

April 1, 2010

Kathryn Hart, Chair  
Central Valley Regional Water Quality Control Board  
11020 Sun Center Drive, Suite 200  
Rancho Cordova, CA 95670-6114

***Re: Exposure Reduction Program Text in the Delta Methylmercury Basin Plan Amendment***

Dear Chairwoman Hart and Members of the Central Valley Regional Water Quality Control Board,

After careful consideration of the process and expedited timeline to create the Exposure Reduction Program text in the Basin Plan Amendment (BPA), we recognized a need to refine the program goals and intent within this document.

We, therefore, respectfully submit the following text to replace the Exposure Reduction Program section of the Basin Plan amendment text contained within the February 2010 staff report<sup>1</sup>:

***Exposure Reduction Program***

*While methylmercury and mercury source reductions are occurring, the Regional Water Board recognizes that activities need to be undertaken with people who eat Delta fish to reduce their methylmercury exposure and potential health risks. The Exposure Reduction Program is not intended to replace timely reduction of mercury and methylmercury in Delta waters.*

*The goal of the Exposure Reduction Program is to:*

*Meet the State Water Board's mandate and goal to protect the most sensitive of beneficial uses, that of subsistence fishing in quantities defined by individual choice, dietary needs, culture, and traditions. Actions developed through this Exposure Reduction program are intended to reduce individual exposure until methylmercury levels in the watershed are reduced to levels where people can eat fish freely.*

*The Central Valley Water Board will investigate ways, consistent with its regulatory authority, to address public health impacts of mercury in Delta fish, including activities that demonstrably reduce actual and potential exposure of and mitigate health impacts to those people and communities most likely to be affected by mercury in Delta caught fish, such as subsistence fishers and their families.*

*By [one year after Effective Date], Board staff shall work with dischargers, State and local public health agencies, tribes, and other stakeholders, including community-based organizations and*

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[http://www.waterboards.ca.gov/centralvalley/water\\_issues/tmdl/central\\_valley\\_projects/delta\\_hg/april\\_2010\\_hg\\_tmdl\\_hearing/apr2010\\_propbpa\\_exec\\_summ.pdf](http://www.waterboards.ca.gov/centralvalley/water_issues/tmdl/central_valley_projects/delta_hg/april_2010_hg_tmdl_hearing/apr2010_propbpa_exec_summ.pdf)

*Delta fish consumers, to complete an Exposure Reduction Strategy. The purposes of the strategy will be to recommend to the Executive Officer how dischargers and agencies will be responsible for participating in an Exposure Reduction Program and propose a process for developing, funding, and implementing the program in a collaborative manner. The dischargers, individually or collectively, or based on the Exposure Reduction Strategy, shall submit an exposure reduction workplan for Executive Officer approval by [one year after Effective Date]. The Executive Officer will have four months to review submitted workplans. The workplans shall address the Exposure Reduction Program objectives and dischargers' coordination with other stakeholders. Dischargers shall integrate or, at a minimum, provide good-faith opportunities for integration of community-based organizations and consumers of Delta fish into planning, decision making, and implementation of exposure reduction activities. In the absence of participation recommendations provided through the Exposure Reduction Strategy, methylmercury dischargers shall be individually responsible for implementing Exposure Reduction Program requirements that are first approved by the Executive Officer. The Exposure Reduction Program shall continue beyond 2030, if needed, until fish tissue objectives are attained.*

*The objectives of the Exposure Reduction Program are to demonstrably reduce actual and potential mercury exposure of Delta fish consumers most likely affected by mercury; through strategies that include but are not limited to outreach and education. These will include activities that reduce actual and potential exposure of and mitigate health impacts to those people and communities most likely to be affected by mercury in Delta caught fish, such as subsistence fishers and their families.*

*The Exposure Reduction strategies must include elements that:*

- *develop and implement community-driven activities to reduce mercury exposure;*
- *raise awareness of fish contamination issues among people and communities most likely affected by mercury in Delta-caught fish such as subsistence fishers and their families;*
- *integrate community-based organizations that serve Delta fish consumers, Delta fish consumers, and public health agencies in the design and implementation of an exposure reduction program; and*
- *identify resources, as needed, for community-based organizations to participate in the Program.*

*The dischargers are encouraged to implement their workplans as quickly as possible but shall fully implement them no later than one year after Executive Officer approval. Every three years after workplan implementation begins, the dischargers, individually or collectively, shall provide a progress report to the Executive Officer. The results of these exposure reduction activities shall be assessed and included in the report.*

*The State Water Board should develop a statewide policy that defines the authority and provides guidance for exposure reduction programs, including guidance on addressing public health impacts of mercury, activities that reduce actual and potential exposure of, and mitigating health impacts to those people and communities most likely to be affected by mercury.*

We thank you for your consideration of our revised text and look forward to working with the Board in future to ensure that the Exposure Reduction Strategies required in this BPA will be developed and implemented in a culturally appropriate and truly effective manner to protect our fishing communities.

Sincerely,

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