



## Seattle Human Rights Commission

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March 28, 2014

Governor Jay Inslee  
Office of the Governor  
PO Box 40002  
Olympia, WA 98504-0002

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

Dear Governor Inslee,

We are writing on behalf of the Seattle Human Rights Commission to express our support of your effort to raise the State of Washington's fish consumption rate to a higher, more protective value. We commend you for taking action to delve into the issue with your informal advisory group to ultimately make an informed recommendation on Water Quality Standards and Human Health Criteria to Ecology. The Commission strongly believes that by encouraging Ecology to raise 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 no lower than  $10^{-6}$ ), you can play an important role in advancing the human rights of those living in our state and consuming fish caught in our state's waters.

Health and access to the conditions that promote health are inherent human rights outlined in international human rights treaties. 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. Article 20(1) of the U.N. Declaration on the Rights of Indigenous Peoples (the "Declaration") additionally recognizes 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." Article 37(1) of the Declaration also recognizes that "[i]ndigenous peoples have the right to the recognition, observance and enforcement of treaties."

As you are no doubt aware, 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 many 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 putting food on their family's tables, 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. For example, Region 10 of the United States Environmental Protection Agency 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). Given this data, 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. For tribal members with treaty-reserved fish harvest rights, the current fish consumption rate also violates their human right to have their treaties enforced. The current fish consumption rate also places the Asian and Pacific Islander communities of our state, as well as our indigenous communities (especially tribal subsistence harvesters), at a disproportionately high health risk in violation of their human rights to health and to conditions that protect their health. Yet the current revision to the fish consumption rate offers the possibility that this situation can be remedied going forward.

As governor you have the power to make a historic recommendation to the Washington State Department of Ecology to set the state's fish consumption rate at a level that will protect the health of all Washingtonians, and that will protect and advance the human rights of all who live in our state. We urge you to act upon this solemn charge, and indeed this transformative moment, by incorporating into your recommended rule on human health criteria and water quality standards a risk level no higher than  $10^{-6}$  and a final fish consumption rate of no less than 175 g/day. Thank you for your leadership on this most important issue.

Thank you,



Catherine Moore, Chair



Nika Dahlbacka, Chair

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