



August 21, 2015

(Via e-mail)

Ms. Paula Wilson
Idaho Department of Environmental Quality
1410 North Hilton
Boise, ID 83706

**RE: Docket No. 58-0102-1201 - Negotiated Rulemaking
Idaho Department of Environmental Quality Proposed Human Health Water
Quality Criteria (HHWQC) and Supporting Information**

Dear Ms. Wilson:

The American Forest & Paper Association (AF&PA) serves to advance a sustainable U.S. pulp, paper, packaging, and wood products manufacturing industry through fact-based public policy and marketplace advocacy. AF&PA member companies make products essential for everyday life from renewable and recyclable resources and are committed to continuous improvement through the industry's sustainability initiative - [Better Practices, Better Planet 2020](#). The forest products industry accounts for nearly 4 percent of the total U.S. manufacturing GDP, manufactures approximately \$210 billion in products annually, and employs nearly 900,000 men and women. The industry meets a payroll of approximately \$50 billion annually and is among the top 10 manufacturing sector employers in 47 states. The final water quality standards that result from this rulemaking will be applicable to AF&PA member facilities in Idaho. AF&PA, therefore, has a direct interest in this rulemaking.

AF&PA appreciates the opportunity to comment on the proposed HHWQC and supporting information presented during the August 6th public meeting. We appreciate Idaho Department of Environmental Quality's (IDEQ) work on this very important matter, and the open and deliberative process IDEQ has undertaken to gain a wide range of public input.

An AF&PA member and other companies in the forest products industry are members of the Idaho Association of Commerce & Industry (IACI). We have reviewed IACI's comments submitted on the proposed HHWQC and related information and we support those comments in their entirety. We also would like to highlight a few key points from the comments.

U.S. EPA risk policy as stated in the 2000 Human Health Methodology for deriving HHWQC for carcinogens is that criteria values with a risk level of between 1×10^{-6} and 1×10^{-5} for the general population are acceptable as long as the risk to more highly exposed subgroups (sport fishers or subsistence fishers) does not exceed the 10^{-4} level. It should be emphasized that HHWQC derived following the EPA guidance are extremely conservative no matter the chosen risk level, because of the “compounded conservatism” built into the equation. Compounded conservatism refers to the fact that the equation uses a deterministic approach, with many of the default exposure values in the equation at the extreme upper end of the possible range of values (e.g., assuming that all the drinking water that is consumed is contaminated at the criteria value and that the water is consumed for 70 years).

When considering the various risk levels under discussion it is important to emphasize that the levels are describing the average **excess** risk of contracting cancer over a lifetime that could be experienced by the target population. Accordingly, “ten to the minus fifth” or “one in one hundred thousand,” does not mean that with water quality criteria based on this risk level, the average person consuming fish has a one in a hundred thousand risk of contracting cancer over his or her lifetime. In reality it means that if water quality criteria are set based on a risk level of “ten to the minus fifth,” under the resulting criteria, the annual increased **excess** risk of cancer over the baseline risk of cancer in the target population is one in one hundred thousand.

The IACI comments, citing material previously submitted by ARCADIS, demonstrate that there is no measurable difference in the number of excess cancers expected for Idaho residents under criteria based on 1×10^{-5} versus 1×10^{-6} . Specifically, deriving criteria based on a 1×10^{-5} allowable excess lifetime cancer risk management goal for the population size of Idaho in 2012 would be expected to lead to an increase of 0.23 cancers per year among average Idahoans-- from 2570.00 to 2570.23 cancers per year in Idaho in 2012. Using a 1×10^{-6} excess lifetime cancer risk, the increase in annual cancer incidence would be 0.023 cancers—or going from 2570.00 to 2570.023 cancers per year. The difference in the number of excess cancers resulting from the application of criteria based on the different risk levels is so small it is not measureable, and would be lost in the year-to-year variation in cancer incidence. Moreover, as noted in the IACI comments, these calculations do not reflect that IDEQ is currently proposing to apply the 1×10^{-6} risk management goal to the 95th percentile of the general population, an even more stringent benchmark than used in the above example.

Water quality standards based on these HHWQC will result in unnecessarily stringent permit limits, some of which are unattainable at any reasonable cost, causing both the regulated parties and DEQ to spend time and scarce resources attempting to craft acceptable permits for Idaho dischargers—if such permits can be developed at all. As noted in the IACI comments, this will divert resources that could be better spent achieving actual risk reduction for the Idaho population.

AF&PA also supports the IACI comments on the DEQ “anti-backsliding policy” and the proposed policy on protection of downstream waters. Neither of those policies is required by the Clean Water Act or existing EPA regulations, and the former appears to ignore the best available science, which is supposed to be the foundation for state criteria.

Thank you for the opportunity to provide our comments. If you have any questions, please contact me at 202/463-2581 or jerry_schwartz@afandpa.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Jerry Schwartz". The signature is fluid and cursive, with a prominent flourish at the end.

Jerry Schwartz
Senior Director
Energy and Environmental Policy