



## TOXIC CONTAMINANTS MITIGATION OUTCOME

### TOXIC CONTAMINANTS WORKGROUP [WITHIN WATER QUALITY GIT]

#### CHESAPEAKE BAY WATERSHED AGREEMENT OUTCOME LANGUAGE

##### PROPOSED DRAFT OUTCOME LANGUAGE:

An increased understanding by CBP toxic contaminants reduction practitioners of the impacts of and mitigation options for toxic contaminants such as PCBs, plastics and microplastics, mercury, and PFAS, in order to increase their capacity to reduce the amount and effect of these materials on the people, living resources, lands, and waters of the Chesapeake Bay watershed.

##### EXISTING 2014 OUTCOME LANGUAGE:

Current Toxic Contaminants Research Outcome: Continually increase our understanding of the impacts and mitigation options for toxic contaminants. Develop a research agenda and further characterize the occurrence, concentrations, sources and effects of mercury, PCBs and other contaminants of emerging and widespread concern. In addition, identify which best management practices might provide multiple benefits of reducing nutrient and sediment pollution as well as toxic contaminants in waterways.

Current Toxic Contaminants Policy & Prevention Outcome: Continually improve practices and controls that reduce and prevent the effects of toxic contaminants below levels that harm aquatic systems and humans. Build on existing programs to reduce the amount and effects of polychlorinated biphenyls (PCBs) in the Bay and watershed. Use research findings to evaluate the implementation of additional policies, programs and practices for other contaminants that need to be further reduced or eliminated.

PROPOSED TARGET	New Target / Update of Existing Target	Date estimate for target being developed
A common information sharing agenda among toxic contaminants reduction practitioners, and between practitioners and scientists, on toxic contaminants science, policy, management and communication lessons learned and best practices.	Updating of existing	At regular TCW meetings

#### SUPPORTING INFORMATION

##### Rationale and context for proposed draft outcome language:

This proposal consolidates the two Toxic contaminant outcomes' language and names as decided by consensus at the Management Board on 3/27/2025. The goal also needs updating.

The draft outcome language captures March feedback from the MB, that the Bay Program is best suited to be a convenor of practitioners rather than the place where toxic contaminants are directly reduced. For the Toxic contaminants outcome, the Bay Program *partners* have direct ability-outside of the Bay Program-to change environmental conditions, while the voluntary *partnership* itself does not. Therefore, a CBP partnership outcome or target based on a "Specific", "Measurable", and "Timebound" reduction or elimination of toxics in the Bay watershed would not be "Achievable" or "Relevant", and not SMART. For example, the EPA Superfund Program spends hundreds of millions of dollars annually on toxic contaminants reduction in the Bay watershed outside of the Bay Program- all federal and jurisdictional signatories spend resources on cleanup in air, land, surface water, sediment, groundwater, wildlife, food and drinking water. However, the Toxic Contaminants Workgroup (TCW) lacks the inputs (money, staff time, and decision-making authority over outside programs) to directly reduce toxic contaminants as an output/target. The proposed outcome and target language is intended to emphasize that the added value of the partnership is convening the people who manage those inputs in order to share information and best practices to help them implement toxic contaminants reduction programs.

Below are some activities for a Toxic Contaminants WG workplan with the current resource level:

PROPOSED ACTIVITIES	New/Update	Date estimate
Meet regularly to share science, policy, management and communication strategies related to fish consumption advisories (tidal and nontidal)	New	At regular TCW meetings
Report number of TCW engagements	New	Regularly (1x/yr?)
The CBP partnership identifies or reaffirms priorities that inform a strategic workplan with an outcome, objectives/targets, strategies and tactics	Update of existing	Every 2 years
Continue PFAS quarterly meeting series	Existing	Quarterly
PPAT: Maintain PPAT as a standalone team under TCW 1) Review, update, and implement PPAT's science and monitoring framework and explore source reduction strategies; 2) Implement recs in PPAT's Plastic Pollution Framework; 3) Pursue PPAT's research agenda; 4) Regularly report to TCWG	Both	Merge 2025, then implementation
Seek feedback from workgroup's federal and state partners and MB priorities related to toxics to build that into activities and outputs and give members ownership of workplan	Updating of existing	At regular TCW meetings

#### Topics/challenges for Management Board guidance (Optional):

- Is the MB comfortable with the tradeoffs of this proposal?
  - CWA § 117 and the 2014 Agreement direct “reducing or eliminating” toxic contaminants
  - This proposed language is based on TCW's current resources and added value (convening and information sharing), using MB feedback from the March MB meetings
  - An alternative is to reassess the role and function of the TCW.
- Resources for indicator development and periodic updating: In the past, the TCW proposed tracking reductions in certain toxic contaminants on a watershed scale; this was not funded. Is there interest in a watershed-wide indicator for toxic contaminants? Also, tracking overall reduction overstates what the workgroup can control.
- Does the MB like the proposed name of the consolidated outcome?
- Toxic contaminants are everywhere. What goal does it best belong under to A) capture the current focus of the workgroup and B) also allow for flexibility to change focus to other media?
- Should the Plastic Pollution Action Team housed under the MB be moved as a standalone action team under the TCW? What are expectations of action teams moved to a workgroup and kept distinct? This may be a first for CBP.
- What specific topics (management, communication, science, policy, law) and environmental media would the Management Board like the workgroup to focus on initially?
- Another challenge is membership engagement. There has been no workgroup chair since summer 2024, and no nominations for the two co-chair openings. In addition, while all MB signatories voted to “consolidate” on March 27, not all signatories are represented at most TCW meetings. There is also not a current list of TCW voting members or consistent partnership engagement between TCW meetings. Because of this, federal workgroup leadership has been setting workplans and meeting agendas, and TCW's workplan is under-resourced and may not reflect TCW members' and the MB's priorities. This is an exciting opportunity for us to work together to empower the members to make TCW work for them.

#### Methodology for data collection and tracking of each Target (Optional):

B/c of noted challenges and resource needs, a SMART Toxics indicator is not proposed at this time.