

# Focus on: Human Health Criteria 2024 rule

## Ecology's proposed rule

We propose to adopt the existing federal water pollution limits for human health criteria (HHC) into state rule.

This proposal would replace the state-adopted human health criteria with the federal human health criteria numbers the U.S. Environmental Protection Agency (EPA) set for Washington in 2016 and 2022.

**The proposed rule will not result in any change in the pollution limits already effective in Washington.** The federal criteria are already in effect for the state.

## What are water quality standards?

The state's water quality standards (173-201A WAC) set limits on pollution in our lakes, rivers, and marine water to protect beneficial uses, such as swimming and fishing. The water quality standards are used to identify polluted waters, set levels for water clean up, and are implemented through discharge permits and other regulatory mechanisms under the federal Clean Water Act.

The standards have a set of limits set to protect [aquatic life](#), such as fish and invertebrates, from the effects of toxic chemicals in the water, which we recently updated. And a set of limits to protect people called the human health criteria.

**Human health criteria** are pollution limits on toxic substances that are set to protect people, particularly those who eat fish and shellfish and drink untreated water, from experiencing the long-term health effects of pollution in rivers, lakes, and marine water in Washington.

This proposed rule would replace 143 human health criteria for 73 pollutants. In addition, we

propose to adopt three criteria for two pollutants that EPA put in place for Washington in 2016 that were not adopted in the original state criteria.

The remaining state criteria for 27 pollutants will stay in place, as these numbers were already approved by EPA in 2016.

## Reason for updating the rule

Currently to find Washington's human health criteria you need to go to two places, a federal toxics regulation for Washington and our state Water Quality Standards. By adopting the federal requirements into state rule, all of the regulations will be in one place.

Also, this change will help provide durability and regulatory certainty for pollution limits that were set to protect human health, including for vulnerable populations, from the harmful effects of toxic substances.

During another recent rulemaking, Ecology received requests to prioritize making this change.

## Why this rulemaking is unique

Usually, we start rulemaking by announcing our intent to start the rulemaking process (CR-101) and gathering input as we develop the rule. However, we are starting this rulemaking at the rule proposal phase (CR-102), which opens the formal public comment period and provides draft rule language. We are doing this because we intend to adopt a federal regulation without any changes.

That makes this rulemaking exempt from the CR-101 and from completing analyses required under the Regulatory Fairness Act (RCW 19.85), following the Administrative Procedure Act (RCW 34.05).

## How can I comment?

We are accepting comments on whether Ecology should adopt the federal human health criteria into state rule from 12 a.m. on Sept. 17, 2024, until 11:59 p.m. on Oct. 25, 2024.

- You can [submit comments online](#)
- By US Mail (must be postmarked by Oct. 25, 2024):

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WA Department of Ecology  
PO Box 47696  
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- At the public hearing listed below.

Please note, any information (e.g., personal or contact) you provide in a comment or in an attachment may be publicly disclosed and posted on the Internet.

## Public Hearing

The hearing will begin with a short presentation about the proposed rule, followed by a question and answer session. Formal testimony will start after the question and answer session. The hearing will conclude once everyone who wants to provide testimony has had the opportunity to do so. Written comments will receive the same consideration as oral testimony.

## Webinar hearing – Oct. 22, 2024, 5:30 p.m.

[Register for the webinar](#)

Join via phone: 1 253 205 0468 US  
Meeting ID: 817 7588 3192

## Next steps

Following the public comment period, we will review and respond to comments received. We expect to make a final decision on the rule adoption by the end of the year.

We will only move forward with this rulemaking if adopting the exact federal human health criteria that are already in place.

A separate rulemaking process would be needed to consider making any changes to the human health criteria for Washington.

## Environmental Justice Assessment

This rulemaking will include an [Environmental Justice Assessment](#), as required under Washington's [HEAL Act](#). Ecology will finish the assessment prior to finalizing the rule.

## Background

Having human health criteria in Washington that is protective is critically important. For over a decade, Tribal governments, communities, and state and federal governments have worked to establish updated criteria. Ecology's proposed rule to adopt the existing federal criteria in place for Washington would be the last step in this process.

**2016:** after a lengthy and collaborative state rulemaking process, EPA disapproved some of our state standards and set federal limits in their place.

**2019:** EPA initiated a process to remove their limits and approve the 2016 state limits, which were still in the state standards. Ecology did not support this reversal. We had already started implementing the federal rules.

**2020:** EPA's reversal process was finalized.

**2021:** EPA started a federal rule process to reinstate their federal limits, which we supported.

**2022:** EPA finalized the federal rule, once again setting their federal limits in place for 73 pollutants in water.

## Related Information

- [Rulemaking page](#)



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To request an ADA accommodation, contact Ecology by phone at 360-407-6600 or email at [marla.koberstein@ecy.wa.gov](mailto:marla.koberstein@ecy.wa.gov), or visit <https://ecology.wa.gov/accessibility>. For Relay Service or TTY call 711 or 877-833-6341.