

Testimony in Support of HB 3814

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Pacific Seafood

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Chair Lively, Vice Chairs, and Members of the House Committee on Climate, Energy, and Environment,

Thank you for the opportunity to testify in support of HB 3814, as amended. My name is Amy Wentworth and I serve as the Senior Director of Environmental Health and Safety for Pacific Seafood, which operates multiple processing facilities along the Oregon coast which are affected by this bill.

This bill, as amended, does **not** exempt seafood processors from meeting the requirements of the Clean Water Act nor does it exempt processors from the state requirements for meeting water quality standards. Instead, it will establish a mixing zone for determining the bacteria limits in NPDES wastewater permits. Currently, mixing zones are not granted to seafood processors since there is not a clear pathway for DEQ to allow for mixing zones in the regulations. In other industries where raw sewage is treated and discharged, such as at wastewater treatment plants that manage human wastes, there are end-of-pipe bacteria limits established to minimize the potential for pathogens known to occur in warm-blooded animals (such as humans and livestock) to negatively impact the beneficial and recreational uses of the receiving water of treated discharges.

The seafood industry does not receive, treat, or discharge any effluent from warm-blooded animals, and in fact, is prohibited from doing so through the protective NPDES permits regulated by DEQ. Only discharges from seafood (i.e., cold-blooded animals) are permitted.

Cold-blooded animals do not actually have fecal coliforms. Fecal coliforms are specifically in the gut and feces of warm-blooded animals; therefore, seafood does not, biologically, have fecal coliform. Seafood processing is not a fecal source other than the amount transferred incidentally from other sources such as birds. This critical fact drastically diminishes the ability for fecal coliforms to proliferate in seafood processing facilities. Pacific Seafood adheres to strict food safety requirements, and we conduct many swab tests daily to check for microbial pathogens in our facilities, equipment, and products. We follow stringent cleaning and sanitizing standards to ensure that we deliver healthy, high quality, and reliably safe seafood to market.

The EPA has researched and published a report in 2024 that found the potential risk signaled by indicator bacteria such as fecal coliforms from non-human feces, such as bird droppings, is orders of magnitude lower than the risk signaled by those indicator bacteria from a human fecal source. Since the potential risk for harm to the recreational and beneficial uses of a water body that receives treated effluent from seafood processors is significantly lower than sources that treat human wastes, the establishment of a mixing zone for determining the permit limits for bacteria is fully protective of water quality standards. It is also important to note that The Clean Water Act does not require end-of-pipe limits for bacteria – in other words it does not prohibit mixing zones from being applied. In fact, mixing zones are used for every single water quality based effluent limit established by DEQ in NPDES permits for seafood processors, with one exception: bacteria.

With the new EPA guidance (EPA 822-R-24-013 “Technical Support Materials: Developing Alternative Recreational Criteria for Waters Contaminated by Predominantly Non-Human Fecal Sources” July 2024), years of scientific data has been recognized by the agency that supports distinguishing warm-blooded fecal sources from cold-blooded fecal sources. Seafood processors, if granted a mixing zone for establishing bacteria limits, would still be required to meet or exceed all protective measures for treating bacteria. In fact, DEQ requires permittees that are granted a mixing zone for compliance with water quality criteria to use the best available treatment technology that is economically achievable.

I urge your support for HB 3814, as amended, and I appreciate the chance to give my testimony today.