

West Virginia Fish Consumption Advisory

INTERAGENCY AGREEMENT

Between

**West Virginia Bureau for Public Health
West Virginia Division of Environmental Protection
West Virginia Division of Natural Resources**

November 8, 2000

Note: This file copy of the Interagency Agreement is unsigned. A signed copy of the agreement will replace this file in the near future.

I. Background

Consistent with Executive Order No. 16-00, dated September 11, 2000, the Bureau for Public Health (BPH), the Division of Environmental Protection (DEP), and the Division of Natural Resources (DNR) hereinafter, "the Agencies," have entered into this Interagency Agreement to establish objectives, obligations, fish consumption advisory principles, agency roles and responsibilities, funding needs, and policies for developing and publically disseminating fish consumption advisories.

The Agencies recognize the need for effective coordination, protection, management, and communication relating to the State's water resources, consumption of fish taken from the State's waters, and the need to protect the public health and welfare, and mutually agree that a cooperative and coordinated approach to developing and disseminating fish consumption advisories, as outlined in this Interagency Agreement, is in the best interest of the State and its citizens. This Interagency Agreement will maximize the use and enjoyment of the State's abundant water resources while assuring that the public is meaningfully informed of potential risks associated with eating certain types of fish from certain waters in the State.

II. Parties

The BPH, by and through its Commissioner or designee, the DEP, by and through its Director or designee, and the DNR, by and through its Director or designee, are parties to this Interagency Agreement.

BPH has statutory authority for matters affecting or potentially affecting the public health of the State's citizens, and has participated in past dissemination of fish consumption advisories due to its interest in environmental health and the impact of fish consumption on the public's health and welfare.

DEP has statutory authority for matters affecting water quality, including assessment of water quality, and has in the past participated in developing and disseminating fish consumption advisories due to its interest in measuring the quality of the waters of the State.

DNR has statutory authority for matters affecting fish and wildlife management, including sport fishing and other activities relating to the public's use of fishery resources.

III. Purpose

The Agencies mutually, and in coordination and collaboration, establish the following elements and objectives necessary for the future development and dissemination of fish consumption advisories for fish taken from West Virginia's waters.

- (1) Selecting sites, and collecting and evaluating fish tissue contaminants and other relevant data relating to fish consumption;
- (2) Establishing a database of primary contaminants, waterway locations, fish species, consumption patterns, contaminant concentrations and persistence and other relevant factors;
- (3) Adopting a risk (public health) based fish consumption protocol (chronic and/or acute) and developing guidelines for use by the general public.

- (4) Developing and implementing a policy for communicating fish consumption advisory information.

IV. Interagency Technical Committee

It is mutually agreed that the Agencies will establish and participate in an Interagency Technical Committee, hereinafter referred to as the "Committee," consisting of two members from each agency selected by the corresponding Secretary or Director and chaired by the Commissioner of the Bureau for Public Health or his designee. The committee will seek to leverage expertise of committee members when recommending meeting attendance relevant to the program until such time that funding is available to provide for a program coordinator.

The Committee will support development and modification of fish consumption advisories, based upon but not limited to, the fish consumption advisory principles set forth in Section V for the purpose of making technical recommendations to the BPH Commissioner.

The Committee will work collectively to implement guidelines contained in "*West Virginia Sport Fish Consumption Advisory Guide*," and establish sites for annual fish tissue collections.

The Committee will develop and recommend to the Commissioner methodologies for each agency to effectively communicate consumption advisories to the public.

The Committee shall keep meeting minutes and furnish them to the signatories. The committee will recommend to the Commissioner, or designee, agenda items and outcomes for the meetings which will be held biannually or more frequently as needed.

The Committee will sequence fish tissue collection efforts with the West Virginia Watershed Management Framework assessment cycles where practicable. On an annual basis, the committee will evaluate all existing advisories to recommend any needed changes.

V. Fish Consumption Advisory Principles

The Agencies mutually agree that fish consumption advisories should be designed to protect both children and adults from adverse chronic and acute, as well as carcinogenic health effects when consuming fish taken from waters of the state. Specifically, the Agencies agree that the protocol for fish consumption advisories will be applied based on the following underlying principles:

- (1) Whenever differences exist between chronic and carcinogenic based advisories, the most conservative (protective) threshold will be applied.
- (2) Advisories will be based on a 10^{-4} (1:10,000) risk level.
- (3) Advisories will be based on a 227-gram (8 ounce) meal serving for adults and a 52.5-gram (3 ounce) meal serving for children.
- (4) Advisories will be based on the body size of 70 kilograms (155 pounds) for adults and 14.5 kilograms (32 pounds) for children.
- (5) When fish tissue analyses suggest conflicting advisory levels, the Interagency Technical Committee will meet to develop a consensus recommendation on the most

appropriate consumption level protective of public health. In the event a consensus is not reached, the technical committee will provide the BPH Commissioner with alternatives for review and final decision.

VI. FUNDING

Current agency budgets are insufficient to fund implementation of the goals and objectives of the fish consumption advisory program. The participating agencies agree to jointly pursue funding from the West Virginia legislature and from other state and federal sources to achieve these goals and objectives. The technical committee will identify annual program funding needs and recommend those to the Commissioner of the BPH for consideration for inclusion in the agency's annual budget request. The Directors of DNR and DEP agree to support the BPH Commissioner's efforts to seek general revenue funds to meet the fish advisory program annual needs.

VII. Agency Roles

Bureau for Public Health

The BPH will issue fish consumption advisories, as funding and resources permit, based on recommendations from the Interagency Technical Committee and data provided and collected by the DEP and DNR.

The BPH may request the assistance of the DNR and DEP, through the Interagency Technical Committee, in development of advisory recommendations, including risk assessment.

The BPH will have the primary responsibility for preparing fish consumption advisories, based on recommendations or alternatives from the Interagency Technical Committee.

The BPH will serve as the primary public and media contact for fish consumption advisories and may refer issues to appropriate technical experts, as necessary, including DEP and DNR.

Division of Environmental Protection

The DEP will arrange for analytical analysis of tissue samples as funding and resources permit. These arrangements are to include: (a) preparing laboratory contracts; (b) securing and awarding laboratory bids; (c) interim sample storage and (d) shipping of samples to the laboratory.

DEP will maintain a fish tissue contaminant database and provide tabulated results of this data to the Committee for the purpose of developing advisory recommendations.

DEP will assist DNR in fish processing where practicable.

Division of Natural Resources

DNR will collect and process fish at the designated locations and conduct surveys, as funding and resources permit, to assess consumption habits of anglers.

DNR will use its current mechanisms for communicating fishery information to also communicate fish consumption advisory information.

VIII. Term of Agreement; Modification; Termination

This Interagency Agreement will remain in effect until and unless it is amended in writing by mutual agreement of the parties or until terminated by any party upon thirty (30) days notice in writing to the other parties of the intention to terminate upon a date indicated.

IX. Key Officials

The officials instrumental to the administration of the Interagency Agreement, including approving, reaffirming or termination, will be the Commissioner of the Bureau for Public Health, the Director of the Division of Environmental Protection, and the Director of the Division of Natural Resources.

X. Limitations

Nothing in this Agreement shall be construed as obligating any party hereto or any other public agency to expend funds in excess of or in contradiction of the purpose for which appropriations were authorized by law. A copy of the Agreement with all original signatures shall constitute an original Agreement.

In Witness Whereof, the parties thereto enter into this Memorandum of Agreement to become effective upon the date on the front of this document.

**West Virginia Department of Health and Human Resources
Bureau for Public Health**

Henry G. Taylor, M.D., M.P.H.
Commissioner

Date

West Virginia Division of Environmental Protection

Michael C. Castle
Director

Date

West Virginia Division of Natural Resources

John B. Rader
Director

Date