

STATE OF WEST VIRGINIA

**EXECUTIVE DEPARTMENT
CHARLESTON**

**EXECUTIVE ORDER NO. 16-00
By the Governor**

WHEREAS, it is the role of the Executive Department to publicly disseminate information gathered by its agencies that protect and promote public health and safety; and

WHEREAS, in the course of discharging their statutory duties, the Division of Environmental Protection and the Division of Natural Resources develop and maintain extensive surface water and aquatic resource information; and

WHEREAS, the Bureau for Public Health coordinates with both agencies to evaluate the effects of impaired water quality on the safe human consumption of various species of the State's fish populations; and

WHEREAS, traditionally these agencies have cooperatively developed, maintained and used information, generally known as fish consumption advisories, to prepare and communicate to the public the possible adverse health risks of consuming various species of the State's fish population that may pose a threat of chronic or carcinogenic health effects; and

WHEREAS, the Bureau for Public Health has assumed primary responsibility for assessing and balancing the risks to human health from environmental contamination and developing the fish consumption advisories in collaboration with the divisions of Natural Resources and Environmental Protection that develop the data to support the advisories and to assist in disseminating the advisories to the public; and

WHEREAS, there is no statutory mandate to develop and disseminate fish consumption advisories, yet it is a necessary and proper function of the Executive Department to promote and protect the public health and safety of all West Virginians; and

WHEREAS, because there is no statutory mandate and the above agencies have heretofore cooperated informally to produce fish consumption advisories, it is a more efficient and responsive act of the Executive Department for the Bureau for Public Health, the Division of Environmental Protection and the Division of Natural Resources to develop an inter agency agreement in order to clearly define the objectives, obligations, principles, agency roles and responsibilities, funding needs and policies for developing and publicly disseminating fish consumption advisories.

NOW, THEREFORE, I, CECIL H. UNDERWOOD, GOVERNOR of the State of West Virginia, pursuant to and by virtue of the authority vested in me by the Constitution and laws of the State of West Virginia, do hereby ORDER the following:

1. The Bureau for Public Health, the Division of Environmental Protection and the Division of Natural Resources shall within sixty (60) days of this order work cooperatively to develop an inter agency agreement to establish, at a minimum, the purpose, objectives, obligations, fish consumption advisory principles, agency roles and responsibilities, funding needs, policies for developing and publicly disseminating fish consumption advisories and terms for modifications of the agreement. Upon completion of the inter agency agreement, the Bureau for Public Health shall submit the same to the Governor for review and approval.
2. The Bureau for Public Health, Division of Natural Resources and Division of Environmental Protection shall immediately establish and participate in an interagency technical committee, consisting of two members of each agency selected by the Corresponding Secretary or Director, and chaired by the Commissioner of the Bureau for Public Health for a total of seven (7) members, for the purpose of supporting development and modification of fish consumption advisory principles including, but not limited to, submittal of technical recommendations by all three agencies to assist the Bureau for Public Health in its issuance of fish consumption advisories. The Bureau

for Public Health, Division of Natural Resources, and Division of Environmental Protection may further revise or refine the role of the technical committee through their interagency agreement.

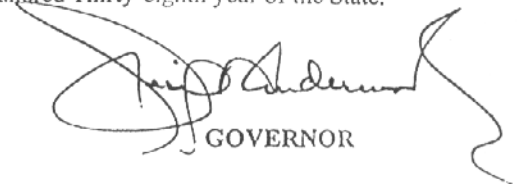
3. The Bureau for Public Health shall issue all fish consumption advisories.
4. The Bureau of Public Health shall have primary responsibility for preparing fish consumption advisories.
5. The Bureau for Public Health shall serve as the primary public and media contact for fish consumption advisories and may refer issues to appropriate technical experts, as necessary.
6. The Bureau for Public Health may request the assistance of the divisions of Natural Resources and Environmental Protection, through the interagency technical committee established herein, in the development of advisory recommendations, including risk assessment.
7. The Bureau for Public Health, Division of Natural Resources and Division of Environmental Protection, shall work cooperatively to support West Virginia fish consumption advisories and may contract with third parties for services relative to fish collection, fish tissue analyses, and data management.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the great seal of the State of West Virginia to be affixed.



BY THE GOVERNOR

DONE, at the Capitol, in the City of Charleston, State of West Virginia this the Eleventh day of September, in the year of our Lord, Two Thousand, and in the One Hundred Thirty-eighth year of the State.


GOVERNOR


SECRETARY OF STATE