



**EPA Region 10 Tribal Consortium (RTOC)  
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May 31, 2022

U.S. Environmental Protection Agency  
EPA Docket Center  
Standards and Health Protection Division Docket  
Mail Code 28221T  
1200 Pennsylvania Avenue NW  
Washington, DC 20460

**Sent via [www.regulations.com](http://www.regulations.com)**

**RE: Docket ID No. EPA-HQ-OW-2015-0174**

Dear Madam or Sir:

Please find attached comments sent on behalf of the Tribal Caucus of the Region 10 Tribal Operations Committee (“RTOC”) on EPA’s proposed changes to Washington’s human health criteria (“HHC”). These comments are not sent on behalf of EPA Region 10 or any employees of EPA, but solely on behalf of the tribal government representatives of the RTOC.

The RTOC strongly supports EPA’s action to restore the protective and science-based federal HHC for Washington’s waters that EPA had originally promulgated in 2016, but later removed in 2020 for political and not science reasons. The RTOC believes this action will protect Tribal members who consume fish from Washington’s waters, including Tribes with treaty-protected subsistence fishing rights.

Tribal communities, for whom fishing is critical not only for subsistence, but for cultural and commercial purposes will benefit most by this action. Sharing and eating fish is an integral part of Tribal culture, religion and social fabric here in the Northwest, and it is well-documented that Tribal communities consume fish at a higher-than-average rate. Many Washington Tribes have treaty-protected rights to fish both on and off their reservation that preserve for all time the right to engage in commercial, subsistence, and ceremonial fishing.

There was no science or law that justified EPA's change to the HHC in 2020. Unfortunately, politics, not science, was the only factor that led to that result. This standard make sense. Washington already has a much more stringent PCB limit on the Spokane River, where dischargers will be expected to meet a PCB limit based upon the Spokane Tribe's fish consumption rate of over 700 grams/day.

Because of their reliance on fish, pollution in our waters disproportionately impacts Tribal people. Tribes that rely on locally caught fish for subsistence are already exposed to more toxics and this proposal will help address that historic wrong. Getting the HHC correct is an important environmental justice issue. All of these toxics bio-accumulate and bio-magnify in the food chain in such a way that makes fish problematic to consume. The standards for PCBs are still exceeded in some fish and statewide mercury advisory remains in place making their consumption extremely problematic for pregnant women, children, and tribal members who for cultural and economic reasons consume far more than the recommended allowance.

We agree with the words of the late Billy Frank, Jr. in 2013, "If the food we put in our mouths should not be used as a standard to protect water quality and human health, what should we use? Industry standards?" For this reason, those set forth above, and those set forth by the Tribes of Washington State, the RTOC supports this proposal.

The RTOC appreciates your consideration of these comments and your action to protect the health of Native people in Region 10.

Sincerely,

A handwritten signature in blue ink that reads "Raymond Paddock". The signature is fluid and cursive, with a long horizontal stroke at the end.

Raymond Paddock

Region 10 RTOC, Tribal Caucus Co-chair