

# DEPARTMENTAL MANUAL

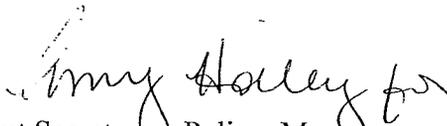


# TRANSMITTAL SHEET

PART 515 DM 5	SUBJECT ENVIRONMENTAL QUALITY PROGRAMS	RELEASE NUMBER No 3939
FOR FURTHER INFORMATION, CONTACT Office of Environmental Policy and Compliance	Environmental Management Communication of Fish and Shellfish Consumption Advisories	DATE FEB 23 2012

## **EXPLANATION OF MATERIAL TRANSMITTED:**

This Departmental Manual Release (515 DM 5) is a new chapter. It establishes Departmental policy for Department of the Interior properties that allow fishing and shellfishing. It establishes policy for providing anglers with information regarding fish and shellfish consumption advisories in effect for waters of the Department's properties and the risks to human health associated with eating specific fish and shellfish caught in those waters.

  
Assistant Secretary Policy, Management and Budget

## FILING INSTRUCTIONS

Remove:

None (New Chapter)

Insert:

515 DM 5 (2 Sheets)

## Department of the Interior Departmental Manual

---

**Effective Date:** 02/23/2012

**Series:** Environmental Quality Programs

**Part 515:** Environmental Management

**Chapter 5:** Communication of Fish and Shellfish Consumption Advisories

**Originating Office:** Office of Environmental Policy and Compliance

---

### 515 DM 5

5.1 **Purpose.** The purpose of this policy is to establish Departmental policy to communicate fish and shellfish consumption advisories when practicable on DOI lands and facilities under the jurisdiction of DOI or one of its bureaus (henceforth DOI properties) that allow fishing and shellfishing to provide information to anglers where practicable regarding:

- A. Fish and shellfish consumption advisories in effect for waters of DOI properties; and
- B. The risks to human health associated with eating specific fish and shellfish caught in those waters.

### 5.2 **Fish and Shellfish Advisories.**

A. The U.S. Environmental Protection Agency's (EPA) National Listing of Fish Advisories contains more than 3,800 State and Tribe-originated advisories in effect for all states and territories, the District of Columbia, Puerto Rico, and several Indian Tribes. (For simplicity, the policy will refer to this group of jurisdictions as "States and Tribes"). States and Tribes issue advisories for specific waters in their jurisdictions. In 2004, the EPA and Food and Drug Administration (FDA) issued joint, nationwide advice regarding mercury in fish and shellfish. During the same year, the American Medical Association adopted a policy that includes recommendations that vulnerable populations follow Federal, State, Tribal, and local advisories on fish consumption and that physicians apprise their patients about fish and shellfish consumption advisories.

B. The Department wants to ensure that all anglers catching and consuming fish and shellfish from DOI properties are aware of applicable advisories.

5.3 **Scope.** This Departmental policy applies to appropriate DOI lands and facilities where fishing and shellfishing are allowed.

5.4 **Authorities.** In addition to the authorities listed below, some bureaus have enabling authorities for specific units that address fisheries resources or public health.

- A. National Park Service Public Health Program Management Policy 8.2.5.5.
- B. National Park Service Organic Act of 1916, 16 U.S.C. 1, as amended.
- C. Fish and Wildlife Act of 1956 16 U.S.C. 742a-742j, as amended.
- D. National Wildlife Refuge System Administration Act of 1966, 16 U.S.C. Sec. 668dd-ee, as amended.
- E. Alaska National Interest Lands Conservation Act (ANILCA), 16 U.S.C. 410hh-3233, 43 U.S.C. 1602-1784.
- F. Reclamation Act, June 17, 1902, 43 U.S.C.391 et seq., and acts amendatory and supplementary thereto.
- G. Federal Water Project Recreation Act of 1965 (Pub. L. 89-72; 79 Stat. 213, 214; 16 U.S.C. 460/ et seq.), as amended.
- H. Conservation of Wildlife, Fish and Game Act of March 10, 1934 (Pub. 73-121; 48 Stat. 401) as amended by the Fish and Wildlife Coordination Act of August 14, 1946, 16 U.S.C. 661 666c.

#### 5.5 **Definitions.**

- A. Anglers. Includes people who are catching fish and shellfish by any method.
- B. Fish and Shellfish Advisories. Fish and shellfish advisories inform people, including recreational and subsistence anglers, about the potential human health risks from consuming fish and shellfish caught in water bodies including lakes, rivers, coastal waters, canals, and reservoirs. Advisories can encourage reduced consumption of fish and shellfish or provide information on certain fish and shellfish that are unsafe to eat. Many State, Tribal, and Federal advisories now balance that information with the health advantages of eating certain types of fish or shellfish that tend to be low in contaminants.
- C. DOI Field Manager. Highest ranking official at a DOI facility.

5.6 **Policy Statement.** The Department's policy is to provide information to anglers on DOI properties about applicable fish and shellfish advisories.

5.7 **Implementation.** DOI field managers must take the following actions, as appropriate:

- A. State and Tribal Advisories. Identify and stay up-to-date with State and Tribal advisories in effect for waters on DOI properties, including multiple advisories for adjoining

States and Tribal lands. The States and Tribes maintain the most current and accurate list of advisories, often these are available through the State government or Tribal website or on EPA's national listing of advisories online at:

[http://water.epa.gov/scitech/swguidance/fishshellfish/fishadvisories/advisories\\_index.cfm](http://water.epa.gov/scitech/swguidance/fishshellfish/fishadvisories/advisories_index.cfm).

B. EPA/FDA Advisory. Become familiar with the EPA/FDA joint mercury advisory, which is available at the following EPA Fish Advisory Website:

[http://water.epa.gov/scitech/swguidance/fishshellfish/fishadvisories/advisories\\_index.cfm](http://water.epa.gov/scitech/swguidance/fishshellfish/fishadvisories/advisories_index.cfm).

The principle EPA/FDA recommendations are as follows:

- (1) Do not eat fish and shellfish that have high levels of mercury;
- (2) Limit intake of fish and shellfish with lower levels of mercury; and
- (3) Check local advisories about the safety of fish caught in local rivers, lakes, and coastal areas. State, Tribal, and Federal health authorities sometimes amend advisories based on new scientific information.

C. Communication of Advisories. Strive to actively and effectively communicate fish and shellfish advisories concerning DOI properties to anglers, including those who do not speak, or have limited ability to speak English. Field managers should always emphasize that advisories relate to fish and shellfish *consumption*, and that recreational fishing and shellfishing is still a wholesome activity. Examples of actions that field managers can take include the following:

- (1) Post or make available State and Tribal outreach materials, such as leaflets and signs, at visitor contact points to fishing and shellfishing areas.

- (2) Post or make available EPA outreach materials on fish and shellfish advisories, fish and shellfish consumption, and fish preparation and cooking at visitor contact points and at or near known access points in fishing areas. Outreach materials can be found on the EPA Fish Advisory Website:

[http://water.epa.gov/scitech/swguidance/fishshellfish/fishadvisories/advisories\\_index.cfm](http://water.epa.gov/scitech/swguidance/fishshellfish/fishadvisories/advisories_index.cfm).

DOI personnel can request the free brochure from EPA's national distribution center by calling 1-800-490-9198.

- (3) Incorporate language from EPA and/or State and Tribal agencies about fish and shellfish advisories into new or updated fishing and shellfishing brochures or other printed materials that are available at recreational and subsistence fishing sites on DOI properties.

- (4) Incorporate information from EPA or State and Tribal agencies about fish and shellfish advisories, preparing and cooking fish, and catch and release into environmental education, interpretive activities, and the fishing permit application process.

(5) Work with EPA, FDA, respective State, and/or Tribal entities to explore and develop additional outreach efforts, as appropriate.

D. Outreach to State and Tribal Agencies. As necessary, work with the State and Tribal fish and wildlife management agencies and health departments to clarify information relevant to the waters for which the DOI field manager is responsible. This is especially important where there are uncertainties about applicable State and Tribal advisories or where a State or Tribe does not recognize an EPA advisory. If the State or Tribe recommends that no one should eat certain fish from specific areas for human health reasons, then the DOI field manager may consider working with the State or Tribal fish and wildlife management agencies in order to determine possible alternative courses of action, e.g. “catch and release.”

E. DOI Contaminants Sampling. Some DOI facilities sample for aquatic contaminants in connection with both fishing and non-fishing related activities. Where such data suggest a new advisory, or change to an existing advisory, the DOI facility should work with both the State or Tribal health department and fish and wildlife management agency to pursue appropriate action.

F. Technical Assistance. For technical assistance on fish and shellfish advisories relating to recreational and subsistence fishing, contact the appropriate bureau or office liaison. Liaisons may contact the Office of Public Health, National Park Service.

## 5.8 **Accountability and Responsibilities.**

A. The Heads of Bureaus and Offices are responsible for:

- (1) Ensuring compliance with this policy;
- (2) Developing a step-down policy and guidance, as appropriate, to meet bureau and office-specific needs; and
- (3) Appointing a liaison with appropriate technical expertise who will answer questions about fish and shellfish advisories and attend appropriate meetings and conferences.

B. The National Park Service Office of Public Health is responsible for providing technical assistance to all DOI bureau and office liaisons on contaminant issues as it relates to potential human health hazards associated with fishing and shellfishing.

C. The Office of Environmental Policy and Compliance (OEPC) is responsible for:

- (1) Serving as the lead Office for revising this policy when warranted by changes in technical information, Federal statutes, regulations, or other conditions. Any bureau or office can initiate changes by contacting OEPC.

(2) Soliciting and considering the views of all interested Departmental offices and bureaus when changes to this policy are considered.