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Washington’s Water Quality Standards

Washington State’s water quality standards help protect water, and the people and wildlife that rely on it, by setting pollution limits for different pollutants that enter our waterways. Surface water quality standards determine how clean lakes, rivers, and marine waters need to be in order to be considered healthy for people and aquatic life. Included in the standards, Washington’s Department of Ecology (“Ecology”) develops Human Health Criteria for certain toxic substances. Human Health Criteria are numeric limits on the concentrated amounts of each toxic chemical or compound in our drinking water, and in our fish. Human Health Criteria are based on several factors and assumptions, including 1. How much fish people eat (a “Fish Consumption Rate”), and 2. The lifetime risk for developing cancer from exposure to a toxic compound (a “Cancer Risk Rate”).



Photo: EPA

PCBs, Mercury, and the Fish Consumption Rate

PCBs (polychlorinated biphenyls) are known to cause cancer, reproductive issues, and other serious health problems. Mercury is a potent neurotoxin that causes neurological damage and interferes with brain development in fetuses and children. These are the two pollutants in Washington that most often cause “fish consumption advisories,” which are public notices from the state warning consumers not to eat fish from a particular area because the contamination is too serious. Sadly, we already have fish consumption advisories for most major waterways in Washington, including Puget Sound and the Columbia River, and our endangered orca whales are some of the most toxic animals on the planet due to PCB contamination.

Despite all we know about their toxicity, PCBs and mercury are still present in many waste streams, manufacturing processes, and industrial operations. PCBs were banned in the late '70s but persist in many common products and can be created inadvertently in chemical reactions. Facilities statewide are still discharging these toxics into our waters. The Department of Ecology is responsible for setting Human Health Criteria for PCBs and mercury in Washington.



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Before 2016, Washington’s water quality standards were based on 40 year-old-data, relied on the weakest fish consumption standards in the country, and did not comply with the Clean Water Act. The Fish Consumption Rate was set at 6.5 grams of fish per day. This means that the water quality standards for allowable levels of toxic pollutants in our waters – including PCBs and mercury - were based on an assumption that people in Washington State only eat about one fish meal per month. However, Ecology’s research on fish consumption in 2012 revealed that many tribal members eat over 700 grams of fish per day, and up to 380,000 Washington adults eat over 250 grams per day. Salmon is an integral part of the diet and culture of many northwest tribes and fisher-people. More worrisome still are the statistics for children, who have greater sensitivity to many toxins. At least 29,000 Washington children eat over 190 grams of fish per day.¹ For comparison, Oregon’s Fish Consumption Rate is 175 grams per day – which approximates one fish meal per day.

Several years ago, Puget Soundkeeper, Columbia Riverkeeper, North Sound Baykeeper, and Spokane Riverkeeper, with the addition of the Pacific Coast Federation of Fishermen's Associations, or PCFFA (collectively, Waterkeepers Washington), intervened in the rulemaking process to improve Washington’s water quality standards. The Waterkeepers stepped in to require a more protective Fish Consumption Rate in accordance with new science, and a strong Cancer Risk Rate of 1 in 1 million. Businesses currently dumping illegal levels of PCBs into Washington’s waterways fought these efforts, arguing that pollution control is too expensive. Tribes, NGO’s, and citizens demanded stronger protections.

To ensure that our waters are drinkable, swimmable and fishable, the Clean Water Act authorizes citizens and organizations to step in and enforce the law to protect public health and our environment when the government fails to do so. Unable to improve Washington’s water quality standards at the State level, Waterkeepers Washington filed a lawsuit against the EPA under the Clean Water Act, demanding that EPA step in and require Ecology to improve the standards. Ultimately, as a result of hard work by Washington tribes, advocacy from a coalition of concerned organizations and individuals, as well as the Waterkeepers lawsuit: EPA required Washington to implement strong water quality standards utilizing a Fish Consumption Rate of 175 grams per day, a cancer risk rate of 1 in 1 million, and other factors to adequately protect the people of Washington.

Once EPA rendered its decision, however, in February 2017, polluting industries filed a petition asking the EPA to rescind its decision. Under the new federal administration, the EPA responded positively to the polluter’s petition. In May of 2019, without consulting Washington or tribes, the EPA announced that it was rescinding its decision and rolling back Washington’s protective water quality standards. **EPA is currently accepting comments on a rule-making process to codify significantly weaker water quality standards for the State of Washington from August 6th 2019 – October 7th, 2019.**

Weakening protections for water quality threatens the health of everyone who eats fish from Washington’s waters, especially people who fish for subsistence, and people who eat large quantities of fish, such as indigenous communities and communities of color. As of June 2019 the State of Washington has filed suit against EPA and the Department of Ecology is fighting this rollback, which is bad for our health, bad for our economy, and bad for salmon and orca.

¹ <https://fortress.wa.gov/ecy/publications/publications/1209058.pdf>