



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
**REGION 10**  
1200 Sixth Avenue, Suite 900  
Seattle, Washington 98101-3140

REGIONAL ADMINISTRATOR

**FEB 13 2013**

Dear Colleagues:

Thank you all for attending the second Columbia River Basin Toxics Reduction Executive Meeting in Spokane on November 1, 2012. I think we had very productive discussions, and made some progress in identifying specific issues on moving forward to prevent and reduce toxics entering the Columbia River. I am attaching summary notes from the meeting.

Six specific initiatives that were identified at the Executive meeting and discussed at the December 12<sup>th</sup> Columbia River Toxics Reduction Working Group meeting in Hood River, Oregon. We believe these initiatives will help advance the prevention and reduction of toxics in the Columbia River Basin.

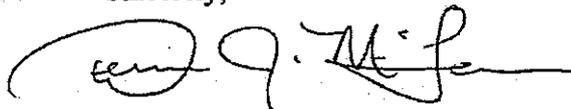
1. Sustainable Purchasing: Develop guidance for governmental agencies in the basin to establish and implement low toxicity purchasing guidelines (chaired by Oregon Department of Environmental Quality),
2. Green Chemistry: Help establish a Regional Green Chemistry Center to identify chemicals and processes that use less toxic materials (chaired by US Environmental Protection Agency).
3. Chemicals of Emerging Concern: Implement research to characterize the effects to aquatic biota from chemicals of emerging concern (chaired by US Geological Survey).
4. Pesticide Stewardship Partnership: Expand the Pesticide Stewardship Partnership type programs to other areas in the Columbia River Basin (chaired by Salmon Safe).
5. Stormwater: Expand stormwater technical assistance programs to small and medium businesses (chaired by Washington Department of Ecology).
6. Resource Needs and Policy Reform: Educate Columbia Basin stakeholders on the need for sustainable funding for a coordinated toxics monitoring and reduction program and the benefits of chemical management reform (chaired by Columbia River Inter-Tribal Fish Commission and Lower Columbia Estuary Partnership).

I also appreciated the opportunity to discuss the regional fish consumption work efforts with Columbia River Basin Tribes and others at the meeting. The Environmental Protection Agency will continue to work with Columbia River Basin Tribal Governments as regional fish consumption work efforts move forward.

The Columbia River Basin Toxics Reduction Working Group is organizing Implementation Teams for each of these initiatives. To be successful, the teams need support. We request that your staff contact Mary Lou Soscia at (503) 326-5873 or via email at [soscia.marylou@epa.gov](mailto:soscia.marylou@epa.gov) if you are able to commit staff time to working on one or more of these initiatives.

Thank you again for your participation at the meeting and your continued efforts to improve the health of the Columbia River ecosystem. I look forward to the progress of our collective toxics reduction efforts.

Sincerely,

A handwritten signature in black ink, appearing to read "Dennis McLerran". The signature is fluid and cursive, with a large initial "D" and "M".

Dennis McLerran  
Regional Administrator

# **Columbia River Toxics Reduction Executive Meeting**

**November 1, 2012**

**Northern Quest Resort**

**Spokane, WA**

## **List of Attendees and Summary**

### **Attendees:**

Adriane Borgias, WA Dept of Ecology	Jim Boyd, The Confederated Tribes of the Colville Reservation
Anthony Barber, US EPA	Joshua Grice, WA Dept of Ecology
Bud Leber, Kaiser Aluminum	Kathryn Brigham, Confederated Tribes of the Umatilla Indian Reservation
Bart Mihailovich, Spokane Riverkeeper	Keith Kutchins, Upper Columbia United Tribes
Brandy Humphreys, Grande Ronde Tribe	Kevin Masterson, OR Department of Environmental Quality
Brett VandenHeuvel, Columbia Riverkeeper	Kevin Scribner, Salmon Safe
Cynthia Barry, US Fish and Wildlife Service	Lyndal Johnson, NOAA Science Center
Daniel Redline, ID Department of Environmental Quality	Mary Lou Soscia, US EPA
D.R. Michel, Upper Columbia United Tribes	Matt Wynne, Spokane Tribe of Indians
Deane Osterman, Kalispel Tribe	Michael Tehan, NOAA Fisheries
Deb Marriott, Lower Columbia Estuary Partnership	Mike Cox, US EPA
Dennis McLerran, US EPA	Nancy Lee, US Geological Survey
Dianne Barton, Columbia River Inter-Tribal Fish Commission	Paul Lumley, Columbia River Inter-Tribal Fish Commission
Dick Pedersen, OR Department of Environmental Quality	Phil Rockefeller, Northwest Power and Conservation Council
Grant Pfeiffer, WA Dept of Ecology	Sheri Sears, The Confederated Tribes of the Colville Reservation
Gary Passmore, The Confederated Tribes of the Colville Reservation	Scott Hauser, Upper Snake River Foundation
Gregory J Fuhrer, US Geological Survey	Silas Whitman, Nez Perce Tribe
Heather Ray, Upper Snake River Foundation	Taylor Aalvik, Cowlitz Tribe
James Holt, Nez Perce Tribe	Ted Sturdevant, WA Dept of Ecology
Jennifer L Morace, US Geological Survey	

### **Introduction and Invocations**

The Executive Meeting began with an invocation from Matt Wynne, Spokane Tribe of Indians Council member.

Dennis McLerran, Environmental Protection Agency (EPA) Region 10 Administrator, thanked Chairman Ernie Stensgar and Executive Director D. R. Michel, of the Upper Columbia United Tribes for hosting the meeting. Dennis provided the following opening comments:

- Appreciation for the turnout and the important, high-level conversations that will take place during the meeting.
- Noted that last year's Executive Meeting was a great first step in Columbia River Basin toxics reduction. One of the best outcomes of last year's Executive Meeting was the formal recognition of the Columbia River Toxics Reduction Working Group.
- Provided a brief summary of the five issue papers that will be discussed during the meeting.
- Appreciation was extended to Director Ted Sturdevant (State of Washington Department of Ecology) for his work on toxic reduction. Ted Sturdevant was recognized as a national and

regional leader in toxics reform/removal efforts including work on mercury-containing switches in automobiles, removal of flame retardant materials, and removal of lead and copper from common materials.

- In conclusion, Dennis McLerran thanked Oregon tribes for their work on the fish consumption issue, described the importance of the meeting at the Columbia River Inter-tribal Fish Commission (CRITFC) in May 2012 between Columbia River Basin tribes and EPA Administrator Lisa Jackson, and the formation of the Columbia River Basin Toxics Reduction Working Group.

**Identification of key toxics reduction actions/events by entity:**

**WA Ecology:** The collaborative efforts of the Spokane River Toxics Work Group to remove PCBs from the River.

**National Oceanic and Atmospheric Administration (NOAA) Fisheries:** Endangered Species Act (ESA)-related work on toxics including pesticide analysis/reduction.

**Confederated Tribes of Grand Ronde:** Work to reduce pesticide use in the forests of Oregon.

**USGS Northwest Region:** Education outreach on toxics, wastewater effluent research, and research on food web contaminants.

**Columbia River Inter-Tribal Fish Commission** – May 2012 meeting with EPA Administrator Lisa Jackson and Columbia River Basin Tribal Governments held at CRITFC; June 2012 Future of Our Salmon Conference; June 2012 Toxic Reduction Meeting at Portland State University: Affiliated Tribes of Northwest Indians fish consumption resolutions; and collaborative efforts with USGS on the Pacific lamprey and pharmaceuticals.

**Cowlitz Tribe:** Work to get smelt ESA-listed and monitoring/research on toxic effects to smelt; and advancing awareness of future threats to the lower Columbia River including the coal transport issue and mining in the Mt. St. Helens area.

**Lower Columbia Estuary Partnership:** Hosted EPA Administrator Lisa Jackson at a local school. Sponsored public events to bring awareness to pesticide collection, storm water education efforts, and pharmaceutical collection events (>10,000 pounds).

**Northwest Power and Conservation Council : Upper Snake River Tribes (USRT):** The growth and influence of USRT in the Columbia River Basin to form new meetings, and strengthen policy positions in the region due to increased staff and funding.

**Colville Tribes:** Petition to the EPA to CERCLA toxics contamination based on ground-breaking USGS research with metal toxicity on white sturgeon in Lake Chelan; partnership with Washington Ecology on hazardous waste cleanup; Upper CRB toxics reduction efforts, Colville Tribe's first foods/fish consumption survey, and forest practices to reduce toxics.

**Salmon Safe:** Voluntary third-party certification that products are salmon-safe and the Strategic Agriculture Initiative with EPA Region 10 to change from niche crops to production crops; and, grower management safe treatment tools.

**Kalispel Tribe:** Work to mitigate effects of nine hydroelectric power projects on 170 miles of the Kalispel Tribe's portion of the Pend Oreille River, and temperature, mercury, PCB, and lead work on the Pend Oreille River. The Kalispel Tribal Chairman has not touched the Pend Oreille River for 25 years due to its toxicity – and questioning whether his community can trust the river. Now that they are successfully catching and removing toxic invasive fish from the river demonstrates short-term success, but toxics reduction is needed for the long-term.

**Confederated Tribes of the Umatilla Indian Reservation (CTUIR):** Don't have lots of people with trust. Fish consumption rate increase in Oregon, recycling projects, use of "green" supplies, development and implementation of best management practices with other CRB tribes, no-till farming

efforts, reduced pesticide discharge in irrigation water, and protection of first foods – wants to talk about what we have learned to date and move those items forward.

**Upper Columbia United Tribes :** Wishes to see more improvement with pulp mills (e.g. pulp mill in Castlegar).

**Oregon Department of Environmental Quality (ODEQ):** A new Oregon comprehensive toxics reduction strategy with a focus on priority chemicals, with hope that the strategy will lead to partnerships (e.g. Pesticide Stewardship Partnership Workshop in Hood River, Oregon). ODEQ is also involved in green chemistry and appreciates the Oregon governor's executive order that requires the use of green products in government buildings and the toxics collection program

**U.S. Fish & Wildlife Service:** Biological opinion on ODEQ's water quality criteria (i.e. fish consumption rate).

**Spokane Tribe:** Tribal water quality standards implementation and follow-up testing.

**Spokane Riverkeeper:** The City of Spokane PCB settlement leading to improved stormwater management through innovative solutions.

**Columbia Riverkeeper:** Litigation efforts against illegal dischargers, work at Longview, Washington, education (e.g. smartphone apps), and collection of fines and putting them toward toxic reduction projects/efforts.

**Coeur d'Alene Tribe:** The Coeur d'Alene tribes is dealing with a moratorium on using the resources of the homelands; success with using NRDA to create settlement money used to put together restoration projects; and the EPA Record of Decision on a \$700 million cleanup on Lake Coeur d'Alene and the Coeur d'Alene River.

**Northwest Power and Conservation Council (NPCC):** NPCC investment of \$250 million in the Fish & Wildlife Program for restorative efforts in the CRB, anadromous fish toxicity studies and effects on consumers, Independent Science Review Board food web study, and NPCC revises/updates the Fish & Wildlife Program next year. Mr. Rockefeller asked for input from the executives on amendments to the Columbia Basin Fish and Wildlife Program to increase attention on toxics reduction.

**Idaho Department of Environmental Quality:** Human health water quality criteria standards being currently developed in Idaho and the Natural Resource Damage Assessments program funded by settlements that will not only be remediation, but also a multi-year open/collaborative process that requires trust in order to move into restoration.

**Kaiser Aluminum:** Spokane River PCB Task Force activities.

### **Presentation of Five Issue Papers**

The five issue papers are presented by the following topic and presenter.

Develop and Expand Sustainable Purchasing (Kevin Masterson, ODEQ)

Enhance Existing Effective Programs (Kevin Scribner, Salmon Safe)

Emphasize Need for Stormwater Controls (Josh Grice, Washington Ecology)

Address Chemicals of Emerging Concern (Jennifer Morace, USGS and Lyndal Johnson, NOAA)

Advocate for Resources and Reform (Dianne Barton, CRITFC and Catherine Corbett, LCEP)

### **Develop and Expand Sustainable Purchasing:**

- There needs to be more communication about successes and education on how everyone inside and out of government can make sustainable purchases.
- Organizations that receive federal funding should receive a credit from the government for buying green products since they are generally more expensive.

- Government agencies need to set an example with sustainable purchasing/green chemistry, which can also spur job creation and growth.
- All executives were challenged to come together and develop a singular sustainable purchasing list since there are so many varied list available currently.

**Enhance Existing Effective Programs:**

- Federal land management agencies (Bureau of Land Management, Forest Service, and Bureau of Reclamation) were not present at the meeting and they should be involved in the enhancement of existing programs.

**Emphasize Need for Stormwater Controls:**

- There needs to be stronger stormwater enforcement and permitting requirements throughout the CRB.
- Individuals need more information/assistance/education.
- Stormwater control issues are multifaceted and complex. Once toxics get in stormwater we have failed.
- EPA is supporting outreach work to engage the Hispanic community in Nampa, ID, in stormwater management; that project is a good model for reaching certain communities which historically have not been engaged in stormwater management
- Permitting is far too complex and that is a limitation

**Address Chemicals of Emerging Concern:**

- Concern expressed about nano-waste/chemicals.
- It was recommended that the group to develop a comprehensive list of chemicals of emerging concern that can be distributed and shared widely.
- It was recommended that a chemical of emerging concern precautionary principle should be instituted (e.g. similar to what is being done in Europe). If industry cannot prove chemicals are benign they cannot be marketed. We need to keep the burden on the manufacturers to not produce these chemicals; and, admit that we cannot keep up with regulating them one contaminant at a time – it's time for a paradigm shift to a long-term systematic change.
- There is not a single university chemical engineering program in the U.S. requires toxicology coursework.

**Advocate for Resources and Reform:**

- Funding should be made available to everyone, not just tribal governments, federal and state agencies, and non-governmental organizations.
- Toxics Substances Control Act (TSCA) is the only major environmental law that has not been updated since the 1970s.
- A strategy should be developed to ensure that TSCA is reformed; without a strategy reform measures will fail.
- Nez Perce Tribal Chairman Silas Whitman made it clear that TSCA reform is but one step in reducing toxics for all flora and fauna in the CRB. There needs to be tribal/federal/state collaboration to increase environmental standards.

At the conclusion of this conversation, it was agreed by the group that there would be six initiatives/groups that would be created led by various entities. Green Chemistry was added as a sixth group, to be led by EPA. As a follow up to this discussion, EPA would get back to agencies, tribal governments and other entities at the meeting to solicit staff participation in these groups to continue work efforts in the Columbia River Basin to reduce toxics.

### **Discussion on Regional Fish Consumption Work Efforts**

The rest of the afternoon focused on a discussion on regional fish consumption work efforts. Dick Pedersen, Kat Brigham and Paul Lumley shared information on the success of the Oregon Human Health Criteria/Fish Consumption work efforts as related to ongoing work efforts in WA and ID. Tribal Governmental representative shared some of their concerns with the ongoing work efforts and their recommendations for improvement. Here are some highlights of that discussion:

- At present, tribal communication with federal and state agencies is not satisfactory and needs to improve. There is blame to go around on all sides for failed communications.
- It is imperative that the EPA and states of Idaho and Washington work closely with the tribes on the fish consumption issue. All sides must also work with industry if the process is to be successful.
- The Umatilla Tribe stated that the Oregon process was incredibly difficult and it took a lot of tribal efforts to be recognized. The selling points of getting a 175 grams/day rate implemented in Oregon included: 1) the first foods concepts, 2) visualization of what 6.5 grams is versus 175 grams and, 3) implementing a high fish consumption rate is good for all, not just the tribes.
- OR DEQ clearly knew that 6.5 grams/day was not protective of any beneficial use. Setting a fish consumption rate was a policymaking decision because it was very difficult to determine what the correct rate should be. A first step in the decision-making process was to determine at what rate it could be realistically implemented on-the-ground. Finally, the necessity of building partnerships was emphasized which provided the ability to approve a 175 gram/day rate in Oregon.
- Oregon's fish consumption rate protects all populations. Conversely, Idaho and Washington are appearing to want to set different standards at different places (basin/subbasin approach). However, there can no longer be two Columbia Rivers (i.e. fish and no fish) – and cannot have state/federal policy be different for different groups of people.
- Concern was expressed about the dollars being funneled into restoration projects in the NW without paying attention to toxics reduction for those fish
- Tribal governments offered to assist in difficult discussion with the State Legislatures and with Industry.
- Dennis McLerran stated: In setting a fish consumption rate all parties must be at the table. Prior to disapproving Idaho's water quality standards EPA consulted with all Idaho tribes. Before an Idaho fish consumption rate can be set there needs to be more data collection. EPA has some money that can be used to do a tribal fish consumption survey in Idaho. Moving to Washington, it is going to be a challenging process to set a fish consumption rate due to push back from the legislature and industry. Fortunately there is a lot of good data in Washington. As with Idaho, tribes must be at the table in Washington. EPA wants to be a bridge between the states and tribes on the fish consumption issue. Contrary to what some believe, as long as a state is making a good-faith effort to update their water quality standards EPA cannot come in and promulgate a rule.
- Ted Sturdevant: Washington DOE recognize that a fish consumption rate of 6.5 grams/day is insufficient. Due to a large amount of misinformation, the fish consumption process has been very frustrating. A fish consumption rate is a balance between being protective and being implementable. Mr. Sturdevant stated that in the entire time he has been with Washington DOE he has never seen so much opposition to a project than there is with fish consumption. There is extreme political backlash from Republicans in Washington. However, Washington is moving forward with a higher fish consumption rate. All parties have to be engaged in the process and Washington DOE is willing to be flexible with the engagement process. Finally, fish consumption is not a technical issue. When Washington

DOE was approaching the issue as a technical one it got hammered. If they would have stayed that course the process would have blown up. However he agreed that he does want to have technical discussions with the tribes.

- Dennis McLerran suggested that EPA was amenable to a three government sovereign process and could help facilitate it. This could be particularly important since there are 29 tribes within the boundaries of Washington. Dennis McLerran committed to organizing a meeting between the tribes and the states if needed.
- The Colville Tribe just completed their resource use survey and they have found that the 90 percentile of the general public eats as much fish as do tribal members. A comment letter was provided to Washington Ecology on the sediment management standards rule revision process.
- All tribal/federal/state plans, no matter the issue, should discuss toxics. A regional toxics database is needed. All parties must be consistent and avoid hypocrisy. There needs to be a Basin-wide certification process (i.e. a large-scale Salmon Safe project).
- At the end of the day, think about politics/economics of cleaning up the Columbia River Basin, not about the economics/politics of industry.

### **Summary**

Dennis McLerran concluded the meeting by thanking all. Dennis McLerran is encouraged by the progress from the work group – although there's lots of work to do. There is a need for folks to be strategic within their own organizations. There's a need for the right people to be in the room – he heard lots of opportunities today, but we all need to take leadership and responsibility to make progress. He wants to meet next year and be shown results that we are making progress.