

BOG Meeting Summary

March 2, 2010

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Topic Discussed: Listing Policy for Fish Tissue Data

The group reached consensus on the following recommendations:

1. **The current requirement that samples be collected on at least two different dates and/or from two different locations should not apply to fish tissue samples.** A water body could be listed if multiple fish tissue samples collected from the same location on the same date exceed listing thresholds.

Rationale: Fish bioaccumulation represents an integration of conditions in the water body over time (due to the kinetics of uptake and depuration) and over space (because fish and their prey move around). Therefore two samples, even if collected on the same date and in the same location can provide a good representation of conditions in the water body. (Caveat: For larger water bodies, multiple sampling locations are desirable.)

2. **The specific minimum data requirement for listing** should be:
 - at least 2 composites representing at least 9 fish total, or
 - at least 9 fish analyzed individually with an average concentration above the threshold.
3. **Assessment Thresholds for Fish Tissue – Listing decisions should be based on the advisory tissue levels for no consumption developed by OEHHA, or on statewide fish tissue objectives developed by the State Water Board. The use of more stringent guidelines can be applied on a site-specific basis if circumstances exist (e.g., unusually high consumption rates, environmental justice issues) that make application of more protective guidelines appropriate.**

Rationale: The advantages of this approach are:

- Many lakes exceed the no consumption ATLS (more than 20% of those sampled in the Lakes Survey). These lakes should clearly be a priority for development of safe eating guidelines and cleanup plans. Using the no consumption ATLS for listing will focus attention and resources on the lakes that clearly need it, and avoid wasting limited resources on lakes where the need for action is more ambiguous. More stringent thresholds can always be applied in a general manner later if advances in understanding warrant that approach.
- Consistency with the message that OEHHA is striving to communicate to the public regarding the balance of benefits and risks of fish consumption.

Consistency among agencies in this regard will reduce public confusion and promote clearer communication of this important information.

4. **The current listing policy that requires listing when advisories exist should be reexamined.**
Rationale: In recent years “consumption advisories” have evolved into “safe eating guidelines” that are intended to encourage limited consumption of fish with lower levels of contamination. It is really the safe eating guidelines that recommend no consumption of certain species that should trigger listings. This could potentially be addressed in the guidance document that accompanies the listing policy. Jessie Maxfield will follow up on how to tackle this with the listing policy unit.
5. **The BOG should be involved in the process of developing the statewide objective for mercury in fish tissue.**
6. **The State Board should develop a definition of the fishing beneficial use that can be applied consistently by all of the Regions.**
7. **The State Board should consider developing statewide fish tissue objectives for other contaminants to facilitate assessment of fish monitoring data.**