



March 18, 2014

Clean Water Action has more than 150,000 members throughout the states of Pennsylvania, Maryland, Virginia, Delaware and the District of Columbia. Clean Water Action is the nation's largest grassroots group focused on water, energy and environmental health. Clean Water Action's one million members work for clean, safe and affordable water, prevention of health-threatening pollution, and creation of environmentally-safe jobs and businesses. Clean Water Action's nonpartisan campaigns empower people to make democracy work.

Clean Water Action shares the a similar vision with the Chesapeake Bay Program Partners by “[envisioning] an environmentally and economically sustainable Chesapeake Bay watershed with clean water, abundant life, conserved lands and access to the water, a vibrant cultural heritage, and a diversity of engaged citizens and stakeholders.” However, the drafted agreement does little to protect the public’s health from chemical contamination and preparing for a “changing environment.”

Clean Water Action urges the Chesapeake Bay Program to address the impacts of climate change and establish toxic contaminant reduction goals, including but not limited to PCBs, PAHs, pesticides, mercury, pharmaceuticals and endocrine disruptors.

The Final Agreement Must Incorporate Goals Related to Toxic Reduction:

A September draft of the Agreement included two provisions to address these toxic issues – but they were stricken from the current draft. These outcomes should be added to the Water Quality goal. Their inclusion is necessary to meet the goal of reducing pollutants to achieve water quality necessary to protect human health, as well as to support recreation, and provide a clean and biologically healthy aquatic habitat for wildlife. Further, the Bay Program has a long history of commitment to reducing toxic contaminants, which it should continue.

- Toxic Contaminants Reduction Outcome: By 2015, identify existing practices and propose an implementation schedule for new practices, if necessary, to reduce loadings of PCBs and mercury to the Chesapeake Bay and its watershed.
- Toxic Contaminants Research Outcome: By 2015, assess ongoing research and develop an agenda for new research, if needed, to improve knowledge of the effects of contaminants of emerging concern on the health of fish and wildlife so future strategies can be considered.

Chesapeake Bay watershed states should continue the long-held goal of a Bay free of toxic chemicals by reducing or eliminating the input of chemical contaminants from all controllable sources to levels that result in no toxic or bio-accumulative impact on the living resources that inhabit the Bay or on human health.

According to the EPA, more than half of all toxic water pollution in the country comes from power plants, making coal-fired power plants the number one source of toxic water pollution in the U.S. The human



health impacts from this pollution are serious. The discharges are filled with toxic pollution such as mercury, arsenic, lead, and selenium – heavy metals that can cause neurological and developmental damage, cause harm in utero, damage internal organs and cause cancer. The Agreement should include reducing toxic water pollution from power plants by 2025 under the Water Quality goal.

The Chesapeake Bay Program Watershed Agreement must specifically target toxic compounds, including pesticides, pharmaceuticals, mercury, PCBs and PAH's and include the following in the 2014 CBP agreement:

- **Goal- Toxics:** The effects of thousands of chemicals and the mixtures of those chemicals in our waterways are some of the least understood influences on the Chesapeake Bay and its watershed tributaries. The addition of known eco-toxins and endocrine disrupting chemicals to our waterways makes it necessary to increase research and re-emphasize the goal of the Clean Water Act to reduce these chemicals. Our goal is to improve knowledge of the effects of toxic contaminants on the health of fish, wildlife and the public by 2015 so strategies can be determined to reduce loadings of PCBs, PAH's, pesticides, pharmaceuticals and mercury in order to return water to the ecosystem that has the least amount of chemicals of any kind, and has no toxic or bio-accumulative impact on living resources or on human health.
- **Monitoring Outcome:** Jurisdictions will address toxic contaminant data gaps as outlined in the 2012 Toxic Contaminants in the Chesapeake Bay and its Watershed: Extent and Severity of Occurrence and Potential Biological Effects Report; Jurisdictions will increase their own monitoring of the toxics identified in the Toxic Contaminants Report, and their cooperation with federal agencies currently working to improve our understanding of toxics and potential toxics in order to identify and implement strategies for reducing occurrence and impact of toxic contaminants in the Chesapeake Bay.

The Final Agreement Must Incorporate Goals Addressing The Impact of Climate Change:

A September draft of the Agreement also considered that “a goal should be *explicitly included* for adaptation to and management of climate change, especially regarding sea level rise, arming effects on spawning and Bay grasses, and increasing storm intensity, which will contribute to storm water runoff and erosion.” Not only was this goal omitted, language that was incorporated was limited to:

- **Preamble:** Much progress has been made, but there is more to do especially in the face of continued challenges such as changes in population, loss of farm and forest lands and changing environmental conditions.
- **Principles:** The Partners will: Anticipate changing conditions, including long-term trends in sea level, temperature, precipitation, land use and other variables.



- Management Strategy Development and Implementation: Management strategies may address multiple outcomes if deemed appropriate. Goal Implementation Teams will re-evaluate biennially and update them as necessary, with attention to changing environmental and economic conditions. Policy changes to address these conditions and minimize obstacles to achieve the outcome may be identified.

The draft Agreement fails to acknowledge or address climate change or its impacts. Adapting to climate change should be included throughout the Vital Habits section, where outcomes such as tidal wetlands (sea level rise) and brook trout habitat (warming waters) are threatened by the impacts of climate change. The Land Conservation section should direct land use planning to adapt to climate change impacts related to sea level rise.

In the Preamble of the agreement, fourth paragraph, instead of “anticipates changing conditions, including long-term trends in sea level rise...” it should say “both addresses on-going climate impacts and anticipates changing conditions, including long-term trends in sea level, temperature, precipitation, and other aspects of environmental variability caused by climate change.”

Chesapeake Bay watershed states should invest in ongoing scientific analysis of climate change and sea-level rise in the Chesapeake Bay watershed and make use of the best available science to adopt policies designed to reverse or alleviate the impact of climate change and sea-level rise in the Bay watershed.

It is important that any agreement that reflects future commitments to restore the Chesapeake Bay should address environmental justice goals and to make specific commitments to reduce the toxic burden that has historically been especially burdensome to lower income communities that are disproportionately of color. Similarly, it is expected that the worst impacts of the growing climate crisis will affect communities with the least resources – compounding the many catastrophic results of climate change with environmental injustice.

Sincerely,

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