



**EPA Region 10 Tribal Consortium (RTOC)
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June 16, 2022

Casey Sixkiller, Regional Administrator
U.S. Environmental Protection Agency, Region 10
EPA Docket Center
1200 Sixth Avenue
Seattle, Washington 98101

Dear Mr. Sixkiller:

On behalf of the Tribal Caucus of the Region 10 Tribal Operations Committee (“RTOC”), I would like to congratulate you on your appointment as Regional Administrator and thank you for taking the time to meet with the RTOC during our last meeting. Your appointment is historic and demonstrates this Administration’s commitment to working with Tribal Nations.

The RTOC is a partnership between EPA Region 10 and elected tribal representatives to further tribal environmental objectives at the regional level, serve as a liaison between the EPA and tribes regarding information exchange, and provide assistance to the National Tribal Operations Committee. We work closely with the 271 federally recognized Tribes in Region 10.

While the RTOC works on many issues across the Region, I want to call your attention to two pressing issues and request your assistance and leadership to help address these:

1. Failure of Alaska to Update Water Quality Standards to Incorporate Tribal Fish and Shellfish Consumption Rates.

Unlike Oregon, Washington, and Idaho, Alaska has yet to update its fish consumption rates (“FCR”) and corresponding human health criteria for toxins. While there are many factors in the calculations used to develop human health criteria, FCR is one with the most potential variability and greatest possible impact on the protectiveness of water quality standards. In 2015, EPA updated its default FCR to 22 grams per day, representing the 90th percentile fish and shellfish consumption rate from inland and nearshore waters for the U.S. adult population 21 years of age

and older, and maintained a recommended FCR of 142.4 g/day for subsistence users.¹ Unfortunately, Alaska’s ambient water quality criteria for the protection of human health are based on the lowest FCR allowed by EPA, 6.5 grams/person/day (an amount roughly the size of a small strawberry). The negative effect of that underestimation is compounded in Alaska Native communities, which consume the highest amount of fish per capita in the Nation. Alaska’s water quality standards will not protect Alaska Native and rural residents from unsafe exposure to pollutants, nor will they protect the ecosystems that support our customary and traditional hunting and fishing resources. According to the regional nonprofit Southeast Alaska Conservation Council (“SEACC”), the average Alaskan eats between 175 and 250 grams of fish/day; this does not consider the increased amounts by Alaska Natives.

A March 19, 2019, EPA-funded study, Alaska Statewide and Regional Estimates of Consumption Rates in Rural Communities for Salmon, Halibut, Herring, Non-Marine fish, and Marine Invertebrates, found that Alaska fish and shellfish consumption is significant:

After applying the statistical weighting, the statewide mean consumers only use rate in rural communities is 149 grams per day, and the per capita mean rate (consumers and non-consumers combined) is 141 grams per day. The consumers only 90th percentile rate is 308 grams per day, and the per capita 90th percentile rate is 302 grams per day. The six regions varied widely in their use rates. For example, the Western region had the highest means and 90th percentiles, exceeding those of the Southcentral region, which had rates that were 68% to 80% lower than corresponding Western rates. The consumers only mean varied from 113 to 190 grams per day across regions (per capita range: 105–183 grams per day). The regional variation in 90th percentile consumers only rates was 217–379 grams per day (per capita range: 209–376 grams per day).

The difference between the current approved rate of 6.5 grams per day and actual consumption is significant. 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?” It is long past time that the FCR in Alaska be updated.

2. General Assistance Grant Funding – Increasing Flexibility and Funding Nationwide and Not Decreasing Funding for Region 10.

The RTOC believes that EPA should take actions to increase funding and increase the flexibility in the use of existing EPA funding. Specifically, we support and recommend the National Tribal Caucus Budget Priority Guidance Fiscal Year 2022 document, which “respectfully urges EPA to increase tribal program funding to achieve parity with states.” Further, we request that all current GAP and other renewing grant funding be reassessed to adjust for inflation within the United States economy. For example, current funding allocated for the Swinomish Tribe in Washington state has not increased since 2001. Current inflation rates show that costs have increased approximately 48% from 2001 to the year 2020. This has led to many increasingly significant

¹ USEPA. 2014. Estimated Fish Consumption Rates for the U.S. Population and Selected Subpopulations (NHANES 2003-2010). EPA-820-R-14-002. U.S. Environmental Protection Agency, Office of Water, Washington, DC. Accessed February 2015.

budget deficiencies within tribes who may be simply trying to maintain current programs and operations. We believe that a proportional increase is necessary to achieve the goals of those programs.

The RTOC **strongly** opposes the proposed GAP Allocation developed by AIEO, currently out for comment. That new allocation significantly impacts Region 10 and its Tribes by reducing the GAP distribution by 5% (amounting to over \$1.5 million). Tribes in Region 10 need more funds, not less. This will require Region 10 to either: (1) reduce GAP funding for Tribes or (2) significantly reduce or eliminate the funding of inter-tribal consortia in the Region. In Fiscal Year 2020, EPA funded 24 intertribal consortia in Alaska, Idaho, Washington, and Oregon that provide significant benefits to Tribes across the Region.

Under the Indian Environmental General Assistance Act of 1992 (42 U.S.C. § 4368b), Congress specifically authorized the Environmental Protection Agency (“EPA”) to award General Assistance Program (“GAP”) funds to both Tribal governments and intertribal consortia “for the purpose of planning, developing, and establishing the capability to implement programs administered by the Environmental Protection Agency.” AIEO could easily remedy the situation by continuing to include all eligible Tribes in the allocation formula instead of limiting funding solely to Tribes currently receiving GAP funds (i.e., retain the status quo).

Given the significance of this impact on Region 10 Tribes, the Affiliated Tribes of Northwest Indians unanimously passed a resolution opposing the changes to the allocation. A copy of the resolution is attached.

The RTOC looks forward to working with you on these and many other issues in the years ahead and appreciate your leadership in protecting the health of Native people in Region 10.

Sincerely,



Raymond Paddock

Region 10 RTOC, Tribal Caucus Co-chair