



## Seattle Human Rights Commission

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March 12, 2014

Maia Bellon, Director  
Washington Department of Ecology  
300 Desmond Drive SE  
Lacey, WA 98503

RE: Preliminary Comments on Human Rights and Rule Changes for Water Quality Standards in Washington State

Dear Director Bellon,

We are writing on behalf of the Seattle Human Rights Commission to express our support of the Department of Ecology's effort to raise the State of Washington's fish consumption rate to a higher, more protective value. Health and access to the conditions which promote health are inherent human rights outlined in international human rights treaties. The Commission strongly believes that by raising the State's fish consumption rate to a level that meets or exceeds the rate set by Oregon (i.e., 175 g/day with a risk level of  $10^{-6}$ ), Ecology will advance international human rights for those living in our state.

Raising Washington State's fish consumption rate is as much a human rights issue as it is a public health issue. Article 12 of the International Covenant on Economic, Social, and Cultural Rights recognizes that all peoples have the right to health, and to live in environments that enable health. The U.N. Declaration on the Rights of Indigenous Peoples recognizes additional rights with regards to indigenous peoples. Specifically, Article 20(1) provides that "Indigenous peoples have the right . . . to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities."

The state's current fish consumption rate of 6.5 g/day, which amounts to about one fish meal a month, fails to reflect the reality of fish consumers in the state, and puts certain Washingtonians at a particularly heightened risk for exposure to unsafe levels of methyl mercury, PCBs and arsenic, among other harmful pollutants. For example, Native Americans and Asian and Pacific Islanders, who as a matter of practicing their traditions and culture (and in the case of some tribal members, of exercising their treaty-protected subsistence rights), consume fish at a much higher rate than other segments of the population of our state. Region 10 of the United States Environmental Protection Agency (EPA) has found that tribal members consume approximately 147 pounds of salmon, 68 pounds of other fish, and 400 pounds of shellfish per year (based on data from the Suquamish Tribe). The Spokane Tribe accordingly set its own fish consumption rate to 865 g/day. Members of Asian and Pacific Islander communities in our state consume fish at a rate of 306 g/day (based on a recent survey). A fish consumption rate of 6.5 g/day effectively punishes indigenous communities in the state for practicing their human rights to

subsistence and culture, and places indigenous, Asian, and Pacific Islander communities at a disproportionately high health risk in violation of their human rights to health and to conditions that protect their health.

The Washington State Department of Ecology has the power to set the state's fish consumption rate at a level that will protect the health of all Washingtonians, and that will advance international human rights. We urge you to act upon this solemn charge by incorporating into your final rule on human health criteria and water quality standards a risk level no higher than  $10^{-6}$  and a final fish consumption rate of at least 175 g/day.

Thank you,



Catherine Moore, Chair  
Seattle Human Right Commission



Nika Dahlbacka, Chair  
Seattle Human Rights Commission

*Ethel Branch*

Ethel Branch, Commissioner  
Seattle Human Rights Commission

cc: Patty Lally, Acting Director, Seattle Office for Civil Rights