

*Friends of Toppenish Creek*



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Dear WA State Department of Ecology,

Thank you for this opportunity to comment on the WA Climate Commitment Act & Community Engagement. Friends of Toppenish Creek is a non-profit environmental organization that has been working for over a decade to improve water and air quality in the Lower Yakima Valley. We address these issues through public education, interaction with politicians and government agencies, and the courts.

Sincerely,

A handwritten signature in blue ink that reads "Jean Mendoza". The signature is fluid and cursive.

Jean Mendoza

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

## FOTC Comments on the WA Climate Commitment Act & Community Engagement

### **Facts that Ecology already knows or should know about the Lower Yakima Valley.**

About 38% of all Washington milk cows are housed in Yakima County, mostly in a 273 square mile area in the Lower Yakima Valley (LYV).<sup>1</sup>

Out of all Washington farm animals, milk cows are responsible for 44% of nitrous oxide from manure management, 93% of methane from manure management, and 63% of methane from enteric fermentation.<sup>2</sup> Greenhouse gas emissions from manure management are increasing in Washington State.<sup>3</sup>

Along with greenhouse gasses dairies produce large amounts of ammonia, hydrogen sulfide, and volatile organic compounds that lead to creation of fine particulate matter and odor.

The Yakima Valley likely has the highest levels of fine particulate matter in Washington State.<sup>4</sup>

The population near Yakima County Dairies is about 80% Latino and has a lower per capita income than the rest of WA State and the rest of Yakima County. About 25% of the population in the Lower Yakima Valley (LYV) does not speak English or speaks English poorly.<sup>5</sup>

### **Overarching Concern: Ecology is so slow gathering data and taking action that conditions have changed by the time interventions are begun.**

For example, Ecology gathered data for the Yakima Air Winter Nitrate Study (YAWNS) in 2013. Ecology stated that the agency would use this data to develop modeling to predict air pollutant levels. At the time of this writing, nine years later in 2022, the modeling necessary for follow-up is not yet completed.<sup>6</sup>

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<sup>1</sup> Lower Yakima Valley Groundwater Management Area. <https://www.yakimacounty.us/541/Groundwater-Management>

<sup>2</sup> WA State Inventory Tool – Carbon Dioxide, Methane, and Nitrous Oxide Emissions from Agriculture Module. Available on request or at <http://www.friendsoftopenishcreek.org/issues/air.html>

<sup>3</sup> Washington State Greenhouse Gas Emissions Inventory: 1990-2018. Available at <https://apps.ecology.wa.gov/publications/documents/2002020.pdf>

<sup>4</sup> Particulate Pollution in Washington’s Air. Available at <https://ecology.wa.gov/Air-Climate/Air-quality/Air-quality-targets/Air-quality-standards/Particle-pollution>

<sup>5</sup> U.S. Census Data – Washington State. Available at <https://data.census.gov/cedsci/all?q=Washington%20state>

<sup>6</sup> Personal communication WA State Dept. of Ecology, March 2022

## **Failure of Ecology to comply with the intent of the Climate Commitment Act regarding engagement of overburdened communities**

Ecology held two Air Quality Listening Sessions for Yakima County on March 24, 2022. Ecology asked community organizations to use Ecology's announcement of the meetings when sharing information about the Listening Sessions. FOTC requested a translation of the announcement into Spanish. Ecology told us they are working on the translation but did not provide translations prior to the sessions.

FOTC has submitted a public records request to learn how Ecology publicized the Listening Sessions for people who speak English less than well, and for people who do not use the internet. The Listening Sessions are advertised on Ecology's website in English with a request in English for people to participate in a survey. There is a proviso, in English, that says the survey is available in Spanish. FOTC does not consider this a good faith attempt to reach overburdened and marginalized people in Yakima County.

The Yakima Regional Clean Air Agency, one of Ecology's "partners" did not advertise the Listening Sessions on their website. The YRCAA Interim Director did not inform the YRCAA Board of Directors about the Listening Sessions at the March 10, 2022 YRCAA Board Meeting.

### **Air pollution in Yakima County is not a new problem.**

At the Listening Sessions Ecology stated that the agency will focus on criteria pollutants when spending \$4 million on statewide air testing. Ecology said the Listening Sessions will help the agency determine where to place air monitors. Ammonia, hydrogen sulfide, and volatile organic compounds are precursors to criteria pollutants. Ozone and PM<sub>10</sub> are criteria air pollutants. Yet, Ecology informs FOTC that:

- "H<sub>2</sub>S and sulfate are not the subject of any active modeling investigations in Yakima County."
- "Ecology does not estimate VOC contributions to ozone and particulate matter levels in Yakima County."
- "Ecology does not estimate PM<sub>10</sub> emissions from manure composting."
- "Ecology does not assess the impact of methane emissions on ozone levels in Yakima County."<sup>7</sup>

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<sup>7</sup> FOTC submitted a public records request on March 3, 2022 for: Copies of Ecology's current climate models for temperature, winds, humidity, and precursor emissions for Yakima County; Copies of current ANO<sub>3</sub> modeling for Yakima County (Sunnyside, Toppenish, and Yakima); Copies of models that predict hydrogen sulfide emissions and conversion rates to sulfur dioxide in Yakima County; Ecology's numerical modeling to determine the pathway for reducing the available nitric and/particulate nitrate pool; Ecology's current assessment of VOC levels in Yakima County and the contribution of VOCs from Yakima dairies; Ecology's estimate of VOC contribution to ozone levels and particulate matter levels in Yakima County; Ecology's current health classification scheme for air pollutants, especially with respect to Yakima County; Ecology's modeling studies that estimate ammonia levels from all sectors in Yakima County (Sunnyside, Toppenish, and Yakima); Ecology's estimate of PM<sub>10</sub> emissions from the > 500 acres of manure composting operations in Yakima County; Ecology's estimation of methane emissions and assessment of the impact of methane emissions on ozone levels in Yakima County. On March 31, 2022, Ecology replied: "Your public records request has been reviewed and we did not find any records responsive to your request."

In 2009 then Air Pollution Control Officer (APCO) Gary Pruitt informed the Yakima Regional Clean Air Agency (YRCAA) that Yakima County was in danger of non-attainment.<sup>8</sup>

In 2013 about 20 citizens told the YRCAA about air pollution and odor in the Lower Yakima Valley during comments regarding YRCAA dairy air policy.<sup>9</sup>

In 2013 citizens petitioned the YRCAA to ban spraying of manure into the air during inversions and burn bans. The request was denied.<sup>9</sup>

In 2015 Ecology published the Yakima Air Winter Nitrate Study (YAWNS) that documented high levels of PM<sub>2.5</sub> in Yakima County during winter months.<sup>10</sup>

In 2015 studies by the University of Washington found decreased respiratory function in asthmatic children during periods when ammonia levels in the ambient air were elevated.<sup>9</sup>

In 2016 and again in 2019 FOTC asked Ecology to investigate the YRCAA under their Powers and Duties in the WA Clean Air Act, RCW 70A.15. Ecology declined to investigate.<sup>9</sup>

In 2019 the Latino Community Fund analyzed a survey of 700 Yakima County residents (500 in English, 200 in Spanish). According to the community, the top 3 activities that have a negative impact on the environment are land pollution, air pollution, and climate change.<sup>11</sup>

In 2019 FOTC completed a study that found ammonia levels in the LYV were 66 times higher than levels in the Upper Yakima Valley.<sup>9</sup>

In 2021 FOTC asked the Yakima County Commissioners to dissolve the YRCAA and sent a copy of this request to Ecology. The reasons are laid out clearly, including alleged violations of WA laws regarding the air quality.<sup>9</sup>

In 2021 neighbors of a LYV dairy petition both Ecology and YRCAA to protect them from air pollution from the dairy. To date nothing has changed.<sup>12</sup>

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<sup>8</sup> Air Quality om Yakima County – the Ramifications of PM 2.5 “non-attainment” status. Available at <https://www.yakimacleanair.org/resources/education.html>

<sup>9</sup> FOTC Dissolve the Yakima Regional Clean Air Agency. Available at <http://www.friendsoftoppenishcreek.org/issues/air.html>

<sup>10</sup> Yakima Air Winter Nitrate Study (YAWNS) Available at <https://ecology.wa.gov/DOE/files/a6/a67789dd-aed4-461e-b138-e77537dd1952.pdf>

<sup>11</sup> Latino Community Fund Community Ecology Report. Available at <http://www.friendsoftoppenishcreek.org/cabinet/data/EPA%20Air%20Attachment%2020%20LCF%20Ecology%20Analysis%20Report.pdf>

<sup>12</sup> Copy of petition available on request

## **Local and state air control agencies in Yakima County protect the dairy industry**

In 2019 between July 19 and July 29 a LYV resident contacted the YRCAA nine times to file complaints regarding dust and odor from a dairy that threatened family health. The YRCAA finally responded on July 29 by making a phone call to the dairy to inform the dairy that a complaint had been lodged.<sup>9</sup>

The YRCAA does not enforce:

RCW 70A.15.2000(6): Board member conflict of interest

WAC 173-400-260: Board member conflict of interest

RCW 70A.15.1005: Declaration of public policies and purposes

RCW 70A.15.2270: Annual fees from operating permit program source to cover cost of program

RCW 70A.15.3060: State financial aid-Application for-Requirements

RCW 70A.15.3050: Emission control requirements

RCW 70A.15.3150: Penalties

RCW 70A.15.4530: Odors or fugitive dust caused by agricultural activities consistent with good agricultural practices exempt from chapter

The YRCAA does not register Yakima County dairies and has no permitting, monitoring, or reporting program for Yakima County dairies, despite the fact that these facilities are the largest emitters of air pollutants in the LYV.<sup>9</sup>

## **Concentrated Animal Feeding Operation (CAFO) dairies drain public funds and escape responsibility for adverse side effects from their operations**

The health impacts from air pollution in the LYV have never been quantified, although studies by the University of Washington document the impact on asthmatic children and the Environmental Protection Agency (EPA) confirms a dose response relationship between levels of fine particulate matter in the ambient air and cardiac disease.

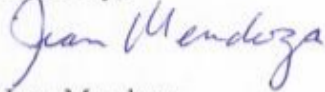
The EPA has spent millions studying water pollution from a cluster of LYV dairies. Washington taxpayers spent well over \$2.3 million on the Lower Yakima Valley Groundwater Management Area (LYV GWMA). Now the program projects expenditure of around \$100 million to implement the resulting plan.<sup>1</sup>

Speaking at a convention of Oregon dairymen this year, economist David Kohl stated, “Basically, the government put us on steroids. Now we’re going to have to cut our teeth as we move forward”. He stated that federal cash represented about 72% of dairy farmers’ net income in 2020.<sup>13</sup>

Other sources say that government support of U.S. dairies was equivalent to 45% of the U.S. cost of production of milk or 71% of the market returns in 2015. Other sources describe a glut of 1.4 billion pounds of cheese in storage due to mandatory purchases of surplus cheese by the government.<sup>14</sup>

This may sound like an attack on the dairy industry. It is not. FOTC asserts that WA state and local governments must be realistic about the environment and economics and consider all the facts while implementing the Climate Commitment Act. Dairies in Yakima County receive massive taxpayer subsidies and do not pay for their air emissions. Is this acceptable?

Sincerely,



Jean Mendoza

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White Swan, WA 98952

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<sup>13</sup>Capital Press, Dairies must look beyond government help, economist says. Available at [https://www.capitalpress.com/state/oregon/dairies-must-look-beyond-government-help-economist-says/article\\_6487210a-9f5b-11ec-9e84-3fe36c23b3be.html?utm\\_source=newsletter&utm\\_campaign=daily-ag-updates-newsletter&utm\\_medium=email&utm\\_content=headline](https://www.capitalpress.com/state/oregon/dairies-must-look-beyond-government-help-economist-says/article_6487210a-9f5b-11ec-9e84-3fe36c23b3be.html?utm_source=newsletter&utm_campaign=daily-ag-updates-newsletter&utm_medium=email&utm_content=headline)

<sup>14</sup>How CAFOs milk the public. Available at <http://www.friendsoftoppenishcreek.org/cabinet/data/FOTC%20How%20CAFOs%20milk%20the%20public%20and%20pollute%20the%20environment.pdf>