



April 4, 2022

Robin Schoen-Nessa  
Assistant Manager Pesticide Division  
WA State Dept. of Agriculture  
NRB 2<sup>nd</sup> Floor  
1111 Washington St. SE  
Olympia, WA 98504-2560

Dear Ms. Schoen-Nessa,

Regarding your letter of March 31, 2022. Written communication is difficult. I asked for a description of the process that WSDA uses for investigating a complaint against the Dairy Nutrient Management Program (DNMP).

Please know that the public experience with respect to dairies is this: A complaint is lodged; the DNMP inspector drives by the facility; talks to the owner or manager; reviews the facilities nutrient management plan (NMP); writes a report saying the facility complies with their NMP; and closes the case. Will my complaint against the DNMP be handled any differently?

To pursue my complaint with any hope of success I ask for a description of the processes that WSDA uses when investigating complaints against a division or employee of the agency:

1. You stated that you will conduct the initial investigation. What criteria will you use to determine whether there is a problem? I am somewhat concerned because you are investigating one of your own employees, likely someone you know and trust. It will reflect badly on you if there is a finding of poor performance.
2. If a complaint is determined to be not valid, does WSDA give the complainant an opportunity to rebut the determination? This may seem nit-picky, but it lies at the heart of one of my concerns. When citizens in Yakima County lodge an Environmental Report Tracking System (ERTS) complaint and the WSDA DNMP conducts the inspection, RCW 90.64.030(2) requires the inspector to notify the complainant of his/her conclusions. In Yakima County the inspector does not do this.
3. If the complaint is determined to be valid what actions does WSDA take? What is the official WSDA policy when there is a determination of actual or likely discharge to waters of the state? What is the WSDA policy when an employee violates the law?

I appreciate your response to my concerns, but your response lacks specificity.

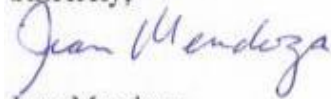
1. You stated, "It is agency management's role to review whether a program's performance is in accordance with WSDA's statutory duties." This goes without saying, but you did not provide the guidelines and policy that WSDA management uses to perform this oversight.
2. You stated, "If we find a gap between what is statutorily required and the program's performance, we will take the necessary steps to improve performance." Would you describe the "necessary steps"? If an ERTS complaint was mishandled will WSDA re-investigate?
3. You stated, "In any case, I will inform you of any final action." I am hoping for much more transparency and engagement than this. Based on my experience with ERTS complaints, a notification of final action might be, 'WSDA found no violation of accepted procedures. Case is closed.' This would not be good enough.
4. Hopefully, we are all trying to enforce the WA Clean Water Act in an area of the state where ground and surface waters are polluted. The bureaucracy should work together with the public toward the common goal of pure water.

It is my understanding that all WA state agencies are encouraged to maintain files of the agency rules governing formal and informal procedures and rules of practice that describe their general course and method of operation. Please let me know if I need to submit a public records request for this information regarding:

1. Employee guidelines for investigating an ERTS complaint under RCW 90.64
2. Official written procedures that WSDA follows when a complaint is lodged against a division or an employee

Thank you for your time and efforts to promote good government and protect the environment.

Sincerely,



Jean Mendoza

Executive Director, Friends of Toppenish Creek  
3142 Signal Peak Road  
White Swan, WA 98952