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IMMEDIATELY

Nina Bell 503/295-0490

UNDER COURT ORDER, U.S. EPA DISAPPROVES OREGON'S WATER QUALITY STANDARDS FOR PROTECTION OF HUMAN HEALTH FROM TOXICS

Six years after a federal Clean Water Act deadline and under court order, the U.S. Environmental Protection Agency (EPA) has issued a decision disapproving Oregon's water quality standards for the protection of human health. EPA disapproved Oregon's standards for 103 toxic pollutants last week on the basis that, according to the agency, "Oregon has effectively determined that the fish consumption rate used in the 2004 criteria adoption was not sufficiently representative of Oregon's population."

The standards were submitted by the Oregon Department of Environmental Quality (DEQ) to EPA for approval under the Clean Water Act in July 2004. The federal law required EPA to have approved or disapproved the standards within three months. EPA took its action under a court order in a lawsuit brought by the Portland, Oregon-based Northwest Environmental Advocates (NWEA), which had challenged EPA's inaction.

"We are pleased EPA has finally disapproved Oregon's human health standards because it's been a very long time coming," said Nina Bell, Executive Director of NWEA. "EPA's six year delay is untenable, particularly considering that Oregon has been fiddling around with this issue for 10 years and it's been 15 years since the original study was completed. These agencies excel at providing lip service to the idea of environmental justice," she added.

In its decision, EPA disapproved Oregon's standards for 103 toxic pollutants, 55 of which are known to cause cancer and 48 of which have other toxic effects on human health. EPA's

decision makes frequent reference to the Oregon Environmental Quality Commission's (Commission) subsequent decision, in October 2008, to revise the 2004 criteria Oregon had already submitted to EPA. The Commission has proposed to revise Oregon's toxics standards based on a fish consumption rate of 175 grams per person per day, ten times greater than the national rate of 17.5 grams per day.

Bell strongly criticized EPA's decision for its failure to meet Clean Water Act requirements. "We are disappointed, but not surprised, that in making this long-overdue disapproval, EPA has continued to flout federal law," she said. "The Clean Water Act is clear: EPA must specify the changes needed to Oregon's standards and Oregon must make those changes in 90 days. In blatant disregard for the law, EPA has just told Oregon that one year from now is sufficiently soon. EPA continues to fiddle while Rome burns."

The greater the amount of fish consumed, the greater the health risks. When these higher fish consumption rates are factored into water quality standards, the standards become more strict. Water quality standards are used to identify state waters with unsafe pollution levels, to establish pollution limits for discharge permits, and to reduce pollution from other sources.

Bell also took issue with the content of EPA's decision, pointing out that EPA failed to make its own regulatory analysis of the health risks, instead relying on the Commission's later decision. "It is abundantly clear EPA is playing politics here," Bell said. "It wants to push Oregon to do the right thing while making sure that other states can continue to subject their most vulnerable citizens to the risks of cancer and other diseases."

Attorneys from the Pacific Environmental Advocacy Center (PEAC) at Lewis & Clark Law School represented NWEA in its lawsuit against EPA.

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