



March 6, 2021

Cecilia Martinez
Senior Director of Environmental Justice
White House U.S. of America
1600 Pennsylvania Ave NW Washington, DC 20500

Dear Dr. Martinez:

We, Friends of Toppenish Creek (an environmental organization of concerned citizens in the Lower Yakima Valley of Washington State) are asking you to become aware of facts regarding “Environmental INJUSTICES” in our area and to present these facts to the Biden Administration.

Mission Statement: Friends of Toppenish Creek is dedicated to protecting the rights of rural communities and improving oversight of industrial agriculture. FOTC operates under the simple principle that all people deserve clean air, clean water and protection from abuse that results when profit is favored over people. FOTC works through public education, citizen investigations, research, legislation, special events, and direct action.

Our area has numerous dairy and feedlot operations that pollute the air and water on a large scale due to unsound management and elimination practices which go against the law and have been documented and fined by our court system.

It is so sad that this injustice is happening as it greatly affects all the populations of our area: over 70% Latino; Native Americans; some African Americans; many Asian Americans; and Caucasians.

Here are the facts:

- A third of all Washington milk cows are housed in a 270 square mile area in the LYV. Each cow produces 120 lbs. of manure a day. Manure is stockpiled and stored near family homes.
- In 2009, then U.S. EPA Administrator Lisa P. Jackson announced the establishment of 10 Environmental Justice Showcase Communities that included the Yakima Valley, saying:

Yakima, Washington: EPA will address multiple environmental home health stressors in the Latino and tribal communities in the Yakima Valley. A coordinated effort between state, local, and non-profit partners will be used to address the range of exposures found in the community, with a primary focus on reducing exposure through contaminated private well drinking water. This will be accomplished by assessing homes with contaminated wells, providing “treatment at the tap” mitigation, and reducing pollution sources through available regulatory tools and best management practices.

- This effort led to the EPA’s most comprehensive study of groundwater pollution from CAFO dairies ever conducted, and a 2013 consent order with several LYV dairies that requires ongoing water testing and implementation of best management practices¹. Some of the highest nitrate levels in the nation have been recorded on this site.
- After a series of stakeholder discussions, Yakima County submitted a request to the State of Washington to form a Groundwater Management Area (GWMA) and that project began in 2012. The Request for Identification² included three objectives regarding drinking water:
 - Provide water quality and hydrogeologic data to assess needs and methods of expanding public water supplies, and provide a forum for initiation of these plans.
 - Consider options to encourage appropriate expansion of public water supplies to areas that are currently dealing with contaminated private supplies.
 - Assist residents whose supplies have been contaminated to access safe and reliable water supplies, using culturally appropriate communications.

The Request for Identification recommended that an Environmental Justice representative should be on the advisory committee (GWAC)².

1. Environmental Protection Agency Region X, *Lower Yakima Valley Groundwater*. [Lower Yakima Valley Groundwater | EPA in Washington | US EPA](#)

2. Yakima County, *Request for Identification Lower Yakima Valley Groundwater Management Area*, [Microsoft Word - GWMA Petition Draft v8.doc \(yakimacounty.us\)](#)

- The GWAC was loaded with representatives from the dairy community. After months-long delays one Hispanic representative was enlisted. This man never joined any work groups, never held meetings with his constituents, never expressed the needs of Latinos and missed all the GWMA meetings in 2017. He was a figurehead, not an EJ representative³.
- The EPA offered to provide education on Environmental Justice. This offer was rejected by the GWAC. Environmental Justice was never discussed during the seven years that the GWMA met³.
- The Friends of Toppenish Creek estimate that people in the LYV spend \$1 million on bottled water every year³. To date the only program to provide safe drinking water is administered by the environmental group Community Association for Restoration of the Environment (CARE) using funds from lawsuits against polluting dairies.
- The LYV GWMA failed to translate the final program into Spanish even though 27% of the impacted population does not speak English. The agencies stated that it was sufficient to have a translator standing by during the presentation in English.
- Even though the GWMA findings lacked a scientific basis and failed to engage the Latino population, the EPA joined other agencies in approving the GWMA Program^{3,4}.
- The LYV GWMA drilled 30 monitoring wells in 2019/2020 and 45% of the initial samples had nitrate levels above 10 mg/L, the safe drinking water standard. The EPA study cited above found that 61% of domestic wells one-mile down gradient from a cluster of dairies had nitrates above 10 mg/L. One family home has nitrate levels at 100 mg/L. It appears that water quality in the LYV is worsening. The WA State Dept. of Ecology refuses to confirm this because, after at least 20 years, Ecology has still not established a baseline for water quality.
- In 2019 the Friends of Toppenish Creek journeyed to Seattle to meet with EPA officials at Region X. We informed the EPA about an incident in which LYV dairies composted 950 dead cows in only 2,300 feet of windrows. The dairies did not inform neighbors. Health and environmental agencies did no groundwater testing and no monitoring for adverse health impacts. The EPA considered checking this out, but ultimately did nothing.

3. Friends of Toppenish Creek, *LYV GWMA Minority Report*, [Minority Report GWMA by Jean Mendoza | Yakima County, WA](#)

4. Yakima County, *Lower Yakima Valley Groundwater Management Area*, <https://www.yakimacounty.us/DocumentCenter/View/22177/GWMA-VolumeI-July2019>

- Here is a picture of dairy manure stacked next to the home of a lower income family in the LYV.



To summarize, in 2009 the EPA designated the Lower Yakima Valley an Environmental Justice Showcase Community and, since then, local officials have placed more value on shoring up the dairy industry than they do on human health and welfare. Water quality deteriorates and people must buy bottled water or consume unsafe drinking water. Environmental Justice is only a dirty word in Yakima County in the minds of officials. We strongly feel that the EPA should continue to pursue the goals laid out in their 2010 Environmental Justice declaration for the Lower Yakima Valley.

Sincerely,

Jean Mendoza

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