of whom have Westernized lifestyles, but specifically on traditional lifeways, subsistence activities, and native diets, which were reserved between the United States and the tribal governments and that continue to be protected by federal law.

We believe the real motivation for challenging the tribes' inhalation rate is EPA's concern for setting a precedent for other applications, such as air emissions from the Umatilla Army Chemical Munitions Incinerator (and other point sources affecting tribal lands) and the national tribal air quality rule. EPA's Tribal Consultation Policy[15] requires genuine consultation before changing exposure factors developed by tribal scientists and promulgated through tribal law.

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[14] *Exposure Factors Handbook*, vol. 1, pp. 5–23.

[15] EPA (2000). Guide on Consultation and Collaboration with Indian Tribal Governments, EPA/300-R-00-009.