

Date: October 17, 2007

To: Environmental Quality Commission

From: Stephanie Hallock, Director

Subject: Agenda Item H, Informational Item: Oregon Fish and Shellfish Consumption Rate Project Update
October 17, 2007 EQC Meeting

- Purpose of Item**
- (1) Update the Environmental Quality Commission (EQC) on the progress of the Oregon Fish and Shellfish Consumption Rate (FCR) Project. The Department of Environmental Quality (DEQ) last updated the EQC on February 22, 2007
 - (2) Update the EQC about the preliminary findings of the Human Health Focus Group
 - (3) Get direction from the EQC on what information the EQC will need and be looking for as the project progresses
 - (4) Provide an opportunity for members of the project's Core Team and members of the public to offer comments to the EQC.

Background

DEQ is conducting a public review of the human health criteria for water quality standards, focusing on the fish consumption rate (FCR). The Environmental Protection Agency (EPA) and the Confederated Tribes of the Umatilla Indian Reservation (CTUIR) are playing a leadership role with DEQ in the review of the FCR.

On October 6, 2006, DEQ, EPA, and CTUIR presented a plan to the EQC for a collaborative review of Oregon's fish consumption rate. This rate is one variable in the calculation used to establish water quality standards that will protect human health for Oregonians. The EQC supported the proposal and DEQ, EPA, and CTUIR are implementing the plan.

Project Progress to Date

The Planning Team (DEQ, EPA, and CTUIR) has held over 30 meetings since October 2006, and offered several public outreach and communication opportunities. DEQ, EPA and CTUIR held public workshops in Portland on March 13, 2007 and in Coos Bay on March 14, 2007. A Human Health Focus Group (Attachment A) was formed in May 2007 and has held six highly productive meetings. The Planning Team held a public workshop on water quality standards and fish consumption data in Lincoln City on May 16, 2007 and another on human health risks on July 17, 2007 in Portland. These workshops and the focus group meetings have provided the Planning

Team with information and suggestions on how to better tailor project deliverables to the needs of the EQC and stakeholders.

**Project
Schedule
Update**

The Planning Team updated the project schedule to reflect:

- (a) Progress made to date,
- (b) Comments and suggestions received during the public workshops, and
- (c) Availability of resources to achieve milestones.

This revised project schedule (Attachment B) is responsive to requests from workshop participants that DEQ, EPA and CTUIR present specific FCR options for comment during the public workshops. The revised schedule also reflects the Planning Team's commitment to provide the public and stakeholders with meaningful opportunities to understand, comment upon, and suggest alternatives to policy options.

Below is a summary of the deliverables and projected dates. We hope to set a date for the February workshop no later than November.

Deliverable	Projected Date
Human Health Focus Group Report (draft)	October, 2007
Human Health Focus Group Report (final)	December, 2007
Workshop 4- Public Workshop on FCR Options	February, 2008
Fiscal Impact Analysis Report (draft)	January, 2008
Fiscal Impact Analysis Report (final)	March, 2008
Workshop 5 - Public Workshop on Fiscal & Implementation Issues	May, 2008
FCR Options and Recommendations Document (draft)	June, 2008
Workshop 6 - Public Workshop on Toxics Reduction Strategies	June, 2008
Workshop 7- Public Workshop on FCR Options and Recommendations	July, 2008
FCR Options and Recommendations Document (final)	August, 2008
Present FCR Options and Recommendations to the EQC	October, 2008
Anticipated start of formal rulemaking	November, 2008

Future Project Work

1. The Human Health Focus Group will complete its work and prepare a recommendation, providing a scientifically defensible basis for identifying consumption rate options.
2. DEQ, EPA and CTUIR (the Planning Team) will develop a range of FCR options and present them to the public during public workshops. Reaction from the public on these various options will be important to the Planning Team in deciding which options to develop further and which to put aside.
3. DEQ will convene a Fiscal Impact Advisory Committee (FIAC) to help us understand the economic impacts and implementation challenges associated with various consumption rate options; this work will be done in a manner consistent with ORS 183.333 and 183.335. A contractor (SAIC) has been retained to perform the technical portions of this analysis. Work with the FIAC will lead to a public workshop on fiscal impact and implementation issues. We also plan a public workshop on toxics reduction strategies. After the workshops, we will schedule time for the Planning Team to further revise its FCR options and recommendations in response to public input.

Principal Project Deliverable

The principal product of this project will be scientifically and technically credible options and recommendations for changing Oregon's fish consumption rate. The process that the Planning Team will use to develop these options and recommendations will require the team to make a number of primarily scientific and technical choices with respect to each of the following key factors (which were modified in response to public comments received at the May 16, 2007 workshop; see Attachment D):

1. Based on the available survey data, which fish consumption rates are options to be considered as the basis for Oregon's human health water quality criteria?
2. Should Oregon use different fish consumption rates for basins or waterbodies that reflect consumption patterns in those areas?
3. What high fish consuming population(s) should Oregon use as the basis for establishing Human Health water quality criteria?
4. What percentage of the high fish consuming population(s) should Oregon use as the basis for the human health water quality criteria?
5. How will salmon (an anadromous fish) be addressed (i.e., included or excluded) in deriving the fish consumption rate?
6. How could a fish consumption rate be effectively and equitably implemented to ensure that Oregon's public health is protected?

The Planning Team will use these key factors to develop specific FCR options for comment during the public workshops to provide the public and stakeholders with meaningful opportunities to understand, comment upon, and suggest alternatives to policy options.

The Planning Team will present options and recommendations to the EQC in the form of a final report. Our goal is to present this report, along with supporting information on fiscal, implementation, and other issues relevant to selection of an FCR, to the EQC in time for its October 2008 meeting. The team's scientific and technical choices, reflected in their recommendations for changing the FCR, will inform the EQC's higher-level policy decision: that of an appropriate fish consumption rate for Oregon.

**EQC
Involvement**

DEQ will report to the Commission in the Spring of 2008. The EQC may request an update from DEQ at any time.

Attachments

Attachment A: Human Health Focus Group Update
Attachment B: Schedule & Themes for Public Workshops
Attachment C: DEQ Initial Responses to Questions from the Public at Workshop 2

Approved:

Section: _____

Division: _____

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