



RESOLUTION

A resolution calling on the Environmental Protection Agency to cease its effort to rescind the Washington State Water Quality Standard for PCBs, and for the Washington State Department of Ecology to deny the applications for discharger variances in the Spokane River such that both agencies are acting and regulating in a manner consistent with principles of environmental justice.

WHEREAS, the Spokane City Human Rights Commission (the “Commission”) is dedicated to addressing issues related to human rights and unjust discrimination and the implementation of programs consistent with the needs of all residents of the City of Spokane; and

WHEREAS, the state’s the fish consumption rate and cancer risk level are used to set safe and acceptable levels of pollutants that may be released into a state’s waters while still protecting the health of its citizens who consume fish harvested from the state’s waters; and

WHEREAS, a state’s fish consumption rate and cancer risk level directly impact a state’s water quality standards (“WQS”) and human health criteria; and

WHEREAS, both the National Congress of American Indians and the Affiliated Tribes of Northwest Indians have supported an increase of the fish consumption rate to no less than 175 grams per day with a cancer risk level of one in one million; and

WHEREAS, in 2016, the Environmental Protection Agency (“EPA”) promulgated for the State of Washington a WQS of 7 parts per quadrillion for Polychlorinated Biphenyls (PCBs) with a fish consumption rate of for the 175 grams per day and a cancer risk level of 10⁻⁶ (one in a million) to protect the public; and

WHEREAS, contaminated fish are the primary pathway for human exposure to chemicals which cause cancer, irreversible neurological damage, and other harmful effects to human health and well-being; and

WHEREAS, This EPA standard was promulgated upon the high quality science to protect fish consumers from unsafe levels of toxins including but not limited to methyl mercury, PCBs, and arsenic; and

WHEREAS, Spokane has populations, including tribal members, members of the Eastern European Community, and Asian and Pacific Islander communities that eat significant amount of fish for cultural and subsistence reasons, include fish from the Spokane River; and

WHEREAS, members of Asian and Pacific Islander communities in the State consume fish at a rate of 236 grams per day in the 90th percentile of those surveyed; and

WHEREAS, the Spokane Tribe has set its fish consumption rate to 865 grams per day to reflect its members’ true fish consumption rate; and

WHEREAS, community members should be able to consume fish at such a rate free from fear of exposing themselves to harmful levels of toxics or to undue risk of cancer; and

WHEREAS, fishing and the consumption of fish holds immense cultural value and is considered a subsistence right within all communities in Washington State; and



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WHEREAS, human rights and public health standards are meant to protect all individuals, especially those most vulnerable; and

WHEREAS, the Washington State Department of Ecology (“DOE”) has now proposed to accept applications for discharger “variances” that would put in place a temporary WQS based on technical and economic feasibility for pollution dischargers; and

WHEREAS, the first issue is that these 20-year discharger variances would take the burden of protecting the public off of the pollution dischargers by easing their regulatory pollution limits and then place the burden of pollution onto tribal communities and others who eat more fish; and

WHEREAS, the City of Spokane has suggested that their alternate pollution water quality standard should be 793 parts per quadrillion of PCBs in their waste-stream; and

WHEREAS, four other large dischargers have also suggested much looser pollution standards that will shift the burden and risk onto impacted communities in a way that makes this an issue of environmental justice, because these variances place a disproportionate risk from pollution onto those who rely on fish for cultural and subsistence reasons; and

WHEREAS, the EPA has now opened rulemaking to roll back the WQS for PCBs for Washington State; and

WHEREAS, this new roll-back threatens to jeopardize the health and safety of the public; and

WHEREAS, this roll back attempts to put the burden of pollution discharge onto the fish consuming public who uses the States Waters to fish.

NOW THEREFORE BE IT RESOLVED, that the Spokane City Human Rights Commission hereby calls upon the Environmental Protection Agency to desist in rulemaking that would result in a weakening of Washington’s WQS for toxics that protect the uses of fishing and public health, and

NOW THEREFORE BE IT RESOLVED, that the Spokane City Human Rights Commission hereby calls upon the Washington Department of Ecology to disapprove discharger variances with alternate standards for toxic pollutants and requests that the Department of Ecology promulgate a state WQS for PCBs of 7 parts per quadrillion.

Adopted by the Spokane Human Rights Commission on October 2nd, 2019.

Lance Kissler
Chair, City of Spokane Human Rights Commission