

Do you eat 18 pounds of fish a month? Yes, state bureaucrats insist

By Chris Cargill

The Washington state Department of Ecology is once-again on the fast track to adopting new fish consumption rates (FCR). And they're getting an assist from Governor Jay Inslee.

The FCR is the amount of fish the state assumes you eat for the purposes of new regulations and further bureaucratic control. The higher the number, the more stringent the rules.

Washington Policy Center reported on this issue last year in this column that appeared in the *Spokesman-Review* and other state newspapers. The state wanted to update the fish consumption rate (currently about 3.5 pounds per month) to as high as 18 pounds a month.

Why the huge increase? The state insists its current standards are old and has watched in awe as Oregon adopted fish consumption rates in 2011. The Oregon updated number was 12 pounds of fish a month – the highest in the country. At nearly 18 pounds per month, the Washington proposal would blow Oregon's out of the water.

Washington is also getting enormous pressure from Native American tribes. Those tribes insist some of their members do actually consume 18 pounds of fish a month.

Businesses have been rightfully concerned about the proposal. By adopting such high FCR's, they will have to spend millions on equipment that may not even help them meet the standard. Furthermore, determining the impact may also be difficult as millions of fish arrive from out-of-state waterways.

In fact, DOE slowed down the effort after concern was expressed from companies like Boeing and former Governor Chris Gregoire, who described DOE director Ted Sturdevant as on "thin ice" for his insistence on the effort.

While a new FCR was delayed in 2012, legislators during the 2013 session were not eager to have it revisited by 2014 as the state DOE planned. The Senate Majority Coalition Caucus, along with Boeing, wanted a comprehensive study of fish consumption standards before adopting an updated rate. Senator John Smith (Colville) spoke eloquently about the need for a comprehensive review because "we have policy for the entire state being driven by problems in a very small portion of our state."

But Governor Jay Inslee's office did not agree so the issue is expected to be front and center when the legislature re-convenes in January 2014.

The state has struggled and failed to ascertain comprehensive data on fish consumption: data collection and analysis methods are shaky at best, national values are substituted at will, and the Native American fish consumption poses logistical questions. Washington has traditionally relied on the U.S. EPA's Exposure Factors Handbook data, which in 2011 estimated a national average fish consumption rate of 0.5-3.5 pounds per month. However, in the 2013 DOE report on fish consumption rates, a 1989 EPA study is referenced instead; indicating an average of 10.5 pounds eaten per month by the average U.S. citizen.

Some estimate the new state standard of nearly 18 pounds a month would require any discharge into state waterways be cleaner than the waterway itself. And there currently exists little technology that can help businesses meet the standard. As business leader Chris McCabe recently pointed out, "It is really bad policy to create an environmental standard that is so strict nobody can meet it."

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