



**Fish Advisories Webinar
for the
NY-NJ Harbor Estuary Program
Citizens Advisory Committee
& Public Access Work Group
Thursday, May 25, 2012**

MINUTES

Note that this webinar was recorded and can be viewed at
<https://neiwpc.webex.com/neiwpc/ldr.php?AT=pb&SP=MC&rID=10486902&rKey=f0203fofe8181655>

Introductions

Background

The NY-NJ Harbor & Estuary Program (HEP)'s Citizens Advisory Committee (CAC) has long been interested in two main issues related to fish consumption advisories: inconsistent advisories in the NY and NJ sides of shared waterways, and effective communication of existing advisories to the public. At the CAC's request, in 2011 HEP allocated funds for a "Fish Advisories Project" looking to engage key stakeholders in New Jersey and New York to start working towards a consistent message to the public in both states. The project was put on hold when the responsible organization announced they would not be able to carry it out. HEP and the CAC co-chairs organized a webinar to provide background to the group on past efforts by the states of NJ and NY to produce consistent advisories and thus help determine how best to use the available funds for the CAC's Fish Advisories Project. The webinar also covered current outreach efforts in New York, to complement the information provided by NJ during the last CAC/PAWG meeting in March.

Presentation on *Similarities and Differences in New Jersey and New York State Fish Advisories for the NY-NJ Harbor Estuary and Past Efforts Towards Consistent Fish Advisories by NY and NJ* by Tony Forti (NY State Department of Health—NYSDOH) and Gary Buchanan (NJ Department of Environmental Protection—NJDEP).

Tony indicated that New York and New Jersey have worked together and shared data in the past. Many advisories are the same or very similar in both states, in particular those aimed at high-risk individuals (i.e., women of childbearing age and children under 15), some differences remain, notably regarding blue crab consumption. The similarities and differences for several waterbodies and species were highlighted. Main reasons for remaining differences include:

- NJ groups the Arthur Kill and Kill Van Kull (which have lower levels of contamination) together with the Hackensack and Passaic Rivers and Newark Bay, which are more contaminated.
- Both states advise not to consume crab hepatopancreas (aka tomalley, mustard, liver, or "green stuff") because this is where most toxic contaminants concentrate. While New York assumes that people follows the advice, New Jersey assumes (based on available survey data) that many do consume the hepatopancreas, either together with the crab meat (muscle tissue) or as part of cooking liquids used to prepare broth or sauces. In this case, New Jersey errs on the side of more protective advisories, while New York's assumption is that more restrictive advice can backfire, leading to more people ignoring the advisories.
- Differences in available data and which data are used to represent fish and crab populations.

Gary briefly described New Jersey and Delaware's efforts to develop consistent fish consumption advisories for shared waters. Lessons learned include:

- This was a high-level policy decision. The commissioners charge to become consistent allowed the states to move forward.
- Even without conflicting messages, the public has difficulty understanding complex fish advisories. Educating the

public on simple and consistent messages is more important than using specific and different risk assumptions. New York and New Jersey have some common ground and the states could work to make the advisories more consistent.

Some of the needs for our region include:

- Sharing currently available data
- Funds for additional sampling, particularly to cover lab analyses, which can be very expensive for certain toxics such as dioxins and furans. Doug Pabst indicated that the U.S. Environmental Protection Agency may be able to provide support in this regard. Merryl Kafka suggested contacting Brooklyn College department of Nutrition, Health and Toxicology.
- Research to better understand how blue crabs move in our region and how that affects concentrations of toxics in crab populations from different areas throughout the year.

The following issues were brought up during the Q&A session:

- Although the level of toxic contamination has been generally decreasing in the estuary, significant reductions are needed in order to consider relaxing existing fish advisories. This is not expected to happen until historically contaminated sediments are cleaned in the Passaic River. The end points are stricter for high-risk individuals.
- The source of commercially sold fish has to be traceable. However, it is known that there is a small, informal commercial network involving small/family-operated restaurants and catering operations that use locally caught fish and crabs illegally, and there is a perception that there will be no enforcement of legal requirements. However, this group is very different from subsistence fishers.
- Although New Jersey does not allow commercial or recreational harvest of blue crabs in the Newark Bay complex (Passaic and Hackensack Rivers, Newark Bay, and Arthur Kill), commercial harvest is allowed in New York waters, including the NY side of the Arthur Kill.
- The angler community gets their information on fish advisories from one another and the best way to communicate messages is via personal contacts. It is important to reach both the women, who traditionally prepare meals and the men, who typically bring the food home. Each defined audience requires difference messages and strategies.

Presentation on *New York Outreach Efforts/Plans/Issues in the Hudson River and NYC* by Regina Keenan (NYSDOH)

Fish advisories vary throughout the Hudson River, depending on the species, location, and who would be eating the catch. The level of contamination in the Hudson River generally decreases from north to south. In the upper Hudson, the NYS Department of Environmental Conservation only allows catch-and-release. Advisories are still quite strict in the mid-Hudson but more relaxed in the lower-Hudson.

A big issue is that while there are consumption restrictions, an alternative food source cannot be provided. Thus, part of the message is how to prepare and cook the fish to minimize exposure to contaminants. For fish: remove skin and fat, broil or grill so the fat drips away, and discard cooking juices—this reduces exposure to PCBs and other toxics that accumulate in fat, but does not work for mercury. As already discussed, people are advised to remove the crab hepatopancreas and discard cooking juices. Data suggest that a larger percentage of the fishing population consume crabs rather than fish. There is also anecdotal information that people do remove the hepatopancreas.

Surveys highlight some of the communication needs: Hispanic and black anglers are less aware of advisories, and there is an angling population in the lower Hudson and in NYC that needs to be reached. The NYSDOH awards mini grants to help disseminate the messages and has numerous materials in several languages (www.health.ny.gov/hudsonriverfish). Different formats are useful for different purposes (e.g., health clinics, food banks, anglers, etc.) Another issue is that posting signage is voluntary by the property owner and they can design their own signs (e.g., NYC Parks developed their own signs). NYSDOH works with numerous partners and uses different venues to spread the word. In NYC, the NYSDOH has “no feet on the ground” and relies on other agencies and non-profits to deliver the message, including NYCDEP.

Regina mentioned some of the challenging communicating fish advisories, including trust (e.g., some target populations are recent immigrants that are weary of government agencies, literacy level, different languages, number of staff on the ground, who owns the shoreline, expanded access to the shoreline, and conflicting advice from different states).

Upcoming efforts include a visual guide on how to prepare fish, working with more counties on fish and crab consumption surveys, and working with groups to disseminate materials and information.

During the final Q&A and discussion section, the following items were discussed:

- Need to exchange data between NY and NJ and discuss how to bring the advisories closer. Gary suggested a two-tier approach, first focusing on things that can be accomplished easily (such as NJ accepting NY advisories for fish with no NJ data) and a second tier looking at where management buy-in is needed to change advisories.
- Cali Alexander suggested that the two states should cross reference their materials and resources and be better at cross-branding.
- Kerry Kirk Pflugh pointed out that even if the states reach a common message, there will be visual challenges: it is prohibited to harvest crabs from the Newark Bay complex but across the Arthur Kill it is allowed and that will still be confusing.
- Merryl Kafka offered to distribute materials during the NY State Marine Education Association conference on June 9

Possible uses for HEP funds (the \$10K that were set aside for the “Fish Advisories” project) were suggested, including:

- Outreach, especially in shared waters.
- Kerry thought it would be possible to come up with a unified message for that area. Michelle suggested using the funds to develop the unified message for shared waters.
- Alan Cohn mentioned that NYCDEP has been working with kayaker groups to develop signage and information about potential water quality issues and he suggested exploring if some of these groups could be identified to do a pilot project on either side of the river. These groups could help identify issues with signage and monitoring, doing community surveys and helping obtain specific information. Kerry indicated that before doing that, the states should agree on the common message, then figure out what’s the best communication tool and, if it is a sign, go to the communities and find out requirements and proper locations—this needs to be coordinated with the municipalities and kayakers groups could help in this step. Michelle noted that kayakers are not common in the Arthur Kill and that it is probably dangerous for them to be there. Harvey Morginstin commented online that a possible solution for vandalized or stolen signs is to paint them on walls.

Action Items:

- Tony and Gary will be in touch, sharing data, discussing current advisories and possibilities to bring them closer (at least for the Newark Bay complex and for high-risk populations), and communicating with their upper management.
- Doug Pabst, Tony and Gary will be in touch to determine specific needs and what type of assistance EPA may be able to provide.

ATTENDEES

Cali Alexander, NJ Dept. of Health & Senior Services
Kate Boicourt, NY-NJ Harbor & Estuary Program
Gary Buchanan, NJDEP
Alan Cohn, NYCDEP
Michelle Doran McBean, Future City, Inc.
Anthony Forti, NYSDOH
Dorina Frizzera, NJDEP Coastal Management Program
Merryl Kafka, NYS Marine Education Association
Regina Keenan, NYSDOH
Kerry Kirk-Pflugh, NJDEP
Sheldon Lipke, SJL Environmental Consultants LLC

Harvey Morginstin, Passaic River Boat Club
Gabriela Munoz, NY-NJ Harbor & Estuary Program
Robert Nyman, NY-NJ Harbor & Estuary Program
Doug Pabst, USEPA Region 2
Tracy Parham
Bruce Ruppel, NJDEP
Manuel Russ, Concerned Citizens of Bensonhurst
Bill Schultz, Raritan Riverkeeper
Audrey Van Genechten, NYS Department of Health,
Center for Environmental Health
Nina Zain, The River Project