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Thank you for the opportunity to provide written comments on the materials presented at the February 6, 2013 negotiated rulemaking session.

We very much appreciated the materials presented by the EPA regarding survey design. Ensuring that the survey is designed and implemented appropriately will increase the likelihood that the survey will produce useful results. To this end, we provide the following comments on survey design and implementation.

Consumers vs. non-consumers

While we believe that it is important to collect data from the population as a whole, we do not believe that non-consumers should be included in the calculation of fish consumption values.

Inclusion of data from non-consumers – i.e. 0 g/day – will result in calculating community fish consumption values that underreport the consumption rates of actual fish consumers. This will result in the development of water quality criteria that are not protective of those who actually eat fish and are thus at risk.

Suppressed rates

It is likely that many subpopulations are suppressing their fish consumption because of external factors. For instance, there are numerous fish consumption advisories in Idaho cautioning consumers to limit the amount of locally caught fish that they eat. If these advisories are having their desired affect, then communities in these areas are suppressing their fish consumption. The relative lack of fish, compared to historic abundance, may also suppress fish consumption rates.

This issue has been raised before, see below, and also discussed in great detail by Oregon and Washington during their efforts to develop fish consumption rates.

A suppression effect occurs when a fish consumption rate for a given subpopulation reflects a current level of consumption that is artificially diminished from an appropriate baseline level of consumption for that subpopulation . . . When agencies set environmental standards using a fish consumption rate based upon an artificially diminished consumption level, they may set in motion a downward spiral whereby the resulting standards permit further contamination and/or depletion of the fish and aquatic resources.¹

DEQ needs to take steps to insure that the survey captures sufficient information to determine if individuals are suppressing their fish consumption and what their fish consumption would be if it were not depressed by these external factors.

Data collection approaches

We believe that face-to-face interviews will result in the highest quality data. Further, we believe that the use of physical models to demonstrate portion size will result in more accurate approximation of how much fish is consumed in a given meal.

The use of in field creel surveys may provide a good means of ensuring that you the survey is sufficiently sampling individuals who are eating Idaho caught fish.

Larger policy questions

We believe that it is important for Idaho to determine the acceptable level of risk and the percentile of the population that will be protected to this level prior to initiating the fish consumption survey.

These policy questions need to be resolved prior to the collection of data. If not, once the data is available, some stakeholders may try to inappropriately influence the resulting water quality criteria outcome by altering certain variables, such as risk levels and protected populations. The process and outcomes will be better if DEQ decides these policy now rather than later.

Sincerely,



Justin Hayes
Program Director

¹ National Environmental Justice Advisory Council Meeting report (U.S. EPA, 2002b)