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Chairwoman Doduc and Board Members
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814



Re: Comments on the Public Scoping Document for Proposed Methylmercury Objectives for Inland Surface Waters, Enclosed Bays, and Estuaries in California

Dear Chairwomen Doduc and Board Members:

On behalf of Heal the Bay, we submit the following comments on the Public Scoping Document for Proposed Methylmercury Objectives for Inland Surface Waters, Enclosed Bays, and Estuaries in California ("Objectives"). We appreciate the opportunity to provide these comments.

An overarching goal in developing Methylmercury Objectives should be to protect *all* exposed populations. This includes sensitive populations such as children, pregnant women, and ethnic subsistence fishermen. As proposed, the Objectives have several non-conservative assumptions that will not be protective of all populations. For instance, Objectives are calculated using a human body weight of 70 kg (154 lbs) that reflects the weight of an average male consumer. This assumption should be re-evaluated to reflect the lower body weight of various sensitive populations including pregnant women and children. Also, the calculations use the 95th percentile consumption rate for consumers that was calculated in a study by the San Francisco Estuary Institute. By using the 95th percentile consumption level, the Objective would not be protective of 1 in 20 people. Thus, the consumption rate of 32 g/day should be re-evaluated. Using the 99th percentile consumption rate would be more protective and appropriate. Also if the results from the SFEI study are similar to the SCCWRP study completed in the Los Angeles area, certain ethnic groups like Pacific Islanders may consume fish at rates five times the average consumer. A truly protective approach would take the 95th percentile consumption rate of the most exposed ethnic group (e.g. Pacific Islanders). In addition, the State Board should provide further details on the development of the reference dose value of 0.0001 mg/kg. How were these risks determined?

In Exhibit 3, the Document outlines six alternatives for human health objectives for mercury. As discussed above, each of these alternatives is not protective because of certain assumptions made in the calculations. However in terms of approach, alternative "5" is the most promising. The use of a California-specific consumption values is logical, as well as using a bioaccumulation factor for trophic level 4 fish. Also converting the value to an ambient water quality objective would help with the ease of implementation. Thus, the State Board should pursue alternative "5" and modify the assumptions to reflect sensitive populations.



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In regards to implementation, Reasonable Potential Analysis should *not* be employed to determine whether a permit must include an effluent limitation for methylmercury. Dischargers should meet Objectives regardless of their past performance, as mercury is extremely toxic and should not be present at levels that would not be protective of resources and human health. Instead, all dischargers should be required to meet this threshold all of the time. Also, the State Board should not allow a variance procedure. Again, mercury is extremely toxic and should not be permitted in our environment at dangerous levels under any circumstances.

If you have any questions or would like to discuss any of these comments, please feel free to contact us at (310) 451-1500. Thank you for your consideration of these comments.

Sincerely,

Kirsten James, MESM
Staff Scientist

Mark Gold, D. Env.
Executive Director